

LICENSING SUB COMMITTEE

Thursday, 24 July 2014 at 2.00 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Democratic Services
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

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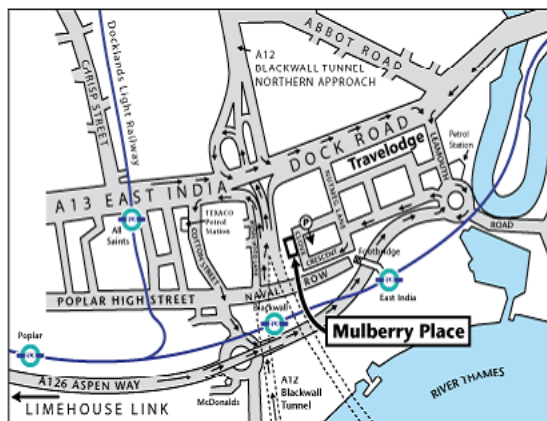
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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. RULES OF PROCEDURE (Pages 5 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 28)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 26 June 2014.

4. ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1 Application for a New Premises Licence for Victoria, 110 Grove Road, London, E3 5TH	29 - 84	Bow West
4 .2 Application for a Variation of the Premises Licence for Boho Mexica - 151-153 Commercial Street, London, E1 6BJ	85 - 208	Spitalfields & Banglatown
5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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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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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 5.40 P.M. ON THURSDAY, 26 JUNE 2014

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Muhammad Ansar Mustaqim

Other Councillors Present:

Councillor Racheal Saunders

Officers Present:

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

Applicants In Attendance:

Theodore Holder - (Qualm Free Tea Room)
James Deery - (Qualm Free Tea Room)
Gregory Holder - (Qualm Free Tea Room)
David Smith - (As Nature Intended)
Jeff Martin - (As Nature Intended)

Objectors In Attendance:

Jane Miller - (Resident)
Tim Rich - (Resident)
Bridget Irving - (Resident)
PC Alan Cruickshank - (Metropolitan Police)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 22nd April, 8th May and 15th May 2014 were agreed.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Qualm Free Tearoom/The Hawkhurst Vault, 240 Brick Lane, London, E2 7EB

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Qualm Free Tearoom/ The Hawkhurst Vault, 240 Brick Lane, London E2 7EB. It was noted that objections had been made by local residents.

At the request of the Chair, Mr Theodore Holder, Applicant, briefly explained that crime and disorder in the area pre-dated before the premises was open. He stated that the premises was of a gentle nature and drinks would be priced at £4.50 + and this would therefore be a deterrent for street drinkers etc.

He explained that the application had been modified due to the objections received, the hours had been reduced and conditions proposed by the Police accepted. It was noted that suitable signage would be placed around the premises asking customers to leave quietly and respect the needs of local residents, that there would be family friendly events and did not envisage customers causing disorder due to the nature of the premises.

Members then heard from Councillor Racheal Saunders representing Frances Carroll & Michael Holden who were unable to attend the meeting. She explained that there were real concerns of public nuisance, public safety and crime and disorder in the area and the opening of this premise has made it worse. She stated that the nature of the premises and the size of the premise meant that customers end up standing in the streets, blocking pavements causing residents and pedestrians to walk on the road to get passed the premises.

She also highlighted that there were concerns of poor management, customers regularly spilling on to the streets, noise nuisance at night and chairs and furniture left outside the premises causing obstruction to passers by.

Members then heard from Jane Miller, Tim Ross, and Bridget Irving, local residents who expressed similar concerns of noise and public nuisance, and public safety with benches and chairs left outside the premises, street corner

and pavements obstructed by furniture and customers making it difficult for pedestrians to walk past. There were also concerns that taking drinks outside the premises would potentially cause more disorder.

In response to questions from Members the following was noted;

- That the capacity of premise was for 35 people
- The applicants previous experiences of working in licensed premises
- That the premises was a tea room and not a bar
- That the crowding on the street referred to in the photos submitted by the objectors were from one of the first TEN application they had.

In summing up the application, objectors believed that management were unable to manage the premises currently without a licence and having a licence would make it worse.

The applicants reassured Members that the premises was not a bar but a tea room and furniture would not be left outside and methods would be improved and every effort would be made to manage the premises legally and keep accesses clear.

Members retired to consider their decision at 6.40pm and reconvened at 6.55pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the evidence submitted by both the objectors and the applicant.

Members had reached a decision and this decision was unanimous. Members had noted the reduction in hours proposed by the Applicant and amendments to the licence sought. Members noted the issues and concerns of public nuisance and crime and disorder for and on behalf of local residents. Members were minded however that there were no representations from any of the relevant responsible authorities, namely the Police and Environmental Health.

Members noted that the issues of disorder related to items being placed on the highway outside the premises and by allowing persons to consume drinks on the highway.

Before refusing a licence outright, Members had to consider whether conditions could be placed on the licence and which could address such concerns. Members also had to take into account that issues of highway obstruction could be dealt with by the Council as the appropriate highway authority.

Members considered that with the reduced hours and by adding the additional conditions and later set out, the Licensing Objectives would be promoted .

Members would also recommend that the relevant Council Services attend the premise location and undertake relevant and deal with any issues of highway obstruction.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Qualm Free Tearoom/ The Hawkhurst Vault, 240 Brick Lane, London E2 7EB be **GRANTED with conditions.**

Sale of Alcohol (on sales)

Sunday to Thursday from 11:00 hours to 20:00 hours
Friday and Saturday from 11:00 hours to 21:00 hours

The Presentation of Films

Monday to Sunday from 08:00 hours to 21:00 hours

Hours Premises is open to the Public

Monday to Saturday from 07:00 hours to 23:00 hours
Sunday from 07:00 hours to 22:00 hours

Conditions

1. There shall be no off sales
2. No alcohol purchased within the premises is to be allowed to be taken outside the premises to be consumed outside the premises
3. Alcohol is only to be served to persons who are seated at tables within the premises .
4. There is to be no vertical drinking of alcohol
5. There will be no advertisement of alcohol sale via on street flyers

6. The capacity of the venue will be monitored and set at 35 inside the venue, 15 on the ground floor and 20 in the basement.
7. A challenge 25 policy will be operated and suitable signage will be displayed in the premises to that effect.
8. A refusal book is to be kept at the premises and maintained by logging incidents when sale of alcohol is refused.
9. No under 18s will be allowed on the premises after 9pm
10. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

4.2 Application for a Premises Licence for (As Nature Intended), 132 Commercial Street, London E1 6NG

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for As Nature Intended, 132 Commercial Street, London E1 6NG. It was noted that objections had been made by local residents and the Metropolitan Police.

At this point Mr Paul Greeno stated that the resident representations were not valid as they refer to planning permission, licence past 11pm and make reference to Costa Coffee.

At the request of the Chair, Mr David Smith, Legal Representative for the applicant gave a brief summary of the history and nature of the premises. It was noted that they were specialist in organic products. It was noted that the sale of alcohol would not be advertised, that it was organic and alcohol was of the part of the range of products offered. He stated that there would be no adverse effects and their operating schedule on page 172 of the agenda was significant to address the concerns raised.

It was also noted that the display of alcohol would not exceed 5% of the premises area and digital CCTV was in place to safeguard against any crime and disorder.

Mr Smith concluded that there had been no incidents of crime and disorder or complaints at the premises and that its clientele were females aged between 25-35.

Members then heard from PC Alan Cruickshank he explained that his objection was not a reflection on the applicant but a response to the saturation Policy. He explained that since the introduction of the policy and the cumulative impact zone, licenses have been granted in this area but the continuing introduction of new licensed premises however small or well run will compound the problems in the cumulative impact zone.

