



Meeting of the

EXTRAORDINARY LICENSING SUB COMMITTEE

Tuesday, 4 February 2014 at 10.30 a.m.

A G E N D A

VENUE

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

If you require any further information relating to this meeting, please contact:

Simmi Yesmin, Democratic Services,

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

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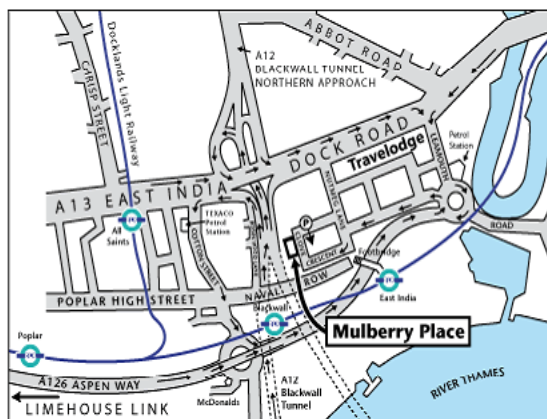
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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 4 February 2014

10.30 a.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. 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.

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	5 - 16	
To note the rules of procedure which are attached for information.		
4. ITEMS FOR CONSIDERATION		
4 .1 Application to Review the Premises Licence for Sajna Indian Grill Restaurant, 30 Osborn Street, London E1 6TD	17 - 62	Spitalfields & Banglatown
4 .2 Application for a New Premises Licence 'Private Members Club', First Floor, 19-23 Bethnal Green Road, London, E1 6LA	63 - 210	Weavers
4 .3 Application for a Variation Premises Licence for Lupita, 60-62 Commercial Street, London E1 6LT	211 - 282	Spitalfields & Banglatown
4 .4 Application for a Variation of a Premises Licence for Best Star One, 23 Whitechapel Road, London, E1 1DU	283 - 356	Spitalfields & Banglatown

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Agenda Item 2

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:-

John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

3.2 Timescale for notice of hearings to be given

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

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

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

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

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

3.3 Persons who must be notified of a hearing

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

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

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

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

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4. Procedure at the Hearing

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

8. Notices

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

9. Appeals

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

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

APPENDIX A

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

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

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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Agenda Item 4.1

Committee: Licensing Sub-Committee	Date: 04 February 2014	Classification: UNRESTRICTED	Report No. LSC 53/134	Agenda Item No.
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Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Sajna Indian Grill Restaurant, 30 Osborn Street, London E1 6TD Ward affected: Spitalfields and Banglatown
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1.0 Summary

Name and	Sajna Indian Grill Restaurant
Address of premises:	30 Osborn Street London E1 6TD
Licence under review:	Licensing Act 2003 – Premises Licence <ul style="list-style-type: none">• The sale by retail of alcohol• Provision of Regulated Entertainment• provision of late night refreshment
Representations:	Licensing Authority acting as a Responsible Authority

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application for review and then adjudicates 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
<ul style="list-style-type: none">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		Mohshin Ali 020 7364 5498

3.0 **Review Application**

- 3.1 This is an application for a review of the premises licence for Sajna Indian Grill Restaurant, 30 Osborn Street, London E1 6TD. The review was triggered by the Licensing Authority acting in its role as a Responsible Authority.
- 3.2 A copy of the review application is attached in **Appendix 1**. This licence was reviewed twice before in 2012. Further details of the previous reviews are contained within the Licensing Officer's representation.
- 3.3 In relation to the application and the representations, the personal details such as emails, phone numbers and signatures have been redacted for the purposes of identity theft protection. The Licensing Officer has the original documents.

4.0 **The Premises**

- 4.1 The original premises licence was issued on 14th October 2010. The premises has been subject to two reviews since then. A copy of the current licence is contained in **Appendix 2**.
- 4.2 Maps showing the premises and the surrounding areas are included in **Appendix 3**.

5.0 **Representations**

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Licensing Authority acting in its role as a Responsible.
- 5.2 Only representations 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
- 5.3 In the view of the responsible authority it is necessary to achieve the licensing objectives of the prevention of crime and disorder.

6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 4**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in June 2013.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the Home Office has also advised that “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.” It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. see **Appendix 5**.
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 6**. The Pool Conditions in the Policy are the same as the Government’s.
- 6.6 The home office has also issued guidance about the prevention of public nuisance and advice which might be considered in relation to any identified problems is contained in **Appendix 7**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 8**.

- 6.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, responsible authorities and any other persons in pursuit of common aims. Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation (11.11)”
- 6.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003.
- 6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

- 7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 7.3 The procedure for a review can be summarised as follows:
- A review is triggered by a responsible authority or interested party
 - Consultation is conducted for 28 full days
 - Other responsible authorities or interested parties may join in the review
 - Members conduct a hearing
 - Members make a determination
 - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

- 8.1 Members must consider all the evidence and then decide from the following alternatives:
- Take no further action as they do not consider it proportionate to do so
 - Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
 - Suspend the licence for a period
 - Revoke the licence completely
- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 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.

9.0 Legal Comments

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

10.0 Finance Comments

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Copy of the current licence
Appendix 3	Maps showing the premises and the surrounding areas
Appendix 4	Guidance issued under Section 182 by the Home Office for reviews
Appendix 5	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 6	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 7	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 8	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

Appendix 1



This form should be completed and forwarded to:

**London Borough of Tower Hamlets,
Licensing Service, Mulberry Place (AH), PO BOX 55739,
5 Clove Crescent, London E14 1BY**

**Application for the review of a premises licence or club premises certificate
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 Andrew Heron..... *(Insert name of applicant)*
**apply for the review of a premises licence under section 51 of the
Licensing Act 2003 for the premises described in Part 1 below**

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Sajna, 30 Osborn Street	
Post town London	Post code (if known) E1 6TD

Name of premises licence holder or club holding club premises certificate (if known)

Mr Md. Abu Jahid

Number of premises licence or club premises certificate (if known)

16711

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

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

Surname

N/a

First names

N/a

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

N/a

Post Town

N/a

Postcode

N/a

Daytime contact telephone number

E-mail address (optional)

N/a

(B) DETAILS OF OTHER APPLICANT

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

Surname

N/a

First names

/a

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

N/a

Post Town

N/a

Postcode

N/a

Daytime contact telephone number

N/a

E-mail address (optional)

N/a

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Andrew Heron Licensing Authority London Borough of Tower Hamlets Mulberry Place 5 Clove Crescent London E14 2BG
Telephone number (if any) 020 7364 2665
E-mail (optional) Andrew.heron@towerhamlets.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

Please refer to the attached document.

Please provide as much information as possible to support the application (please read guidance note 2)

Please refer to the attached document.

Have you made an application for review relating to this premises before **Please tick ? yes**

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

N/a

Please tick yes


I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date: 14/11/2013

Capacity: Licensing Officer

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

London Borough of Tower Hamlets

SAJNA 30 Osborn Street, London, E1 6TD

Licence No **16711** (License Holder: Mr Md. Abu JAHID)

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

London Borough of Tower Hamlets – Licensing Authority

REPRESENTATIONS

-
1. The Licensing Authority is designated a 'responsible authority' for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and Disorder , Licensing Objective 1 and prevention of public nuisance Licensing Objective 3.
 2. On Wednesday 2nd October 2013, an operation took place in the Brick Lane Area. SAJNA at 30 Osborn Street was found to be employing a tout to stand outside the premises and stop members of the public passing by.
 3. Two undercover volunteers were approached by a male tout at 18:45 with offers of free drinks. Copies of witness statement of the incident have been attached.

4. The premises licence holder of **SAJNA 30 Osborn Street, London, E1 6TD** is Mr Md. Abu JAHID, who was on the premises at the time of the incident.

5. This is not the first time that touting has been an issue at SAJNA. As a result of touting, the licence was reviewed in January 2012. The licence was **suspended for one day** and a condition was added to the licence, namely: **Annex 3 - Conditions attached after a hearing by the licensing authority on 24th January 2012:**

“No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public within a 500 meter radius of the premises.”

6. As a result of continued touting and another positive test purchase, the licence was reviewed again on **15th November 2012**. Members of the Sub Committee made the decision to **suspend the premises licence for a period of one week**.

7. As a result of the above test purchase, on **23rd May 2013** both the premises licence holder at 30 Osborn Street Mr JAHID and also a Mr Ali AKBOR attended and each pleaded guilty to an offence contrary to section 136(1)(a) of the Licensing Act 2003 in relation to touting. Mr JAHID and Mr ALI were each fined £350 and each ordered to pay costs of £394 as well as a £20 Victim Surcharge.

8. The Licensing Authority receives regular complaints from members of the public that they have felt harassed by employees of SAJNA whilst they have simply walked up the street past the premises. Most recently, complaints have been received on 22nd July 2013 at which a warning letter was sent to the premises (also attached for further information), 24th July and 28th August 2013. The complainants include clientele from surrounding pubs and bars that have been approached by Sajna employees whilst they have been drinking.

9. As a Licensing Officer for Tower Hamlets, I regularly walk along Osborn Street. Without fail, every time I walk past 30 Osborn Street, a gentleman I recognise as an employee known for touting is either stood at the door of Sajna or on the pavement approaching passers-by. The employees recognise me as an employee of the Council and will quickly enter the premises or walk up the street as soon as they see me coming.

10. Most recently, on Friday 8th November 2013 at 20:50, I was walking along Osborn Street in a northerly direction on the eastern side of the road. I was with PC Mark Perry of the Metropolitan Licensing Police. We walked past SAJNA restaurant. Outside Sonargaon Restaurant, the address of which is 32-38 Brick Lane, London, E1 6TD was a heavy-set Asian gentleman walking and talking at a white gentleman carrying a box. The white gentleman was continuing to walk away, but the tout continued to follow him. I could hear that an offer of 'free wine' was being made. I established that he worked for Sajna, though he was far from the entrance. The tout told us that 'all the restaurants are doing this; I'm just giving people the offers'. We returned the

tout to SAJNA at which the premises licence holder Mr Abu JAHID was again present. Mr JAHID asked us to forgive him, describing the incident as a 'one-off'.

11. The Licensing Department spends a greater-than-average amount of Officer Hours dealing with the Brick Lane Area in comparison with the remaining Borough. SAJNA at 30 Osborn Street is a premises that further stands out in the Area as continually causing anti-social behaviour. When the premises are visited, the employees always state that the Council is 'picking on them'. The truth is that every time an anti-touting operation is conducted in the area, Sajna is always caught as it continually commits offences.

12. Touting by the Restaurants in the Brick Lane area has been subject of concerns over crime and disorder for a number of years. In particular, there are a high number of restaurants in parts of Brick Lane to which the custom of passing Members of the public is highly sort after. This has resulted in some of the restaurants employing touts. The activities of these touts has led to a considerable number of complaints over the past few years as the methods used by the touts are causing nuisance and/or obstruction to others as well as local residents being threatened and occasionally assaulted by the touts. Further the touts make offers of inducements to customers, such as free drinks, and which are not honoured.

13. The current Council Licensing policy at paragraph 5.7 states

“..The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits "touting"...”

14. The Council enacted a bye law to ban touting and there have been a large number of prosecutions of individual touts in recent years. Complaints are still received about touting in Brick Lane by the restaurant trade.
15. For example the Council's CCTV Manager reported that over the weekend of the 24th and 25th July 2013 the Police were called twice to the junction of Hanbury Street and Brick Lane where touts had started fighting amongst themselves.
16. The Council's Community Safety Service conducted a residents' survey. 63.6% of resident questioned said that they had been approached by a restaurant tout. 67.9% of those approached said that the tout persisted even when they declined the offer.
17. Despite having a “no touting” condition, two previous reviews and a prosecution, the restaurant continues to regularly employ touts. The use of touts clearly shows a disregard for Licensing and Consumer Protection law.

18. On the 2nd October one of the undercover test purchasers was wearing a covert camera. Unfortunately, the camera did not work on that occasion. Had footage been forthcoming, a prosecution would have been sought by the Authority.

19. In order to improve the management of the premises in accordance with the Council's Licensing Policy and concerns about crime and disorder, the applicant seeks a suspension of the premises licence. Due to the incessant nature of the touting and because of Mr. Md. Abu JAHID'S continuing and flagrant breaches of the Licensing Act that I ask that **the licence be suspended for a period of 4 weeks**. Please note that we are not requesting revocation at this time as the Authority believes it has greater access to redress for potential offences in the future.

Andrew Heron

Licensing Officer

Appendix 2

Postal Address

(Sajna Indian Grill Restaurant)
30 Osborn Street
London
E1 6TD

Licensable Activities authorised by the licence

The sale by retail of alcohol (on sales)
The provision of late night refreshment
The provision of regulated entertainment consisting of recorded music only

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards & Licensing Manager

Date: 14th October 2010
(Varied on Review: 24th January 2012)



Part A - Format of premises licence

Premises licence number

16711

Part 1 - Premises details

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

30 Osborn Street

Post town

London

Post code

E1 6TD

Telephone number

██████████

Where the licence is time limited the dates

N/A

The times the licence authorises the carrying out of licensable activities

Alcohol

- On Sunday to Thursday, 11:00 hrs to 23:30 hrs
- On Friday and Saturday, 11:00 hrs to 00:30 hrs

Late Night Refreshment

- On Monday to Thursday, 23:00 hrs to 00:00 hrs (midnight)
- On Friday and Saturday, 23:00 hrs to 00:30 hrs

Regulated Entertainment Consisting of Recorded Music

- On Monday to Thursday, 11:00 hrs to 00:00 hrs (midnight)
- On Friday and Saturday, 11:00 hrs to 01:00 hrs
- On Sunday, 11:00 hrs to 23:00 hrs

The opening hours of the premises

- On Monday to Thursday, 11:00 hrs to 00:00 hrs (midnight)
- On Friday and Saturday, 11:00 hrs to 01:00 hrs
- On Sunday, 11:00 hrs to 23:00 hrs

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

On sales only

Part 2

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

Mr Md. Abu Jahid

[REDACTED]

[REDACTED]

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

Not applicable.

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

Mrs Sultana Begum Kamali

[REDACTED]

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

Person Licence No. [REDACTED]

Issuing Authority - [REDACTED]

Annex 1 - Mandatory conditions

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

1. Staff training will include the prevention of crime and disorder and drug awareness.
2. Staff training will include health and safety law with regards to accident prevention and fire safety.
3. Staff will not serve alcohol to customers who are already intoxicated.

4. Door control will ensure that there are no crowds or queues outside the premises; all customers will leave quietly; customers waiting for taxis will do so indoors.
5. Music will be played at a level that is not audible outside the restaurant or by surrounding properties.
6. No early morning deliveries or late night deliveries/collections will take place.
7. Children will be protected from all alcohol sales. To confirm the age of a customer ask for ID such as UK driving licence, passport using the 'Challenge 21' scheme.
8. No adult entertainment will be provided.
9. No nudity or semi nudity to be permitted on the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority on 24th January 2012

10. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public within a 500 meter radius of the premises.
11. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.
12. Photo Identification badges must be worn by staff at all times and to be surrendered to an officer of a Responsible Authority upon request. *This condition is not currently effective and you will be notified prior to this condition becoming effective.*
13. CCTV camera system covering internal and external and full shop front of the premises is to be installed.
14. 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.
15. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
3 September 2010 – GROUND FLOOR ONLY



Part B - Premises licence summary

Premises licence number

16711

Premises details

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

30 Osborn Street

Post town

London

Post code

E1 6TD

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol (on sales)
The provision of late night refreshment
The provision of regulated entertainment consisting of recorded music only

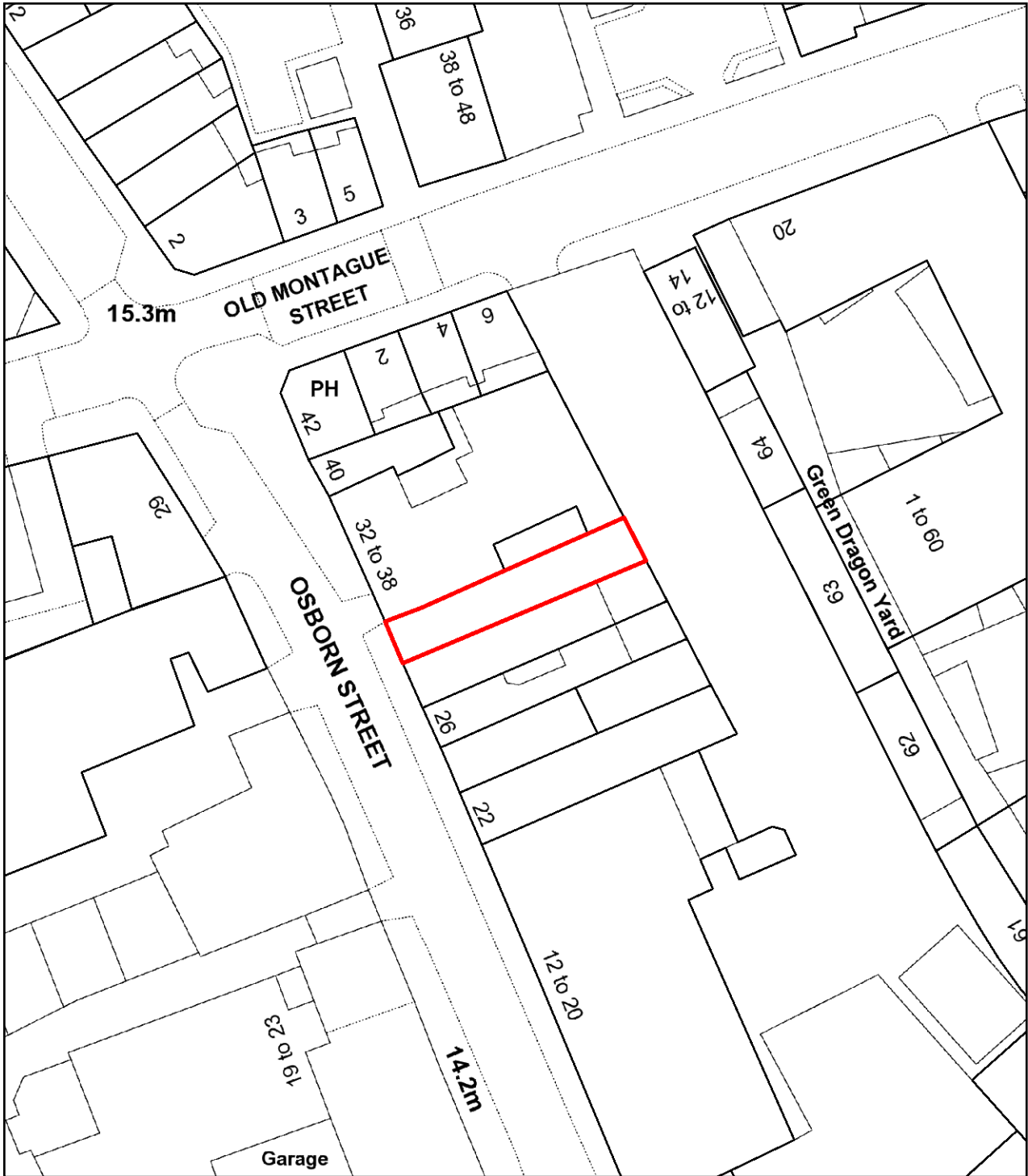
The times the licence authorises the carrying out of licensable activities

Alcohol

- On Sunday to Thursday, 11:00 hrs to 23:30 hrs
- On Friday and Saturday, 11:00 hrs to 00:30 hrs

<p>The opening hours of the premises</p>	<p><u>Late Night Refreshment</u></p> <ul style="list-style-type: none"> • On Monday to Thursday, 23:00 hrs to 00:00 hrs (midnight) • On Friday and Saturday, 23:00 hrs to 00:30 hrs <p><u>Regulated Entertainment Consisting of Recorded Music</u></p> <ul style="list-style-type: none"> • On Monday to Thursday, 11:00 hrs to 00:00 hrs (midnight) • On Friday and Saturday, 11:00 hrs to 01:00 hrs • On Sunday, 11:00 hrs to 23:00 hrs <p>See Full Licence for Details</p> <ul style="list-style-type: none"> • On Monday to Thursday, 11:00 hrs to 00:00 hrs (midnight) • On Friday and Saturday, 11:00 hrs to 01:00 hrs • On Sunday, 11:00 hrs to 23:00 hrs <p>See Full Licence for Details</p>
<p>Name, (registered) address of holder of premises licence</p>	<p>Mr Md. Abu Jahid</p> <p>[Redacted Address]</p>
<p>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</p>	<p>On sales</p>
<p>Registered number of holder, for example company number, charity number (where applicable)</p>	<p>N/A</p>
<p>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol</p>	<p>Mrs Sultana Begum Kamali</p>
<p>State whether access to the premises by children is restricted or prohibited</p>	<p>No</p>

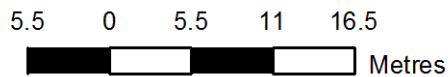
Appendix 3



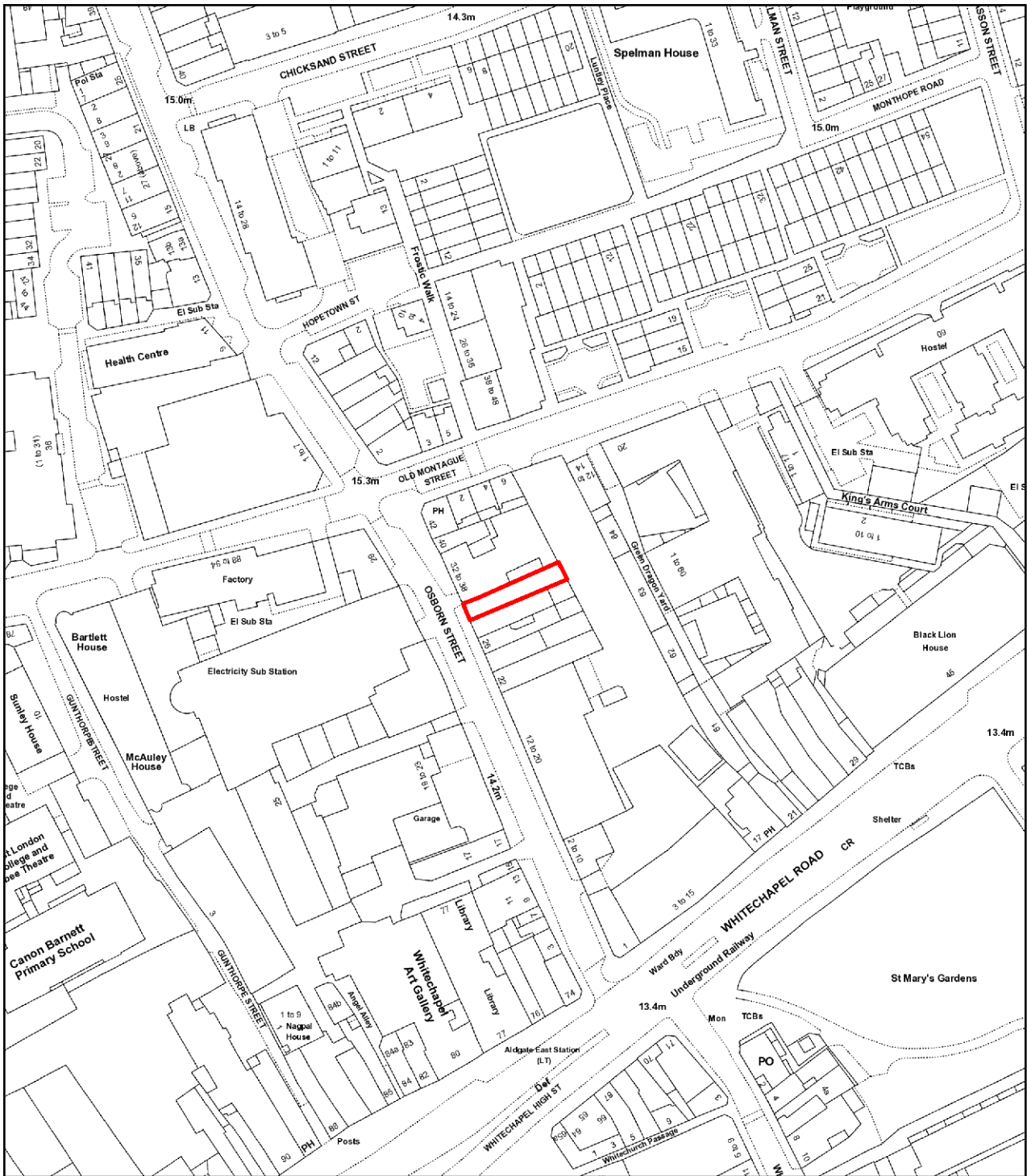
30 Osborn Street



Scale 1:622



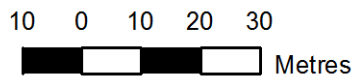
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30 Osborn Street



Scale 1:1555



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Appendix 4

Section 182 Guidance - June 2013

The review process

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.

11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.

11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

11. Reviews

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Appendix 5

June 2013 - Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

Appendix 6

2013 - Licensing Policy Adopted by the London Borough of Tower Hamlets

6 Crime and Disorder

6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.

6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.

6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 200. (See **Appendix 2.**)

6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)

2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.

6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them

Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.

6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.

6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled

6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.

6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately. Effective 1st November 2013

Appendix 7

June 2013 - Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Public nuisance

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Appendix 8

2013 - London Borough of Tower Hamlets Policy in relation to the Prevention of Public Nuisance

10 Prevention of Nuisance

10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.

10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	04 February 2014	Unclassified	LSC 54/134	

Report of : David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for a Premises Licence 'Private Members Club', First Floor, 19-23 Bethnal Green Road, London, E1 6LA
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Weavers

1.0 Summary

Applicant: **Lapsang Ltd.**
Name and **'Private Members Club'**
Address of Premises: **19-23 Bethnal Green Road**
London
E1 6LA

Licence sought: **Licensing Act 2003 application**
The sale of alcohol
The provision of Late Night Refreshment

Objectors: **Local Residents**
Metropolitan Police

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

- 3.1 This is an application for a premises licence for 'Private Members Club', First Floor, 19-23 Bethnal Green Road, London, E1 6LA.
- 3.2 This is a new premises licence application and should be considered on its own merits, however it should be noted that the premises is directly linked to an existing premises on the ground floor and basement of the building known as Beach Blanket Babylon. For Members' information, a copy of that premise licence is enclosed as **Appendix 1**.
- 3.3 A copy of the application is enclosed as **Appendix 2**.
- 3.4 The applicant has described the nature of the application as:
- The sale of alcohol
 - Providing late night refreshment
- 3.5 The hours that have been applied for are as follows:-

Sale of Alcohol (on sales only)

- Sunday to Wednesday from 10:00hrs to 01:00hrs (the following day)
- Thursday to Saturday from 10:00hrs to 03:00hrs (the following day)

The Provision of Late Night Refreshment (indoors):

- Sunday to Wednesday from 23:00hrs to 01:00hrs (the following day)
- Thursday to Saturday from 23:00hrs to 03:00hrs (the following day)

Hours premises is open to the public (please note the application states "the premises will operate as a Private Members Club and will not open to the public at large" :

- Sunday to Wednesday from 10:00hrs to 01:00hrs (the following day)
- Thursday to Saturday from 10:00hrs to 03:00hrs (the following day)

There are further non-standard times:

- "From the start time on New Year's Eve until the finish time on New Year's Day"

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

Members may wish to note that in relation to the sale of alcohol this is the same as when the premises closes to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met.

The problem, of course, is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the regulated activities and the time the premises closes to the public.

3.7 Maps showing the relevant premises are included as **Appendix 3**.

4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.

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

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

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

5.0 **Representations**

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

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

5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.

5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.

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

- Local Residents
- Metropolitan Police

See Appendices 5-14

5.9 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust

5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.11 The objections cover allegations of

- Anti-social behaviour on the premises
- Anti-social behaviour from patrons leaving the premises
- Acting as a magnet attracting the young who then engage in anti-social behaviour
- Drug taking
- Drinking beyond the permitted hours
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Close proximity to residential properties
- Noise leakage from the premises
- Lack of planning permission

- 5.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.

- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
 - ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 15- 25** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08:00hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the premises licence for Beach Blanket Babylon at 19-23 Bethnal Green Road, E1
- Appendix 2** A copy of the application
- Appendix 3** Maps of the area
- Appendix 4** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 5** Representation of Local resident Mr Hassan Abdullah et al
Appendix 6 Representation of Local resident Mrs Georgina Christou; and supporting evidence
- Appendix 7** Representation of Local resident Robin Fellgett
- Appendix 8** Representation of Local resident Mr Jonathan Fitch
- Appendix 9** Representation of Local resident Mr Matt Johnson, Co-Chairman Shoreditch Community Association
- Appendix 10** Representation of Local resident Ms Rachel Munro-Peebles, Co-Chairman Shoreditch Community Association
- Appendix 11** Representation of Local resident Mr Brendon Pinch
- Appendix 12** Representation of Local resident Mr Marcus Taylor
- Appendix 13** Representation of Local resident Ms Rachel Whitehead
- Appendix 14** Representation of Metropolitan PC Alan Cruickshank and supporting statement from PC Colin Reed.
- Appendix 15** Licensing Officer comments on Anti-Social Behaviour on the Premises
- Appendix 16** Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises
- Appendix 17** Licensing Officer comments Acting as a Magnet Attracting the Young who then Engage in Anti-Social Behaviour
- Appendix 18** Licensing Officer comments on Drug Taking
- Appendix 19** Licensing Officer comments on Drinking Beyond the Permitted Hours
- Appendix 20** Licensing Officer comments on Noise While the Premise is

in Use

- Appendix 21** Licensing Officer comments on Access and Egress Problems
- Appendix 22** Licensing Officer comments on Noise Leakage from the Premises
- Appendix 23** Licensing Officer comments on Planning
- Appendix 24** Licensing Officer comments on Licensing Policy Relating to Hours of Trading
- Appendix 25** Supporting documents submitted on behalf of the applicant

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Appendix 1

**Beach Blanket Babylon
Basement, Ground and First Floor
19 – 23 Bethnal Green Road
London
E1 6LA**

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 18th May 2006

(as amended 3rd October 2007)
(as amended 6th October 2008)
(as amended 5th November 2009)
(as amended 2nd September 2011 via Consent Order)

Part A - Format of premises licence

Premises licence number

16978

Part 1 - Premises details

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

Beach Blanket Babylon
Basement, Ground and First Floor
19 - 23 Bethnal Green Road

Post town

London

Post code

E1 6LA

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol and Regulated Entertainment - Indoors (live music, recorded music, provision of facilities for making music, provision of facilities for dancing)

- Sunday to Wednesday, from 10:00hrs to 01:00hrs (the following day)
- Thursday to Saturday, from 10:00hrs to 03:00hrs (the following day)

Alcohol non-standard timings

On no more than 12 occasions per calendar year, the terminal hours shall be one hour later than the standard timing shown above, following 10 working days notice to the Police and Licensing Authority and subject to the consent of the Police.