There were no questions from members.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the application. Members noted that the operating schedule (and which was confirmed by the Applicant's representative) provided that alcohol would only be sold for off sales and would make up no more than 5% of the retail stock. Further, the alcohol being supplied was organic and was therefore not likely to attract street drinkers. As a result, Members were satisfied that the operation of the premises would not lead to an increase in crime and disorder or public nuisance and therefore would not add to cumulative impact.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, As Nature Intended, 132 Commercial Street, London E1 6NG be **GRANTED** with conditions.

The sale by retail of alcohol (off sales)

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

Hours open to the public

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

Non standard timings

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

Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed.

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

5. EXCLUSION OF THE PRESS AND PUBLIC

The Chair Moved and it was: -

Resolved:

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

6. RESTRICTED MINUTES

The restricted minutes of the Licensing Sub Committees held on 22nd April 2014 were agreed.

7. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 7.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	24 July 2014	Unrestricted	LSC 06/145	

Report of David Tolley Head of Consumer and Business Regulation Services	Title Licensing Act 2003 Application for a New Premises Licence for Victoria, 110 Grove Road, London, E3 5TH.
Originating Officer: Alexander Lisowski Licensing Officer	Ward affected Bow West

1.0 Summary

Applicant:	Charles Wells Limited
Name and	Victoria
Address of Premises:	110 Grove Road London E3 5TH
Licence sought:	Licensing Act 2003 Application for a new premises licence to allow: <ul style="list-style-type: none">• On and Off Sale of Alcohol• Late night Refreshment• Regulated Entertainment
Objectors:	Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Alexander Lisowski
020 7364 7446

3.0 **Background**

- 3.1 The Victoria, 110 Grove Road, London, E3 5TH, is a public house which already has a premises licence. The existing premises licence holder has applied for a new premises licence for the venue.

The applicant has agreed further conditions with the Police and Environmental Health. The sub-committee is requested to consider these conditions. **See Appendix 5.**

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

The hours of the current licence are:

On and Off Sale of Alcohol

- Sunday to Thursday, 10.00am to midnight
- Friday and Saturday, 10.00am to 01.00am the following day

The Playing of Recorded Music and Anything of a Similar Description

- Monday to Sunday, 10.00am to midnight

The Playing of Live Music and Anything of a Similar Description

- Friday and Saturday, 10.00am to midnight

Late Night Refreshment

- Monday to Sunday, 23.00pm to midnight

Non-Standard Times

- On New Year's Eve the licensable activities are extended to 01.00am on New Year's Day

The Opening Hours of The Premises

- Sunday to Thursday, 10.00am to 00.30am the following day
- Friday and Saturday, 10.00am to 01.30am the following day

Non-Standard Timings

- From the finishing time on New Year's Eve to the starting time on New Year's Day

The hours applied for under the application for a new licence:

On and Off Sale of Alcohol

- Sunday to Thursday, 10.00am to midnight
- Friday and Saturday, 10.00am to 01.00am

The Provision of Late Night Refreshment

- Sunday to Thursday, 23.00pm to midnight
- Friday and Saturday, 23.00pm to 01.00am the following day

The Exhibition of Films

- Monday to Sunday, 10.00am to midnight

The Playing of Recorded Music and Anything of a Similar Description

- Monday to Sunday, 10.00am to midnight

The Performance of Live Music and Anything of a Similar Description

- Monday to Sunday, 10.00am to midnight

The Opening Hours of the Premises

- Sunday to Thursday, 07.00am to 00.30am the following day
- Friday and Saturday, 07.00am to 01.30am the following day

Non-Standard Timings

- From the end of permitted hours on New Year's Eve to the start Of permitted hours on New Year's Day

3.3 A copy of the current premises licence is included as **Appendix 2**.

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

4.0 Policy and Government Advice

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 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 2014.

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 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.5 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.6 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
 - Local Residents

See Appendix 6

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

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

- 5.9 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

5.10 The objections cover allegations of

- Public nuisance

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

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ∇ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ∇ The Government has stated "there is no general presumption in favour of lengthening licensing hours and the four licensing

objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 7-11** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

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

Appendix 1

London Borough of Tower Hamlets

**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.

We Charles Wells Limited

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Victoria 110 Grove Road			
Post town	Bow	Post code	E3 5TH
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		£16,250.00	

Part 2 - Applicant Details

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

- 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 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)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	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 Charles Wells Limited
Address Lakeview House Priority Business Park Fraser Road Bedford MK44 3WH

Registered number (where applicable) 106884
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

A

Please give a general description of the premises (please read guidance note1)
The Victoria public house is located on a busy thoroughfare between Victoria Park and Mile End.

The premises have in recent years traded as a traditional public house, with minimal food offering and music evenings aimed at the student customer base.

Following this proposed development, there will be a new experienced and award winning operator in place and the site will have a totally different trading style, with a food led offer, a meeting room and private dining room facilities and a tea and coffee offer throughout the day.

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

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

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

Provision of regulated entertainment

Please tick yes

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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	10:00	00:00			
Tue	10:00	00:00	Showing of DVD's and Videos in public.		
Wed	10:00	00:00			
Thur	10:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Fri	10:00	00:00			
Sat	10:00	00:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	10:00	00:00			
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

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			
Wed			
Thur			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)
Fri			
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	Please give further details here (please read guidance note 3)		
Tue	10:00	00:00	Amplified and non-amplified music played by bands.		
Wed	10:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10:00	00:00			
Fri	10:00	00:00	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 (please read guidance note 5)		
Sat	10:00	00:00			
Sun	10:00	00:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	Please give further details here (please read guidance note 3)		
Tue	10:00	00:00	Both amplified and unamplified recorded music		
Wed	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	00:00			
Fri	10:00	00:00	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)		
Sat	10:00	00:00			
Sun	10:00	00:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input 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					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	00:00		Outdoors	<input type="checkbox"/>
Tue	10:00	00:00	Please give further details here (please read guidance note 3)		
Wed	10:00	00:00			
Thur	10:00	00:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	10:00	00:00			
Sat	10:00	00:00	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 (please read guidance note 5)		
Sun	10:00	00:00			
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	Please give further details here (please read guidance note 3) Hot food and drink provided in the dining rooms and bar areas.	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	01:00	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) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	23:00	01:00			
Sun	23:00	00:00			

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"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	10:00	00:00			
Wed	10:00	00:00	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) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Thur	10:00	00:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

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

Issuing licensing authority (if known)
 South Northamptonshire Council

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	00:30	<p>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)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Tue	07:00	00:30	
Wed	07:00	00:30	
Thur	07:00	00:30	
Fri	07:00	01:30	
Sat	07:00	01:30	
Sun	07:00	00:30	

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

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

This premise already has the benefit of a Premises Licence. This application is being made as the premises are being amended to move away from live music more to a food led Premises.

See boxes b) – e) below.

b) The prevention of crime and disorder

1. A telephone hotline number will be provided to local residents to call in the event of any issues.

c) Public safety

See boxes b) and d).

d) The prevention of public nuisance

1. Use of rear garden to be monitored by staff after 8pm on all nights.
2. Live & recorded music shall not be audible within any surrounding residential property.
3. A member of staff shall undertake regular patrols outside the premises to ensure compliance with licensing condition above.
4. Notices shall be displayed internally at exits and also in key areas, requesting the public to respect the needs of the local residents by keeping noise to a minimum when using both the outside areas of the premises, and when leaving the premises and the area, to do so quickly and quietly. All such signs must be in a permanent form, prominently placed and legible.
5. All reasonable steps and regular monitoring by the landlord and staff shall take place to ensure that customers entering and leaving the premises do so in an orderly manner so as to not cause disturbance to nearby residential properties or annoyance to people passing the premises.
6. Waste glass material shall not be placed in the external bottle bins during the night hours (23:00 hours to 07:00 hours the following day).
7. Customers are to be encouraged to remain on the premises whilst waiting for taxis.

e) The protection of children from harm

See boxes b) and d).

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- 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 CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	02 May 2014
Capacity	Poppleston Allen – Solicitors for and on behalf of the 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)			
Angela Gardner 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

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

Appendix 2

(Victoria PH)
110 Grove Road
London
E3 5TH

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 
Licensing and Trading Standards Manager

Date: 16 November 2005

- **Amended following review at hearing of 5th November 2009**
- Amended following the licensing subcommittee hearing (review) of 10th February 2009



Part A - Format of premises licence

Premises licence number

18059

Part 1 - Premises details

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

(Victoria PH)
110 Grove Road

Post town
London

Post code
E3 5TH

Telephone number

██████████

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities**Sale of Alcohol**

Sunday to Thursday from 10:00 hours to midnight
Friday and Saturday, from 10:00 hours to 01:00 hours the following day

Regulated Entertainment – Indoors**Films**

Recorded music and anything of a similar description.

Provision of facilities for making music, provision of facilities for dancing and provision of facilities for entertainment of a similar description.

Monday to Sunday, from 10:00 hours to midnight

Live Music:

Friday and Saturday from 10:00 hours to midnight

Late Night Refreshment

Monday to Sunday, from 23:00 hours until midnight

Non-standard timings

New Year's Eve the licensable activities extended to 01:00 hours on New Year's Day.

The opening hours of the premises

Sunday to Thursday, from 10:00 hours to 00:30 hours the following day
Friday and Saturday from 10:00 hours until 01:30 hours the following day

Non-standard timings

From finish time on New Year's Eve until start time in New Year's day.

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

On and off sales

Part 2

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

Charles Wells Ltd
The Eagle Brewery
Havelock Street
Bedford
MK40 4LU

Tel. No. 0208 9806609

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

106884

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

Alfred Smith

[REDACTED]

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

Licence No. – [REDACTED]

Issuing Authority – [REDACTED]

Annex 1 - Mandatory conditions

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

- 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

Door supervisor

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

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

in respect of premises in relation to-

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. Customers shall be requested to leave the premises in orderly and quiet manner.
2. Children under 16 to be accompanied by a responsible adult.
3. A telephone "hotline" number will be provided to local residents to call in the event of any issues.
4. Customers are to be encouraged to remain on the premises whilst waiting for taxis.
5. Staff shall request photographic ID from any customers if in doubt of age to prevent underage sales

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

Conditions attached following review hearing of 10th February 2009:

6. No patrons to be in the rear garden after 10pm Monday to Saturday and 9pm Sunday except where access is required in case of emergencies.
7. Use of the rear garden to be monitored by staff after 8pm on all nights.

Conditions attached following hearing of 6th August 2008:

8. Live and recorded music shall not be audible within any surrounding residential property.
9. Designated Premises Supervisor shall undertake regular patrols outside his premises to ensure compliance with licensing condition above.
10. The doors to the entrance lobby and windows shall not be kept in the open position whilst regulated entertainment is in progress. At no time whilst regulated entertainment is in progress are both doors to the lobby to be open at the same time. Either a member of staff or SIA qualified security to be employed controlling this from 10:00 p.m. onwards when regulated entertainment is in progress.
11. Notices shall be displayed internally at exits and also in key areas, requesting the public to respect the needs of the local residents by keeping noise to a minimum when using both the outside areas of the premises, and when leaving the premises and the area, to do so quickly and quietly. All such signs must be in a permanent form, prominently placed and legible.
12. All reasonable steps and regular monitoring by the Landlord and his staff shall take place to ensure that customers entering and leaving the premises do so in an orderly manner so as not to cause disturbance to nearby residential properties or annoyance to people passing the premises.
13. Waste material shall not be placed in the external bins during the night hours (23:00 hours to 07:00 hours the following day).

Conditions attached following review hearing of 5th November 2009:

14. When Live Music is in progress, alcohol purchased inside the premises shall not be allowed outside.

15. No patrons to be in the rear garden after 9pm on Monday to Saturday and 8pm Sunday.

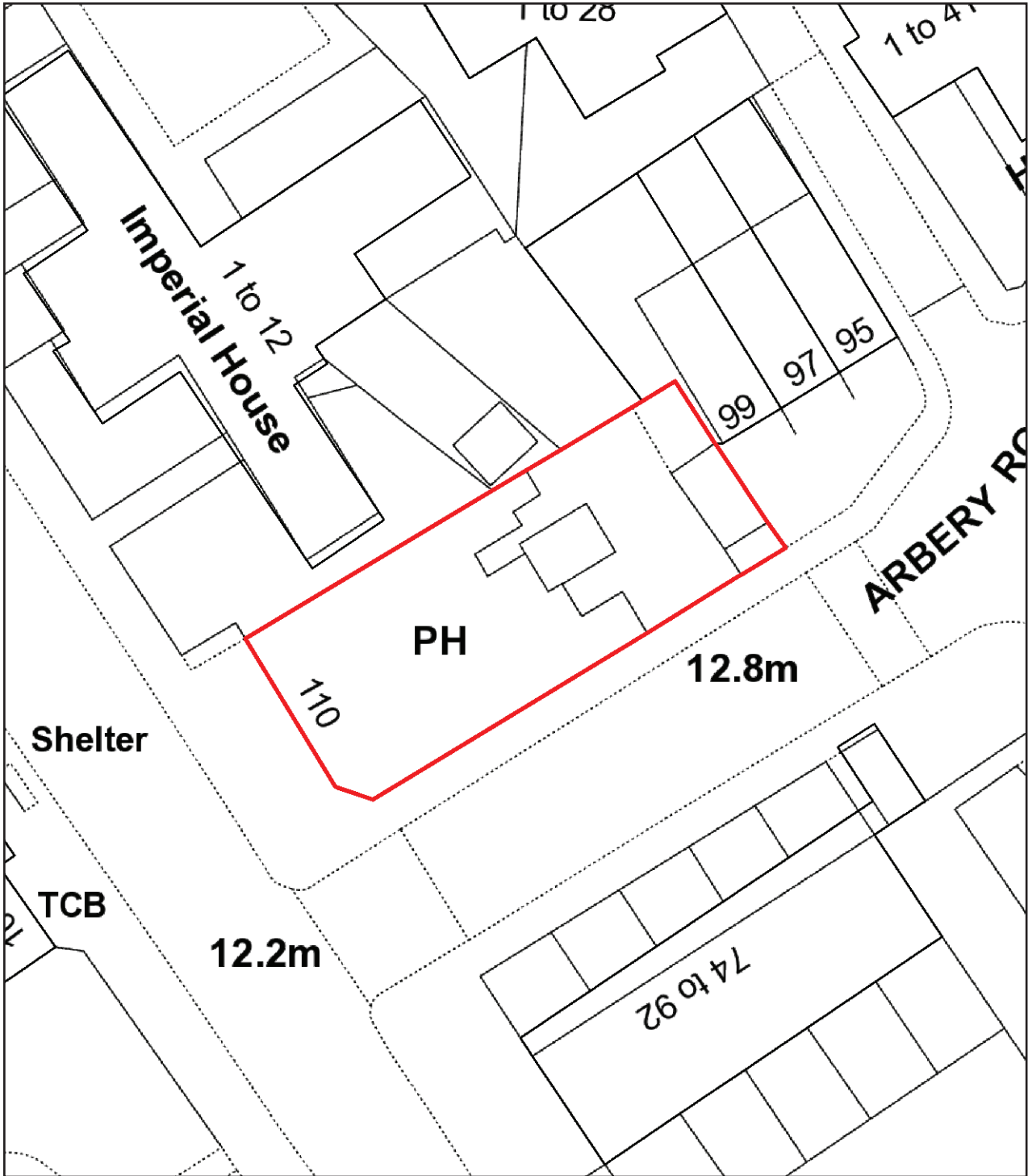
16. A noise limiter to be installed at a level to be agreed by the Premises Licence Holders and Environmental Protection. If an agreement cannot be reached, the decision be recalled for the Licensing Sub Committee to determine.