Late Night Refreshment - Indoors

- Sunday to Wednesday, from 23:00hrs to 01:00hrs (the following day)
- Thursday to Saturday, from 23:00hrs to 03:00hrs (the following day)

Further non-standard timings

Licensable activities from New Years Eve until the start time on New Years Day for all of the above.

The opening hours of the premises

- Monday to Sunday, from 10:00hrs to 30 minutes after the terminal hours for the sale of alcohol the following day

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

On sales only

Part 2

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

Townlink Ltd
41 Knowsley Street
Bury
BL9 0ST

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

0541076

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

Graham Aaron Rebak

[REDACTED]
[REDACTED]
[REDACTED]

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

Personal Licence Number: [REDACTED]
Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

1.

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

anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and

customers are made aware of the availability of these measures.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV to be provided in accordance with the wishes of the Metropolitan Police;
2. Notices will be displayed reminding patrons to leave quietly and respect the local residential amenity;
3. A dedicated taxi firm will be available to take patrons away from the premises quickly and quietly;
4. No under 16 year olds will be allowed to remain on the premises after 21:00 hours;
5. The external terrace is vacated by clients no later than midnight on Thursdays, Fridays and Saturdays and no later than 23:00 hours on Sunday, Monday, Tuesday, Wednesday and Thursday;
6. The terrace is closely supervised at all times by management to ensure the avoidance of excessive noise likely to be audible to neighbouring residents;
7. Licensable activities taking place on the terrace are limited to supply of alcohol; additionally any noise from music should be controlled so as to be inaudible in neighbouring residences;
8. The design of any lighting system should ensure that no nuisance is caused by light intrusion into residential premises;
9. The art gallery space as shown on plan as submitted on 3rd August 2007 is excluded from this licence;

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

10. No bottling up or disposal of rubbish to be between 23:00 and 07:00 on all Days.
11. Signs to be displayed inside the premises warning customers that drug use on the premises will not be tolerated and that there may be random searching on entry;
12. To support the written search policy at the premises, a secure drugs box is to be installed at the premises. Any confiscated items that are, or are believed to be drugs, are to be placed into this box. Any such seizures are to be entered into a drug seizures log, which is to remain in close proximity to the drugs box. This log will record the following details;
 - A) Time/ date and location of the seizure;
 - b) Member of staff seizing the item;

- c) Name or description of the customer from whom the item was seized;
13. The management of the premises will contact Police at least once every calendar month, for an officer to attend the premises, empty the drugs box, and sign the drugs log accordingly;
 14. Any customer or member of staff found using, possessing or supplying illegal drugs (of whatever quantity) on the premises is to be permanently excluded from the premises. A record of such exclusions is to be entered into the incident book. All reasonable steps must be taken to ensure all staff (including door staff) are aware of the identity of excluded persons;
 15. No person shall be permitted to take glasses or bottles outside the premises;
 16. A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the following;
 - A) -Name of the person responsible for the premise on each given day;
 - B) All incidents in relation to the use of force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved;
 17. Door Supervisors shall enter their full details at the commencement of work. (full name, home address and contact telephone number, SIA registration number and the time they commenced and concluded working) If the Door Supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number;
 18. The premises will employ a minimum of one SIA registered door supervisor on Friday and Saturday nights when regulated entertainment takes place at the premises;
 19. At least one nominated member of staff will be present at all times who will have been trained to deal with patrons who may be suffering from excessive intake of alcohol;
 20. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises. Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration;

21. All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence shall be in the form of a passport or photographic driving licence;
22. The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall be approved in writing by the Licensing Authority and Tower Hamlets Police;
23. A CCTV system shall be installed or the existing system maintained covering areas inside and outside of club. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image that is regarded as ‘identification standard’;
24. The CCTV system shall be capable of obtaining a clear head and shoulders image of every person entering the premises;
25. CCTV is to comply with the Data Protection Act 1998 and is to be working and recording correctly when the club is open to the public;
26. 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 one calendar month. 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;
27. The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after consultation with and written approval of Tower Hamlets Police and the Licensing Authority;
28. A member of staff who is conversant with the operation of the CCTV system will be on the premises at all times that licensable activity is to be provided. Data or recorded footage from the system will be provided to the Police following a request by them within 24 hours of their request;
29. If external promoters are to be used for running events in the premises then Police risk assessment forms (Form 696) are to be fully completed before and after the event and emailed to the relevant police units, so that artists, DJ’s, MC’s and promoters

can be checked. The forms will be completed and returned to the required police addresses electronically at least 2 weeks prior to the event taking place. A post event form will also be completed (F696a) and returned to the required police addresses. The management should act on police advice.

Annex 4 - Plans

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

3rd August 2007

Part B - Premises licence summary

Premises licence number

16978

Premises details

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

(Beach Blanket Babylon)
Basement, Ground and First Floor
19 – 23 Bethnal Green Road

Post town

London

Post code

E1 6LA

Telephone number

None

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol and Regulated Entertainment - Indoors (live music, recorded music, provision of facilities for making music, provision of facilities for dancing)

- Sunday to Wednesday, from 10:00hrs to 01:00hrs (the following day)
- Thursday to Saturday, from 10:00hrs to 03:00hrs (the following day)

Alcohol non-standard timings

On no more than 12 occasions per calendar year, the terminal hours shall be one hour later than the standard timing shown above, following 10 working days notice to the Police and Licensing Authority and subject to the consent of the Police.

Late Night Refreshment - Indoors

- Sunday to Wednesday, from 23:00hrs to 01:00hrs (the following day)
- Thursday to Saturday, from 23:00hrs to 03:00hrs (the following day)

Further non-standard timings

Licensable activities from New Year's Eve until the start time on New Year's Day for all of the above.

The opening hours of the premises

Monday to Sunday, from 10:00hrs to 30 minutes after the terminal hours for the sale of alcohol the following day

Name, (registered) address of holder of premises licence

Townlink Ltd
41 Knowsley Street
Bury
BL9 0ST

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

On supplies

Registered company number

0541076

Name of designated premises supervisor

Graham Aaron Rebak

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

No under 16 year olds will be allowed to remain on the premises after 21:00 hours.

Appendix 2

[Insert name and address of relevant licensing authority and its reference number (optional).]

**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 Lapsang 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		LBTH TRADING STANDARDS 20 NOV 2013 LICENSING ET 6LA	
The Private Members' Club Upper Floors 19-23 Bethnal Green Road			
Post town	London	Postcode	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£68,500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Lapsang Limited
Address 4-6 CANFIELD PLACE, LONDON, NW6 3BT
Registered number (where applicable) 8170216
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	02	2014

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

D	MM	YYYY

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

Private Members Club providing restaurant and bar facilities

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

--

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	23.00	01.00			
Tue	23.00	01.00			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed	23.00	01.00			
Thur	23.00	03.00			
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	23.00	03.00			
Sat	23.00	03.00			
Sun	23.00	01.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) From the start time on New Year's Eve until the finish time on New Year's Day Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Mon	10:00	01.00			
Tue	10:00	01.00			
Wed	10:00	01.00			
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	01.00			

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

Name Graham Rebak	
Address [REDACTED]	
Postcode	W11
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)	
Day	Start	Finish		
Mon	10:00	01:00	From the start time on New Year's Eve until the finish time on New Year's Day	
Tue	10:00	01:00		
Wed	10:00	01:00		
Thur	10:00	03:00		<u>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</u> (please read guidance note 5) The premises will operate as a Private Members Club and will not open to the public at large.
Fri	10:00	03:00		
Sat	10:00	03:00		
Sun	10:00	01:00		

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

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

See attached schedule of conditions

b) The prevention of crime and disorder

See attached schedule of conditions

c) Public safety

See attached schedule of conditions

Health and safety risk assessments will be undertaken and all staff shall be trained therein

d) The prevention of public nuisance

See attached schedule of conditions

All appropriate steps will be taken to ensure that local residents and local businesses are not disturbed by any licensable activity at the premises.

e) The protection of children from harm

See attached schedule of conditions

All persons under the age of 16 will be accompanied by an adult on the premises at all times.

All staff will be trained in relation to their responsibilities towards children under the Licensing Act 2003

Checklist:

Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	[REDACTED]
Date	19/11/13
Capacity	SOLICITOR FOR APPLICANT

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

Signature	
Date	
Capacity	

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

Craig Baylis
BLP
Adelaide House
London Bridge

Post town	London	Postcode	EC4R 9HA
-----------	--------	----------	----------

Telephone number (if any)	[REDACTED]
---------------------------	------------

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

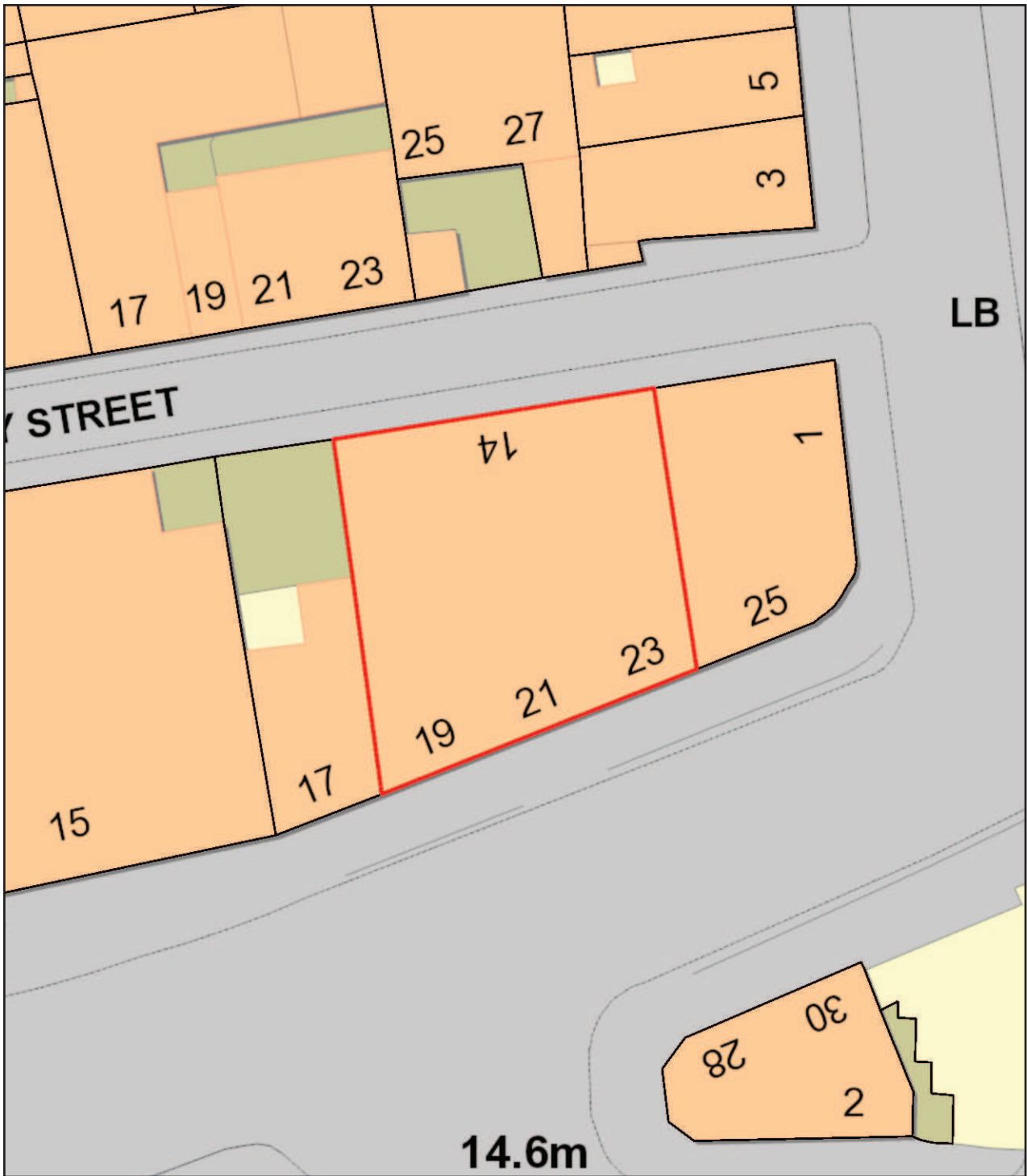
[REDACTED]

SCHEDULE OF CONDITIONS

1. The premises shall operate as a Private Members Club for use by members and their bona fide guests and for private pre-booked functions only.
2. There shall be rules of the Club for admission to membership. A list of all the names and addresses of members of the Club shall be kept on the premises together with a book showing the names of any guests introduced by members and shall be produced on demand for inspection by any authorised Officer or Police Officer.
3. The premises will install and maintain a comprehensive CCTV system to the satisfaction of the Metropolitan Police Crime Prevention Officer that ensures that all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continuously record while the premises are open to Members and their guests or those attending a private pre-booked function and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised Officer or Police Officer together with facilities for viewing immediately on request.
4. Substantial food and non-intoxicating beverages including drinking water shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
5. Members or their guests or those attending a private pre-booked function temporarily leaving the premises for the purposes of smoking shall not take any drinks of any kind with them outside the premises.
6. An incident log shall be maintained to ensure that any incidents are properly recorded and information on the incident log will be provided to an authorised Officer or Police Officer on request.
7. A minimum of one SIA registered door supervisor shall be provided after 21.00 hours to monitor the behaviour of members and their guests or those attending a private pre-booked function entering and leaving the premises.
8. No striptease, no nudity and all persons to be decently attired at all times.
9. The Designated Premises Supervisor shall ensure that the highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all times.
10. No rubbish (including bottles) will be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
11. Means of escape provided for the premises shall be maintained unobstructed, free of trip hazards and be immediately available and clearly identified at all times.
12. Notices will be displayed reminding members and their guests to leave quietly and respect the local residential amenity.
13. A dedicated taxi firm will be available to take members and guests away from the premises quickly and quietly.

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

Appendix 3

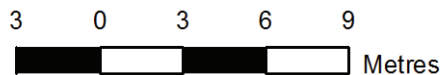


19-23 Bethnal Green Road

Map 1



Scale 1:334



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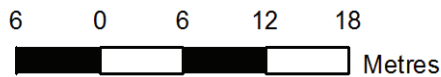


19-23 Bethnal Green Road

Map 2



Scale 1:668



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Appendix 4

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

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

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

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

Appendix 5

Andrew Heron

From: Hassan Abdullah [REDACTED]
Sent: 16 December 2013 16:35
To: Licensing
Cc: Andrew Heron; John Pierce
Subject: Private members club, 1st floor, 19-23 Bethnal Green Road, London E1 6LA

Licensing Officer

Licensing Section

LBTH

6TH Floor Mulberry Place (TC)

5 Clove Crescent

London E14 2BE

Ref : TSS/LIC/073325

Re: Licensing Act 2003 and Private Members Club, 1st Floor, 19-23 Bethnal Green Road, London E1 6LA

Dear Sir/Madam,

I am writing to oppose the above application for the change of use to a private members club. The operators now called Lapsang Ltd trading as Beach Blanket Babylon (they buy numerous Limited companies of the shelf and when they incurred substantial debts on them they dissolve the companies and get away scott free without paying anyone as there are no assets in these companies, we were told this fact by someone in the council when they took BBB to court for non payment of rubbish collection)

The operators have continuously breached the restrictions of their license which has been set by the council in the last hearing against them. Some of the conditions of premises license were -

- a) Providing a minimum of 4 licensed security staff, 1 outside 2 by the door and the 4th patrolling the basement - this has not been adhered to, there is always a huge commotion outside 19 - 23 Bethnal Green Road and fights breakout constantly amongst the very drunk clientele. In many instances ambulances have been called and this where our public's resources are spent as the operators are only interested in selling as much as alcohol as possible even to obviously drunk patrons.
- b) Only 5 clients are allowed to smoke outside at one time and again this rule is not followed as now the operators have installed benches to encourage more clients to drink and smoke outside (which no planning application has been submitted for the placement of these benches on the public foot path)
- c) There should be a drugs box by the entrance as there has been a high incidence of drug taking within the premises - again no sign of a drugs box.

d) 1 am license on Friday and Saturday for the premises on both floors and no regulated entertainment is allowed until further notice- The operators continue to open way past 1 am usually till 3 am or later and dancing is allowed in the basement when they don't have a dancing license.

e) Sound proofing to be installed on both party walls - a requirement of their license from the very beginning and this still has not been done till today, as residents we hear everything from the running up and down on the staff to the loud banging music.

f) 1st floor not to be used for any uses other than light industrial, there has been numerous functions held there, funnily enough the Tower Hamlets website have promoted some of the events held there, not knowing that BBB is breaking the law by holding events I suppose. In the last past 4 to 5 days parties have been held on the 1st floor every night with very loud music and clients have been invited via text (one of the neighbours have proof of that) to enter by the back entrance on Whitby Street, again another disregard to restrictions as its only meant to be used as a staff entrance. When we complain to the noise pollution team they never seem to have enough people to check on it. The neighbour Mrs Gina Christou who recently lost her husband has been very disturbed by the music but is afraid of them to complain.

In fact, I don't know why they are applying for a change of use as they are already using the 1st floor as they wish. BBB or Lapsang Ltd, (how can anyone keep up with their numerous reincarnations) are probably applying under the pretext of a private members club so that they can be granted license to sell alcohol on the 1st floor but has no intention of having membership as we all know when you apply for a private members license its easier to be granted permission.

Tower Hamlets licensing are probably not concerned about the background of the operators but we as residents do care as we have to live next door to them and suffer the consequences. Already its unbearable with them operating on the ground floor and basement, imagine what the noise level would be like when they operate to 3 am and beyond on the first floor nearer to our bedrooms. When they first applied for license we provided evidence of both father and son being disqualified directors and the numerous cases against them brought by Westminster council where they broke numerous laws but we were told by the Head of Licensing that has no bearing in granting of a license, if these information was considered it would have saved the council and the residents all the trouble we had to encounter with this uncaring and selfish operator. The Tower Hamlets police and council have taken the operators to court.

We as residents plead with you not to grant the license for the first floor as it would damage our quality of life further as from experience even after all the above restrictions have been attached to their license they have not respected and adhered to the restrictions and no one from the Tower Hamlets has been back to see that its has been implemented. We have learnt that they can be taken to court etc but they still persist in opening late and making lots of noise and get away with it as there isn't anyone to police them. Tower Hamlets is already saturated with bars and alcohol led premises and as residents we don't think we can bear it anymore. Many thanks for your kind considerations.

Your sincerely,

Hassan Abdullah

Michel Lasserre

Stefan Karlsson

████████████████████

████████████████

Appendix 6

Mrs Georgina Christou
[REDACTED]
[REDACTED]

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

16 December 2013

Dear Sir/Madam

Re: Application by Lapsang Ltd for new Premises Licence for First Floor, 19/23 Bethnal Green Road, London E1 6LA

Please accept this letter as my representation objecting to the application for a new premises licence for the First Floor of 19/23 Bethnal Green Road, E1 6LA. The application states this is for a "New Private Members Club". This new premises is directly above Beach Blanket Babylon ("BBB").

I am 70 years old and have recently been widowed. I live in the first floor flat at [REDACTED] [REDACTED] E1 6LA. This is immediately next door to the applicant premises. I am therefore the person most likely to have my life further impacted if this licence is granted. I enclose as my exhibit GC/1 a photograph showing the front of 15-23 Bethnal Green Road, London E1 and 1 Club Row. My bedroom is located as shown in the photograph.

My objection is based, primarily, on these points:

- 1) I am already suffering from frequent and serious public nuisance caused by customers of BB B and, to a lesser degree, customers of other nearby licensed premises. I have also witnessed incidents of crime and disorder outside connected to BBB. It is likely that if this additional late night licence is granted for these premises right next door to me then the nuisance I and other residents currently experience will be increased by the customers of this new premises.

- 2) On Policy Grounds. The licensing authority will of course know that the London Borough of Tower Hamlet's has recently introduced a Cumulative Impact Policy. This applicant premises is within the Brick Lane Saturation Zone. The applicant has produced no evidence upon which this licensing authority could properly conclude that the grant of this licence would not add to the existing cumulative impact. Therefore the applicant has failed to rebut the presumption that such applications ought normally to be refused. On this ground alone the Statement of Licensing Policy suggests that the application can and, I respectfully suggest should, be refused.

Historical issues and proceedings

BBB clearly has very close connections to this new application concerning the first floor of its building. The proposed Designated Premises Supervisor for the First Floor Premises is Mr Graham Rebak. Mr Rebak is also the current DPS of BBB. The applicant company is Lapsang Ltd. A quick company search suggests that Mr Robert Newmark is a shareholder of Lapsang Ltd. In 2001 Westminster Council refused Mr Robert Newmark a renewal of his entertainment licence on the grounds that "he is not a fit and proper person to hold the Licence". In addition to this the operators continue to use the upper floors of the premises for uses which do not have planning permission. I simply make these points to counter any suggestion by the applicant that these operators are good operators.

It is also a misnomer for the applicant to call this Premises a "Private Members Club". If it were truly a Club (where the members own the premises and stock) then they would have applied for a Club Premises Certificate. Instead the applicant has applied for a standard Premises Licence under the Licensing Act 2003. The description of itself as a "private member's club" is therefore one of style not substance.

BBB has caused me and others considerable nuisance issues since 2007. Indeed my late husband and I previously had to instigate a licence review of BBB on the grounds of prevention of public nuisance. Our concerns were supported by other responsible authorities. At a review hearing held on 6 October 2008 the licensing sub-committee of Tower Hamlets accepted our concerns were genuine and reduced the operating hours of BBB. I attach the Minutes of this meeting as GC/2. This decision was later upheld by the District Judge who rejected the operator's magistrates' court appeal. However the operator applied to the High Court for Judicial Review. For reasons that are unclear to me the Council did not appear at the High Court and so were not in a position to defend their, or the District Judge's decision. The High Court granted the application for judicial review on the basis of a legal

technicality (not the merits of the case) and remitted the case back to the magistrates' court. I am unaware what then happened. I attach the High Court decision as GC/3. It was obviously disappointing that the Council did not then take a more robust approach to those legal proceedings. Regrettably I, and other residents, have suffered a great deal as a result.

Current issues impacting on the licensing objectives

I have witnessed a great deal of recent noise and incidents involving customers of BBB. The operators have not been able to control the behaviour of their customers who congregate and talk loudly in and around the immediate vicinity of the premises (under my bedroom window). In addition to this I have cabs stopping outside in the early hours to pick up customers leaving BBB. I am therefore regularly kept awake at night, or awoken from my sleep, by the noise of these customers. I enclose photographs which are self-explanatory as GC/4. Customers drink outside the premises and this is allowed to continue unchecked. In the past the excuse was that these people were not from these premises when clearly they were.

The Police have been called to the premises in the past. On one occasion the Police were called because of the behaviour of Mr Robert Newmark himself.

I have been sworn at by customers of BBB when I have asked them to be considerate to the residential neighbours in the early hours of the morning. In addition to this I and other residents in the area have had to put up with men urinating in Whitby Street and having to clear up vomit after people have left the premises. Whitby Street itself is narrow and these issues are more evident.

If this new Premises Licence is granted the likelihood is that more people will be attending this new premises causing more noise and disturbance for me and my neighbours. No amount of conditions, policies, door supervisors or membership rules can stop a customer of the new venue shouting (whether good-natured or otherwise) late at night or mute the noise of a slamming car door associated with customers arriving at or leaving the new premises. Each of these incidents has the capacity to disturb me and my neighbours until the early hours of the morning if this licence is granted.

In regard to "public nuisance" I note from the Secretary of State's Guidance to the Licensing Act 2003, at paragraph 2.19 (June 2013 edition) that:

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning.

It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

This definition of public nuisance includes what I and others are presently experiencing and it can be expected to get worse if this application is granted.

Cumulative Impact

In September 2013, following a detailed consultation process the London Borough of Tower Hamlets adopted a Special Cumulative Impact Policy for the Brick Lane Area that includes this applicant's premises. The Council noted that:

- The area accounts for 8% of the crime in Tower Hamlets
- 22% of all police calls to licensed premises are in the Brick Lane Zone
- The highest levels of Anti-Social Behaviour are in the Brick Lane Zone.

In relation to the Brick Lane Zone, the Statement of Licensing Policy now states (emphasis added):

8.3 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.

*8.4 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 applicant has produced no evidence to suggest that they, unusually, will not add to the existing impact. Nor does their operating schedule provide any support for the applicant. The whole purpose of opening a new venue is to attract new customers. If this licence is granted it is likely that more people will be attracted into the Cumulative Impact Zone and/or more people will stay for longer. This will add to the cumulative impact in this already vulnerable location. In these circumstances it would be in breach of Tower Hamlet's Statement of Licensing Policy to grant this licence.

I would respectfully urge the licensing sub-committee not to make an exception to its policy by granting this licence. It is I and my fellow residents who will suffer the real human impact of further disturbances caused by customers of licensed premises near to my home. Please do not add to this by granting this licence.

Thank you for taking the time to consider this representation.

Yours faithfully

A solid black rectangular box redacting the signature of Georgina Christou.

Georgina Christou

GCI

1 CLUBROW

19-23 BETHNAL GREEN ROAD

17 BETHNAL GREEN ROAD

15 BETHNAL GREEN ROAD

BEDROOM



CO/2993/2010

Neutral Citation Number: [2011] EWHC 898 (Admin)
IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
THE ADMINISTRATIVE COURT

Royal Courts of Justice
Strand
London WC2A 2LL

FRIDAY, 18TH FEBRUARY 2011

B e f o r e:

MR JUSTICE LINDBLOM

Between:

THE QUEEN ON THE APPLICATION OF TOWNLINK LTD.

Claimant

v

THAMES MAGISTRATES COURT.

Defendant

Computer-Aided Transcript of the Stenograph Notes of
WordWave International Limited
A Merrill Communications Company
165 Fleet Street London EC4A 2DY
Tel No: 020 7404 1400 Fax No: 020 7404 1424
(Official Shorthand Writers to the Court)

MR G GOURIET QC appeared on behalf of the **Claimant**

J U D G M E N T
(as approved by the court)

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1. MR JUSTICE LINDBLOM: This is an application for judicial review in which the claimant challenges the decision of District Judge Reed sitting at Thames Magistrates' Court on 5 November 2009, to dismiss its appeal against the decision of the licensing sub-committee of the London Borough of Tower Hamlets Council on 6 October 2008 to vary the premises licence for its restaurant and cocktail bar, Beach Blanket Babylon 19 to 23 Bethnal Road and to suspend regulated entertainment at the premises.
2. The Magistrates' Court has taken no part in the hearing before me. The Council has neither attended nor been represented at the hearing, but has indicated that if the court is minded to make an order for costs against it, it would wish to be heard on that matter.
3. The interested parties, Mr and Mrs Christou, refused service of the claim. They have neither been appeared nor been represented at the hearing.
4. Permission to apply for judicial review was granted on the papers by His Honour Judge Waksman QC, sitting as a Deputy Judge of the High Court on 28 May 2010. The Deputy Judge also granted an extension of time. In doing so he said that he bore in mind that the claimant had tried to obtain a copy of the District Judge's judgment, but through no fault of its own had not managed to do so.

Background

5. On 18 May 2006 the Council granted a licence for the premises under the relevant provisions of the Licensing Act. The licence permitted various activities, including the sale of alcohol, music and dancing, and the provision of refreshment late at night. It required those activities to end no later than 1a.m. on Sundays, Mondays, Tuesdays and Wednesdays, with half an hour allowed for drinking up, and by no later than 3a.m. on Thursdays, Fridays and Saturdays, again with half an hour for drinking up. The Council imposed a number of conditions upon the licence.
6. Planning permission granted for the use of the premises on 1 August 2007 had a tighter restriction on time than the licence. It required the activities to end by no later than midnight on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays and by no later than 1a.m. on Fridays and Saturdays. The premises is on two levels. On the ground floor there is a restaurant which is described by the claimant as being decorated in a "grand baroque style" and resembling a French chateau. The restaurant can accommodate a maximum of 150 diners at a time. The staff serve customers at their tables. The claimant says that the clientele is made up a "social mix that is now Shoreditch". They are, it is said, a "professional people who work in finance, the law, media and fashion." Downstairs is a cocktail bar. This is open only on Fridays and Saturdays. It is a lounge bar not a nightclub. There is no dance floor. Customers are served at their tables by waiters and waitresses.
7. On 1 October 2008 the Council served a noise abatement notice on the claimant. The claimant appealed. It carried out work in the premises to reduce the escape of noise. On 21 July 2009 the notice was quashed.