Annex 4 - Plans

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

21 June 2005

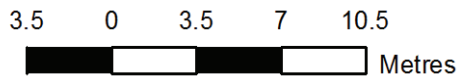
Appendix 3



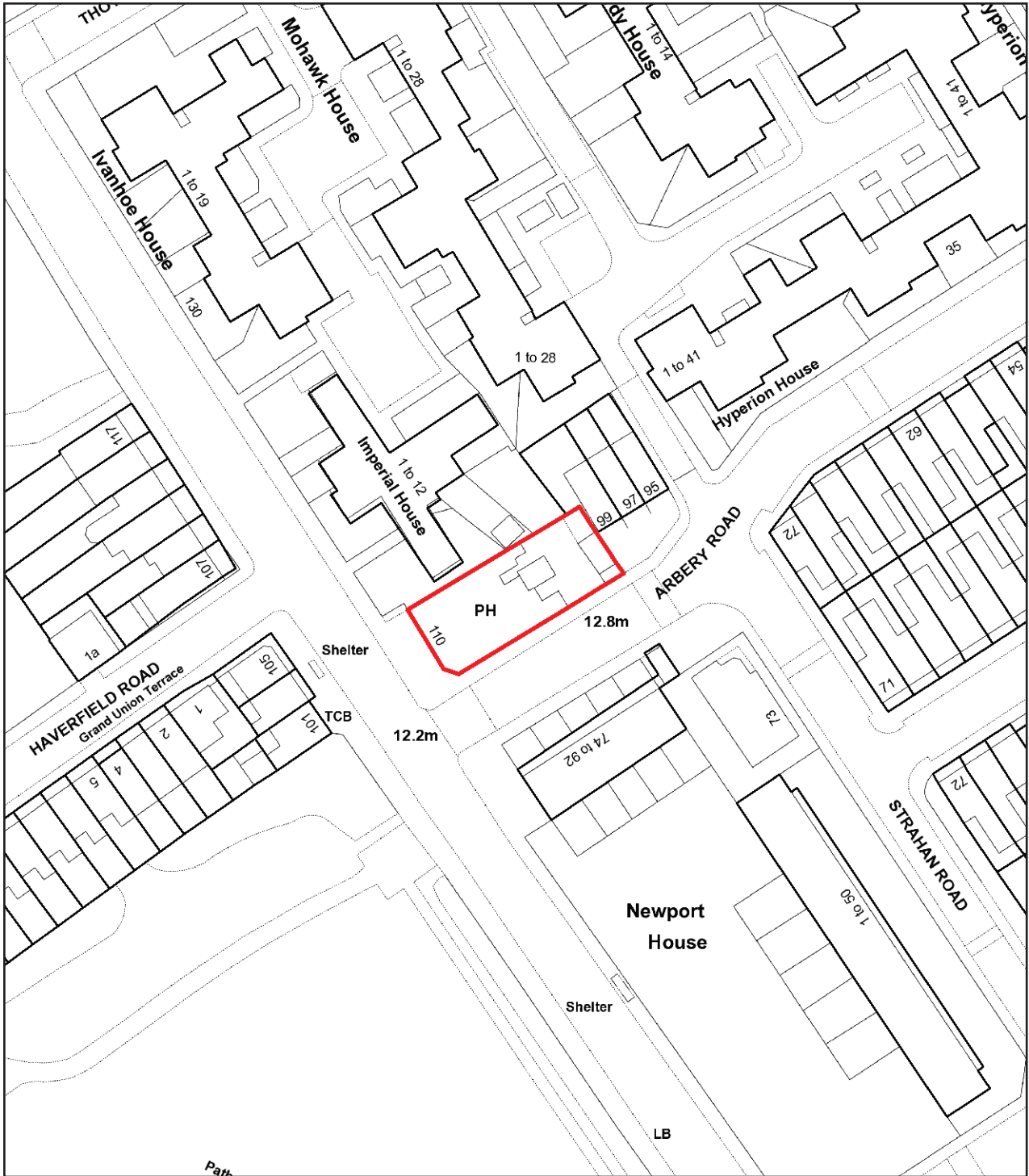
The Victoria, 110 Grove Road



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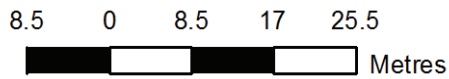
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The Victoria, 110 Grove Road



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Appendix 4

Section 182 Advice by the Home Office

Updated October 2010

Relevant, vexatious and frivolous representations

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

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

Appendix 5

REVISED CONDITIONS AGREED WITH THE POLICE

1. A CCTV camera system covering both internal and external to the premises to be installed.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times the premises are open, a person who can operate the CCTV system, and who can download the images and present them immediately on request by a Police Officer or other Responsible authority, must be present on the premises.
4. An incident report book to be kept that records all incidents of note at the premises including but not limited to incidents of disorder, anti-social behaviour, people refused entry to or ejected from the premises and reports of stolen property made by customers, as well as any customers refused service of alcohol. The reports should include a description of what happened, action taken by staff, any Police reference numbers and any outcome.
5. A Challenge 21 Policy to be put in place.
6. Any event at the premises involving the use of a DJ that finishes past midnight will require a 696 risk assessment form to be completed and sent to the Metropolitan Police's Proactive Licensing Unit at least 14 days prior to the event taking place.

REVISED CONDITIONS AGREED WITH ENVIRONMENTAL HEALTH

1. The rear external garden will be used by customers until 9pm. Between 9pm and 10pm this area only be used by patrons taking a table meal.
2. The external area at the front will only be used after 10pm by patrons who are smoking.
3. No more than 10 smokers will be permitted in the front outside area at any one time after 10pm.

Alex Lisowski

From: [REDACTED]
Sent: 03 June 2014 14:57
To: MARK.J.Perry; [REDACTED]
Cc: Licensing
Subject: RE: Victoria 110 Grove Road - AG/AG/P33064-41

Follow Up Flag: Follow up
Flag Status: Completed

Hi Mark

I can confirm our clients are happy to agree to the below 5 conditions. I would be grateful if you would confirm you are now happy for this application to be granted by return?

Many thanks
Angie Gardner
Para-Legal - Poppleston Allen
T : 0115 934 9157 M : 07967 642424 W : www.popall.co.uk

From: MARK.J.Perry; [REDACTED]
Sent: 02 June 2014 14:48
To: Angie Gardner
Subject: RE: Victoria 110 Grove Road - AG/AG/P33064-41

Hi Angie,

Thanks for getting back to me I have put the conditions agreed below just so they are in one place. I appreciate the wording may need to be played with for some.

I will give you a chase on Wednesday if I haven't heard before then.

Cheers

- 1) A. A CCTV camera system covering both internal and external to the premise is to be installed.
 - B. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
 - C. At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority
- 2) A Incident Report Book to kept that records all incidents of note at the premises including but not limited to incidents of disorder, anti-social behaviour, people refused entry to or ejected from the premises and reports of stolen property made by customers, as well as any customers refused service of alcohol. The reports should include a description of what happened, action taken by staff, any Police reference numbers and any outcome.
- 4) Consumption of alcohol will be restricted to the premises, which includes the seated area at the front and the garden to the rear.
- 5) A Challenge 21 Policy to be put in place.

6) Any event at the premises involving the use of a DJ that finishes past midnight will require a 696 risk assessment form to be completed and sent to the Metropolitan Police's Proactive Licensing Unit at least 14 days prior to the event taking place"

Pc Mark Perry
Licensing Officer
Tower Hamlets Borough
Toby Club
Vawdry Close
E1 4UA
[REDACTED]

Nottingham Office : 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS T : 0115 953 8500 F : 0115 953 8501

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Alex Lisowski

From: Angie Gardner [REDACTED]
Sent: 03 June 2014 15:46
To: Alkesh Solanki
Cc: Licensing
Subject: RE: 075915. The Victoria.

Follow Up Flag: Follow up
Flag Status: Completed

Hi Alkesh

I have now spoken to the client who is happy to agree to the three conditions. Please confirm by return that you are happy for this application to proceed, including these three conditions below?

Many thanks
Angie Gardner
Para-Legal - Poppleston Allen
T : 0115 934 9157 M : 07967 642424 W : www.popall.co.uk

From: Alkesh Solanki [<mailto:Alkesh.Solanki>] [REDACTED]
Sent: 03 June 2014 15:41
To: Angie Gardner
Subject: RE: 075915. The Victoria.

Dear Angie,

Please agree to the following conditions to form part of the operating schedule:

1. The rear external garden will be used by customers until 9pm. Between 9pm and 10pm this area will only be used by patrons taking a table meal;
2. The external areas at the front will only be used after 10pm by patrons who are smoking;
3. No more than 10 smokers will be permitted in the front outside area at any one time after 10pm (I know you want to look at this so will leave it with you).

Regards,
Alkesh.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 1BY |
020 7364 6518/5007 | alkesh.solanki [REDACTED]

Nottingham Office : 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS T : 0115 953 8500 F : 0115 953 8501