8. Under section 52 of the 2003 Act, the Council reviewed the licence at a hearing on 6 October 2008. That review had been initiated by Mr and Mrs Christou. They live next door to the claimant's premises at 17 Bethnal Green Road. They run a café and a bed and breakfast establishment there.
9. The police took part in the review. They supplied a list of conditions which they said would overcome their concerns. The claimant was content with some of those conditions, but not all of them. The Council's environmental health officer, a planning officer of the Council and several residents also took part. The complaints that had to be dealt with were of noise escaping from the claimant's premises into the Christous'; the noise of patrons leaving; patrons smoking underneath the canopy of 17 Bethnal Green Road; breaches of a time restriction in the planning permission and a general dislike of the presence of the claimant's restaurant and bar in this part of Bethnal Green Road.
10. The Council's licensing sub-committee found in favour of the Christous. It suspended the provision of regulated entertainment at the claimant's premises, in these terms:

"[the] operation of regulated entertainment under the licence [is] to be suspended with immediate effect and until such time as necessary works that are required to promote the licensing objective of the prevention of public nuisance is met to the satisfaction of environmental health. If no agreement can be reached, then the matter is to be remitted back to the committee with [sic] three months."
11. The Council's committee also decided that the hours of the licence should be cut back to match those imposed in the planning permission. The committee also introduced several restrictions, which the claimant says were unnecessary and unsuited to the operation of an upmarket restaurant. The reasons for the committee's decision are stated in an appendix to the decision letter, Appendix A:

"Members considered the evidence presented by the application. Local residents, LBTH planning service, LBTH environmental services, Metropolitan Police. The sub-committee did not believe that the current operation of the premises supported the licensing objective relating to the prevention of public nuisance."
12. On 31 October 2008 the claimant appealed against the Council's decision to the Magistrates' Court. The appeal served to suspend the decision of the licensing sub-committee. Thus the suspension of regulated entertainment and the conditions imposed by the committee did not come into effect.
13. On 24 November 2008 a new manager, Mr Sands, took over the running of the claimant's premises. Since then, I was told, as the Council's environmental health officer had accepted, the claimant's operation has not caused problems. The escape of noise from the premises has been reduced by sound proofing.

14. The appeal was heard over three days, the 3rd, 4th and 5th November 2009. The District Judge gave an ex tempore judgment on 5 November. In the course of the appeal both main parties, the claimant and the Council, called evidence. The claimant called its managing director, Mr Robert Newmark, a former superintendent of police, Mr Chubb, who had observed the use of the premises, the manager, Mr Sands, and a noise expert, Mr Bentley. The Council called two residents, including Mr Christou, and two officers of the Council, Mr Pendreigh and Mr Duncan. Mr Christou claimed in his evidence that he had several times made telephone calls to officers of the Council's Environmental Health department. That assertion was rejected by Mr Pendreigh. The police did not appear at the hearing. The claimant's counsel addressed the District Judge on the disputed conditions, arguing that some of them were disproportionate and unnecessary. He also argued that the suspension of regulated entertainment was unlawful because it was, in effect, open-ended.
15. The District Judge dismissed the appeal and awarded costs against the claimant. Immediately after the appeal hearing the claimant asked for a copy of the District Judge's judgment. This was not provided. It was sought again in telephone calls and emails. It seems that there was no written judgment. Initially the claimant had to rely on a note of the judgment taken by Mr Lavell of its former solicitors.
16. Eventually, on 12 March 2010 the Magistrates' Court produced notes taken by the court associate when judgment was given. It appears that those notes were provided to the claimant's former solicitors. The court associate's notes are more succinct than Mr Lavell's note. They briefly record the District Judge's summary of the evidence he had heard. Without rehearsing that part of the judgment in detail, I note that Mr Gouriet does not seek to criticise it as inaccurate or incomplete. Indeed, Mr Gouriet submits, and I accept, that the tenor of it is generally favourable to the claimant's case. In the course of it, the District Judge notes that one of the Council's officers who gave evidence, Mr Pendreigh, made plain that he no longer relied on recent complaints about the claimant's operation.
17. The court associate's notes of the judgment contained the following two paragraphs:

"My decision is that this is an appeal by BBB against LBTH Licensing Committee decision for application for review by Mr and Mrs Christou. Had benefit of both bundles and considered info carefully. Bear in mind the licensing objectives that committee had to consider. Must consider the Hope and Glory case at C of W MC. I start with having to consider if the decision of the committee was wrong. I don't apply my own standards, but it is a question of whether their decision was wrong...

I have to decide whether the decision from Oct '08 was wrong. I cannot say that the decision of the Licensing Committee was wrong. Even at that stage planning not satisfied. Members of public noted concerns. Police involved themselves in review, but not appeared at court to support respondent. Decision complied with licensing objectives to solve the problems. I was looking very carefully at Sus. Reg. Entertainment. They have left the doors open to go back to Committee to argue further. Work

carried out as a result of advice and instruction. Cannot say suspension of police requirement illegal. Committee would not go against info from police."

The corresponding passages in Mr Lavell's note are these:

"This is an appeal by BBB against a decision of LBTH LSC in October 2008 on an application for review of their licence that was spearheaded by the Christous. I have had the benefit of bundles from both the appellants and the respondent and considered all evidence within them and as adduced in court very carefully. I have borne in mind the licensing objectives that the LSC had to when making their decision. I have to at this stage bear in mind the recent case of Hope and Glory dealt with by a colleague of mine in Westminster that arose out of something very similar. I start with having to consider if the decision of the LSC was wrong. I do not apply my own standards and views, I base my decision on bundles provided by both parties and on the evidence I have received in the last three days. There was a fair bit of material not before the LSC...

I have considered both sides' representations and the decision of the LSC. I have taken new evidence into account and decided the decision was wrong. Having considered the evidence before the LSC and the new evidence including the site visit, I cannot say that the decision of the LSC was wrong. There had been a problem with ongoing complaints with planning and members of the public that continue up until this day. Police were involved at that review, but are not supporting their point at this appeal. The decision complied with the licensing objectives and dealt with issues leading up to this appeal. I was looking very carefully at the suspension of regulated entertainment. I note that three months is in the letter, which is a statutory requirement, but left the door well and truly open.

Clive Bentley has been able to advise and check work, and I cannot say that it is an illegal decision. I cannot say that the police requirements are illegal. I cannot say that the LSC should go against the recommendations of the police. I note that the LSC expected their EHOs to take the lead in moving things forward and I would expect this to be done just as the LSC would."

The law

18. Section 4 of the 2003 Act provides the general duties of licensing authorities:

"1. A licensing authority must carry out its functions under this act (licensing functions) with a view to promoting the licensing objectives.

2. The licensing objectives are -

(a) the prevention of crime and disorder.

- (b) public safety.
- (c) the prevention of the public nuisance; and
- (d) the prevention of children from harm.

3. In carrying out its licensing functions a licensing authority must also have regard to -

- (a) its licensing statement published under section 5 and.
- (b) any guidance issued by the Secretary of State under section 182."

19. Section 52 of the 2003 Act provides, so far as is relevant here:

1. This section applies where:

- (a) the relevant licensing authority receives an application made in accordance with section 51;
- (b) the applicant has complied with any requirement imposed on him on him under sub-section 3 (a) or (d) of that section; and
- (c) the authority has complied with any requirement imposed upon it under sub-section 3 (b) or (d) of that section.

2. Before determining the application, the authority must hold a hearing to consider it and any relevant preparations.

3. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in sub-section 4, if any, that it considers necessary for the promotion of the licensing objectives.

4. The steps are -

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence...

11. A determination under this section does not have effect -

- (a) until the end of the period given for appealing against the decision; or
 - (b) if the decision is appealed against, until the appeal is disposed of."
20. Section 181 of the 2003 Act provides for the making of appeals against the decisions of licensing authorities. It states:
- "1. Schedule 5, which makes provision for appeals against decisions of licensing authorities, has effect...
 - (ii) on an appeal in accordance with that schedule against a decision of a licensing authority, a Magistrates' Court may -
 - (a) dismiss the appeal;
 - (b) substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
 - (c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court and may make such order as to costs as it thinks fit."
21. Paragraph 8 of schedule 5 to the 2003 Act provides:
- "1. This paragraph applies where an application for a review of a premises licence is applied for under section 72.
 - 2. An appeal may be made against that decision by...
 - (b) the holder of the premises licence..."
22. In Sagnata Investments Limited v Norwich Corporation [1971] 2 QB 614 an application had been made under the Betting, Gaming and Lotteries Act 1967 for a permit to open an amusement arcade in Norwich. The application was refused by the local authority. The applicant appealed. The recorder who heard the appeal was given reasons for the refusal by the town clerk. He heard evidence from witnesses on either side as to the merits of the application. He did not have any information about what had occurred before the licensing committee. He allowed the appeal. The authority appealed to the Divisional Court, and then to the Court of Appeal. The Court of Appeal dismissed the appeal by a majority. Lord Denning MR dissented, considering that the local authority was entitled to its opinion that to have such arcades in Norwich was socially undesirable and that the recorder had been wrong to substitute his own view for those of the elected body responsible for making such decisions. Edmund Davies LJ said (at page 636):

"The provision for an appeal for Court of Sessions seems to me largely, if

not entirely, "illusory" if the contention of the appellant's counsel is right. If it is, I am at a loss to follow how the recorder set about discharging his appellate functions. Lacking all information as to what had happened before the local authority, save the bare knowledge that they had refused the application and their written grounds for refusal, he would be powerless, as I think, to make any effective examination of the validity of those reasons."

Edmund Davies LJ concluded:

"... the proceedings before [the] recorder were by way of a complete rehearing. But, contrary to what has been contended, this conclusion does not involve that the views earlier formed by the local authority have to be entirely disregarded by Court of Sessions..."

23. Edmund Davies LJ approved what had been said by Lord Goddard, the Lord Chief Justice, in Stepney Borough Council v Joffe [1949] 1 KB 599 (at pages 602 and 603):

"That does not mean to say that the Court of Appeal, in this case the Metropolitan Magistrate, ought not to pay great attention to the fact that the duly constituted and elected local authority had come to an opinion on the matter and ought not likely, of course, to reverse their opinion. It is constantly said, although I am not sure that it is always sufficiently remembered, that the function of the Court of Appeal is to exercise its powers when it is satisfied that the judgment below is wrong, not merely because it is not satisfied that the judgment was right."

24. There is a further passage in the judgment of Lord Goddard in that case which Edmund Davies LJ endorsed and applied in Sagnata. Rejecting the submission that the magistrate had not been entitled to substitute his own opinion for that of the borough council and that all he could decide was whether there was evidence upon which he could arrive at his conclusion, Lord Goddard said this (at page 602):

"... if the reason need only be one that is sufficient in the opinion of the Borough Council it is difficult to see how any Court of Appeal could set aside their decision. It seems to me that section 25(1) gives an unrestricted right of appeal and that if there is an unrestricted right of appeal it is for the Court of Appeal to substitute its opinion for the opinion of the Borough Council."

25. In R(Hope and Glory Public House Limited) v the City of Westminster Magistrates' Court and Another [2011] EWCA Civ 31 the Court of Appeal considered how a magistrates' court hearing an appeal from the decision of a licencing authority under the 2003 Act should approach the making of its decision. The appeal to the Court of Appeal was from a decision of Burton J [2009] EWHC 1996 Admin. In paragraphs 43 to 45 of his judgment, Burton J said this:

"43. I conclude that the words of Lord Goddard, approved by Edmund Davies LJ [in Sagnata] are very carefully chosen. What appellate courts

have to do is to be satisfied that the judgment below "is wrong". That is to reach its conclusion on the basis of the evidence before it and then to conclude that the judgment below is wrong, even if it was not wrong at the time. That is what this District Judge was prepared to do by allowing fresh evidence in on both sides.

44. The onus still remains on the claimant, hence the correct decision that the claimant should start, one cannot be challenged, as I have indicated.

45. At the end of the day, the decision before the District Judge is whether the decision of the Licensing Committee is wrong. Mr Glen has submitted that the word "wrong" is difficult to understand or, at any rate, insufficiently clarified. What does it mean? It is plainly not 'Wednesbury unreasonable' because this is not a question of judicial review. It means that the task for the District Judge - having heard the evidence which is now before him, and specifically addressing the decision of the court below - is to give a decision whether, because he disagrees with the decision below in the light of the evidence before him, it is therefore wrong. What he is not doing is either, on the one hand, ignoring the decision below, or, on the other hand, simply paying regard to it. He is addressing whether it is wrong. I do not see any difficulty, nor did the District Judge, in following this course."

26. In the appeal, the Court of Appeal had to deal with three questions: first, how much weight was the District Judge entitled to give to the decision of the licensing authority; secondly, and more particularly, was the District Judge right to hold that he should only allow the appeal if satisfied that the decision of the licensing authority was wrong; and thirdly, was the District Judge's ruling compliant with Article 6 (see paragraph 39 of the judgment of the court). The court did not find it possible to give a formulaic answer to the first question, because that might depend on a variety of factors, the nature of the issue, the nature and quality of the reasons given by the licensing authority and the nature and quality of the evidence on the appeal (see paragraph 40 of the judgment of the court).

27. Toulson LJ, giving the judgment of the court, went on to say this:

"41. as Mr Mathias rightly submitted, the licensing function of the licensing authority is an administrative function. By contrast the function of the district judge is a judicial function. The licencing authority has a duty, in accordance with the rule of law, to behave fairly in decision making procedure, but the decision itself is not a judicial or quasi-judicial act it is the exercise of a power delegated by the people as a whole to decide what the public requires, see the judgment Lord Hoffmann in Alconbury at paragraph 74...

45. Given all the variables, the proper conclusion to the first question can only be stated in very general terms. It is right in all cases that the magistrates' court should pay careful attention to the reasons given by the

licensing authority for arriving at the decision under appeal, bearing in mind that Parliament has chosen to place responsibility for making such decisions on local authorities. The weight which the magistrates should ultimately attach to those reasons must be a matter for their judgment in all the circumstances, taking into account the fullness and clarity of the reason, the nature of the issues and the evidence given on the appeal."

28. On the second question, the Court of Appeal agreed with what Burton J said in paragraphs 43 to 45 of his judgment (see paragraph 46 of the judgment of the court). In paragraph 47 of its judgment, the Court of Appeal rejected the submission that the statement of Lord Goddard in Stepney Borough Council v Joffe, applied by Davies LJ in Sagnata, was applicable only in a case where the original decision was based on "policy considerations". The court noted that in Stepney Borough Council v Joffe the Divisional Court had held that the magistrates' power was not restricted to reviewing the decision on the ground of an error of law but that he was entitled also to review the merits. It was in that context that Lord Goddard had said that the magistrates should, however, pay great attention to the decision of the elected authority, only reversing it if he was satisfied that it was wrong. I take this to mean, as Burton J had clearly meant at first instance, that in such an appeal it is the magistrates' court's task, after a de novo hearing, to decide, on the substantive merits of the case as they stand before the court, whether to uphold the decision of the authority's committee. That is, in effect, what Burton J had said in a passage of his judgment which the Court of Appeal expressly approved.
29. The court also accepted that, where a licensing sub-committee had exercised what amounted to a statutory discretion to attach conditions to a licence, it made good sense that the licensee should have to persuade the magistrates' court that the sub-committee should not have exercised its discretion in the way that it did, rather than that the magistrates' court should be required to exercise the discretion afresh on the hearing of the appeal (see paragraph 49 of the judgment of the court).
30. On the third question the court accepted that the form of appeal provided by section 181 and Schedule 5 of the 2003 Act amply satisfied the requirements of Article 6 of the European Convention on Human Rights.
31. In R(Westminster City Council) v Metropolitan Stipendiary Council and Merran [2008] EWHC 1202 Admin Mitting J held that where a district judge or magistrates' court is considering imposing conditions on the grant or variation of a licence it will almost always be good practice for the conditions being considered to be discussed, at least in outline, by the parties (see paragraph 9 of the judgment).
32. In R(Daniel Thwaites PLC) v the Wirral Borough Magistrates' Court and others [2008] LLR 536, Black J, as she then was, endorsed the principle that guidance issued by the Secretary of State to licensing authorities on the discharge of their functions under the 2003 Act does not have to be followed. If it is not followed, however, the licensing authority must give "full reasons" for not doing so.

33. In Flannery & Another v the Halifax Estate Agencies Limited [2000] 1 WLR 337 the Court of Appeal considered the general duty of a judge to give reasons for his decision. Giving the judgment of the court, Henry LJ said (at page 381):

"that today's professional judge owes a general duty to give reasons is clear, see R v Knightsbridge Crown Court ex parte International Sporting Club London Limited [1982] QB 304, although there are some exceptions. It does not always or even usually apply in the magistrates' court nor in some areas where the court's decision is more often than not a summary exercise of discretion, in particular orders for costs, with a general duty, see for example R v Harrow Crown Court ex parte Dave [1994] 1 WLR 98... which... contains a useful review of earlier authority."

See also R(Mathialagan) v the London Borough of Southwark Council [2004] EWCA Civ 1689 and McKerry v Teesdale and Wear Valley Justices [2001] ENLR 5.

The issues in the claim

34. For the claimant, Mr Gerald Gouriet QC submits that the District Judge's judgment shows an approach that was wrong in law, contains reasons which are wholly inadequate, and in the result is perverse.

Unlawfulness

35. Mr Gouriet submits that the District Judge failed to follow the correct approach to be taken by a magistrates' court when hearing an appeal from a decision of a licensing authority under the 2003 Act as explained by the Court of Appeal in its judgment in Hope and Glory. He points out that in his judgment the District Judge had said:

"I start with having to consider if the decision of the committee was wrong."

Mr Gouriet submits that that was not the correct approach. What the District Judge ought to have done was to come to his own conclusion on the merits of the appeal, applying the relevant principles of the Act.

36. I agree. What the District Judge had to do was to consider the evidence before him with the relevant principles in mind. Those principles included the necessity that the licensing objectives be promoted, and proportionality. Bearing in mind the decision of the Council's licensing sub-committee and the significance of that decision as the result of the democratically elected members having applied their minds to the issue, the District Judge nevertheless had to adopt the approach approved by the court in Joffe, Sagnata and Hope and Glory. He had to do this by considering "whether, because he [disagreed] with the decision below in the light of the evidence before him, it [was] therefore wrong" (see per Burton J in paragraph 45 of his judgment at first instance in Hope and Glory).

37. Mr Gouriet also submits, and again I agree, that the District Judge went wrong in appearing to equate the idea of a "wrong" decision with that of an "illegal" decision. It seems clear that the judge considered legality rather than the rightness of the decision itself. Such an approach has been deprecated (see for example the judgment of Edmund Davies LJ in Sagnata at paragraphs 30 to 32). What the District Judge had do

was to consider on the merits whether the decision of the licensing sub-committee ought to be upheld.

38. It may be that the District Judge considered that he was considering only whether the suspension of regulated entertainment was lawful. The legality of that suspension had been called into question on the appeal. But that was not the only issue in the appeal. An important theme in the appeal was the challenge to the restrictions imposed on the licence by the licensing sub-committee on the licence. It was incumbent on the District Judge to come to grips with that challenge. In my judgment he did not.
39. In the appeal the claimant argued that the court should not interfere with the hours of operation originally imposed on the licence. It argued that the conditions ought not to be changed to reflect those imposed on the planning permission. That argument before the District Judge was based on three propositions.
40. The first proposition was that the planning and licensing are separate and distinct regimes. The claimant contended that in deciding whether to cut back the hours of the licence, the Council's licensing sub-committee had to have regard to the guidance issued by the Secretary of State, and the District Judge in his turn also had to have regard to that guidance.
41. The claimant accepts that the guidance does not carry the force of statute. The guidance itself says that the court may depart from it if the circumstances of the case so demand, but what neither a licensing authority nor a magistrates' court is entitled to do is simply to ignore the guidance, either because it does not agree with the Government's policy for regulating licensable activities, or for any other reason. Here, Mr Gouriet relies on the decision of the court in Daniel Thwaites PLC.
42. I understand that at the appeal hearing, counsel for the claimant took the District Judge to the relevant parts of the guidance, in particular those relating to the separation between the planning and licensing regimes. It appears, however, that the District Judge did not mention the guidance at all in his judgment. There is no indication in his judgment that he took the guidance into account.
43. Mr Gouriet submits that if the District Judge had followed the guidance, he would not have interfered with the hours originally allowed in the licence. If, however, the judge had thought it right to depart from the guidance, he ought to have given reasons for doing so.
44. The relevant part of the guidance is in paragraphs 13.64 to 13.68, which I need not set out. It is enough to say that both paragraphs of the guidance draw a clear distinction between the licensing and planning regimes.
45. The second proposition urged by the claimant in arguing that the limits on the operating hours of the premises ought to have been left alone was this: that the premises were already bound by the shorter hours imposed in the planning permission and that a breach of that restriction could be met by an enforcement or breach of condition notice. Thus there was no need for the restriction on the hours in the licence to be changed; an

effective control was already there. Again, so far as I can see, the District Judge did not address the submission made.

46. Thirdly, the claimant said to the District Judge that it wanted the hours originally allowed by the premises licence to be left in place, even though it could not use the premises to the full extent of those hours because it was appealing against the imposition of shorter hours in the planning permission. The claimant, as I understand it, frankly said that it did not want the decision of the Magistrates' Court to influence the outcome of the planning appeal.
47. Mr Gouriet submits that this three-fold argument called for a clear response in the District Judge's judgment, but there was none. That submission, it seems to me, is well-founded.
48. Although the police did not appear in the claimant's appeal in the Magistrates' Court, they made their position clear on the restrictions which they wish to have imposed. The restrictions which the police had suggested to the Council were included in the licensing sub-committee's decision. At the hearing before the District Judge, both in opening and in closing submissions, counsel for the claimant referred to the conditions which the claimant said ought to be removed or amended. He told the District Judge that the claimant did not oppose some of the conditions but did oppose others, because they were incompatible with the style of its operation.
49. Following good practice, the claimant had wanted to discuss the wording of the conditions. The Council's licensing sub-committee had not. In any event, although the District Judge had been addressed in detail on the merits and wording of the conditions, he gave no reasons for rejecting the claimant's submissions in this part of their case in their entirety.
50. The guidance issued under the 2003 Act sets out detailed advice on the imposition of conditions on licences. General advice is provided in paragraphs 10.4 to 10.6, which I need not set out, and specific advice is given in paragraphs 10.11 through to 10.17. That advice contains comments on proportionality. Conditions must be necessary to promote the licensing objectives. They must be precise, they must be enforceable and they must be proportionate.
51. Of the 14 conditions imposed by the Council's licensing sub-committee, eight, namely conditions 1, 3, 4, 5, 7, 10, 11 and 12 were agreed. Conditions 2, 6, 8, 9, 13 (a) and (e) were in dispute.
52. Condition 2 states:

"Signs are to be prominently displayed inside and outside the premises warning customers that drug use on the premises will not be tolerated. There will be random searching on entry and police may be called if drugs are found."

The claimant opposed this condition, requesting that signs ought only to be required inside the premises, because it had never been suggested that the claimant's operation had led

to problems associated with legal drugs. That submission was not addressed by the District Judge.

53. Condition 6 states:

"No person shall be allowed to leave the premises whilst in possession of any drinking vessel or open glass bottle, whether empty or containing beverage. Bottle bins shall be provided at the exit doors and staff shall prevent bottles and glasses being taken from the premises."

The claimant resisted this condition. It said that the condition was unnecessary and inappropriate, given the style of the operation. The claimant did not object to preventing drinks being taken out of the premises, but the condition needed to be made more precise. Again, the District Judge appears not to have dealt with the submission made.

54. Condition 8 states:

"The premises will have door supervisors of both sexes on duty at all times when regulated entertainment is taking place. All door supervisors working outside the premises or whilst engaging in the dispersal of patrons at the close of business shall wear high visibility clothing."

55. The claimant protested that it was not always possible to get female door supervisors. If there was no female door supervisor on duty, but only a male one, the condition would be breached. Such a breach might lead to a fine being imposed on the claimant. The requirement that there should be door supervisors on duty at all times when regulated entertainment was taking place in the premises was also too onerous. The claimant accepted that the condition might properly require door supervisors to be present at certain specified times on Fridays and Saturdays, but not otherwise. Again, the points made on behalf of the claimant were not tackled by the District Judge.

56. Condition 9 states:

"All staff should be trained in dealing with persons who are incapacitated through the use of drugs or the combined effects of drugs and alcohol."

The claimant objected to the breadth of this condition in its requirement that all of its staff should be trained to deal with people who became incapacitated by the use of drugs or drugs and alcohol. The claimant pointed out that in the restaurant trade many part-time staff, including students, are employed, and to have to train everybody who worked in the premises to deal with people who were incapacitated would be too burdensome. The claimant wanted the condition changed to stipulate that all front of house staff employed for more than three months would have to have the required training. Yet again, the District Judge seems not to have dealt with the argument put to him.

The relevant parts of condition 13 state:

"A CCTV system should be installed or the existing system maintained covering areas inside and outside of the club. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image that is regarded as "identification standard":

- A. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system. Persons entering the premises should be asked to remove headwear unless worn as part religious observance...
- E. A staff member from the club that is conversant with the operation of the CCTV system will be on the premises at all times the club is open to the public. That staff member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous."
57. The claimant objected to part a. of the condition, arguing, as an example, and perhaps an extreme one, that it would apply to women who were dining at the premises after Ladies' Day at Ascot. This was a condition, said the claimant, which might be imposed on licences at night clubs which attracted customers who wore hoodies or baseball caps, but not the type of establishment the claimant had here. Once again, the substance of the argument appears not to have been dealt with by the District Judge. The claimant argued that part e. of condition 13 was so unclear as to be void. The expressions "the absolute minimum of delay" and "almost instantaneous" were obscure. The claimant contended for the words "or at any rate within an hour" to be added to make this part of the condition more precise. This point, too, went without comment or conclusion in the District Judge's judgment.
58. The District Judge is not recorded as having dealt explicitly with any of the disputed conditions. For him to say simply that he was unable to conclude that the decision of the Council's licensing sub-committee was wrong does not seem to me to have been enough. Certainly it is not sufficient for the purposes of disposing of the main issues before the District Judge in the appeal. It was not enough, in my view, for him simply to state that the decision of the Council's committee "complied with the licensing objectives to solve the problems."
59. For the District Judge to say that the requirements of the police were not "illegal" does not seem to me to be sufficient, either. The question here was not one of legality; it was whether specific conditions were necessary and enforceable. That basic issue went undetermined. The District Judge ought to have considered whether conditions were necessary in the light of the advice in the relevant guidance.

Reasons

60. Mr Gouriet submits, and I accept, that it is trite law that a litigant should know why he had won or lost his case. In a case such as this it was not enough, in my judgment, for the District Judge simply to say that the decision taken below was not wrong. He needed to explain why. That does not mean that he needed to provide extensive reasons, but his reasons needed at least to show that he had addressed the main issues before him.
61. The appeal before him had raised three main questions: first, whether regulated entertainment should be suspended for three months, or a shorter period, or at all;

secondly, whether the operating hours of the premises should be cut back; and thirdly, whether the disputed conditions ought to have been imposed either at all or in the form in which they were imposed.

62. In my view one reads the notes of the District Judge's judgment one does not see reasoning sufficient to grapple with those matters, certainly not to the extent that the claimant can understand why in each of those three respects its appeal has failed. The claimant is left without an explanation of why the suspension of regulated entertainment should be left in place. As I have already said, there is no explanation for the judge's rejection of the claimant's argument on conditions. And there is no explanation for the judge apparently having accepted that the operating hours should remain as the Council's sub-committee had left them.
63. In my judgment, therefore, the District Judge was at fault in failing to provide proper and adequate reasons for his decision.

Irrationality

64. Mr Gouriet submits that the District Judge's conclusion that the decision of the Council's licencing committee was not wrong in the decision it made was in the circumstances perverse. The District Judge seems to have fallen into the same errors as had the committee. He could not reasonably have held the committee's decision to be correct. Had he heeded the discipline of giving clear and adequate reasons on the issues in dispute, he would have had to come to grips with those issues. This he did not do. The result, says Mr Gouriet, was an irrational decision. The judgment did not show that the judge had asked himself the right questions or that he had approached them in a rational way.
65. In my judgment there is force in those submissions. The District Judge did not heed the discipline of providing reasons which were clear and adequate for his conclusions and it seems to me that in failing to do so, he did not grapple with the issues themselves.
66. In my judgment his decision was not one that in the circumstances he could reasonably have reached.

Conclusion

67. For all of those reasons, this application succeeds. I shall hear Mr Gouriet as to the appropriate form of relief.
68. MR GOURIET: My Lord, thank you very much. The relief requested is that the matter be remitted to be heard by a differently constituted Magistrates' Court.
69. MR JUSTICE LINDBLOM: That must be right, I think. That is the only form of relief which seems appropriate in the circumstances.
70. MR GOURIET: And there are no applications for costs.
71. MR JUSTICE LINDBLOM: No.

72. MR GOURIET: There is a further matter, arising however. As I indicated during argument, there is being promulgated currently a different interpretation of the Court of Appeal's judgment in the Hope and Glory case, but being promulgated quite widely by leading counsel and it is taking root. We would very much like to be in a position of showing your Lordship's brief explanation of that case, which, with the greatest of respect, is of course correct, as a way of countering the misinterpretation that is widespread now throughout the United Kingdom. The difficulty we have, of course, is the practice direction relating to the citation of authorities, of which I have a copy and will hand to your Lordship in a moment, at face value would prevent our showing the courts your Lordship's judgment, this being an ex parte hearing; there has been no arguing of the case on the other side. Shall I show you the practice direction?

73. MR JUSTICE LINDBLOM: Yes, go on.

74. MR GOURIET: It is possible for your Lordship to make a declaration that would save us from that fate, which I am going to ask for. This will not take long. This is a practice direction which was issued under Lord Chief Justice Woolf in 2001 and as you will see with the concurrence of Lord Phillips, Butler-Sloss LJ and the Vice Chancellor. Being so, the headnote is of more importance than a headnote provided as a summary by one of the writers of the Law Report. I start with the headnote. "Practice: civil proceedings: citation of authorities. Categories of judgment to be cited only if clearly purporting to develop law." That is the way it is put in the headnote. In the introduction, paragraph 1 deals with the problem:

"the substantial growth in the availability of reports, and the amount of paper we now produce".

Paragraph 2:

"The latter issue is a matter of a rapidly increasing importance. Recent and continuing efforts to increase the efficiency and thus reduce the costs of litigation, whilst maintaining the interests of justice, will be threatened if the courts are burdened with a weight of inappropriate and unnecessary authority. Paragraph 3: with a view to limiting the citation of previous authority to cases which are relevant and useful to the court. The practice direction lays down [I summarise] a series of rules."

75. Those preliminaries are important, because they allow one to give a wide interpretation to category 6(1): "A judgment falling into one of the categories referred to in paragraph 6(2) below...", can I take you immediately there?

76. MR JUSTICE LINDBLOM: Yes.

77. MR GOURIET: It is the next page. "Applications attended by one party only", so we are within 6(1).

78. MR JUSTICE LINDBLOM: Yes.

79. MR GOURIET: "...may not in future be cited before any court unless it clearly indicates this it purports to establish a new principle or extent the present law". On face

value we fall outside that, but if you give the words a wide meaning bearing in mind the headnote and the purpose of this practice direction, I suggest, is the correction of the interpretation given to a very recent Court of Appeal case, that is causing extensive problems throughout the Kingdom. It might possible to squeeze this matter in to that extent.