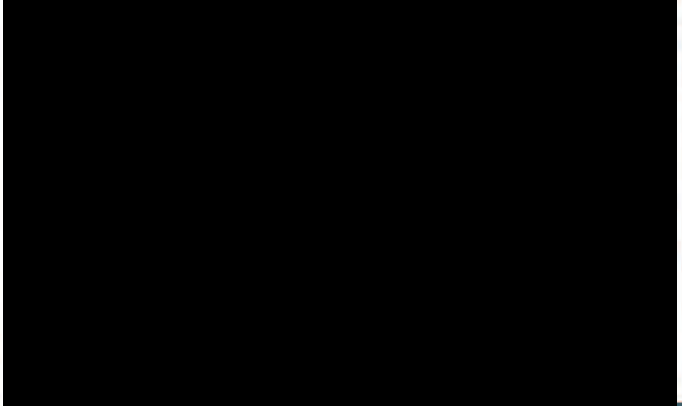

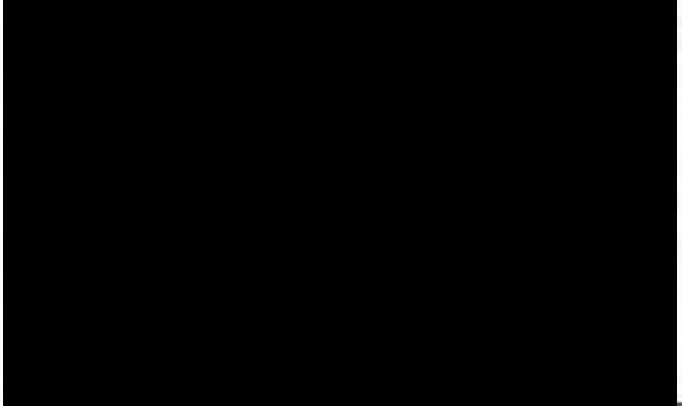

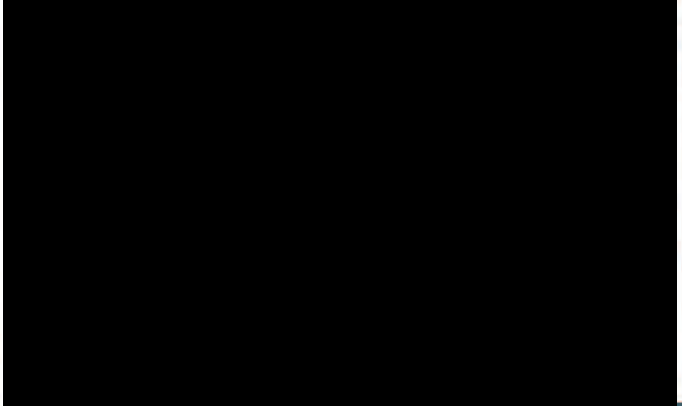

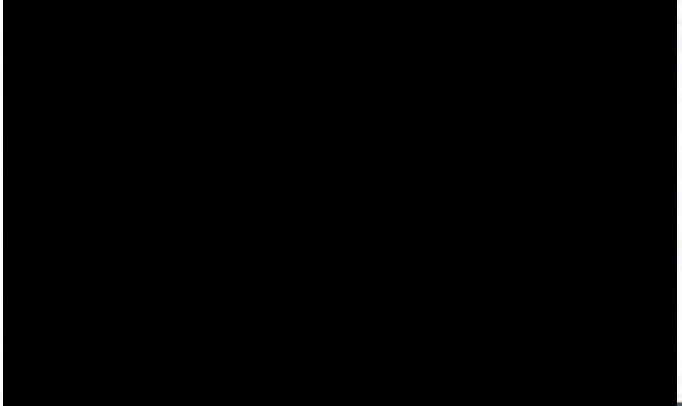

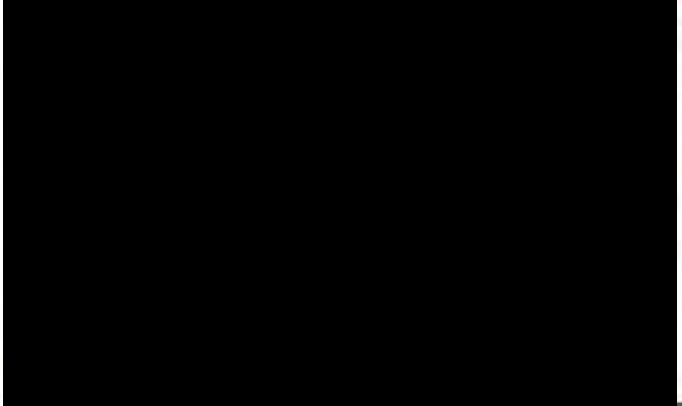

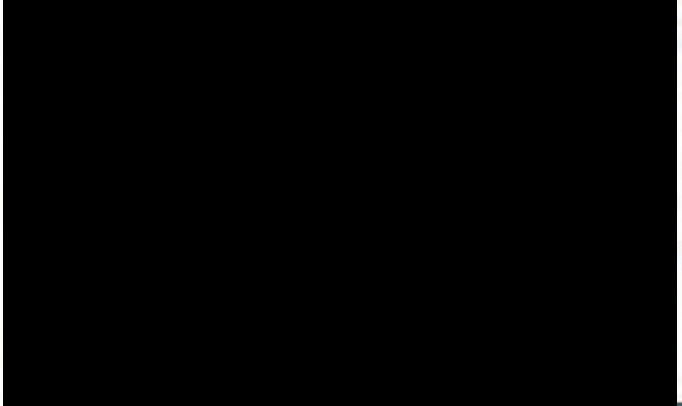

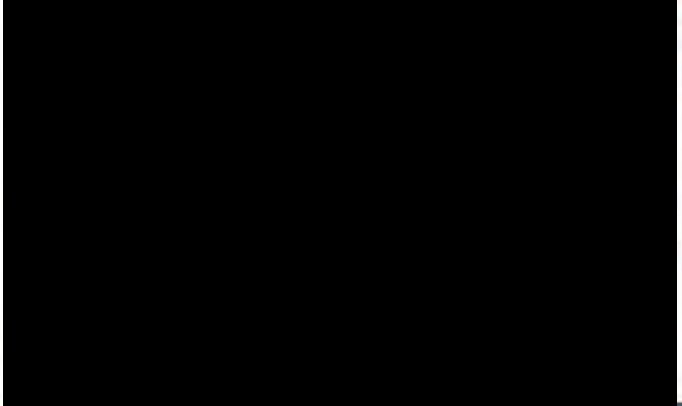
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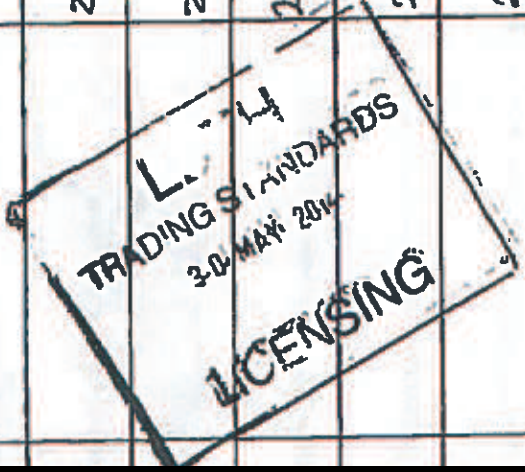
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Appendix 6

Petition to stop The Victoria on Grove Road to get the late night license

Petition summary/and background	<p>We the residences of Arbery Road and Grove Road are petitioning against The Victoria Pub on Grove Road to get the late night license. We get a lot of noise from people using the garden and the Grove Road entrance with talking, laughing, and screaming late at night. When the doors are left open we hear music, which disturbs young children who are living around the area. When there are concerts at Victoria Park the pub stays open till 2am. We the people of Arbery Road and Grove Road have had noise from The Victoria for many years and it is time for us to have some peace.</p>
Action petitioned for	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to stop The Victoria on Grove Road to get the late night license</p>

Printed Name	Signature	Address	Comment	Date
DAVID GALLIVA				26-5-14
Pat Callium				26-5-14
GRAVINGALLIAN				26-5-14
M SAH				26-5-14
Michael SAH				26-5-14
Huchelle SAH				26-5-14
Momotar Begum				27/05/14



Appendix 7

Anti-Social Behaviour On The Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (S2.7-2.11).

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 8

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 9

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Appendix 10

Planning

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

Appendix 11

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	24 July 2014	Unclassified	LSC 07/145	

Report of: David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a premises licence variation for Boho Mexica – 151-153 Commercial Street, London, E1 6BJ Ward affected: Spitalfields and Banglatown
--	--

1.0 Summary

Applicant: **Enrique Barrientos–Vivas (Director)**
Name and **Boho Mexica (Mexica Ventures Limited)**
Address of Premises: **151-153 Commercial Street**
London
E1 6BJ

Licence sought: **Licensing Act 2003 variation**
Extending the hours for the sale of alcohol
Extending the hours for and adding
regulated entertainment
Extending the hours for 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 variation in a premises licence for Boho Mexico – 151-153 Commercial Street, London, E1 6BJ.

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

The current hours are as follows:

The sale of alcohol:

- Sunday to Thursday from 11:00hrs to 23:00hrs
- Friday and Saturday from 10:00hrs to 23:30hrs

Regulated entertainment consisting of Recorded music only:

- Sunday to Thursday from 11:00hrs to 23:30hrs
- Friday and Saturday from 10:00hrs to 00:00hrs (midnight)

Late Night refreshment:

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

Hours premises are open to the public

- Sunday to Thursday from 11:00hrs to 23:30hrs
- Friday and Saturday from 10:00hrs to 00:00hrs (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 regulated entertainment
- Extending late night refreshment

3.5 The applicant states the following:

- 1) *ON Monday evenings only we wish to display films via a projections screen during the hours of service. The films can be viewed from all areas inside the restaurant;*
- 2) *We wish to have tables and chairs outside of the restaurant for customer use. We will be serving food and beverages in this area and playing recorded music. This would take place from the front wall of the restaurant to approximately two meters onto the sidewalk. This is seven days a week;*
- 3) *On Friday and Saturday evenings we wish to extend the sale alcohol until 12:30am and then close the restaurant by 1:00am. Recorded music would be played until 01:00am.*

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

Sale of Alcohol (on sales only)

- Sunday to Thursday from 11:00hrs to 23:00hrs
- Friday and Saturday from 10:00hrs to 00:30hrs (the following day)

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

- Monday from 17:00hrs to 23:30hrs

The Provision of Regulated Entertainment in the form of Recorded Music:

- Sunday to Thursday from 11:00hrs to 23:30hrs
- Friday and Saturday from 10:00hrs to 01:00hrs (the following day)

The Provision of Late Night Refreshment:

- Thursday from 23:00hrs to 23:30hrs
- Friday and Saturday from 23:00hrs to 01:00hrs (the following day)

Hours premises is open to the public:

- Sunday to Thursday from 11:00hrs to 23:30hrs
- Friday and Saturday from 10:00hrs to 01:00hrs (the following day)

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

4.0 Licensing Policy and Government Advice

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

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

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

4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, 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 Residentssee
Appendices 5-29
 - The Metropolitan Policesee
Appendix30
- 5.9 It should be noted that the application also received five invalid representations. The representations were deemed invalid as they were either incomplete with residential address details, or the objector failed to make relevant reference to one or more of the four licensing objectives. All objectors in this circumstance were written to and provided with an opportunity to validate their objections. Not all objectors in this circumstance responded.
- 5.10 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

- 5.11 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
- 5.12 The objections cover allegations of
- Anti-social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Close proximity to residential properties
 - Noise leakage from the premises
 - Extensions on Hours of Trading
 - The Tower Hamlets Cumulative Impact Zone
- 5.13 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.
- 5.14 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
- v 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).
 - v Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).

- ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
 - ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
 - ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 31-36** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy the existing licence
- Appendix 2** A copy of the application for variation
- Appendix 3** Maps of the area
- Appendix 4** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 5** Representation of Local residentMs T Abineri
- Appendix 6** Representation of Local resident Dr K Aspinall
- Appendix 7** Representation of Local resident Ms H Bagshaw
- Appendix 8** Representation of Local resident Mr E Bagshaw
- Appendix 9** Representation of Local residentMs K Bradley
- Appendix 10** Representation of Local resident Me A Bridger
- Appendix 11** Representation of Local resident Ms F Buxton
- Appendix 12** Representation of Local residents Ms R Caddy and Mr M Carthy
- Appendix 13** Representation of Local resident Mr T S Couzens
- Appendix 14** Representation of Local residentMs J Dey
- Appendix 15** Representation of Local residentMr D Halstead
- Appendix 16** Representation of Local resident Ms N Heard
- Appendix 17** Representation of Local residentMr J Hurlin
- Appendix 18** Representation of Local resident C V Kappelhoff - Secretary of Newlon Housing Association's Residents' Association
- Appendix 19** Representation of Local residents Ms G Orbell, Ms V Kwai and Mr A Bridger
- Appendix 20** Representation of Local resident Mr Y Personne

- Appendix 21** Representation of Local resident Ms L Richardson
- Appendix 22** Representation of Local resident Ms R Sheldon
- Appendix 23** Representation of Local resident Ms L J Skinner
- Appendix 24** Representation of Local resident Ms S Misfud –(on behalf of) Spitalfields Community Group
- Appendix 25** Representation of Local resident Mrs E Williamson
- Appendix 26** Representation of Local resident Shuk Yeung
- Appendix 27** Representation of Local resident Mr N Feinson
- Appendix 28** Representation of Local resident Mr J Last (in two parts, both email and letter)
- Appendix 29** Representation of Local resident Mr D Powrie
- Appendix 30** Representation of PC Alan Cruickshank – Metropolitan Police
- Appendix 31** Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises
- Appendix 32** Licensing Officer comments on Noise while the Premise is in Use
- Appendix 33** Licensing Officer comments on Access and Egress Problems
- Appendix 34** Licensing Officer comments on Noise Leakage from the Premises
- Appendix 35** Licensing Officer comments on Licensing Policy Relating to Hours of Trading
- Appendix 36** Licensing Officer comments on The Tower Hamlets Cumulative Impact Zone

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Appendix 1

(Boho Mexica)
151 - 153 Commercial Street
London
E1 6BJ

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

Jacqueline Randall _____
Licensing Services Manager

Date: 11th August 2009

- Licence varied following the licensing sub-committee hearing of 10th May 2011
- Licence varied on 19th October 2011, following a minor variation



Part A - Format of premises licence

Premises licence number

15763

Part 1 - Premises details

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

(Boho Mexica)
151 - 153 Commercial Street

Post town

London

Post code

E1 6BJ

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale of alcohol:

- Sunday to Thursday from 11:00 hours to 23:00 hours
- Friday and Saturday from 10:00 hours to 23:30 hours

Regulated entertainment consisting of Recorded music only:

- Sunday to Thursday from 11:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 24:00 hours

Late Night refreshment:

- Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to 24:00 hours

The opening hours of the premises

- Sunday to Thursday from 11:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 24:00 hours

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

Boho Mexica (Mexica Ventures Limited)
151-153 Commercial Street
London
E1 6BJ

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

6826027

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

Enrique B. Vivas

[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

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.
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.
2. Noise limiter to be employed in a separate and remote (from the volume control) lockable cabinet or room fitted to the music amplification system. No supplementary sound systems to be used;
3. Amplified music shall not be played at a level which is audible within surrounding residential properties;
4. Notices shall be displayed internally at exits and also in key areas, requesting the public to respect the needs of the local residents by keeping noise to a minimum when using both the outside areas of the Premises, and when leaving the premises and the area, to do so quickly and quietly. All such signs must be in a permanent form, prominently placed and legible;
5. All reasonable steps and regular monitoring by the Landlord and his staff shall take place to ensure that customers entering and leaving the premises do so in an orderly manner so as not to cause disturbance to nearby residential properties or annoyance to people passing the premises;
6. Waste materials shall no be placed in the external bins during the night hours (22:00 hours to 8:00 hours the following day) ;

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

1. Sale of alcohol shall cease half an hour before the premises closes to the public;
2. No drinks to be taken outside by any customers, including those going outside to smoke;
3. The number of smokers outside to be limited to ten (10) at any one time;
4. A receptacle for the safe and tidy disposal of cigarette butts to be provided for the use of smokers outside;
5. No furniture to be placed outside on the pavement;
6. No speakers to be utilised outside.

Conditions attached following the licensing subcommittee hearing of 19th May 2011:

1. All doors to the licensed premises must be kept closed while regulated entertainment is in progress except the front doors only, which may be left open between 11:00 hours to 19:00 hours.
2. All windows opening on to the courtyard must be kept closed during operation of the premises.

Annex 4 - Plans

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

8th June 2009 - (Plan No: BM – FP – 01)



Part B - Premises licence summary

Premises licence number

15763

Premises details

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

(Boho Mexica)
151-153 Commercial Street

Post town
London

Post code
E1 6BJ

Telephone number
020 7377 8418

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale of alcohol:
- Sunday to Thursday from 11:00 hours to 23:00 hours
- Friday and Saturday from 10:00 hours to 23:30 hours

Regulated entertainment consisting of Recorded music only:
- Sunday to Thursday from 11:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 24:00 hours

Late Night refreshment:
- Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to 24:00 hours

The opening hours of the premises

- Sunday to Thursday from 11:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 24:00 hours

Name, (registered) address of holder of premises licence

Boho Mexica (Mexica Ventures Limited)
151-153 Commercial Street
London
E1 6BJ

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

On sales only

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

6826027

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

Enrique B. Vivas

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

No restrictions

Appendix 2



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

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

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

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.

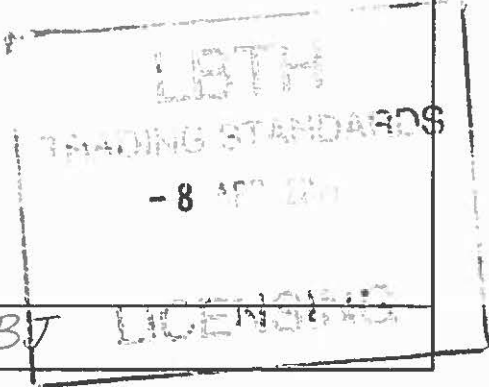
I/We ENRIQUE BARRIENTOS VIVAS (Insert name(s) of applicant)

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 15763

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>151 - 153 COMMERCIAL STREET</u> <u>LONDON</u>	
Post town	Post code <u>E1 6BJ</u>



Telephone number at premises (if any) [Redacted]

Non-domestic rateable value of premises £ 38,250

Part 2 - Applicant details

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

Part 3 - Variation

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

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

Day	Month	Year

Please describe briefly the nature of the proposed variation (please see guidance note1)

1. On Monday evenings only we wish to display films via a projection screen during the hours of service. The films can be viewed from all areas inside the restaurant
2. We wish to have tables and chairs outside of the restaurant for customer use. We will be serving food and beverage in this area and playing recorded music. This would take place from the front wall of the restaurant to approximately two metres onto the sidewalk. This is seven days a week
3. On Friday and Saturday evenings we wish to extend the sale of alcohol until 12:30am and then close the restaurant by 1:00am. Recorded music would be played until 1:00am

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors
Day	Start	Finish		Outdoors
Mon	17:00	23:30	Please give further details here (please read guidance note 3) FILMS TO BE SHOWN ON PROJECTION SCREEN. SOUND AMPLIFIED	<input checked="" type="checkbox"/>
Tue				Both
Wed				State any seasonal variations for exhibition of films (please read guidance note 4)
Thur				
Fri				
Sat				Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun				

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 [Y]</u> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur						
Fri				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 (please read guidance note 5)		
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon	11:00	23:30	Please give further details here (please read guidance note 3) WANT TO EXTEND THE TIME OF PLAYING RECORDED MUSIC ON FRIDAYS AND SATURDAYS UNTIL 1:00 AM	Both		
Tue	11:00	23:30				
Wed	11:00	23:30		State any seasonal variations for playing recorded music (please read guidance note 4) EXTENDING MUSIC PLAYING TIMES BY ONE HOUR ON FRIDAYS AND SATURDAYS		
Thur	11:00	23:30				
Fri	10:00	25:00		Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	25:00				
Sun	11:00	23:30				

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance) WISH TO EXTEND THE SERVICE OF LATE NIGHT REFRESHMENT ON FRIDAYS AND SATURDAYS ONLY TO 1:00 AM	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4) EXTENDING LATE NIGHT REFRESHMENTS BY ONE HOUR ON FRIDAYS AND SATURDAYS		
Thur	23:00	23:30			
Fri	23:00	25:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	25:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11:00	23:00	Please give further details here (please read guidance) WISH TO EXTEND THE SALE OF ALCOHOL ON FRIDAYS AND SATURDAYS ONLY TO 1:00 AM	Both	<input type="checkbox"/>
Tue	11:00	23:00			
Wed	11:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 4) EXTENDING THE SALE OF ALCOHOL BY ONE HOUR ON FRIDAYS AND SATURDAYS		
Thur	11:00	23:00			
Fri	10:00	24:30	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)		
Sat	10:00	24:30			
Sun	11:00	23:00			