80. MR JUSTICE LINDBLOM: Well, on the face of paragraph 6(1) what I have done is very definitely not to purport to establish a new principle or to extend the present law, merely to explain my understanding of it and to apply it, which I believe I have done.
81. MR GOURIET: But if one goes back to the headnote, which is put in different words and as part of the practice direction it may be that your Lordship feels he has, in explaining a very recent Court of Appeal case, assisted in the development of the law.
82. MR JUSTICE LINDBLOM: I do not know whether that might not be presumptuous of me. I would wish to help you if I could, Mr Gouriet, but at the same time I do not want to transgress here.
83. MR GOURIET: 6(1) goes on in respect of judgments delivered after the date of this direction there must be an indication from your Lordship, an express statement, to the effect that as I say, you are, I would respectfully put it, assisting in the development of the law by its explanation in the knowledge that what is being said --
84. MR JUSTICE LINDBLOM: I would say this: that the decision of the Court of Appeal in Hope and Glory, to me, is perfectly clear. The passage to which you referred in paragraph 47, what Toulson LJ said at the end of that paragraph, seen in context is absolutely plain. As I have emphasised in the judgment I have just given, the court expressly endorsed what Burton J said in the passage of his judgment which I have set out. Now, if others take a view that is different from that and choose to put a different interpretation on what I think is the perfectly clear judgment of the Court of Appeal in Hope and Glory, the question here is whether I am prevented from adding the benefit of my judgment to that debate, if debate it is.

"A judgment falling into one of the categories referred to in paragraph 6(2) below may not in future be cited before any court unless it clearly indicates that it purports to establish a new principle or to extend the present law.

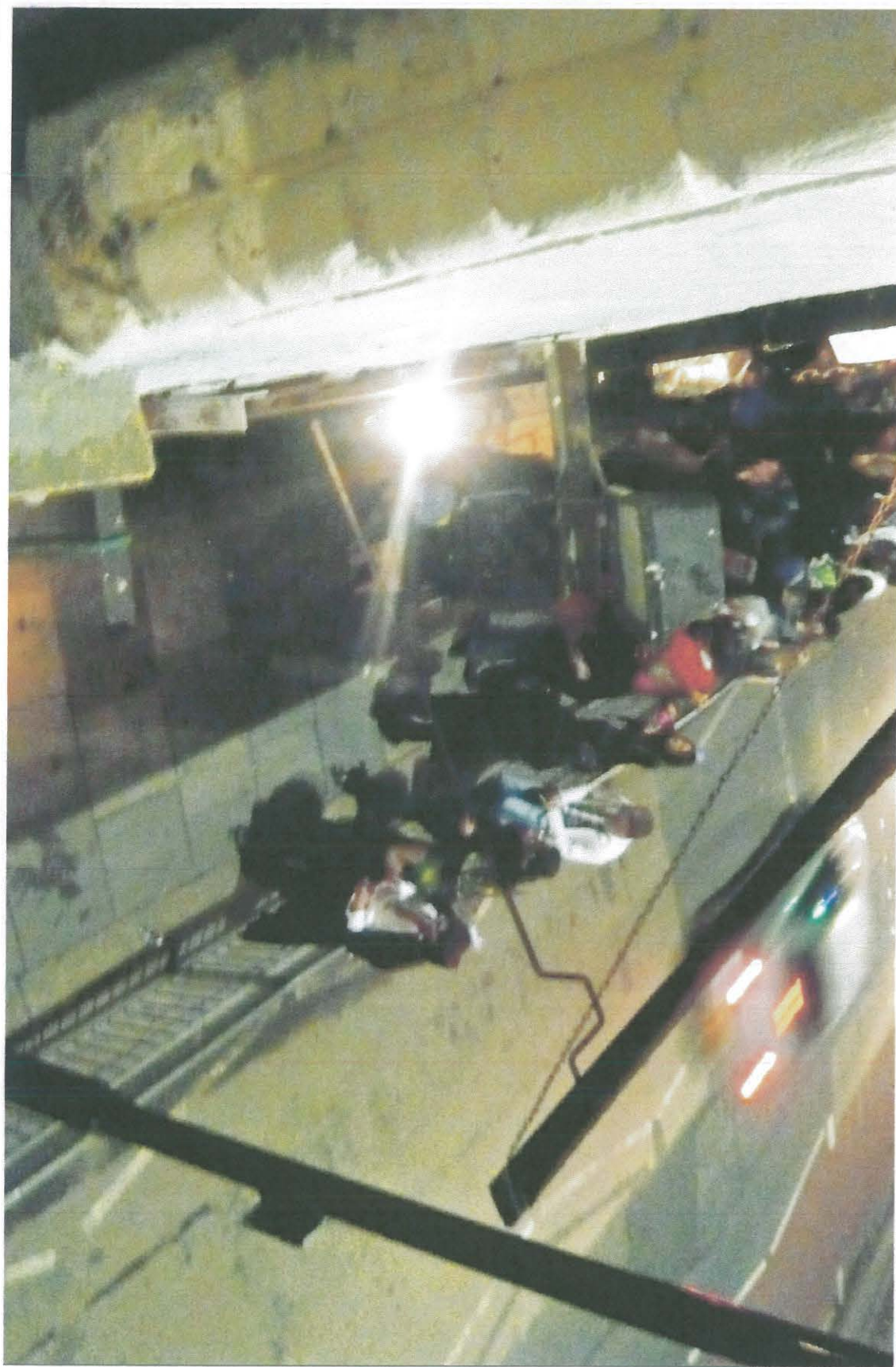
In respect of judgments delivered after the date of this direction that indication must take the form of an express statement to that effect."

In other words you are inviting me expressly to say that I have purported to establish a new principle or to extend the present law.

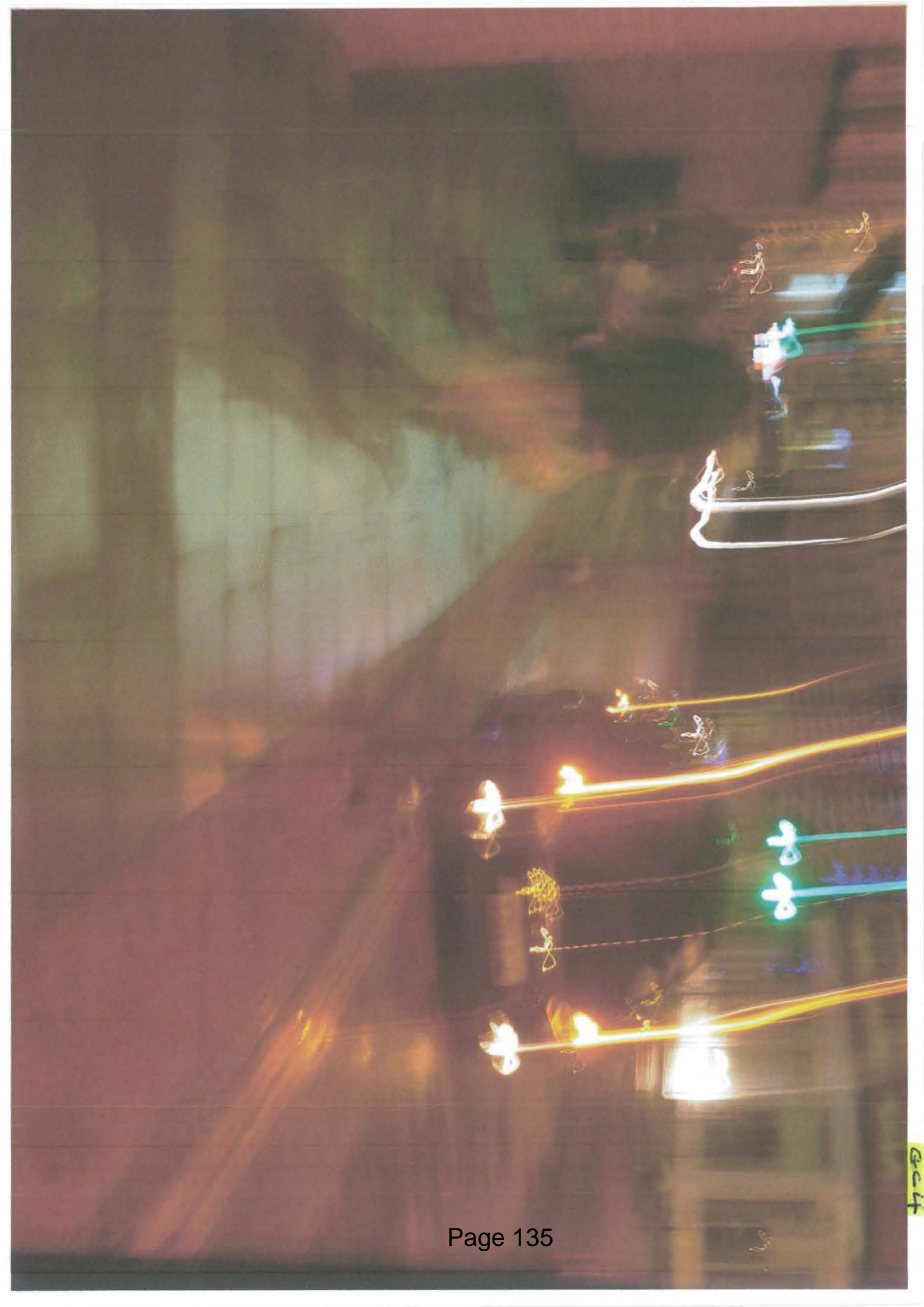
85. MR GOURIET: As I began by saying, only if one gives those words a very wide meaning, assisted by the purpose of this practice direction and the headnote. If I can just add, before your Lordship decides the matter, that there is this alternative argument, as it were, that there are two species of practice directions: those issued under the auspices of the Supreme Court and those which just arise, as this one did,

handed down by the Lord Chief Justice. Practice directions falling into the latter category are said to be of guidance and may be departed from in the interests of justice. Some support for that proposition --

86. MR JUSTICE LINDBLOM: Yes, the first point that occurs to me is this: you have Court of Appeal authority, recent Court of Appeal authority, in Hope and Glory. In my judgment that is perfectly authoritative on a central issue in the case before me. I am not seeking to put any gloss on what the court said in Hope and Glory, to expand the law beyond that. What I am prepared to say, which is effectively what I have already said to you, is that I have striven to understand and underline that recent authority in a way which effectively reinforces the present law. I can put it that way. For a first instance judge to say that he has extended the law when he believes that he has applied the law established by the Court of Appeal I think might be seen as disingenuous.
87. MR GOURIET: If your Lordship was prepared to ponder whether you had developed the law.
88. MR JUSTICE LINDBLOM: I do not know that I have developed the law. I have applied the law.
89. MR GOURIET: It is not what --
90. MR JUSTICE LINDBLOM: It is always tempting for a judge to think that he might have developed the law. I am prepared to resist that temptation, Mr Gouriet, on this occasion.
91. MR GOURIET: Can I take the devil's role and tempt you further just with this: the law now is not what it was this morning. It is developed.
92. MR JUSTICE LINDBLOM: Well, in so far as our jurisprudence is a wonderfully dynamic thing, that must always be the case.
93. MR GOURIET: That is all I need, thank you very much.
94. MR JUSTICE LINDBLOM: I think that is all I can give you. I am very grateful to you, Mr Gouriet. Thank you very much for your submissions. I have dealt with everything?
95. MR GOURIET: Yes, thank you.



GCH





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Appendix 7

Andrew Heron

From: Andrew Heron on behalf of Licensing
Sent: 02 December 2013 11:33
To: Andrew Heron
Subject: FW: Objection to new licence at 19-23 Bethnal Green Road

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

From: Robin Fellgett [REDACTED]
Sent: 01 December 2013 13:36
To: Licensing
Cc: Jago Action Group; [REDACTED]
Subject: Objection to new licence at 19-23 Bethnal Green Road

Dear Sirs,

I write to object to the grant of a private members club licence in response to the application received by the authority on 20th November 2013 for the following address:

1st Floor
19-23
Bethnal Green Road
London
E1 6LA

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

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

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

yours faithfully.

Robin Fellgett
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 8

Andrew Heron

From: Jonathan Fitch [REDACTED]
Sent: 03 December 2013 15:25
To: Andrew Heron
Subject: Re: Objection to licence application: 1st Floor, 19-23 Bethnal Green Road

Dear Andrew -

My address is: [REDACTED]

Regards,
Jonathan Fitch.

Sent from my device

On 3 Dec 2013, at 15:07, Andrew Heron [REDACTED] wrote:

Dear Mr Fitch,

To validate you representation, please provide me with your home address.

I look forward to hearing from you,

Regards,

Andrew Heron
Licensing Officer

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

From: Jonathan Fitch [REDACTED]
Sent: 02 December 2013 23:29
To: Licensing
Subject: Objection to licence application: 1st Floor, 19-23 Bethnal Green Road

Dear Sirs -

I write to object to the grant of a private members club licence in response to the application received by the authority on 20th November 2013 for the following address:

1st Floor

19-23

[Bethnal Green Road](#)

[London](#)

[E1 6LA](#)

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

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

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

Yours faithfully,
Jonathan Fitch.

Working Together for a Better Tower Hamlets

Web site : <http://www.towerhamlets.gov.uk>

London Borough of Tower Hamlets E-Mail Disclaimer.

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Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

Appendix 9

Andrew Heron

From: Matt Johnson [REDACTED]
Sent: 03 December 2013 14:45
To: Andrew Heron
Subject: Re: License Application - Lapsang Limited - 19/23 Bethnal Green Road London E1 6LA.

Dear Mr Heron

I should, of course, have included the information that I have lived and worked in Shoreditch for nearly 30 years. I have a young family, including a 19 month old baby. He is regularly kept awake by the shouting and screaming of drunken revellers as they pour out of the bars and stagger up the streets, from Bethnal Green Road and Shoreditch High Street. This, despite the fact we have double glazing installed.

At least three mornings per week when we open our front door we find pools of urine and vomit as well as broken glass directly in front of our hime. We are forced to wheel our baby buggy through this foul detritus, which is a completely a by-product of a 'night time economy' that has spiralled out of control. If this does not constitute the Licensing Conditions "Protection of Children From Harm' and 'Public Safety' then I'm not sure why these conditions was even attached if the local authorities refuse to use common sense in their application.

Crime rates, noise and anti-social behaviour have all increased dramatically since the Licensing Act in 2003 and we regularly witness drug dealing in the streets outside our home between dealers and drunken revellers. We do of course report this to the Police, who admit they have a hard time catching these drug dealers as they keep their drugs in condoms in their mouths and swallow it whenever the police get too near. If this does not come under another the Licensing Objectives 'Prevention of Crime and Disorder' and 'Prevention of Public Nuisance' then, again, I really don't know why they were even attached to the Licensing Act. If there were not thousands of drunken customers from this over abundance of bars then these drug dealers would not now be infesting the streets outside our homes.

A cousin of mine used to be a Licensing Officer for Tower Hamlets and she warned me about the consequences of the Act when it was brought in a decade ago. It seems that all the power now resides with the bar owners. But I do applaud the creation of a new Saturation Zone and would urge Tower Hamlets to join forces with Hackney to ensure there are no gaps between the latter's Special Policy Area.

To continue granting more and more licenses in an area that is already way past saturation point, as in the recent application from Lapsang Limited, is only going to draw more and more drunken revellers into an area that can no longer cope. Even the street cleaners are almost in tears. Therefore I urge the Tower Hamlets to show some backbone and start to stand up for the local community.

We did not move into an area that is over-saturated with bars. The bars moved into an area that already had lots of families living in it. But sadly the local authorities have been so enfeebled by the Licensing Act that they appear beholden to the 'night time economy' and therefore application after application appears to be merrily waved through whilst members of the local community are forced to jump through hoops to prove their lives have been made miserable by the excess of those who descend upon the streets outside our homes in their thousands several nights per week.

I hope the above helps you accept my objection as genuine.

Kind regards

Matt Johnson

Co-chairman Shoreditch Community Association

On 3 Dec 2013, at 15:16, Andrew Heron <Andrew.Heron@towerhamlets.gov.uk> wrote:

Dear Mr Johnson,

Thank you for your email, the contents of which are noted.

Unfortunately I cannot accept this as a valid representation as it does not contain enough information. In order for us to consider your representation, you must make it clear how granting this application will have a relevant impact to one or more of the licensing objectives:

- the prevention of crime and disorder
- the prevention of public nuisance
- public safety
- the protection of children from harm

It is not sufficient just to send the list of objectives. You should include personal examples of how you are currently affected and how the granting of the license will exacerbate that.

Feel free to add in your opinion in relation to the saturation zone again.

I look forward to hearing from you.

Regards,

Andrew Heron
Licensing Officer

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

From: Matt Johnson [REDACTED]
Sent: 02 December 2013 16:58
To: Andrew Heron
Subject: License Application - Lapsang Limited - 19/23 Bethnal Green Road London E1 6LA.

Dear Andrew Heron,

I would like to object in the strongest terms to the application by Lapsang Ltd. for a new premises license for the first floor of 19/23 Bethnal Green Road London E1 6LA.

Shoreditch is already way past saturation point with licensed premises and is suffering the effects of anti social behaviour from the many thousands of 'booze tourists' who now descend upon us several nights per week.

Although I understand that the Council's power to refuse such premises has been weakened by the 2003 Licensing Act I believe there are strong enough grounds to refuse this application on the criteria contained within the Act.

1. the prevention of crime and disorder,

2. public safety,
3. prevention of public nuisance, and
4. the protection of children from harm

These premises are situated in the Brick Lane Area cumulative impact zone and the applicant has not shown through the operating schedule with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

I request that the licensing authority reject this application.

Yours sincerely

Matt Johnson
Co-chairman Shoreditch Community Association



Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

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Appendix 10

Licensing Officer
Licensing Section
LBTH
6TH Floor Mulberry Place (TC)
5 Clove Crescent
London E14 2BG

Dear Andrew Heron,

We, the Shoreditch Community Association would like to make an objection to the application by Lapsang Ltd. for a new premises license for the first floor of 19/23 Bethnal Green Road London E1 6LA.

The SCA, wishes to object on behalf of all its members on the following basis:

- 1.The premises are situated in the Brick Lane Area cumulative impact zone and the applicant has not shown through the operating schedule with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.
2. The proposed licensed premises is directly above the Restaurant and late night bar known as Beach Blanket Babylon and the effect of granting this license will create an single huge premises for the supply of alcohol. This area has already reached saturation point for licensed premises. I believe that the granting of this license will be to the detriment of the amenity of the area for local residents.
3. It will have a cumulative impact on an area which is already at breaking point.
4. This license will increase the likelihood of serious problems of disorder and nuisance outside and some distance form the premises, over and above the impact of the premises.

Please confirm receipt of this and reply to [REDACTED]

We cannot emphasize enough that the Shoreditch and Bethnal Green area is at breaking point. We are now working closely with the Met Police and Hackney Council to prevent it breaking. We now need Tower Hamlets to also sit up and protect the residents, which include young families!

Yours sincerely

SCA
Shoreditch

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk> <<http://www.towerhamlets.gov.uk/>>

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If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

Appendix 11

Andrew Heron

From: Brendon Pinch [REDACTED]
Sent: 02 December 2013 13:44
To: Licensing
Cc: Andrew Heron
Subject: Objection

I write to object to the grant of a private members club licence in response to the application received by the authority on 20th November 2013 for the following address:

1st Floor
19-23
Bethnal Green Road
London
E1 6LA

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

The current licence holders at the above address have continually caused disturbance and disruption to the occupants of the neighbouring properties (noise from their waste disposal activities and patrons leaving/smoking outside the premises) and we have no reason to believe that the current applicant will conduct its business any better.

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

Kind regards

Brendon Pinch
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 12

Marcus Taylor

Andrew Heron
Licensing Officer
Licensing Section
LBTH
6TH Floor Mulberry Place (TC)
5 Clove Crescent
London E14 2BG

Dear Andrew Heron,

I would like to make an objection to the application by Lapsang Ltd. for a new premises license for the first floor of 19/23 Bethnal Green Road London E1 6LA.

I wish to object for the following reasons

The premises are situated in the Brick Lane Area cumulative impact zone and the applicant has not shown through the operating schedule with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

The proposed licenced premises is directly above the Restaurant and late night bar known as Beach Blanket Babylon and the effect of granting this license will create an single huge premises for the supply of alcohol. This area has already reached saturation point for licensed premises. I believe that the granting of this license will be to the detriment of the amenity of the area for local residents.

The granting of this license will increase the likelihood of serious problems of disorder and nuisance outside and some distance form the premises, over and above the impact of the premises.

I request that the licensing authority reject this application.

Yours sincerely

Marcus Taylor

Appendix 13

RACHEL WHITEREAD

Andrew Heron
Licensing Officer
Licensing Section
LBTH
6TH Floor Mulberry Place (TC)
5 Clove Crescent
London E14 2BG

Dear Andrew Heron,

I would like to make an objection to the application by Lapsang Ltd. for a new premises license for the first floor of 19/23 Bethnal Green Road London E1 6LA.

I wish to object for the following reasons

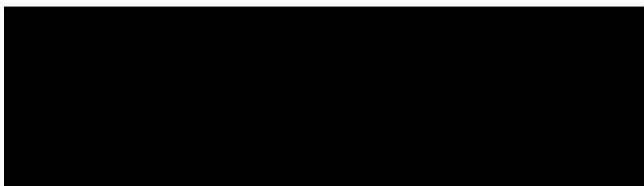
The premises are situated in the Brick Lane Area cumulative impact zone and the applicant has not shown through the operating schedule with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

The proposed licenced premises is directly above the Restaurant and late night bar known as Beach Blanket Babylon and the effect of granting this license will create an single huge premises for the supply of alcohol. This area has already reached saturation point for licensed premises. I believe that the granting of this license will be to the detriment of the amenity of the area for local residents.

The granting of this license will increase the likelihood of serious problems of disorder and nuisance outside and some distance form the premises, over and above the impact of the premises.

I request that the licensing authority reject this application.

Yours sincerely



Appendix 14



**METROPOLITAN
POLICE**

TOTAL POLICING

Tower Hamlets Borough

Licensing Team

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

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

Office: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

Your ref:

6th December 2013

Dear Mr McCrohan,

Re: Application for a Premises Licence
The Private Members Club
19-23 Bethnal Green Road, E1 6LA

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:

Sunday - Wednesday: 1000 - 0100

Thursday - Saturday: 1000 - 0300

The hours the premises are open reflect the above times.

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

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

This part of Bethnal Green Road falls within the Cumulative Impact Zone (CIZ) and also the Shoreditch Triangle, featuring the busiest parts of Tower Hamlets, Hackney and Islington. There has been a steady increase in bars, restaurants and fast food premises. This Private Members Club sits above Beach Blanket Babylon, another licensed premises and has a business connection with BBB.

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

This Private Members Club sits above Beach Blanket Babylon, another licensed premises and has a business connection with BBB.

The applicant states that the Private Members Club "will not open to the public at large" It may have rules etc of a club but it is not a club that is run for members and the profits return to the members, otherwise it would be applying for a Club Licence.

What are the rules of the club? How long does it take to become a member? Can you join on the night?

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

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

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

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

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

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

I am hoping to include a statement from Weavers NPT in regards to this area.

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

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

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

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

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

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

Table 2: Alcohol Attributable Admissio. Rates 2011/2012

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

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

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

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

If they are to consider granting a licence, I would ask that they consider removing the seasonal variations. Police resources are already stretched over this period and the possibility of a venue remaining open throughout the night is of concern.

Conditions.

1. A drugs policy to be agreed with the Tower Hamlets Police Licensing Unit.

2. Two SIA staff to be employed from 2100 until closing
3. F696 to be completed if there are outside promoters or DJs

Alan Cruickshank PC 189HT

WITNESS STATEMENT


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

Statement of **Colin REED**..... URN:

--	--	--	--

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

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

Signature:  Date: 18/12/13.....

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


I am completing this statement in response to the application for a licence, for the premises of Private Members Club, 19-23 Bethnal Green Road, E1.

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

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

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

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

Signature:  Signature witnessed by:

Appendix 15

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 16

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 17

Acting as a Magnet Attracting the Young who then Engage in Anti-Social Behaviour

General Advice

Members will need to consider whether any of the problems alleged to be associated with young people are the responsibility of the premises. Are they encouraging gangs in any way? If not, there may not be any proportionate conditions that can be applied? Are these patrons of the premises?

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. However, hours may be an important issue.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate (in relation to the behaviour of patrons who have left the premises) 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):

- 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

Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

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.

Anti-Social Behaviour Act 2003

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

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

Appendix 18

Drug Taking

General Advice

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

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

The applicant should be instituting measures advised by the Police

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

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

Members should also bear in mind other Police powers.

Licensing Policy

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Other Legislation

Anti-Social Behaviour Order Act 2003

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

Crime and Disorder Act 1998

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

Appendix 19

Drinking Beyond the Permitted Hours

General Advice

Members need to consider the evidence carefully. Is what is being alleged more properly a criminal matter? The Licensing Act 2003 only makes it an offence to supply alcohol after the permitted time. Thus it may perfectly lawful to have patrons on the premise consuming alcohol several hours after it ceased to be legal to supply it (licence terms vary).

However, if this is causing a problem in relation to one of the licensing objectives, which are most likely to be:

- the prevention of crime and disorder
- the prevention of public nuisance

then, if Members consider it proportionate to do so, they should set appropriate conditions, such as reducing the permitted opening hours.

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

Other Legislation

Planning controls may lay down the hours of operation of the premises.

Appendix 20

Noise While the Premise is in Use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19)

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

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

Other Legislation

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

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

Appendix 21

Access and Egress Problems

Such as:

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

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

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

Appendix 22

Noise Leakage from the Premises

General Advice

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

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

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

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

Licensing Policy

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

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

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

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

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks

Police Powers

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

Licensing Act 2003

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

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

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

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

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

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

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

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

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

Other Legislation

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

Appendix 23

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 24

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

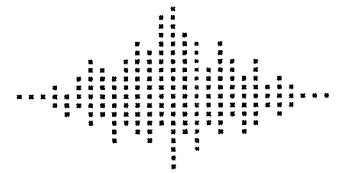
(see 12.8 of the licensing policy)

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

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

APPENDIX 25

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Reference: Beach Blanket Babylon

Project No: 1010950

Date: 17th January 2014

Technical note

Re: Variation in Noise Levels around Beach Blanket Babylon with and without operation of first floor, December 2013 and January 2014

1.0 Summary

1.1 The noise climate around Beach Blanket Babylon (BBB) is dominated by road traffic noise, even late into the night. The operation of BBB has no significant impact on noise in the streets in the surrounding area. Some short duration increase in level can be observed at the Club Row end of Whitby Street when the first floor closes (for a period of 5 to 10 minutes) and it is possible to measure a small increase in noise level when people gather outside BBB rear door to smoke sometimes. However, noise levels from people outside other venues in the areas, and in particular outside Lounge Lover (immediately opposite BBB rear door) is similar in level (and in general the increase in level appears to be a little higher at other venues). Given the level of noise from other sources, particularly road traffic, these small increases are negligible.

2.0 Introduction

2.1 Sharps Redmore were asked by the owner of Beach Blanket Babylon to carry out a survey of noise levels in the area around BBB during its operation in the two weekends leading up to Christmas 2013 and in January 2014 in order to assist with the consideration of noise at a licensing hearing anticipated early in 2014 and to provide a baseline against which design targets could be set for some proposed changes at BBB which will require planning permission.

2.2 Measurements were made by Sharps Redmore staff on 13th, 14th and 21st December 2013 and the 10th – 11th January 2014 in the streets around BBB in the late evening and early hours of the night. On the evenings of 13th, 14th and 21st BBB held private parties in part of the first floor and we were asked to consider in particular the noise impact of these as part of the survey. On the evening of 10th to 11th January no party was held and the first floor of BBB was not in use.

2.3 Our client specifically asked us to evaluate and report on:

- Existing noise levels on a typical weekday night, when BBB was not holding an event at its first floor;

- ▣ Existing noise levels on a typical Friday or Saturday night, when BBB was not holding an event at its first floor;
- ▣ Typical noise levels on a night when BBB was holding an event at its first floor;
- ▣ The impact noise from people arriving and leaving the premises, compared with other noise sources in the area;
- ▣ A subjective assessment of noise and disturbance from each of the above to accompany the readings.

3.0 Survey Methodology

- 3.1 Manned measurements were made on 13th, 14th and 21th December 2013 and 10th to 11th January and 15th January 2014 whilst standing on the pavement unobtrusively with a small Type 2 sound level meter tucked inside a jacket and only the microphone and windshield visible on the lapel of the jacket. Observations and measurements were noted and these notes are shown in Appendix B. Equipment used the CEL 360 Noise Dosimeter in SLM mode, Serial no. 042710 with a microphone fixed to the lapel of a coat at approx. 1.5 metres above the ground. Manned measurements were made at ten locations, shown in Figure A1 in Appendix A marked as locations 1 to 10. Measurements were short duration, being typically between 2 and 3 minutes.
- 3.2 This technique meant that measurements could be carried out safely without drawing attention to the survey, but also meant that measurement conditions were not ideal. It would have been preferable to have measured using a Type 1 sound level meter (which has higher intrinsic precision) and to have placed the microphone on a tripod to have obtained free field measurements. It would also have been preferable to have measured over a longer duration and at fixed points. These differences between ideal conditions and those used will have introduced a higher than usual errors to results. Nevertheless, given the circumstances, we consider that the results allow a reasonable comparison to be made between different nights and different operating conditions.
- 3.3 Unmanned measurements were also made between 13th December and 16th December 2013 using a Norsonic Model 118 Type 1 precision sound level meter set up at first floor level to the rear of commercial units on Bethnal Green Road. This location was well screened from direct sound from road traffic on Bethnal Green Road and appears to provide a good correlation with readings taken at street level on Whitby Street concurrently. Readings at this location can therefore be used to provide an indication of noise levels on Whitby St over each evening when manned measurements were not made. This location is shown as Location 11 in Figure A1 in Appendix A.
- 3.4 Measurements were made of L_{Aeq} and L_{A90} values and the results, along with observations, are shown in Tables B1 to B10 and Figures B1 and B2 in Appendix B.

4.0 Terminology

- 4.1 The L_{Aeq} index is known as the A weighted equivalent noise level. It is often used for the assessment of overall noise exposure. This is a notional steady level which would, over a given period of time, deliver the same sound energy as the actual time-varying sound over the same period. Hence fluctuating levels can be described in terms of a single figure level. This value is often referred to as the ambient noise level.
- 4.2 The L_{A90} is the A weighted level exceeded for ninety per cent of the time, has been adopted to represent the background noise level.
- 4.3 The unit generally used for measuring environmental noise is the A-weighted sound pressure level in decibels, dB. The weighting is based on the frequency response of the human ear and has been found to correlate well with human subjective reactions to various sounds. A change of 3 dB is the minimum perceptible under normal conditions, and a change of 10 dB corresponds to a subjective halving or doubling of the loudness of a sound.

5.0 Consideration of results

- 5.1 Measured ambient noise levels were almost entirely due to road traffic. Bethnal Green Road was busy throughout all nights, even late into the night. To the north of Bethnal Green Road, on Whitby Street and Redchurch Lane, the background level (the level exceeded for 90% of the monitoring period) was less influenced by road traffic noise and so provides a better indicator of how noise levels fluctuate due to sources other than cars passing close to the monitoring point.
- 5.2 It is helpful, therefore, to look at how noise levels vary across the night by comparing the L_{A90} values. Figure B1 in Appendix B shows the variation in L_{A90} level over the evening and night of 13th to 14th, 14th to 15th and 15th to 16th December. These nights were Friday/Saturday, Saturday/Sunday and Sunday/Monday respectively. As can be seen, levels on Friday and Saturday were higher due to the fact that more people were out on these nights (and therefore there was more road traffic). Levels taken at ground level close to this monitoring point (on Whitby Street) between 2300 hours on 14th and 0200 hours on 15th show a consistent difference, with ground level readings being around 4 dB higher.
- 5.3 The reason for the higher levels occurring between around 2230 hours on 14th and 0130 hours on 15th is not known, but it is likely to be due to road traffic congestion leading to increased use of Chance Street. There were periods during the manned survey during the previous night (on 13th and 14th) between 2300 and 0100 hours when Bethnal Green Road traffic was immobile and at these times, road traffic noise levels were higher; surrounding streets were used more by taxis and more vehicle horns were sounded.

- 5.4 Parties on the first floor at BBB finished at 0300 hours on 14th, 15th and 21st December. There is no change in levels in the time trace shown in Figures B1 or B2. (Figure B2 shows the L_{Aeq} levels for the same time periods). This shows that there is no measureable change in noise levels in the next street resulting from people leaving the first floor parties when they close.
- 5.5 The fluctuations in level and overall differences between nights appears to be due almost entirely to the difference in road traffic flows on these nights, and there is no measureable difference occurring as a result of the use of the first floor area of BBB in the surrounding streets.
- 5.6 Measurements of noise levels and observations of activities on the evenings of 13th, 14th and 21st December are shown in Appendix B. As can be seen, there is no measureable or observable change in ambient noise or background noise in the surrounding area resulting from the operation of BBB. The streets around were generally very busy with people out partying in the run up to Christmas and noise levels being from vehicles rather than from music noise or raised voices. People passing in groups were sometimes shouting were this was noticeable although made little difference to the measured noise level.
- 5.7 On the night of the 21st December, measurements were made in Whitby Street immediately next to the door of BBB at the time when the first floor party was closed and people were leaving. At the Chance Street end of the road, there was no change in level, but at the Club Row end, for a period of around 5 minutes, levels in the street were marginally higher as a result of the voices of people leaving. To consider this change in level in context, the measured levels at this time were similar to those an hour or so earlier in the evening on that night or between 0130 and 0200 hours on 14th December when there was a small group of people outside the Lounge Lover (the club opposite the rear entrance to BBB on Whitby Street) talking and smoking.
- 5.8 Noise levels were measured on the night of 10th to 11th January (a Friday night) and again on 15th January (a Wednesday evening) when BBB was not holding an event at its first floor in an attempt to make a comparison with the nights when it was. A direct comparison of the weekend evenings / nights is not possible since the whole area was observed to be busier in the lead up to Christmas than on a weekend night early in January (as one might expect). However, it is possible to make some useful observations:
- ▣ Background noise levels in Whitby Street, Chance Street end between 0100 and 0400 hours varied between around 55 and 59 dB on nights when the first floor was in use and on nights when it was not.
 - ▣ In the centre of Whitby Street, the background level when BBB first floor was operational was between 53 and 61 dB between 0100 and 0230 hours and between 52 and 58 dB on nights when it was not operational.

- ▣ At Club Row end of Whitby Street, the background level was between 55 and 67 dB when the first floor was operational. On a night when BBB first floor was not operational the level was between 53 and 61 dB in the same period in that location. The higher levels occurred when there was some vehicular activity in Whitby St or when a number of people were standing outside either BBB or Lounge Lover smoking and talking. The increase in noise level during such times was relatively small and generally confined to the Club Row end of Whitby Street.
- ▣ There was no observable (or measureable) noise from music within BBB outside the premises in Whitby Street at any time.

6.0 Conclusions

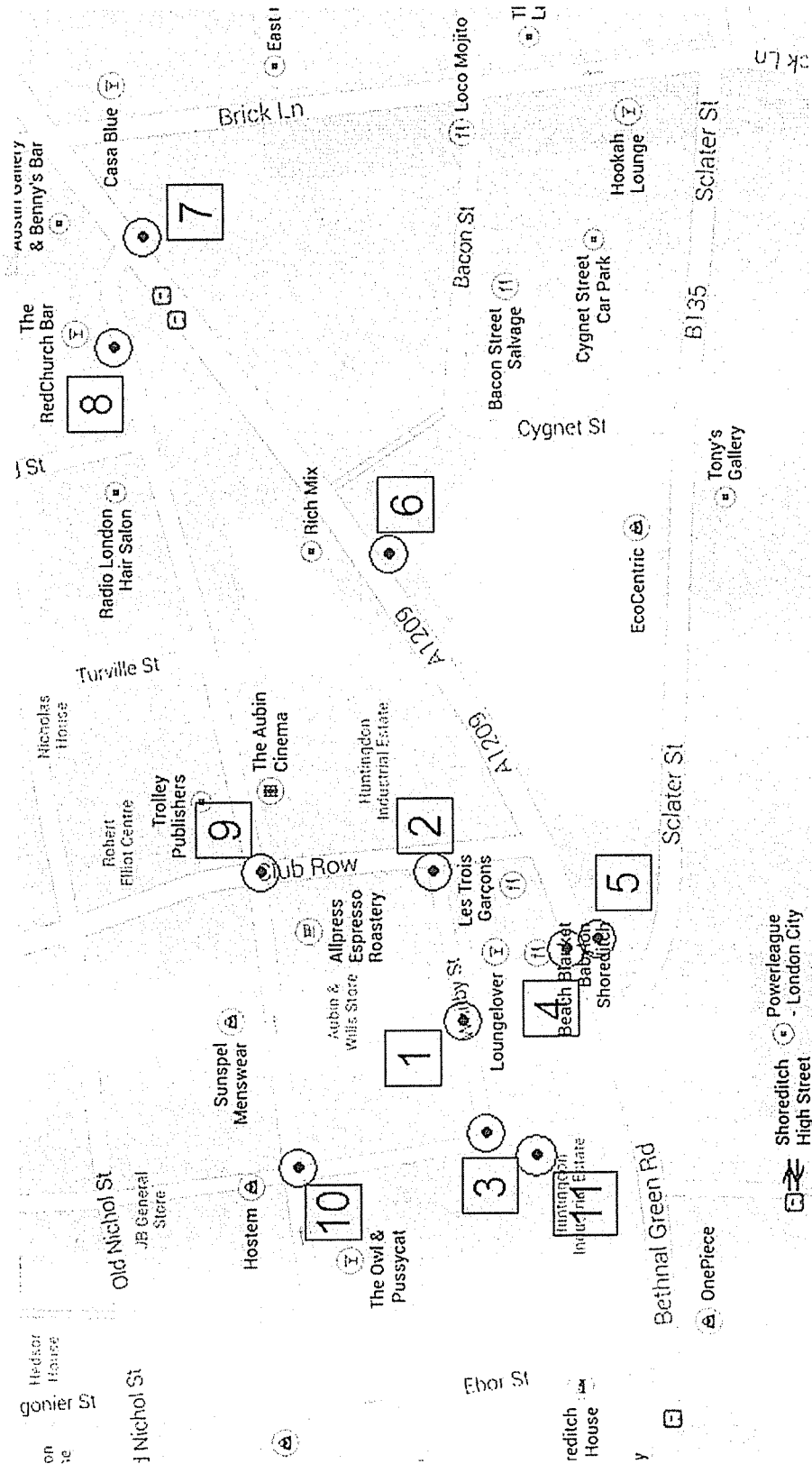
- 6.1 The area is generally very busy at night and noise from road traffic and from people in the street is relatively high well into the night. In general, the operation of BBB (both first floor and other areas) did not impact in any noticeable or measureable way on noise levels in the street immediately outside the venue or in the surrounding streets.
- 6.2 There are two exceptions to this conclusion, which are:
- ▣ There was a small increase in level between 0300 and 0310 hours in part of Whitby Street when the first floor was closed on 21st December at 0300 hours. Considered in context, the increase in level at this time was similar to the increase in level which occurred when around 8 people were talking outside Lounge Lover on 14th December between 0130 and 0200 hours; and
 - ▣ Periods when a number of people gathered at the Club Row end of Whitby Street outside either BBB rear door. Considering this in context, the levels produced when this occurred were similar to (and a little below) those measured when people were outside Lounge Lover.
- 6.3 Overall, noise produced in the street and surrounding area arising from opening the first floor of BBB on the nights of 13th, 14th and 21st of December 2013 was negligible.

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APPENDIX A

PLAN SHOWING MONITORING LOCATIONS

Figure A1: Plan showing monitoring locations



APPENDIX B

RESULTS

Table B1: Survey results, Whitby St, centre – location 1

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
13-Dec	01:00	61	53	6 people outside rear door of BBB and Lounge lover. No music or other sound audible from either premises. Speech only. Levels from RTN - L _{Amax} from vehicle in Chance St
13-Dec	01:47	63	55	7 people outside smoking and talking quietly. Levels from RTN as before
13-Dec	02:00	65	58	14 people outside. RTN dominant as before, but voices raised a little now
13-Dec	02:15	62	57	3 people outside
13-Dec	23:10	76	62	15 people outside Lounge Lover. Very loud voices from these. No-one outside BBB
13-Dec	23:28	72	62	11 people outside Lounge Lover. 2 people outside BBB rear door. Relatively quiet speech from all.
14-Dec	00:50	69	61	11 people outside Lounge Lover. 3 outside BBB. No music audible and no significant level from voices. RTN in Bethnal Green Rd significant: traffic jam with car horns.
14-Dec	01:25	75	59	7 people outside Lounge Lover. None outside BBB. Maximum level was form a girl shouting as she left Lounge Lover. Some shouting also in Chance St from people passing.
14-Dec	01:40	68	60	18 people outside Lounge Lover. 2 outside BBB rear door
14-Dec	02:05	74	61	8 people outside Lounge Lover, 2 outside BBB rear door. RTN dominant. Some shouting from Redchurch Lane and Chance St.
10-Jan	19:53	70	58	4 males in street shouting and arguing, then a police siren on BG Rd
10-Jan	22:48	63	58	Female patron exits Lounge Lover, stands in street shouting into phone. 2 taxis pick up from Lounge Lover and drive up Whitby St
10-Jan	22:51	60	57	Music from Lounge Lover audible
10-Jan	23:57	63	58	2 taxis pick up from Lounge Lover
11-Jan	00:43	58	55	Music audible coming from direction of the BoxPark
11-Jan	00:53	62	58	Very few people visible in BBB and no music audible coming from BBB, some music audible from Lounge Lover.
11-Jan	01:13	62	57	
11-Jan	02:12	61	57	Music from BoxPark (Bethnal Green Rd) audible
11-Jan	02:53	59	54	RTN from BG Rd dominant also music from BoxPark audible

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
11-Jan	03:08	59	55	
11-Jan	03:12	60	55	
11-Jan	03:36	68	66	Refuse loader idling outside BBB, loader throwing bags of rubbish into the rear
11-Jan	03:39	59	52	
11-Jan	03:46	57	52	
15-Jan	20:15	62	58	Road Traffic Noise dominant (from BG Rd). Occasional vehicles passing in Chance St.
15-Jan	21:55	70	57	RTN dominant. Air conditioning at Les Trois Garcons audible.
15-Jan	22:55	68	58	2 people smoking outside Lounge Lover. RTN dominant. Some shouting in Club Row.
15-Jan	23:50	69	57	Group of 4 people left Lounge Lover, talking relatively quietly. RTN dominant.

Table B2: Survey results, Whitby St, Club Row end – location 2

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
21-Dec	01:35	64	60	7 patrons outside rear door smoking with 2 talking, road traffic noise on Bethnal Green Rd dominant
21-Dec	01:51	63	60	Door shut no patrons outside no music audible coming from bar
21-Dec	02:05	70	67	12 patrons outside smoking
21-Dec	02:08	69	64	18 patrons outside smoking
21-Dec	02:26	64	60	Doorman and 2 patrons smoking, car horn sounds on Bethnal Green Rd, 3 males not connected with bar, get into car parked on Club Row and slam doors
21-Dec	02:30	62	58	No patrons outside, traffic noise from Bethnal Green Rd dominant
21-Dec	02:33	67	64	2 taxis outside bar engines idling, 7 patrons outside smoking, one talking loudly
21-Dec	02:50	63	54	2 patrons leave bar, siren on Bethnal Green Rd them moped passes on Club Row
21-Dec	02:57	65	58	2 patrons outside smoking, 3 patrons leave but stand in street talking
21-Dec	03:01	76	61	Music finished in BBB at 03:00. Patrons leaving via Whitby St
21-Dec	03:11	64	59	Patrons leaving still
21-Dec	03:22	65	57	Patrons still leaving, noise from other pedestrians in Bethnal Green Rd and Club Row not connected with BBB.

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
21-Dec	03:33	70	61	Bar doors closed and locked, car pulls up and toots horn in Whitby Street then pulls away
21-Dec	03:37	63	52	Siren in background, road traffic and pedestrians shouting on Bethnal Green Rd
21-Dec	03:41	64	56	Aircon unit on wall of Les Trois Garcons starts up plus road traffic on Bethnal Green Road
21-Dec	03:43	62	56	Aircon unit on wall of Les Trois Garcons plus road traffic on Bethnal Green Road
21-Dec	03:54	66	56	Refuse lorry pulls up on Club Row and reverses into Whitby St with white noise reversing alarms sounding then pulls away in opposite direction along Club Row
21-Dec	03:57	64	55	Bus sounds horn on Bethnal Green Rd
10-Jan	19:58	65	59	RTN from BG Rd and pedestrians walking up Club Row talking
10-Jan	22:44	64	57	2 taxis drive past
11-Jan	00:01	63	57	6 patrons outside Lounge Lover smoking and talking
11-Jan	00:48	68	61	3 Patrons outside Lounge Lover smoking
11-Jan	01:10	66	60	Lounge Lover still open
11-Jan	02:16	68	59	
11-Jan	02:57	66	55	Air handling unit on Trois Garcons starts up
11-Jan	03:05	66	53	Workmen enter van parked on Club Row and slam doors
11-Jan	03:31	66	57	Air handling unit on Trois Garcons starts up again, refuse van arrives at 03:33 and collects rubbish from BBB
11-Jan	03:49	65	53	Borough refuse loader HGV2 on Club Row/Redchurch St
11-Jan	02:57	66	55	Air handling unit on Les Trois Garcons starts up
15-Jan	20:20	67	58	RTN in BG Rd dominant. Air conditioning on the wall of Les Trios Garcons audible. Car alarm in BG Rd for approx. 30 seconds.
15-Jan	22:00	73	57	RTN in BG Rd dominant. A/C at Les Trois Garcons also.
15-Jan	23:00	67	57	Road Traffic noise dominant. 2 People outside Lounge Lover.
16-Jan	00:00	68	62	RTN dominant. 4 people having just left Lounge Lover talk (quietly) in Whitby St and in Club Row.

Table B3: Survey results, Whitby St, Chance St end – location 3

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
21-Dec	01:39	65	59	Road traffic and pedestrians on Bethnal Green Rd dominant, patrons outside inaudible
21-Dec	02:12	60	58	Patrons still smoking outside bar but traffic noise from Bethnal Green Rd and pedestrians shouting etc dominant noise sources
21-Dec	02:14	64	59	Ditto
21-Dec	03:15	61	56	Patrons still leaving BBB
21-Dec	03:18	64	59	Patrons outside bar, taxi idling outside and cars also passing on Chance St from the taxi office on corner of Chance and Redchurch
21-Dec	03:46	62	57	Road traffic noise from Bethnal Green Rd
21-Dec	03:49	62	55	Car horns tooting on Ebor St
10-Jan	20:02	67	57	RTN including ambulance siren on BG Rd and pedestrians talking as they pass by
10-Jan	22:39	63	57	Lounge Lover open, patrons outside talking
11-Jan	00:05	63	58	RTN from BG Rd dominant noise source, rain heavier than start of shift, roads wet.
11-Jan	00:55	65	59	RTN from BG Rd dominant noise source.
11-Jan	01:17	63	55	RTN from BG Rd dominant, music audible from BoxPark- words audible "1999" by Prince.
11-Jan	02:09	64	56	
11-Jan	02:50	61	57	Music from BoxPark, RTN and passing pedestrians
11-Jan	03:15	63	56	Road traffic noise from BG Rd, lots of shouting from Ebor Street
11-Jan	03:42	61	55	
15-Jan	20:05	66	58	Road traffic noise dominant. Several cars using Chance Street. No people in Whitby St
15-Jan	21:47	66	56	Road traffic noise from Bethnal Green Rd dominant. No people in Whitby St
15-Jan	22:50	67	57	Road traffic noise from Bethnal Green Rd dominant. 2 people in Whitby St – other end.
15-Jan	23:45	69	57	RTN dominant. Some cars in Chance St. People passing in Chance St with raised voices.

Table B4: Survey results, Bethnal Green Rd, immediately outside BBB on north side – location 4

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
13-Dec	01:10	69	56	RTN dominant. Road quite busy. People passing - generally quiet but occasional raised voices. No noise from BBB or its customers. Music from basement just audible on pavement immediately outside premises. Not possible to measure level due to other sources too high.
13-Dec	01:52	69	59	Group of people outside Les Trois Garcons talking on pavement. RTN dominant. No music audible from BBB.
13-Dec	23:15	73	63	RTN dominant. 14 people smoking outside BBB. Bass beat from BBB basement just audible immediately outside.
21-Dec	02:42	73	62	Road traffic noise dominant, some bass beat coming from 1st floor of bar
21-Dec	03:26	73	60	Road traffic and pedestrians
21-Dec	04:00	71	61	Road traffic noise
10-Jan	20:07	75	68	RTN dominant, faint music from BBB 10 people smoking and talking outside.
10-Jan	22:34	73	66	Faint music audible coming from BBB
11-Jan	00:10	76	74	RTN dominant. Some bass beat from BBB
11-Jan	01:00	76	70	RTN dominant, 4 patrons outside BBB smoking
11-Jan	01:26	77	68	RTN dominant
11-Jan	02:20	74	63	Music from BoxPark and Road Traffic noise
11-Jan	03:02	74	56	RTN from BG Rd dominant also music from BoxPark audible and passing pedestrians
11-Jan	03:23	72	59	Ditto
15-Jan	20:25	78	69	RTN and people's voices (passing pedestrians) are the only sources. RTN is considerably more dominant than people.
15-Jan	22:10	71	66	RTN only.
15-Jan	23:10	73	67	
16-Jan	00:05	77	66	

Table B5: Survey results, Bethnal Green Rd, directly opposite BBB – location 5

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
13-Dec	01:20	70	59	Road traffic dominant. During occasional lulls in traffic, high frequency component of music from first floor of BBB just audible. Likely to be due to windows not being sealed - or perhaps a crack in the window.
13-Dec	01:56	70	63	RTN as before - BBB first floor high frequency just audible during occasional lulls in traffic.
13-Dec	02:10	70	62	Ditto
13-Dec	23:20	73	66	RTN dominant. Many groups of young men shouting and singing passing by (not associated with BBB). No sound from BBB.
14-Dec	01:10	71	66	13 people smoking outside BBB. Voices audible, but not raised. RTN still dominant. Many people passing - no shouting.
14-Dec	01:20	71	65	28 people left BBB in a 5 minute period. Noise from their speech is not distinguishable from groups of other people passing. RTN remains dominant. Maximum level was from a group of women passing (not associated with BBB) screaming quite close to monitoring location.
14-Dec	01:30	76	71	58-64 people leaving BBB and talking as they leave. RTN still dominant, but voices audible when there is a lull in traffic. Occasional shout. Max level from car horn.
14-Dec	01:35	72	66	31 people outside BBB, dispersing. RTN dominant. Only 12 people left at end of monitoring period.
14-Dec	01:55	76	67	No-one outside BBB front now. RTN dominant. Fewer people in the street. Maximum level from car horns.
14-Dec	02:00	72	66	Ditto
21-Dec	02:47	71	60	Music from BBB inaudible, road traffic noise dominant siren in distance
21-Dec	03:29	71	61	Road traffic, several cars tooting horns
10-Jan	20:11	72	62	Road traffic dominant. No music audible from BBB
10-Jan	22:31	73	63	Faint music from BBB when no traffic, otherwise traffic noise dominant, max was from slamming door of taxi.
11-Jan	00:13	74	67	RTN dominant, no music audible from BBB.
11-Jan	01:04	76	69	RTN dominant, pedestrians passing talking loudly.
11-Jan	01:29	75	62	Ditto
11-Jan	02:25	73	66	Ditto
11-Jan	03:27	74	65	Ditto

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
15-Jan	20:35	75	67	RTN only
15-Jan	22:15	73	62	
15-Jan	23:15	73	67	
16-Jan	00:15	72	72	

Table B6: Survey results, Bethnal Green Rd, south side, opposite Rich Mix – location 6

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
13-Dec	01:25	73	63	No BBB sound at all here. RTN dominant. Bottles being dumped outside Les Trois Garcon twice.
14-Dec	01:15	68	62	RTN dominant.
21-Dec	02:18	73	62	RTN dominant. Pedestrians shouting also
10-Jan	20:16	68	62	Road traffic noise dominant, people outside cinema talking.
10-Jan	22:26	70	60	RTN dominant, pedestrians passing- talking loudly, some music coming from the cinema
11-Jan	00:18	72	64	RTN dominant, pedestrians passing- talking loudly, cinema doors closed no one outside.
11-Jan	01:34	73	59	Ditto
11-Jan	02:29	75	65	Ditto

Table B7: Survey results, Bethnal Green Rd, south side, opposite Redchurch – location 7

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
13-Dec	01:28	71	66	RTN dominant.
10-Jan	20:21	71	65	Busy junction with lights, road traffic noise dominant
10-Jan	22:22	72	65	RTN , 2 buses
11-Jan	00:22	72	67	3 road sweepers parked and idling at side of road.
11-Jan	01:38	72	63	RTN
11-Jan	02:37	71	65	Pedestrians and road traffic including car horns twice

Table B8: Survey results, outside Redchurch (PH) – location 8

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
13-Dec	01:37	70	60	Group of around 20 people outside The Redchurch. Loud talking and taxis turning. Very busy and subjectively rather rowdy atmosphere
10-Jan	20:25	66	61	Road traffic noise dominant. Patrons at Brew Dog outside smoking and talking loudly, between 4 and 8 patrons of Redchurch PH outside talking and smoking.
10-Jan	22:18	69	63	
11-Jan	00:27	70	64	
11-Jan	01:42	70	62	
11-Jan	02:37	72	62	
11-Jan	03:54	66	59	Redchurch PH closed to patrons- staff closing up

Table B9: Survey results, Redchurch St, Club Row end – location 9

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
13-Dec	01:41	65	55	Relatively quiet. RTN from Bethnal Green Rd and other roads is dominant source.
21-Dec	01:47	69	59	Pedestrians and road traffic
21-Dec	02:39	55	53	RTN dominant
10-Jan	20:30	63	56	RTN from BG Rd dominant, pedestrians passing talking.
10-Jan	22:13	62	56	Pedestrians and road traffic
11-Jan	00:32	62	56	RTN dominant
11-Jan	02:00	65	58	Group of 4 males "singing" on the street corner
11-Jan	02:42	63	53	RTN from BG Rd dominant

Table B10: Survey results, Redchurch St, Chance Street end – location 10

Date	Time	L _{Aeq} , dB	L _{A90} , dB	Observations
13-Dec	01:44	63	54	Relatively quiet. RTN from Bethnal Green Rd and other roads is dominant source. Group of young men in the distance shouting very loudly.
21-Dec	01:43	62	57	2 pedestrians walk past talking loudly
10-Jan	20:35	64	59	People talking outside Owl and Pussycat PH, passing pedestrians and RTN from BG Rd
10-Jan	22:09	65	58	Owl and Pussycat still open, people in street walking in groups between venues.
11-Jan	00:36	60	55	No one outside Owl and Pussycat RTN from BG Rd dominant
11-Jan	02:05	63	57	Pedestrians and road traffic
11-Jan	02:46	64	55	Pedestrians and road traffic

Figure B1: Background levels (L_{A90}) at location 11, 13th to 16th December 2013

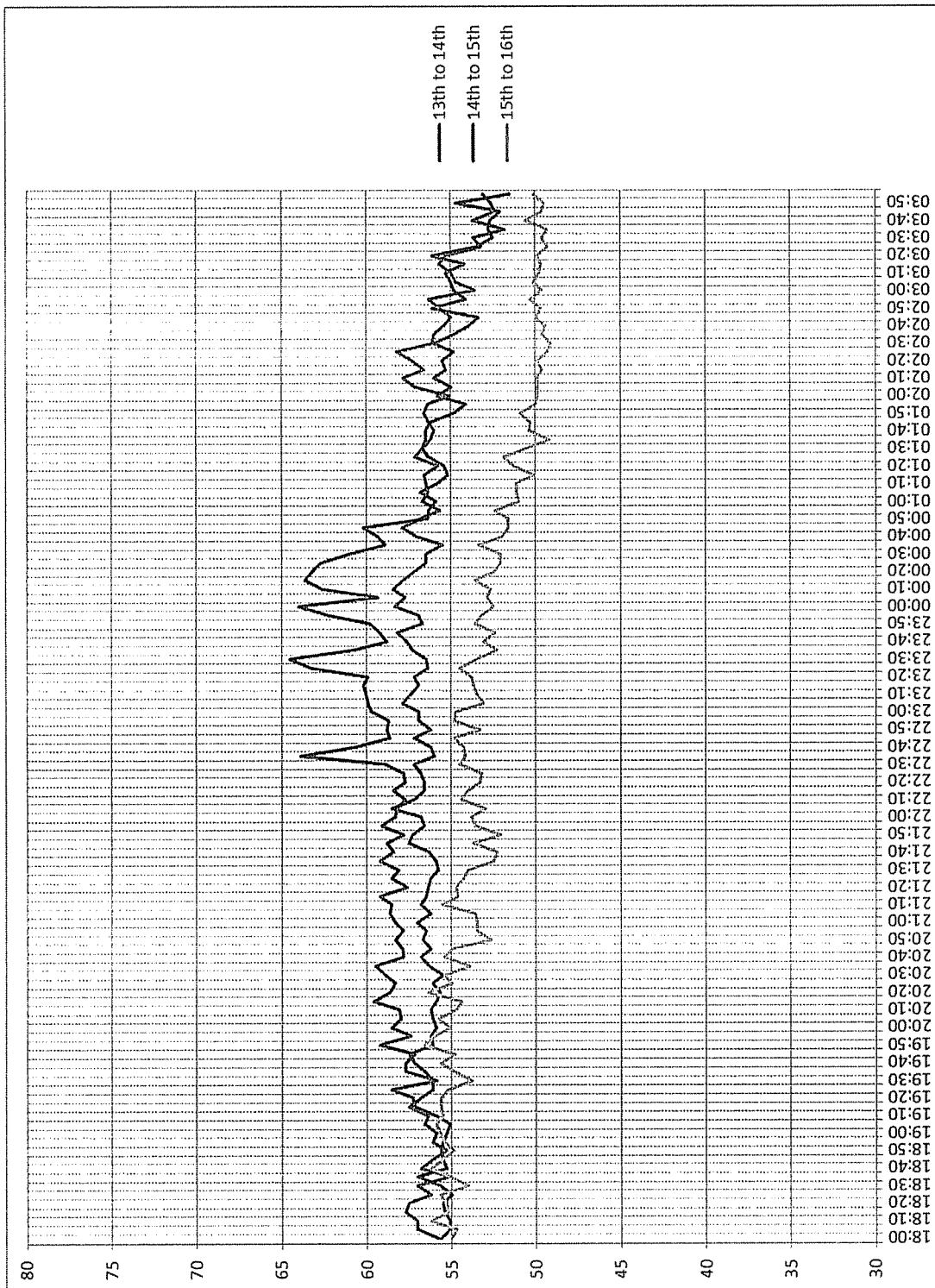
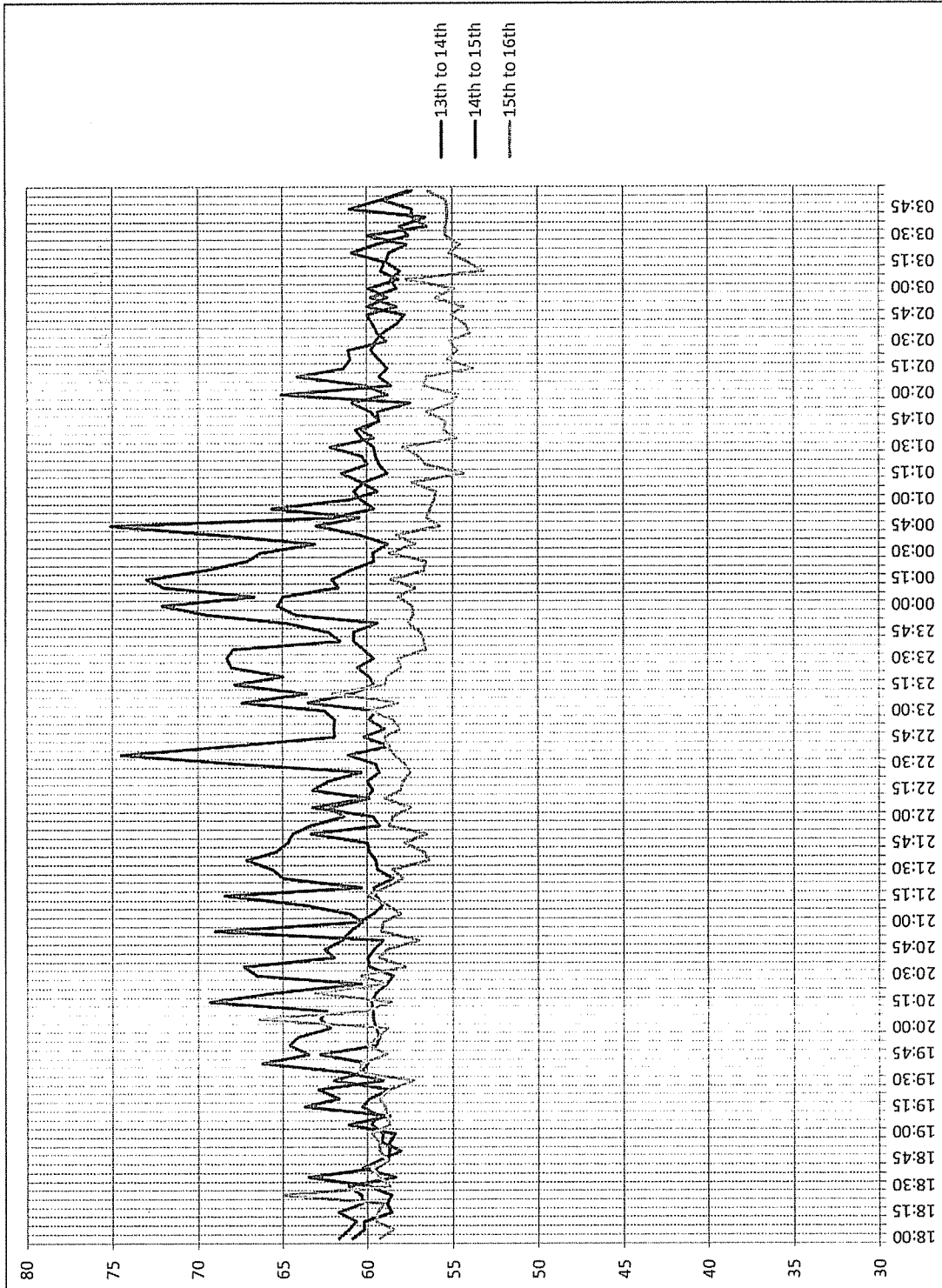


Figure B2: Ambient levels (L_{Aeq}) at location 11, 13th to 16th December 2013



Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	04 February 2014	Unclassified	LSC 55/134	

Report of: David Tolley Head of Consumer and Business Regulations Service	Title: Licensing Act 2003 Application for a Variation Premises Licence for Lupita, 60-62 Commercial Street, London E1 6LT
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant: **Calita Ltd**
Name and Address of Premises: **Lupita**
60 – 62 Commercial Street
London
E1 6LT

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

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

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a variation in a premises licence for Lupita, 60 – 62 Commercial Street, London E1 6LT.

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

The current hours are as follows:

Alcohol (on and off sales)

- Monday to Thursday, from 10:00 hours to 23:30 hours
- Friday and Saturday, from 10:00 hours to midnight
- Sunday, from 12:00 hours to 23:30 hours

Late Night Refreshment

- Sunday to Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to midnight

Non-standard timings

- Bank Holidays until midnight

Hours premises are open to the public

- Monday to Thursday, from 08:00 hours to midnight
- Friday and Saturday, from 08:00 hours to 00:30 hours
- Sunday, from 12:00 hours to midnight.

Non-standard timings

- Bank Holidays until midnight

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

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

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

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

Alcohol (on and off sales)

- Monday to Saturday, from 10:00 hrs to 01:00 hrs the following days
- Sunday, from 12:00 hrs to 01:00 hrs the following days

Late Night Refreshment (Indoors and outdoors)

- Monday to Sunday, from 23:00 hrs to 01:00 hrs the following days

Non-standard timings

- Extension of hours to 03:00 on every New Years Eve into New Years Day

Hours premises are open to the public

- Monday to Sunday, from 08:00 hrs to 01:00 hrs the following days

Non-standard timings

- Extension of hours to 03:00 on every New Years Eve into New Years Day

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

4.0 Licensing Policy and Government Advice

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.

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

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

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

5.0 Representations

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

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

5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Licensing Authority
 - Metropolitan Police
 - Local Residents

See Appendices 5-9

- 5.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust
- 5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.11 The objections cover allegations of
- Anti-social behaviour from patrons leaving the premises
 - Disturbance from patrons leaving the premises on foot
 - Close proximity to residential properties

- 5.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ∇ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.

- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
 - ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 10 -13** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08:00hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy the existing licence
- Appendix 2** A copy of the application for variation
- Appendix 3** Maps of the area
- Appendix 4** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 5** Representations of Licensing Authority
- Appendix 6** Representations of Met Police
- Appendix 7** Representations of Matthew Piper
- Appendix 8** Representations John Shapiro
- Appendix 9** Representations of Conor McLernon
- Appendix 10** Licensing Officer comments on Anti-Social Behaviour From Patrons Leaving The Premises
- Appendix 11** Licensing Officer comments on Access and Egress problems
- Appendix 12** Licensing Officer comments on Licensing Policy relating to hours of trading
- Appendix 13** Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

Appendix 1


Ground Floor and Basement
60 - 62 Commercial Street
London
E1 6LT

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 25th October 2012



Part A - Format of premises licence

Premises licence number

16782

Part 1 - Premises details

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

Ground Floor and Basement
60 - 62 Commercial Street

Post town

London

Post code

E1 6LT

Telephone number

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Thursday, from 10:00 hours to 23:30 hours
- Friday and Saturday, from 10:00 hours to midnight
- Sunday, from 12:00 hours to 23:30 hours

Late Night Refreshment

- Sunday to Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to midnight

Non-standard timings

- Bank Holidays until midnight

The opening hours of the premises

- Monday to Thursday, from 08:00 hours to midnight
- Friday and Saturday, from 08:00 hours to 00:30 hours
- Sunday, from 12:00 hours to midnight.

Non-standard timings

- Bank Holidays until midnight

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

On and sales

Part 2

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

Calita Ltd
[REDACTED]

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

Limited Company: 07659858

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

Julian Lodeiro Martinez
[REDACTED]

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

Licence No: [REDACTED]
Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

Effective from 6th April 2010

1.

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

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

- 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

6. No supply of alcohol may be made under the premises licence-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
7. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted

Annex 3 - Conditions attached after a hearing by the licensing authority Conditions attached following the Licensing Subcommittee hearing of the 425th October 2012:

1. CCTV camera system covering both internal and external to the premises shall be installed and maintained:
 - a. The CCTV recordings are shall be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
 - b. At all times the premises is open, a person who can operate the CCTV system must be present on the premises.

Annex 4 - Plans

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

3rd September 2012 - Ground Floor (Drawing No: 008062, dated 24/08/2011)
Basement (Drawing No: 008062, dated 24/08/2011)



Part B - Premises licence summary

Premises licence number

16782

Premises details

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

Ground Floor and Basement
60 - 62 Commercial Street

Post town

London

Post code

E1 6LT

Telephone number

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment


The times the licence authorises the carrying out of licensable activities

<p>Alcohol</p> <ul style="list-style-type: none">Monday to Thursday, from 10:00 hours to 23:30 hoursFriday and Saturday, from 10:00 hours to midnightSunday, from 12:00 hours to 23:30 hours <p>Late Night Refreshment</p> <ul style="list-style-type: none">Sunday to Thursday, from 23:00 hours to 23:30 hoursFriday and Saturday, from 23:00 hours to midnight <p><u>Non-standard timings</u></p> <ul style="list-style-type: none">Bank Holidays until midnight
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The opening hours of the premises

<ul style="list-style-type: none">Monday to Thursday, from 08:00 hours to midnightFriday and Saturday, from 08:00 hours to 00:30 hoursSunday, from 12:00 hours to midnight. <p><u>Non-standard timings</u></p> <ul style="list-style-type: none">Bank Holidays until midnight

Name, (registered) address of holder of premises licence

Calita Ltd 

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

On and sales

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

07659858

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

Julian Lodeiro Martinez

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

No restrictions

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We CALITA LTD
 (Insert name(s) of applicant)

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

Premises licence number	16782
-------------------------	-------

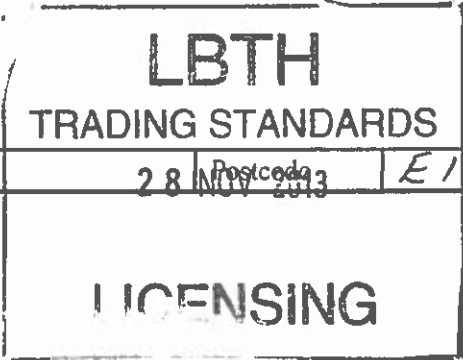
Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
60-62 COMMERCIAL STREET			
Post town	LONDON	Postcode	E1 6LT

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£ 70,000 ⇒ FEE £315

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	60-62 COMMERCIAL STREET		
Post town	LONDON	Postcode	E1 6LT



Part 3 - Variation

Please tick as appropriate

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

No

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

DD	MM	YYYY

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

EXTENSION OF TERMINAL HOUR
SO AS TO PERMIT THE SALE OF
HOT FOOD AND HOT DRINK, AND
THE SALE OF ALCOHOL, UNTIL
01:00 MONDAY TO SUNDAY.

EXTENSION OF HOURS TO 03:00 ON
EVERY NEW YEARS EVE INTO
NEW YEARS DAY.

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23.00	01.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23.00	01.00			
Wed	23.00	01.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) EXTENSION TO 03:00 ON EVERY NEW YEARS EVE INTO NEW YEARS DAY		
Thur	23.00	01.00			
Fri	23.00	01.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23.00	01.00			
Sun	23.00	01.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>	
Day	Start	Finish		Off the premises	<input type="checkbox"/>	
Mon	10.00	01.00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) EXTENSION OF HOURS TO 03.00 ON EVERY NEW YEARS EVE INTO NEW YEARS DAY	Both	<input checked="" type="checkbox"/>	
Tue	10.00	01.00				
Wed	10.00	01.00				
Thur	10.00	01.00		<u>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</u> (please read guidance note 5)		
Fri	10.00	01.00				
Sat	10.00	01.00				
Sun	12.00	01.00				

K

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

NIL

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	01.00	<u>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</u> (please read guidance note 5) NEW YEARS EVE INTO NEW YEARS DAY UNTIL 03:00
Tue	08.00	01.00	
Wed	08.00	01.00	
Thur	08.00	01.00	
Fri	08.00	01.00	
Sat	08.00	01.00	
Sun	08.00	01.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

NIL

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

n/a

M

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

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

ALL EXISTING CONDITIONS TO REMAIN

b) The prevention of crime and disorder

LAST ENTRY TO THE PREMISES ON ANY DAY NO LATER THAN 00:30

c) Public safety

_____ " _____

d) The prevention of public nuisance

_____ " _____

e) The protection of children from harm

_____ " _____

Checklist:


Please tick to indicate agreement

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


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

Part 5 – Signatures (please read guidance note 10)

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


Signature	 PHILIP DOYLE
Date	27th NOVEMBER 2013
Capacity	LICENSING AGENT - PDL CONSULTANTS LTD





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

Signature	
Date	
Capacity	

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

PHILIP DOYLE
PDL CONSULTANTS LTD

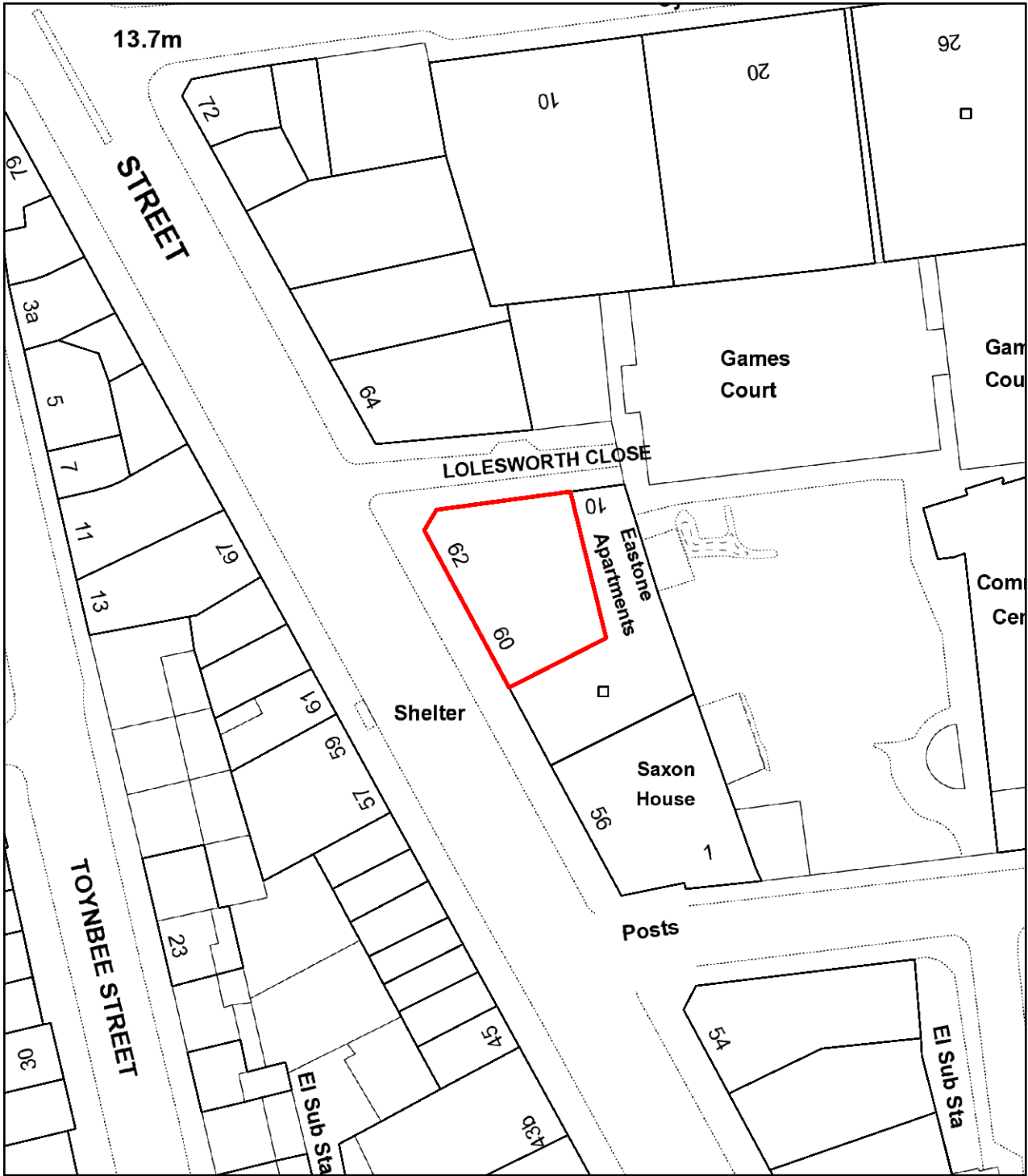


Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

Notes for Guidance

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

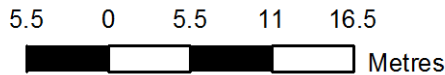
Appendix 3



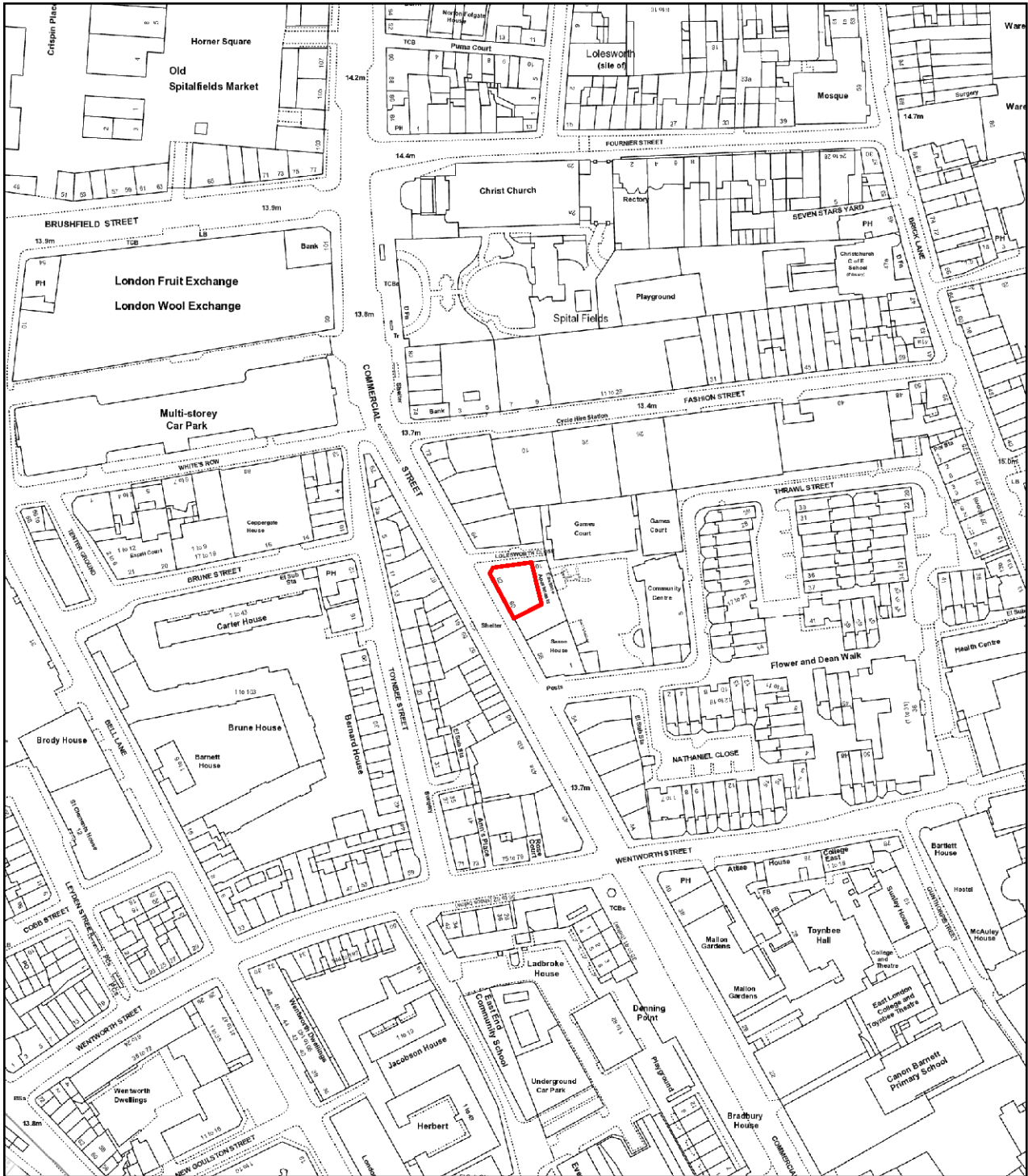
60-62 Commercial Steet



Scale 1:622



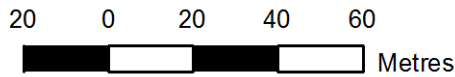
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60-62 Commercial Steet



Scale 1:2176



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Appendix 4

Section 182 Advice by the Home Office

Updated June 2013

Relevant, vexatious and frivolous representations

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

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

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

Appendix 5

**Communities, Localities & Culture
Consumer & Business Regulations**

Head Of Service **David Tolley**

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

Calita Ltd


Tel **020 7364 5171**
Fax **020 7364 0863**
Enquiries to **Kathy Driver**
Email **kathy.driver@towerhamlets.gov.uk**

18th December 2013

www.towerhamlets.gov.uk

Your reference
My reference CLC/CBR/LIC/73504

Dear Sirs,

RE: Lupita, 60-62 Commercial Street, London E1 6LT

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

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

The Licensing Authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority will consider representations based on the impact on the promotion of the licensing objectives in the Borough generally of the grant of the particular application in front of them.

M:\Licensing\Word97\2003 Lic Act_Committee\CASEWORK\CommercialSt60-62\LARep.KD.docx Corporate Director

Communities, Localities & Culture
Stephen Halsey

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

The effect of this 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 is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

The Licensing Authority feel that by increasing the hours from 11:30pm on Monday to Thursday and midnight on Friday and Saturday to a later time of 1:00am Monday to Sunday will impact on the area. The increase in hours for New Years Eve until 3am will also add to the numbers of people already in the area.

The applicant has failed to provide any supporting evidence in the operating schedule to show that the extension of hours will not add to the impact.

Therefore the Licensing Authority is making representation against the above application on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

Yours faithfully,



Kathy Driver
Principal Licensing Officer

c.c. Philip Doyle, 

M:\Licensing\Word97\2003 Lic Act_Committee\CASEWORK\CommercialSt60-62\LARep.KD.docx Corporate Director

Communities, Localities & Culture
Stephen Halsey

Appendix 6

Mohshin Ali

From: Alan.D.Cruickshank@met.pnn.police.uk
Sent: 19 December 2013 11:56
To: Mohshin Ali
Cc: Licensing
Subject: 60-62 Commercial St, E1
Attachments: 60- 62 Commercial St, E1.doc

Dear Mohshin

Please find my representation re: the above venue.

Regards

Alan Cruickshank PC 189HT

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

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

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

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

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

Office: **020 7275 4950/4911**
[REDACTED]

Email: Alan.Cruickshank@met.police.uk

Your ref:

19th December 2013

Dear Mr McCrohan,

Re: Application to vary a Premises Licence
60-62 Commercial St, E1 6LT

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

The prevention of crime and disorder

The prevention of public nuisance

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

Monday - Saturday : 1000 - 0100

Sunday : 1200 - 0100

Late night refreshments reflect the above hours.

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. There are already a considerable amount of licensed premises in Commercial Street

One more late night opening venue will only compound the problems that this area faces. The availability of alcohol until 0100 will mean more people staying for longer within the CIZ, with the potential for ASB and violence.

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

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

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

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

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

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

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

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

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

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

Table 2: Alcohol Attributable Admissio. Rates 2011/2012

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

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

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

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

If they are to consider granting a licence, I would ask that they consider removing the seasonal variations. Police resources are already stretched over this period and the possibility of a venue remaining open until 0300 is of concern.

The applicant can apply for a TEN and this allows the police to monitor and scrutinize this and other TEN applications in the CIZ

Conditions

1. F696 to be completed if there are outside promoters or DJs

Alan Cruickshank PC 189HT

Appendix 7

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 02 January 2014 10:32
To: Mohshin Ali
Subject: FW: application to vary the licence for 60-62 Commercial St
Attachments: ASB diary.pdf

Mohshin,
One of yours.
Alex.

From: Matt Piper [mailto: [REDACTED]]
Sent: 12 December 2013 14:10
To: Licensing
Cc: Alan Cruickshank
Subject: application to vary the licence for 60-62 Commercial St

Dear Sir/Madam,

I wish to object to the application to vary the licence for 60-62 Commercial St, E1.

Our area is already saturated with restaurants, bars and clubs that operate late into the night. Local residents, including my own family, suffer nightly from the effects of this saturation. Noise, drunken screaming and shouting, vomiting, urination, defecation, littering and vandalism are common-place, affecting our ability to get a good night's sleep and damaging or property and its environment. I have kept a diary of such incidents for the last few months and attach it here as evidence for the detrimental effect of the night-time economy on those who live in Spitalfields.

The extended hours applied for in this application will only serve to exacerbate this problem late at night, at exactly the most sensitive time. No conditions applied to the licence can hope to control the behaviour of the drunk patrons who leave the premises.

I therefore urge you to reject this application.

Many thanks for your help in this matter.

Matt

Matthew Piper
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date	Time	Type	Street	Location	Description
7/13/2013	23:00	noise	Brick Lane	Seven Stars pub	Drumming and other noise from party on roof terrace. Continued until 5am. Audible inside properties at west end of Fournier St.
7/14/2013	1:00	noise	Brick Lane	Seven Stars pub	Fireworks set off from cul-de-sac behind pub. Audible throughout area.
8/3/2013	18:00	urination	Wilkes St	at junction with Fournier St	A white male, approx 35 years old, urinated in broad daylight against no 1 Wilkes St. Several people could have or did witness it. When I pointed out that he was urinating against someone's house he just laughed and walked off, north along Wilkes Street.
8/10/2013	1:10	noise	Fournier Street	opposite no 11	2 men wandered along the street. Both were heavily intoxicated, staggering from side to side, and were shouting to each other as they attempted to walk along the pavement without falling over. They were drinking from cans. They were white and approximately 25 years old. The noise they caused was enough to wake my family.
8/10/2013	6:52	banging on doors	Fournier Street	no 11.5	We were woken at 6.52am when someone rang our doorbell. I went to the door and found someone slumped against our house, again heavily drunk. He admitted he had rung the doorbell but could not offer any explanation as to why. He was white, about 25-30 years old and wearing a blue and white striped top. He spoke with a European accent. The doorbell also woke my family.
8/10/2013	6:52	urination	Fournier Street	opposite no 9	A man, approximately 25 years old and wearing a white top, urinated against the wall of Christ Church, opposite number 9 Fournier Street.
8/10/2013	21:00	urination	Fournier Street	no 11.5	At approximately 9pm a white male, 30-35 years old, with possibly a South African accent, urinated against my house, into the light-well and against my kitchen window. He was wearing a white top. This is disgusting and a health-hazard. When I chased him off he finished by urinating against another house. He then left in the direction of Brick Lane.
8/10/2013	22:05	urination	Brushfield St	near Barclays	At 10.05pm a man urinated in public between parked cars on Brushfield Street, near the junction with Commercial Street, close to Barclays Bank. He was 20-25 years old, wearing a dark T-shirt and dark shorts.
8/10/2013	23:50	urination	Brushfield St	north end of street	At 11.50pm I witnessed a man urinating in public at the north end of Wilkes Street, near its junction with Hanbury St. He was black, about 20 years old, and wearing a dark T-shirt and jeans.

8/11/2013	12:00	banging on doors	Fournier Street	no 11.5	At approximately noon a couple of women, one clearly very drunk, sat on our doorstep. When our dog heard them and started barking, they banged on our front door, upsetting the dog further and also our 2 year old daughter. My wife asked them to move and one of them refused to do so, only eventually moving after further antagonising the dog and scaring our daughter further. They eventually moved off in the direction of Brick Lane.
8/12/2013	1:00	urination	Fournier Street	at junction with Wilkes St	At approximately 1am this morning a group of 7 people, all aged 20-25 and speaking with European accents, walked east along the street. There were 4 men and 3 women. One of the men turned to the women and said "Stop, we need to pee". The 4 men then all proceeded to urinate against properties in Fournier Street and at the end of Wilkes Street.
8/12/2013	9:00	urination	Commercial Street	Christ Church gardens	A cyclist rode into Christ Church gardens and urinated through the fence into the grounds of Christ Church school. He was 20-25 years old, white, and wearing cycling gear. This happened in full view of my 2 year old daughter.
8/13/2013	22:00	defecation	Fournier Street	opposite no 5	Someone has defecated between parked cars in the residents' parking bays.
8/16/2013	0:00	urination	Fournier Street	no 13	Someone has urinated against the house.
8/17/2013	17:30	urination	Fournier Street	opposite no 11.5	3 men (possibly drugs dealers) loitering on corner of Wilkes/Fournier St. One crossed the road and urinated against Christ Church. In broad daylight and in full view of many passersby, including our whole family.
8/17/2013	22:30	noise	Fournier Street	whole street	several groups of drunk people (mainly men) shouting and chanting aggressively as they left Brick Lane
8/18/2013	0:30	noise	Fournier Street	whole street	several groups of drunk people (mainly men) shouting and chanting aggressively as they left Brick Lane
8/23/2013	18:30	urination	Commercial Street	Christ Church gardens	a Spanish-speaking man urinated in the gardens. He was one of a group of approximately 10 people drinking in the gardens. The large tree in the south east corner of the gardens is a public toilet. There is always a urine splash and faeces are regularly there.
8/24/2013	0:00	vomiting	Fournier Street	no 19	someone has vomited against the door of no 19
8/25/2013	22:00	noise	Fournier Street	no 1	group of youths gathered outside number 1 drinking from cans. Screaming and shouting as they plays drinking games.
9/3/2013	12:30	urination	Fournier Street	opposite no 11	a woman urinated between parked cars, in full view of a walking tour
9/14/2013	23:30	banging on doors	Fournier Street	no 11.5	2-3 men rang our doorbell late and night and ran away screaming
9/15/2013	0:00	noise	Fournier Street	whole street	a group of drunk women slowly made their way along the street, shouting, screaming and causing a disturbance.

9/19/2013	23:30 noise	Fournier Street	whole street	a group of drunk women were shouting, screaming, and generally causing a disturbance.
9/20/2013	23:00 noise	Fournier Street	junction with Wilkes St	a group of German youths gathered with a hand-held stereo turned up to high volume. When asked to turn it down they only partially did so, reluctantly. They remained there for 15 minutes
9/21/2013	0:00 urination	Fournier Street	no 14	Someone has urinated against the house.
9/21/2013	1:30 noise	Brick Lane	Seven Stars pub	extremely loud music being played from an open window at the back of the building. Audible from our bedroom at the west end of Fournier Street and therefore across the whole neighbourhood.
9/21/2013	20:30 noise	Fournier Street	no 11.5	a group of youths gathered on our doorstep, drinking, smoking and shouting. When asked to move on they only went as far as the doorstep next door where they carried on as before, keeping our children awake. They were there for approx 1 hr.
9/21/2013	21:30 urination	Fournier Street	opposite no 11	two women urinated between parked cars opposite number 11, in full view of several passersby. They were 20-25 years old with dark hair and English accents.
10/4/2013	1:00 vomiting	Fournier Street	opposite no 11	someone has vomited on the pavement alongside Christ Church
10/5/2013	23:55 noise	Fournier Street	opposite no 13	a car parked outside number 13 blaring loud bass music for approximately 10 minutes before moving on reluctantly when asked. The noise was enough to wake our youngest daughter. There were 4 occupants of the car, 2 men and 2 women. The women had Essex accents. The car was a Golf-type car, black with heavily tinted windows.
10/6/2013	1:00 vomiting	Fournier Street	outside no 11.5	someone has vomited in the street
10/6/2013	1:00 vomiting	Fournier Street	outside no 9	someone has vomited in the street(possibly the same person as above)
10/6/2013	9:50 urination	Commercial Street	Christ Church gardens	two men with Eastern European accents walked into the gardens. One proceeded to urinate against the wall in full view of any passerbys by. He was approximately 45 years old and dressed in pale denim.
10/19/2013	9:50 urination	Commercial Street	Christ Church gardens	a man of Asian descent, aged about 50 and with a heavy limp, urinated against the gravestones on the south wall of the gardens in full view of several people
10/20/2013	22:15 fireworks	Commercial Street	junction with Fournier St	someone threw a lit firework into the road. A car drove over it while it was exploding.
10/20/2013	22:20 urination	Fournier Street	number 9	a group of youths (4 female, 2 males) walked down the street shouting and drinking from cans. One of the males urinated against number 9.
10/23/2013	14:00 excrement	Wilkes St	opposite number 3	there are several piles of human faeces between the parked cars on the east side of Wilkes St

11/2/2013 23:00 noise	Fournier Street	junction with Wilkes St	a couple of young men were throwing and kicking a black bin-liner full of rubbish around. This caused a lot of noise and a trail of litter on the pavement and road.
11/2/2013 23:30 noise	Fournier Street	number 11.5	some youths were drinking on the street and generally causing a disturbance. They left a number of empty bottles and glasses on our doorstep.
11/5/2013 0:30 urination	Fournier Street	number 11.5	a man, roughly 30 years old and wearing blue trousers and a blue hoodie urinated against the house and into the lightwell outside the kitchen window. When challenged he walked off.
11/7/2013 21:00 urination	Fournier Street	opposite number 5	About half an hour ago I witnessed a woman, aged about 40 with short dark hair and wearing blue trousers and a blue jacket, urinating between two parked cars opposite number 5 Fournier Street. This was in full view of several passerby by and a visiting walking tour.
11/19/2013 0:00 graffiti	Fournier Street	number 11.5	somebody has written graffiti on our shutters. It doesn't properly scrub off and repainting is required.
11/29/2013 3:18 noise	Fournier Street	outside number 11	a white woman aged about 40 with long dark hair was lying on the pavement shoulding and screaming at an unseen man. This went on for several minutes and woke most of the residents of the west end of Fournier St.
12/1/2013 9:30 urination	Commercial Street	Christ Church gardens	a Veolia employee, wearing an LBTH high-visibility jacket, urinated in the gardens against some tomb-stones. My 2year old daughter was present at the time.
12/6/2013 0:00 urination	Fournier Street	number 11.5	somebody has urinated against our front door.

Appendix 8

Mohshin Ali

From: Andrew Heron
Sent: 19 December 2013 14:55
To: Mohshin Ali
Subject: FW: Alcohol Licence Application by 60-62 Commercial Street, E1 6LT

Importance: High

From: Jon Shapiro [REDACTED]
Sent: 19 December 2013 14:55
To: Licensing
Cc: David Tolley; John Mccrohan; Alan.D.Cruickshank@met.police.uk; Andrew Heron; MARK.J.Perry@met.pnn.police.uk
Subject: Alcohol Licence Application by 60-62 Commercial Street, E1 6LT
Importance: High

Dear Sir or Madam,

I believe that **60-62 Commercial Street** has applied for a licence to sell alcohol **beyond midnight** Given that these premises are within the Brick Lane area "Cumulative Impact Zone" I believe any such application to extend their hours beyond their existing licence should be refused by the LBTH Licensing Committee.

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

I consider that this application would heavily impact:

- Crime and disorder
- Public nuisance
- Public safety

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

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

Please would you acknowledge receipt of this email.

Yours faithfully,
Jon Shapiro.

[REDACTED]

Mobile: [REDACTED]

Appendix 9

Mohshin Ali

From: Alex Lisowski
Sent: 23 December 2013 17:21
To: Mohshin Ali
Subject: FW: Objection to licensing application for 60-62 Brick Lane

Mohshin,
One of yours.
Alex.

From: Alex Lisowski **On Behalf Of** Licensing
Sent: 23 December 2013 17:21
To: [REDACTED]
Subject: FW: Objection to licensing application for 60-62 Brick Lane

Conor,
Thank you for confirming the location. The venue is within the saturation zone. I have passed your representations on to the officer dealing with the application.
Alex.

From: Conor McLernon [REDACTED]
Sent: 23 December 2013 17:05
To: Licensing
Subject: RE: Objection to licensing application for 60-62 Brick Lane

Hi Alex - thanks - I meant Commercial Street. This is still within the Saturation Zone isn't it?

Thanks for your help

Conor

On 23 December 2013 16:37:32 Licensing wrote:

Dear Mr McLernon,
Can you confirm the address of the venue against which you are making representations?
At present my department hasn't received any applications for 60-62 Brick Lane. However, we do have an application for 60-62 Commercial Street.
Yours sincerely,
Mr A. Lisowski,
Licensing Officer,
The London Borough of Tower Hamlets.

From: [REDACTED]
Sent: 22 December 2013 22:24
To: Licensing
Subject: Objection to licensing application for 60-62 Brick Lane

Dear Sir/ Madam,

I am the resident at Hanbury Street, number 51 and I write to you to object to the licensing application for the Mexican restaurant at 60-62 Brick Lane.

The existing opening hours to midnight already exceed the core hours specified in the Saturation Policy, and I do not think that this application is appropriate.

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

Accepting this license request would send a terrible message.

My concerns are as follows:

1. the proposed licensing application is not consistent with the Management Guidelines for the Brick Lane and Fournier Street Conservation Area
2. the proposed licence is likely to diminish the right of local residents to safe and pleasant enjoyment of the neighbourhood.
3. there is an impact on public safety, in terms of drunken members of the public being in the area long into the night.
4. likewise there is an impact in terms of crime and disorder.

The area is developing into an attractive upscale destination in accordance with these guidelines. On Hanbury Street opposite Ely's Yard, two exclusive shoe shops have recently opened, an upscale clothing boutique and a number of stylish coffee bars. What is needed is more of the upscale, boutique shops and cafes that are springing up on the streets surrounding the market and in Hanbury Street. YMC, MAC, Gresson, Keep Zero Gravity, Nude, Blitz, Love in a Cup, Doppio Coffee.

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

A cursory internet search shows 110 restaurants and bars in the area immediately surrounding Brick Lane. We do not need more restaurants opened till 1am.

Rights of local residents to quiet enjoyment

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

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

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

Kind Regards,
C McLernon

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

London Borough of Tower Hamlets E-Mail Disclaimer.

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If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

Appendix 10

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 11

Access and Egress Problems

Such as:

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

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

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

Appendix 12

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

Appendix 13

Tower Hamlet Cumulative Impact Zone

Special Cumulative Impact Policy for the Brick Lane Area

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

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

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

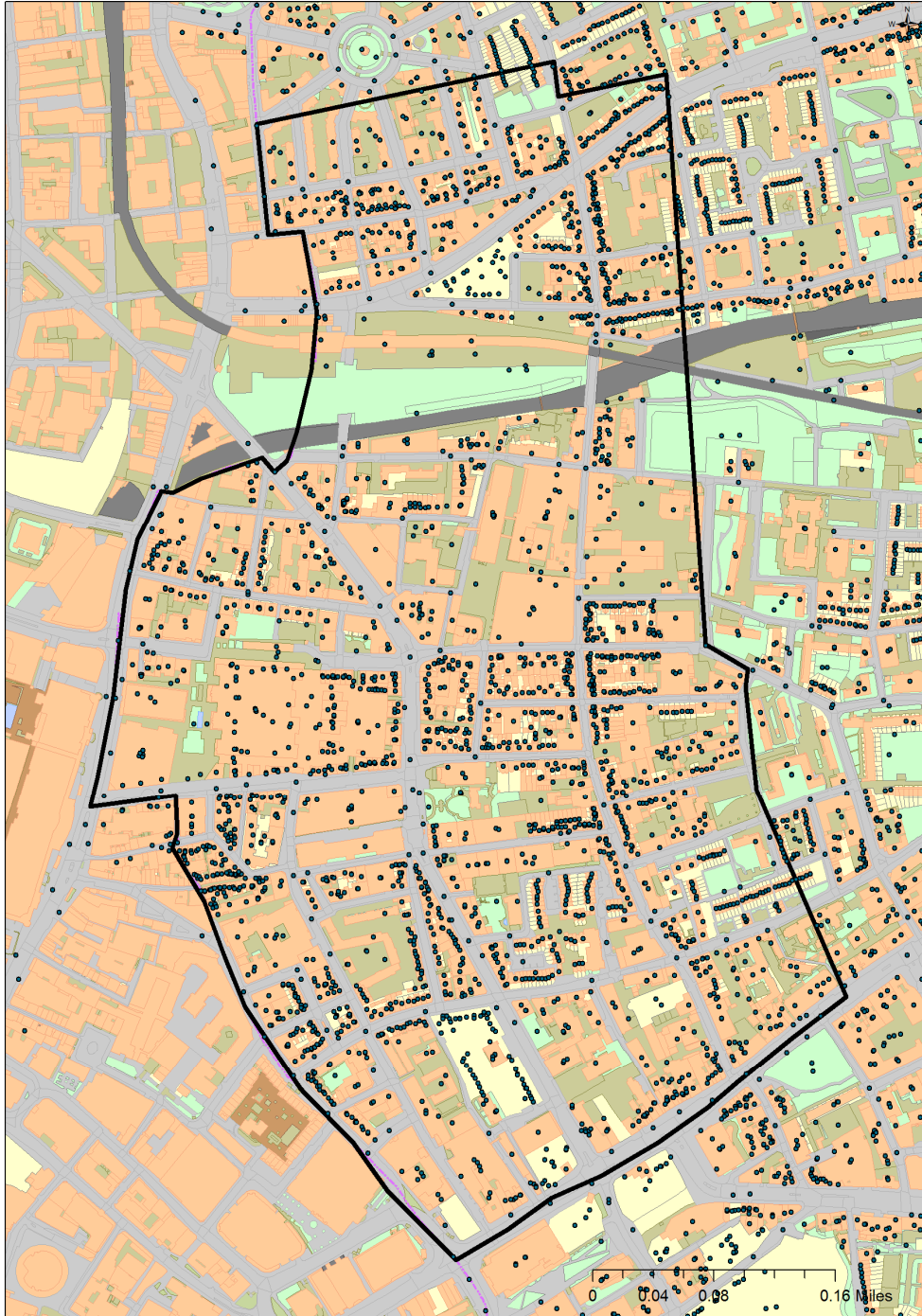
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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

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

Figure One

The Cumulative Impact Zone in the Brick Lane area

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



Agenda Item 4.4

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	04 February 2014	Unclassified	LSC 56/134	

Report of : David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for a variation of a Premises Licence for Best Star One, 23 Whitechapel Road, London, E1 1DU
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Spitalfields and Bangla Town

1.0 Summary

Applicant: **Rajenthiran & Janani Pratheepan**
Name and **Best Star One**
Address of Premises: **23 Whitechapel Road**
London
E1 1DU

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

Objectors: **Local Residents**
Metropolitan Police
Licensing Authority
Director of Public Health

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a variation in a premises licence for Best Star One, 23 Whitechapel Road, London, E1 1DU.

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

The current hours are as follows:

Sale of Alcohol and late night refreshment

- Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
 - a. On Monday to Saturday from 06:00 hours until 01:00hours the day following.
 - b. On Sundays, 06:00hours until 2400 hours
- Note: However, New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Year's Eve and 11am on New Year's Day.

Hours premises are open to the public

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

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

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

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

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

Sale of Alcohol (off sales only)

- Monday to Sunday 24 hours per day

The Provision of Late Night Refreshment:

- Monday to Sunday from 23:00hrs to 05:00hrs (the following day)

Hours premises is open to the public:

- Monday to Sunday 24 hours per day

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

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.

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

- Local Residents
- Metropolitan Police
- Licensing Authority
- Director of Public Health

See Appendices 5-14

5.9 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust

5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.11 The objections cover allegations of

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

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

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

6.0 Licensing Officer Comments

6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading's Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is "the balance of probability."
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 15-18** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08:00hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 **Legal Comments**

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

9.0 **Finance Comments**

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy the existing licence
- Appendix 2** A copy of the application for variation
- Appendix 3** Maps of the area
- Appendix 4** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 5** Representations of Local resident: Selina Misfud of the Spitalfields Community Group
- Appendix 6** Representations of Local resident: James Imre
- Appendix 7** Representations of Local resident: Matthew Piper
- Appendix 8** Representations of Local resident: Margaret Gordon of the St George Residents' Association
- Appendix 9** Representations of Local resident: John Shapiro as Chair of the Spitalfields & Banglatown Police Ward Panel and as Chair of SPIRE (the ASB Working Group)
- Appendix 10** Representations of Local resident: Sandy Critchley, Vice-Chairman, Spitalfields Society
- Appendix 11** Representations of Local resident: Danielle John
- Appendix 12** Representations of Mohshin Ali, Licensing Officer
- Appendix 13** Representations of Dr Somen Banerjee, Director of Public Health
- Appendix 14** Representations of PC Mark Perry
- Appendix 15** Licensing Officer comments on Anti-Social Behaviour From Patrons Leaving The Premises
- Appendix 16** Licensing Officer comments on Access and Egress problems
- Appendix 17** Licensing Officer comments on Licensing Policy relating to hours of trading
- Appendix 18** Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

Appendix 1

Postal Address

**(Best Star One)
23 Whitechapel Road
London
E1 1DU**

Licensable Activities authorised by the licence

**Provision of Late Night Refreshment
Sale by Retail of Alcohol for Consumption Off the Premises**

See the attached licence for the licence conditions

Signed by

**John Cruse _____
Team Leader Licensing**

Date: 18th August 2005



Part A - Format of premises licence

Premises licence number

09129

Part 1 - Premises details

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

**(Best Star One)
23 Whitechapel Road**

Post town: **London**

Post code: **E1 1DU**

Telephone number: **020 7377 1037**

Where the licence is time limited the dates:

Licensable activities authorised by the licence:

**The sale by retail of alcohol
The provision of late night refreshment**

The times the licence authorises the carrying out of licensable activities

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

In this condition, permitted hours means:

- a. On Monday to Saturday from 06:00 hours until 01:00hours the day following.
- b. On Sundays, 06:00hours until 2400 hours

Annex 1 Mandatory Conditions

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

The opening hours of the premises

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

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

This will be one of the following:

Off sales only

Part 2

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

Rajenthiran Pratheepan
Best Star One
23 Whitechapel Rd
London 1DU

[REDACTED]

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

N/A

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

Rajenthiran Pratheepan

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
 - a). On weekdays, Monday to Saturday 06:00hours until 01:00 hours
 - b). On Sundays, 6:00hours until 24:00 hours

Annex 2 - Conditions consistent with the operating Schedule (None)

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

- 1) A CCTV system shall be maintained and operated correctly in accordance with the requirements of the Metropolitan Police Crime prevention officer.
- 2) That all CCTV recordings shall be retained for 30days and produced upon request to the Police and licensing Authority
- 3) That the CCTV should cover both the inside and the outside of the premises
- 4) That the Personal Licence holder will be on the premises:
from 6pm until 1am on Thursdays, Fridays and Saturdays
and
from 6pm to midnight on Sundays when the premises is open.
- 5) That a prominent, clear and legible notice be displayed in the premises asking customers to observe the terms of a no drinking zone which is in operation in the vicinity
- 6) That a prominent, clear and legible notice be displayed in the premises asking customers to dispose of their litter respectfully and appropriately.

Annex 4 - Plans

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

10th June 2005



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

09129

Premises details

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

**Best Star One)
23 Whitechapel Road**

**Post town
London**

**Post code
E1 1DU**

Telephone number : [REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

**The sale by retail of alcohol
The provision of late night refreshment**

The times the licence authorises the carrying out of licensable activities

**On weekdays, Monday to Saturday
06:00hours until 01:00 hours**

On Sundays, 6:00hours until 24:00 hours

The opening hours of the premises

24 hours

Name, (registered) address of holder of premises licence

**Rajenthiran Pratheepan
Best Star One
23 Whitechapel Rd
London 1DU**



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

Off supplies

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

N/A

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

Rajenthiran Pratheepan

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

N/A

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Rajenthiran & Janani Pratheepan
(Insert name(s) of applicant)

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

Premises licence number 09129

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description BEST STAR ONE 23 WHITECHAPEL ROAD			
Post town	LONDON	Post code	E1 1DU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£16000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	c/o Licensing Services Agency 16 Bengeo Street		
Post Town	Hertford	Postcode	SG14 3ES

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
INCREASE IN THE HOURS FOR THE SALE OF ALCOHOL AND LATE NIGHT
REFRESHMENT

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	2300	0500			
Tue	2300	0500			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	2300	0500			
Thur	2300	0500			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	2300	0500			
Sat	2300	0500			
Sun	2300	0500			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	00:00	24:00			
Tue	00:00	24:00			
Wed	00:00	24:00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur	00:00	24:00			
Fri	00:00	24:00			
Sat	00:00	24:00			
Sun	00:00	24:00			

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE EXCEPT FOR THE SALE OF ALCOHOL</p>

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) None
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	00.00	24:00	
Tue	00.00	24:00	
Wed	00.00	24:00	
Thur	00.00	24:00	
Fri	00.00	24:00	
Sat	00.00	24:00	
Sun	00.00	24:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

RESTRICTION TO PERMITTED HOURS FOR THE SALE OF ALCOHOL AND LATE NIGHT REFRESHMENT

Please tick yes

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

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

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

BEING FORWARDED FIRST CLASS POST

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

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

TRAINING OF ALL STAFF ON THE PREMISES TO ENSURE THAT THEY UNDERSTAND AND ADHERE TO THE LAW RELATING TO THE SALE OF ALCOHOL. REFRESHER TRAINING WILL BE GIVEN ON A REGULAR BASIS AND TRAINING RECORDS WILL BE KEPT AND MADE AVAILABLE TO POLICE OR COUNCIL OFFICIALS ON REQUEST

b) The prevention of crime and disorder

CCTV INSTALLED THAT MEETS THE STANDARDS REQUIRED BY THE POLICE, AND MAINTAINED SO FULLY OPERATIONAL AT ALL TIMES. RECORDINGS TO BE KEPT IN ACCORDANCE WITH POLICE GUIDELINES, FOR A MINIMUM OF 30 DAYS AND TO BE MADE AVAILABLE TO POLICE/COUNCIL OFFICERS IF REQUIRED.
ALARM SYSTEM IN PLACE
SHUTTERS AT FRONT WINDOWS

c) Public safety

ALL STAFF TRAINED TO DEAL WITH ANY OUTBREAK OF FIRE AT THE PREMISES. FIRE EXTINGUISHERS INSTALLED AND REGULARLY SERVICED IN ACCORDANCE WITH FIRE AUTHORITY GUIDELINES
TO COMPLY WITH ANY REQUIREMENTS OF THE FIRE AUTHORITY

d) The prevention of public nuisance

ANYONE WHO IS DRUNK OR UNDER 18 OR APPEARS TO BE BUYING ALCOHOL FOR SOMEONE WHO IS DRUNK OR UNDER 18 WILL BE REFUSED THE SALE OF ALCOHOL. AFTER 10PM A MEMBER OF STAFF WILL ALWAYS BE PRESENT AT THE FRONT DOOR TO AUTHORISE THE ENTRY OF CUSTOMERS AND NO ONE UNDER THE AGE OF 18 OR DRUNK WILL BE ALLOWED ON THE PREMISES AFTER 10PM.

e) The protection of children from harm

CHALLENGE 25 TO BE OPERATED AT ALL TIMES, AND ANYONE ATTEMPTING TO BUY ALCOHOL WHO APPEARS TO BE UNDER THE AGE OF 25 WILL HAVE TO PROVIDE PHOTO ID IN THE FORM OF AN INDUSTRY APPROVED PROOF OF AGE IDENTITY CARD, PASSPORT OR PHOTO DRIVING LICENCE TO PROVE THAT THEY ARE 18 OR OVER. SIGN TO BE DISPLAYED AT POINT OF SALE - 'NO PROOF OF AGE - NO SALE'. A REFUSALS/INCIDENT BOOK, DETAILING ALL INCIDENTS WHERE ALCOHOL AND OTHER AGE RELATED PRODUCTS ARE REFUSED, AND ANY OTHER RELEVANT INCIDENTS, IS TO BE KEPT AND MADE AVAILABLE TO AUTHORISED OFFICERS ON REQUEST.

Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

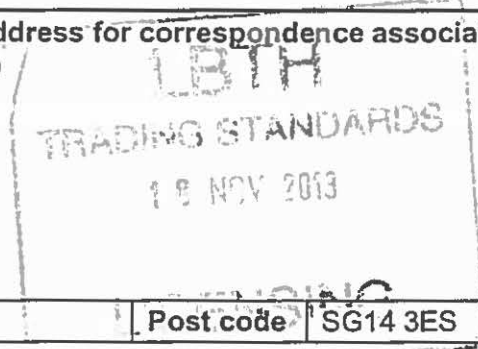
Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	[REDACTED]
Date	13.11.2013
Capacity	Agent

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

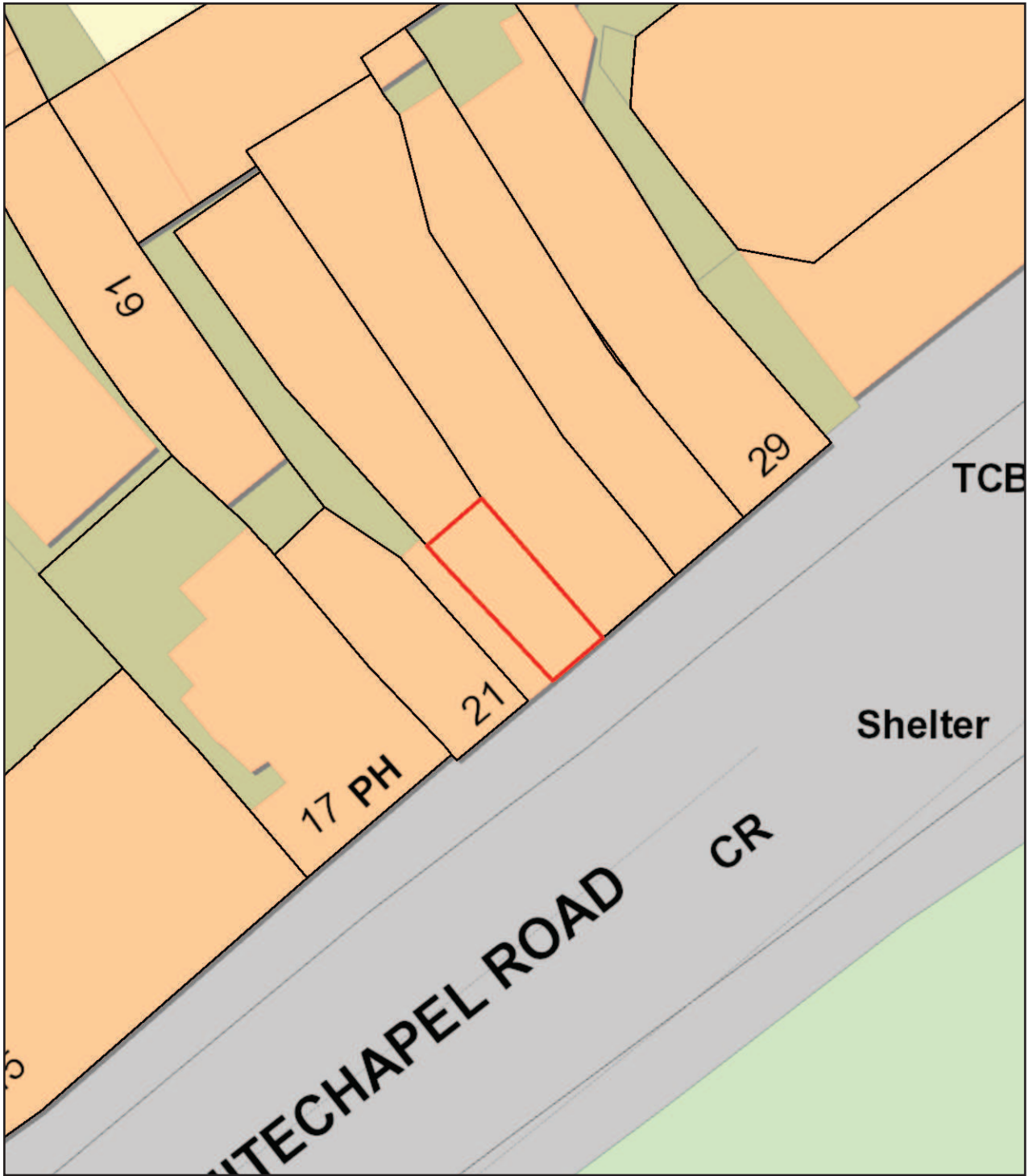
Signature	[REDACTED]
Date	13.11.2013
Capacity	Agent

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)
 Licensing Services Agency
 16 Bengeo Street



Post town	Hertford	Post code	SG14 3ES
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]			

Appendix 3

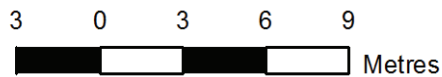


23 Whitechapel Road

Map 1



Scale 1:334



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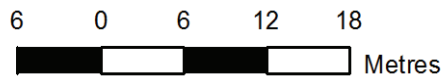


23 Whitechapel Road

Map 2



Scale 1:668



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Appendix 4

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

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

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

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

Appendix 5

Andrew Heron

From: Spitalfields Community Group [REDACTED]
Sent: 02 December 2013 20:39
To: Licensing; Andrew Heron
Cc: Alan Cruickshank
Subject: application for a variation of a premises licence at Best Star One, 23 Whitechapel Road, E1 1DU

Dear Sir/Madam,

Spitalfields Community Group OBJECTS to the application for a variation of a premises licence at Best Star One, 23 Whitechapel Road, E1 1DU. The application for 24 hour opening is excessive and inappropriate in an area already identified as being blighted by a culture of excessive alcohol consumption and the public nuisance and disturbance which this consumption entails.

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

Many people visiting the restaurants, bars and clubs of Commercial Street, Brick Lane, Spitalfields Market and the Old Truman Brewery may pass by or near the premises at 23 Whitechapel Road on their way to or from transport links at Aldgate. An off licence open 24 hours a day Mon – Sat, will encourage revellers to buy alcohol and consume it as they walk, a common phenomenon that creates antisocial behaviour, such as screaming, shouting and swearing, and urinating and vomiting in residents' light wells and on front doorsteps.

Street drinking in this area already causes unwanted noise and nuisance, litter and ASB. Street urination as a result of street drinking is a growing and recognised problem. There is a growing incidence of loss of residential amenity due to alcohol being made readily available to the rough sleeper community associated with the cluster of homeless hostels around the southern end of Brick Lane/Osborne Street near 23 Whitechapel Road. Round the clock sales of alcohol here will undoubtedly contribute to public nuisance.

For these reasons Spitalfields Community Group OBJECTS to the variation of the premises licence at 23 Whitechapel Road.

From and on behalf of the Spitalfields Community Group

c/o Selina Mifsud, [REDACTED]

Appendix 6

Andrew Heron

From: James Imrie Gmail [REDACTED]
Sent: 05 December 2013 17:25
To: Licensing
Cc: Andrew Heron; [REDACTED]
Subject: [REDACTED]
Off-Licence at 23 Whitechapel Road applying to sell alcohol 24 HOURS PER DAY
..... !!!!

Dear Sir/ Madam,

As a local resident of the Spitalfields area I would like to OBJECTS to the application for a variation of a premises licence at Best Star One, 23 Whitechapel Road, E1 1DU. The application for 24 hour opening is excessive and inappropriate in an area already identified as being blighted by a culture of excessive alcohol consumption and the public nuisance and disturbance which this consumption entails.

Many people visiting the restaurants, bars and clubs of Commercial Street, Brick Lane, Spitalfields Market and the Old Truman Brewery may pass by or near the premises at 23 Whitechapel Road on their way to or from transport links at Aldgate. An off licence open 24 hours a day Mon – Sat, will encourage revellers to buy alcohol and consume it as they walk, a common phenomenon that creates antisocial behaviour, such as screaming, shouting and swearing, and urinating and vomiting in residents' light wells and on front doorsteps.

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

There are growing incidences of loss of residential amenities due to alcohol being made readily available to the rough sleeper community associated with the cluster of homeless hostels around the southern end of Brick Lane/Osborne Street near 23 Whitechapel Road. Round the clock sales of alcohol here will undoubtedly contribute to public nuisance.


For these reasons I would like to OBJECTS to the variation of the premises licence at 23 Whitechapel Road.

Kind Regards,

James Imrie
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This is non binding and Subject to Contract.

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Appendix 7

Andrew Heron

From: Matt Piper [REDACTED]
Sent: 06 December 2013 13:39
To: Licensing; Andrew Heron
Cc: Alan Cruickshank
Subject: application to vary the licence at Best Star One, 23 Whitechapel Rd
Attachments: ASB diary.pdf

Dear Sir/Madam,

I wish to object to the above application.

Along with many others, my family suffers nightly from the behaviour of those who visit Spitalfields to participate in the night-time economy. Almost all of this is alcohol fueled. Incidents include shouting and screaming late into the night, urination, defecation and vomiting on the pavement and against residents' properties, vandalism, graffiti, littering etc. Only last night somebody urinated against and under our front door. For the last few months I have been keeping a diary of such incidents that I have witnessed in the immediate vicinity of our home. I have attached that to this email.

A 24-hour licence will only exacerbate this problem, extending it further into the night and reducing our quality of life.

In addition, the location of this off-licence is extremely unfortunate. It is close to several hostels that home vulnerable individuals, many of whom have alcohol problems. To make alcohol available 24 hours to these unfortunate people is irresponsible to say the least. It certainly raises a public health issue.

Spitalfields is already saturated with off-licences and other sources of alcohol. Please do not make this problem worse.

Many thanks for your help.

Matthew Piper
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date	Time	Type	Street	Location	Description
13-Jul-2013	23:00	noise	Brick Lane	Seven Stars pub	Drumming and other noise from party on roof terrace. Continued until 5am. Audible inside properties at west end of Fournier St.
14-Jul-2013	1:00	noise	Brick Lane	Seven Stars pub	Fireworks set off from cul-de-sac behind pub. Audible throughout area.
3-Aug-2013	18:00	urination	Wilkes St	at junction with Fournier St	A white male, approx 35 years old, urinated in broad daylight against no 1 Wilkes St. Several people could have or did witness it. When I pointed out that he was urinating against someone's house he just laughed and walked off, north along Wilkes Street.
10-Aug-2013	1:10	noise	Fournier Street	opposite no 11	2 men wandered along the street. Both were heavily intoxicated, staggering from side to side, and were shouting to each other as they attempted to walk along the pavement without falling over. They were drinking from cans. They were white and approximately 25 years old. The noise they caused was enough to wake my family.
10-Aug-2013	6:52	banging on doors	Fournier Street	no 11.5	We were woken at 6.52am when someone rang our doorbell. I went to the door and found someone slumped against our house, again heavily drunk. He admitted he had rung the doorbell but could not offer any explanation as to why. He was white, about 25-30 years old and wearing a blue and white striped top. He spoke with a European accent. The doorbell also woke my family.
10-Aug-2013	6:52	urination	Fournier Street	opposite no 9	A man, approximately 25 years old and wearing a white top, urinated against the wall of Christ Church, opposite number 9 Fournier Street.
10-Aug-2013	21:00	urination	Fournier Street	no 11.5	At approximately 9pm a white male, 30-35 years old, with possibly a South African accent, urinated against my house, into the light-well and against my kitchen window. He was wearing a white top. This is disgusting and a health-hazard. When I chased him off he finished by urinating against another house. He then left in the direction of Brick Lane.
10-Aug-2013	22:05	urination	Brushfield St	near Barclays	At 10.05pm a man urinated in public between parked cars on Brushfield Street, near the junction with Commercial Street, close to Barclays Bank. He was 20-25 years old, wearing a dark T-shirt and dark shorts.
10-Aug-2013	23:50	urination	Brushfield St	north end of street	At 11.50pm I witnessed a man urinating in public at the north end of Wilkes Street, near its junction with Hanbury St. He was black, about 20 years old, and wearing a dark T-shirt and jeans.

11-Aug-2013	12:00	banging on doors	Fournier Street	no 11.5	At approximately noon a couple of women, one clearly very drunk, sat on our doorstep. When our dog heard them and started barking, they banged on our front door, upsetting the dog further and also our 2 year old daughter. My wife asked them to move and one of them refused to do so, only eventually moving after further antagonising the dog and scaring our daughter further. They eventually moved off in the direction of Brick Lane.
12-Aug-2013	1:00	urination	Fournier Street	at junction with Wilkes St	At approximately 1am this morning a group of 7 people, all aged 20-25 and speaking with European accents, walked east along the street. There were 4 men and 3 women. One of the men turned to the women and said "Stop, we need to pee". The 4 men then all proceeded to urinate against properties in Fournier Street and at the end of Wilkes Street.
12-Aug-2013	9:00	urination	Commercial Street	Christ Church gardens	A cyclist rode into Christ Church gardens and urinated through the fence into the grounds of Christ Church school. He was 20-25 years old, white, and wearing cycling gear. This happened in full view of my 2 year old daughter.
13-Aug-2013	22:00	defecation	Fournier Street	opposite no 5	Someone has defecated between parked cars in the residents' parking bays.
16-Aug-2013	0:00	urination	Fournier Street	no 13	Someone has urinated against the house.
17-Aug-2013	17:30	urination	Fournier Street	opposite no 11.5	3 men (possibly drugs dealers) loitering on corner of Wilkes/Fournier St. One crossed the road and urinated against Christ Church. In broad daylight and in full view of many passersby, including our whole family.
17-Aug-2013	22:30	noise	Fournier Street	whole street	several groups of drunk people (mainly men) shouting and chanting aggressively as they left Brick Lane
18-Aug-2013	0:30	noise	Fournier Street	whole street	several groups of drunk people (mainly men) shouting and chanting aggressively as they left Brick Lane
23-Aug-2013	18:30	urination	Commercial Street	Christ Church gardens	a Spanish-speaking man urinated in the gardens. He was one of a group of approximately 10 people drinking in the gardens. The large tree in the south east corner of the gardens is a public toilet. There is always a urine splash and faeces are regularly there.
24-Aug-2013	0:00	vomiting	Fournier Street	no 19	someone has vomited against the door of no 19
25-Aug-2013	22:00	noise	Fournier Street	no 1	group of youths gathered outside number 1 drinking from cans. Screaming and shouting as they plays drinking games.
3-Sep-2013	12:30	urination	Fournier Street	opposite no 11	a woman urinated between parked cars, in full view of a walking tour
14-Sep-2013	23:30	banging on doors	Fournier Street	no 11.5	2-3 men rang our doorbell late and night and ran away screaming
15-Sep-2013	0:00	noise	Fournier Street	whole street	a group of drunk women slowly made their way along the street, shouting, screaming and causing a disturbance.

19-Sep-2013	23:30 noise	Fournier Street	whole street	a group of drunk women were shouting, screaming, and generally causing a disturbance.
20-Sep-2013	23:00 noise	Fournier Street	junction with Wilkes St	a group of German youths gathered with a hand-held stereo turned up to high volume. When asked to turn it down they only partially did so, reluctantly. They remained there for 15 minutes
21-Sep-2013	0:00 urination	Fournier Street	no 14	Someone has urinated against the house.
21-Sep-2013	1:30 noise	Brick Lane	Seven Stars pub	extremely loud music being played from an open window at the back of the building. Audible from our bedroom at the west end of Fournier Street and therefore across the whole neighbourhood.
21-Sep-2013	20:30 noise	Fournier Street	no 11.5	a group of youths gathered on our doorstep, drinking, smoking and shouting. When asked to move on they only went as far as the doorstep next door where they carried on as before, keeping our children awake. They were there for approx 1 hr.
21-Sep-2013	21:30 urination	Fournier Street	opposite no 11	two women urinated between parked cars opposite number 11, in full view of several passersby. They were 20-25 years old with dark hair and English accents.
4-Oct-2013	1:00 vomiting	Fournier Street	opposite no 11	someone has vomited on the pavement alongside Christ Church
5-Oct-2013	23:55 noise	Fournier Street	opposite no 13	a car parked outside number 13 blaring loud bass music for approximately 10 minutes before moving on reluctantly when asked. The noise was enough to wake our youngest daughter. There were 4 occupants of the car, 2 men and 2 women. The women had Essex accents. The car was a Golf-type car, black with heavily tinted windows.
6-Oct-2013	1:00 vomiting	Fournier Street	outside no 11.5	someone has vomited in the street
6-Oct-2013	1:00 vomiting	Fournier Street	outside no 9	someone has vomited in the street(possibly the same person as above)
6-Oct-2013	9:50 urination	Commercial Street	Christ Church gardens	two men with Eastern European accents walked into the gardens. One proceeded to urinate against the wall in full view of any passerbys by. He was approximately 45 years old and dressed in pale denim.
19-Oct-2013	9:50 urination	Commercial Street	Christ Church gardens	a man of Asian descent, aged about 50 and with a heavy limp, urinated against the gravestones on the south wall of the gardens in full view of several people
20-Oct-2013	22:15 fireworks	Commercial Street	junction with Fournier St	someone threw a lit firework into the road. A car drove over it while it was exploding.
20-Oct-2013	22:20 urination	Fournier Street	number 9	a group of youths (4 female, 2 males) walked down the street shouting and drinking from cans. One of the males urinated against number 9.
23-Oct-2013	14:00 excrement	Wilkes St	opposite number 3	there are several piles of human faeces between the parked cars on the east side of Wilkes St

2-Nov-2013	23:00	noise	Fournier Street	junction with Wilkes St	a couple of young men were throwing and kicking a black bin-liner full of rubbish around. This caused a lot of noise and a trail of litter on the pavement and road.
2-Nov-2013	23:30	noise	Fournier Street	number 11.5	some youths were drinking on the street and generally causing a disturbance. They left a number of empty bottles and glasses on our doorstep.
5-Nov-2013	0:30	urination	Fournier Street	number 11.5	a man, roughly 30 years old and wearing blue trousers and a blue hoodie urinated against the house and into the lightwell outside the kitchen window. When challenged he walked off.
7-Nov-2013	21:00	urination	Fournier Street	opposite number 5	About half an hour ago I witnessed a woman, aged about 40 with short dark hair and wearing blue trousers and a blue jacket, urinating between two parked cars opposite number 5 Fournier Street. This was in full view of several passerby by and a visiting walking tour.
19-Nov-2013	0:00	graffiti	Fournier Street	number 11.5	somebody has written graffiti on our shutters. It doesn't properly scrub off and repainting is required.
29-Nov-2013	3:18	noise	Fournier Street	outside number 11	a white woman aged about 40 with long dark hair was lying on the pavement shoulding and screaming at an unseen man. This went on for several minutes and woke most of the residents of the west end of Fournier St.
1-Dec-2013	9:30	urination	Commercial Street	Christ Church gardens	a Veolia employee, wearing an LBTH high-visibility jacket, urinated in the gardens against some tombstones. My 2year old daughter was present at the time.
6-Dec-2013	0:00	urination	Fournier Street	number 11.5	somebody has urinated against our front door.

Appendix 8

Andrew Heron

From: StGeorgeResidents'Association [REDACTED]
Sent: 09 December 2013 14:02
To: Licensing; Andrew Heron
Cc: [REDACTED]
Subject: Premises Licence Application - 23 Whitechapel Road

From:
St George Residents' Association

Dear Mr Heron,

Re: Premises Licence Application at 23 Whitechapel Road, London

St George Residents' Association strongly object to this Application.

Our Association is for owners and residents of 193 flats facing onto Lamb Street, Folgate Street, Commercial Street and Spital Square. This off-licence is only about 8 minutes walk from where we live.

People walk through the streets with cans and bottles purchased in such outlets, then sit on the benches and walls near our flats. Residents living in the Spitalfields area suffer nightly from noise carrying through the locality, caused in the main by alcohol related antisocial behaviour, including shouting and singing.

There are enough outlets in this part of London for the sale of alcohol during the daytime and evening. Surely anyone who wants to buy alcohol can do so in any of the large number of licensed premises, including small supermarkets, before 11pm. Availability during the night will inevitably lead to an increase in the very worst forms of antisocial behaviour. To permit off-licence sales for 24 hours 6 days a week would be unforgivable given the fact that police are already stretched in time and resources.

We ask that the application be REFUSED on the ground of:

- prevention of noise nuisance in the surrounding streets, day and night, together with preventing more vomiting and urination in the streets.
- prevention of crime and disorder - inebriation leads to lack of inhibitions and personal control

We ask that the application be REFUSED

- to prevent the increase in licensed premises by applying the policy of LBTH Cumulative Impact of Licensed premises.

Yours sincerely

Mrs Margaret Gordon - Chairman, St George Residents' Association

Appendix 9

Andrew Heron

From: Jon Shapiro [REDACTED]
Sent: 07 December 2013 07:16
To: Licensing
Cc: [REDACTED]
Subject: Alcohol Licence Application by 23 Whitechapel Road
Importance: High

Dear Sir or Madam,

I believe that 23 Whitechapel Road has applied for a licence to sell alcohol six days a week, 24 hours a day
I believe any such application is totally outrageous and should be rejected by the LBTH Licensing Committee.

I would strongly object to an off-licence anywhere in LBTH being granted such a licence, but must object even more strongly in the case of this particular off-licence which is so close to the Brick Lane area long-recognised by the Metropolitan Police as being the number one policing problem in Tower Hamlets. Indeed I understand that these premises are on the boundary of the CIZ (Cumulative Impact Zone) – yet another reason for rejecting the application.

I consider that this application would heavily impact:

- Crime and disorder
- Public nuisance
- Public safety

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

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

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

Please would you acknowledge receipt of this email.

Yours faithfully,
Jon Shapiro.

[REDACTED]

[REDACTED]

Appendix 10

Andrew Heron

From: Critchley [REDACTED]
Sent: 11 December 2013 10:21
To: Andrew Heron; Licensing
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Best Star One, 23 Whitechapel Road, E1 1DU

Dear Andrew Heron, Licensing Officers,

The committee of the Spitalfields Society has asked me to register the Society's objection to the application for a variation of a premises licence at Best Star One, 23 Whitechapel Road, E1 1DU to allow the sale of alcohol for 24 hours a day, Monday to Saturday, on the grounds that this application is likely to prove detrimental to the objectives of the Licensing Act 2003 in relation to Crime and Disorder and Public Nuisance. Off-sales of alcohol made from these premises already fuel acts of drunken and unruly behaviour from their patrons, contributing significantly to the high levels of anti-social behaviour resulting from indiscriminate alcohol consumption in the locality that cause residents endless stress and aggravation and sometimes lead to fights and other forms of assault in the streets. Extending the hours to 24 a day would without doubt exacerbate this problem.

In addition, the premises are located in the immediate vicinity of a number of hostels for the homeless that house many highly vulnerable members of society. We believe it is wholly inappropriate for any retail outlet to be allowed to sell alcohol over the counter for 24 hours so close to these people who are already having a very hard time in life and who could do without an inducement to drunkenness right on their doorstep.

Granting this variation would undermine the hard work done by police, LBTH council and staff at the hostels trying to reduce this problem and help the people concerned get their lives back on track. Normal people do not need to be able to buy alcohol at every hour of the day and night, least of all the mainly Muslim community living nearby that already suffers the distressing effects of excessive alcohol consumption by other people.

On these grounds I urgently request the Licensing Sub-Committee refuse this application for a licence variation.

Yours sincerely,

Sandy Critchley
Vice-Chairman, Spitalfields Society

[REDACTED]
[REDACTED]

Appendix 11

Andrew Heron

From: Danielle John [REDACTED]
Sent: 12 December 2013 16:15
To: [REDACTED] Andrew Heron
Cc: [REDACTED]
Subject: 23 Whitechapel Road | 24 Hour application

Follow Up Flag: Follow up
Flag Status: Completed

Hello

I am a local resident and understand that Best Star One have made an application to extend their licence so that they are able to sell alcohol 24 hours a day.

Although 23 Whitechapel Road is a busy road, there are a large number of people residing within close proximity to the shop. There are also a high number of hostels nearby housing various vulnerable people including those affected by alcoholism. Providing 24 hour access to alcohol in this area is totally unacceptable and damaging for the local community.

Local residents already experience an unacceptably high amount of alcohol-related ASB incidents (including noise, violence, criminal damage and littering) and allowing alcohol to be sold 24 hours a day would only add to such incidents.

23 Whitechapel Road is also situated close to a bus stop which might mean that those waiting for night buses will purchase alcohol to consume onboard which would put other passengers and drivers at risk.

If anything, the licence of 23 Whitechapel Road should be reviewed in order to reduce the hours during which alcohol is sold as well as to limit the type of alcohol sold.

Please let me know if you would like further details as to why I object to this application being granted.

Kind regards
Danielle

Appendix 12

Communities, Localities & Culture Safer Communities

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

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

Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

9th December 2013

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

Your reference
My reference: CLC/LIC/073143/MA

Email mohshin.ali@towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

Premises: (Best Star One), 23 Whitechapel Road, London E1 1DU

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

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

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

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

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

Yours faithfully,



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

CC: licensingervicesagency@ntlworld.com

Appendix 13

**Public Health, Education, Social Care &
Wellbeing Directorate
Commissioning & Health**

London Borough of Tower Hamlets
5 Clove Crescent
Mulberry Place, 4th Floor
London, E14 2BG

Tel: [REDACTED]

Email: [REDACTED]

www.towerhamlets.gov.uk

19th November 2013

Dear Mr McCrohan,

Re: Representation from the Director of Public Health

As the responsible body for health the Director of Public Health would like to make a representation on the licensing review application for the premises at Best Star One, 23 Whitechapel Road, E1 1DU

Grounds for representation:

The location of the premises poses a high risk of public nuisance and public safety through the inappropriate and unregulated alcohol consumption among vulnerable adults.

The premises is in the proximity to the following two hostels and medical practice (within 5 minutes walking distance):

- Hopetown Hostel, 60 Old Montague Street, London, E1 5NG
- Dellow Centre, 82 Wentworth Street Dellow Centre London, E1 7SA
- Health E1, 9-11 Brick Lane London E1 6PU, a homeless medical centre

The majority of residents and patients of these services are considered to be vulnerable adults due to mental health problems and factors such as homelessness and substance misuse which can lead to them being unable to take care of themselves or protect themselves without help.

The misuse of alcohol – whether as chronically heavy drinking, binge-drinking or even moderate drinking among vulnerable people – poses a threat to the health and wellbeing of the drinker and also poses a risk to the community through problems such as noise nuisance, anti-social behaviour and street loitering.

Alcohol problems are more common among people with mental health problems and consumption can reveal or intensify underlying feelings of anger, anxiety or worthlessness, causing people to become aggressive when they become intoxicated. The impact of alcohol is heightened among vulnerable adults and therefore can increase the risk of public nuisance and potentially crime and disorder in the community. To reduce the risk of this wider social harm it is particularly important to regulate alcohol consumption among this target group.

Recommendations:

The location of this premises poses a higher risk of public nuisance and concerns for public safety due to inappropriate and unregulated alcohol supply among vulnerable adults.

In a motion to avoid the risk of public nuisance and address concerns for public safety, the DPH would recommend that due consideration is given to the following restrictions. The premises:

- Only supply alcohol between 12:00 until 22:00, Sunday to Saturday

Yours sincerely,

Dr Somen Banerjee
Director of Public Health
Education, Social Care and Wellbeing Directorate
London Borough of Tower Hamlets

Appendix 14



John McCrohan
LBTH Licensing

HT - Tower Hamlets Borough

Licensing Office
Limehouse Police Station
27 West India Dock Road
London E14

Telephone: [REDACTED]

Facsimile:

Email: [REDACTED]

www.met.police.uk

Your ref:

Our ref:

14th December 2013

Dear Mr McCrohan

Re: Application to vary a Premises Licence for
Best Star One - 27 Whitechapel Road

I write with reference to 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 licensing objective

The prevention of crime and disorder

The Police note that the application falls within the Special Cumulative Impact Police for the Brick Lane Area, adopted by Tower Hamlets Council on the 18th September 2013, and coming into force on the 1st November 2013. Whilst we the Police make our objection on the grounds of Crime and Disorder (evidenced below), we draw the Licensing Committee's attention to paragraph 8.4 of Tower Hamlets Council Licensing Policy set out below:

"...Where the premises are situated in the cumulative impact zone and a representation is received, the license will be refused. To rebut this presumption the applicant would be expected to show through operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced."

Police object to the application to vary the license to increase the licensable hours to 24 hours as we believe that it will lead to an increase in alcohol related anti-social behaviour. This area suffers from anti-social behaviour and allowing a premises to sell alcohol 24 hours will only increase this.

The premises is also on the exit route for people leaving Brick Lane at the weekend. It is our fear that giving the premises 24 hours license will attract these people to the premises to purchase more alcohol before heading off to other venues. Having people who have already consumed alcohol able to purchase more alcohol will in the Police's opinion lead to an increase in alcohol related crime and disorder as people queue to get in the shop, or loiter outside waiting for friends. Where you have drunk people congregating in a place there is an increased chance of violent disorder occurring.

There is a hostel in the area that house people who are alcoholics. Allowing a premises to sell alcohol 24 hours a day will lead them to residents of this hostel and others to congregate around the premises as they purchase alcohol from it. It is highly likely that they will consume the alcohol within the immediate vicinity of the premises so that they can go back and purchase more alcohol. This will invariably lead to people getting more and more intoxicated by alcohol and their behaviour will worsen causing anti-social behaviour to local residents at all times of the day and night.

I have contacted the Dellow Hostel, regarding this application as many of the residents they house are likely to be affected by this application. John Beswick who works at the hostel has set out the concerns of the staff and management of the Dellow Hostel below:

Dear Mark,

I have been asked to give the views of the Dellow Hostel on this matter. I really do not think it is of benefit to the community as a whole to have another off licence in the area , especially one that sells for 24 hours a day. Certainly the large muslim community would not use it and the other local residents I think are unlikely to do so.

The target group for their sales is likely to be hostel residents/street drinkers and those leaving Brick lane restaurants in the early hours.

There are great efforts being made to reduce ASB in the area and I fear that yet another source of round the clock alcohol will only add to the problem.

This is not just a personal opinion, I have discussed this matter with a number of people, staff here at the Dellow and local residents and they all have similar views,

john

PREVIOUS INCIDENTS

On Sunday 06th October 2013 at 01:25 hrs PC 291HT O'Rourke undertook a 'Test Purchase' of a single can of 'Tennent's Super' (alcohol content 9.0 % abv) and a bag of

crisps and paid £2.09 at Best Star One, 23 White Chapel Road. The server was Mr SIVAGNANASUNDARAM BALAMURALI. The DPS Mr Rajanthiran PRAITHEEPAN returned from home after the test purchase was made. The premises has a license to sell alcohol until 01:00.

The following Licensing Forms were issued 'Book 694' "Notification of alleged offences under the Licensing Act 2003" and a Section 19 'Closure Notice under Section 19 Criminal Justice and Police Act 2001'

Mr. PRAITHEEPAN was reported for process for the following offence:

UNDER THE LICENSING ACT 2003 - SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON',

Mr PRAITHEEPAN started to argue with Pc O'Rourke that he always closed for alcohol at 01:00 hours and that the fridge shutter was only up, due to it being re-stocked. Pc O'Rourke asked to replay the CCTV from Friday night after 01:00 hours as it would show and sales of alcohol. The shop worker declined. Pc O'Rourke was able to replay the footage from Saturday morning, 05/10/13 at 01:20 hrs, and saw a male purchase a can of what appeared to be Stella Artois. The fridge shutter was clearly up and it was obvious that sales were being conducted after hours.

On Thursday 17th October 2013 at 2:50pm PC 291HT O'Rourke attended the above premises to review CCTV footage in relation to potential offences committed in the previous 30 days.

At 14:50 hrs PC 291HT witnessed the sale of 4 cans of alcohol carried out by SIVAGNANASUNDARAM BALAMURALI. The DPS Rajanthiran PRAITHEEPAN was not on the premises:

PC 291HT O'Rourke then inspected the shops CCTV system and found that it held recordings for 7 days from 06:00 hrs on 10/06/13 in direct contravention to conditions on the Premises License - namely it be retained for 30 days.

The following Licensing Forms were issued 'Book 694' "Notification of alleged offences under the Licensing Act 2003" and a Section 19 'Closure Notice under Section 19 Criminal Justice and Police Act 2001'

At 15:25 hrs on 17/10/13 - Mr BALAMURALI was reported for process for the following offence:

UNDER THE LICENSING ACT 2003 - SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON',

PC 291HT O'Rourke reset the setting of the system to 30 days and a Prosecution file was sent to Tower Hamlets Council Legal for consideration for prosecution.

On the 10th October 2012 Tower Hamlets Police Licensing, Tower Hamlets Council Trading Standards and HM Customs and Excise carried out a visit on the premises. The shop had bottles of Smirnoff Vodka that appeared to not of paid there excise duty. The information on the back of the bottles was written in Italian and the customs stamps appeared in different locations on the bottles. There were also 50cl bottles of Smirnoff Vodka that had not been seen in the UK before. LBTH Trading standards decided to seize the bottles under their powers. The following items were seized by Trading Standards:

10 x 50cl bottles Smirnoff Vodka

36 x 20cl bottles of Smirnoff RED Vodka

11 x 35cl bottles Smirnoff RED Vodka

4 x 20cl bottles Smirnoff RED Vodka

While the bottles were being seized a Mr Rajaenthiran Prathweepan entered the store, he identified himself as the manager. Mr Prathweepan accused us of not being police officers. Pc Cruickshank 189HTand myself Pc Perry 748HT produces our warrant cards and explained that we were here with Trading Standards from Tower Hamlets Council. Mr Prathweepan did not believe us and called 999 despite us asking him to call 101 instead as the matter was not an emergency. I spoke to the police operator and identified myself as a police officer and gave my shoulder number and warrant number and the CAD (Police reference number) number of the visit, and the police operator linked the two CAD's together, Mr Prathweepan was advised not to call 999 about this matter again.

As the bottles were being seized by Trading Standards Mr Prathweepan became more and more aggressive, he refused to acknowledge that we were police officers or that Trading Standards had the power to seize the vodka. It was explained that the goods were being seized as they were believed to be smuggled goods, that they would be given to Customs & Excise to ascertain this. If they were not smuggles goods that they would be returned to him and that he would receive a receipt for the goods that were taken. Mr Prathweepan continued to be aggressive in both the tone and volume of his voice, he was shouting at police and trading standards and also in his behavior as he aggressively moved towards the Trading Standards officers and ordered his shop assistant not to open the door to allow

police to exit the shop. His shop assistant and Mr Prathweepan were threatened with arrest for obstructing police if they did not dissuade from their actions. Police had to raise their voices and shout at Mr Prathweepan to make him calm down and to keep control of the situation. Eventually Mr Prathweepan calmed down and was given the details of the officers who visited his store, their shoulder numbers and their department as well as the details for trading standards from LBTH and the CAD number. He was advised to contact the duty inspector if he wanted to make a complaint against Pc Perry or Pc Cruickshank. This was the most aggressive DPS and Premises License holder I have ever witnessed, he had no respect for the police or the local authority, he was very abusive and aggressive and did not display the attitude one would expect from a person in authority.

Given that the premises has been found to be breaching its conditions on its license and trading past its hours and the concerns of the Police, Local residents and the Dellow Hostel that allowing this increase in hours will lead to an increase in alcohol related anti-social behaviour I ask that this application be rejected.

Appendix 15

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 16

Access and Egress Problems

Such as:

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

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

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

Appendix 17

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

Appendix 18

Special Cumulative Impact Policy for the Brick Lane Area

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

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

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

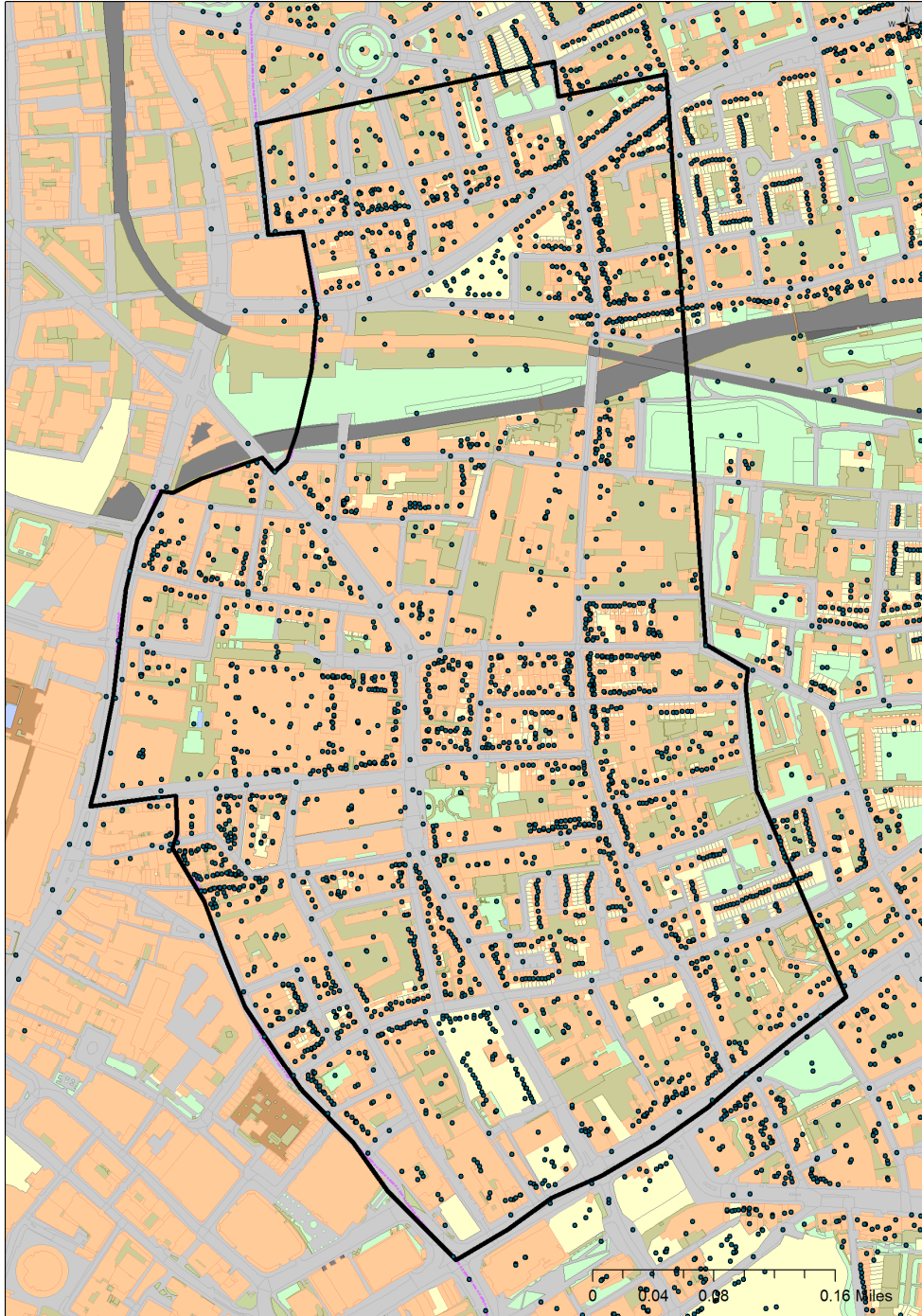
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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

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

Figure One

The Cumulative Impact Zone in the Brick Lane area

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



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

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