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)

1. The movies we wish to display may have a rating on 15+. We will not be allowing children under the age of 15 on to the premises in the allocated times of films being shown
2. All customers using the outdoor seating area will be kept under supervision. Responsible service of alcohol will be maintained
3. Children will not be allowed on to the premises during the extended closing time on Fridays and Saturdays

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	23:30	ON FRIDAYS
Tue	11:00	23:30	
Wed	11:00	23:30	
Thur	11:00	23:30	
Fri	10:00	25:00	
Sat	10:00	25:00	
Sun	11:00	23:30	

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

Please tick yes

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

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

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

M

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

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

b) The prevention of crime and disorder

STRONG SUPERVISION OF ALL PEOPLE BOTH INSIDE AND OUTSIDE THE PREMISES

RESPONSIBLE SERVICE OF ALCOHOL WILL BE MANTAINED AT ALL TIMES

c) Public safety

d) The prevention of public nuisance

1. FILMS WILL BE PLAYED NO LOUDER THEN THE RECORDED MUSIC WE ARE CURRENTLY LICENSED TO PLAY

2. OUTDOOR BEHAVIOURS WILL BE CLOSELY WATCHED

e) The protection of children from harm

ADVERTISING ON OUR WEBSITE AS TO THE CHANGES THAT WILL BE HAPPENING

VERBAL WARNING TO CUSTOMERS WHEN BOOKING OR ENTERING THE PREMISES

CHECKLIST:

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan (showing the area to be licensed) 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 or applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.



Signature	
Date	27/03/14
Capacity	

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.

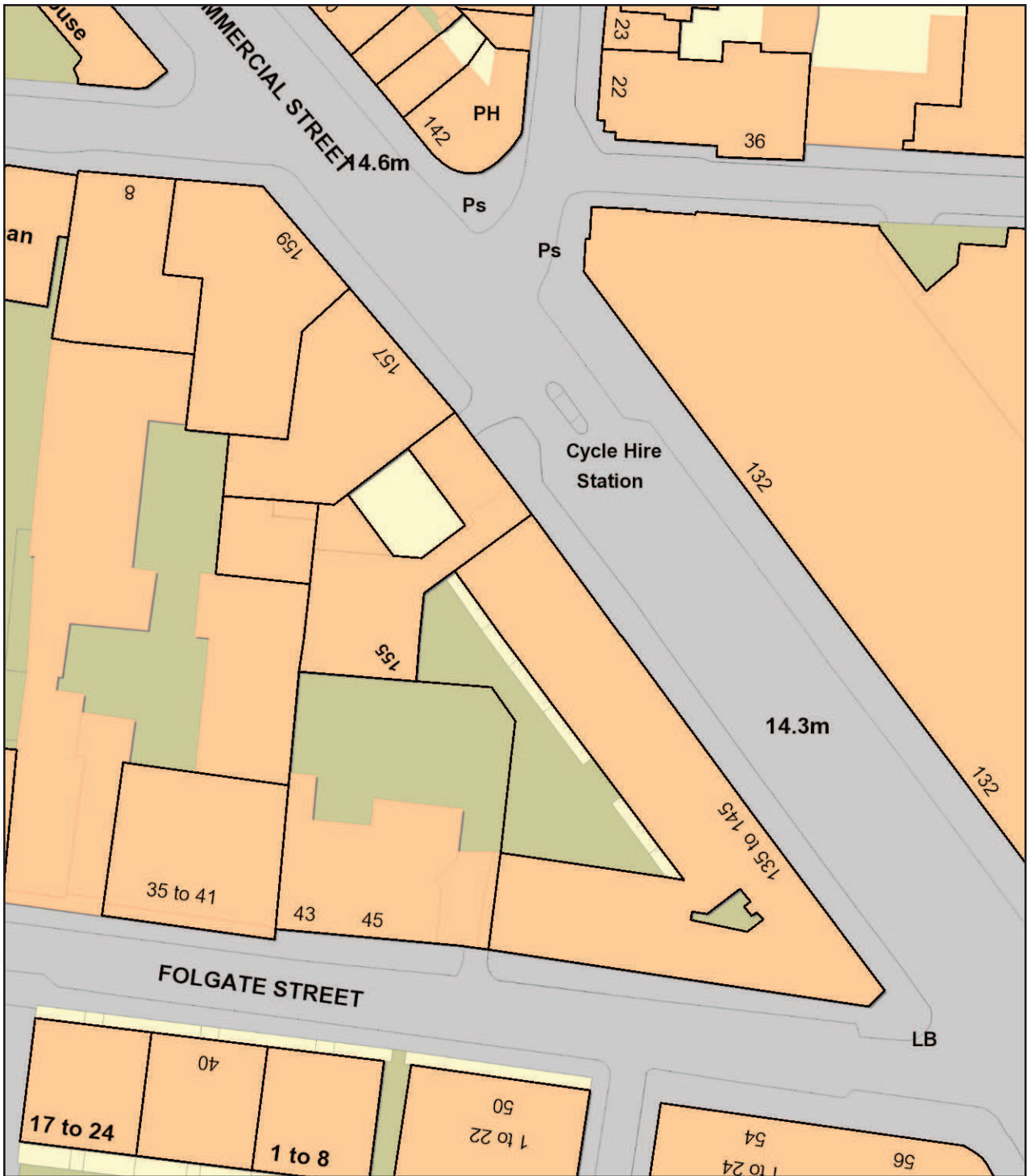
Signature	
Date	
Capacity	

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

ENRIQUE BARRIENTOS VIVAS
151-153 COMMERCIAL STREET
LONDON

Post town	Post code E1 6BJ
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
	

Appendix 3

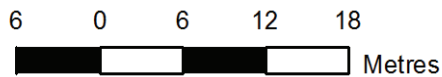


151-153 Commercial Street

Map 1



Scale 1:668



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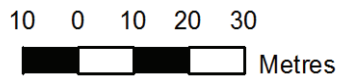


151-153 Commercial Street

Map 2



Scale 1:1669



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Appendix 4

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

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

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

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

Appendix 5

Andrew Heron

From: Tessa Abineri [REDACTED]
Sent: 02 May 2014 10:48
To: Andrew Heron
Subject: Boho Mexica, 151-153 Commercial Street, E1 6BJ - Application to vary Licence Conditions

Re Application to vary Licence Conditions

**Boho Mexica
151-153 Commercial Street
London E1 6BJ**

Dear Sir

I am writing to object strongly to the application of Boho Mexica to vary its Licence Conditions.

Boho Mexica is surrounded by a great number of residential flats. My building, immediately opposite, has 100 flats and there are hundreds of others in the immediate area, including of course the building in which the restaurant is located, The Cloisters. The local population has quite enough to contend with already, with noise and disruption from nearby establishments.

We have long experience of various aspects of “public nuisance” in this area – and so do the Council – and the Police! The noise at night-time is already a big problem. Outside operation would of course make things a lot worse, as would further extended opening hours, and any additional music or films.

I had understood that the restrictions imposed by Licensing last time the application was reviewed were specifically designed to try to control the “public nuisance” factors. As nothing has changed, nor should their Licensing Conditions. Also, if outside operation were allowed at this point, then many, many other such applications would be made, by other local establishments, expecting to be allowed the same.

The peace-loving local residents are already suffering with the over-saturation of social venues in this area. We have a lot of noise late at night, drunkenness, anti-social behaviour of all kinds, police sirens, traffic problems, etc. It would be terrible and irresponsible if the Council were to add to these problems unnecessarily.

Please do not allow any of the requested amendments to Boho Mexica’s Licensing Conditions. I think that the Council should be protecting its residents from public nuisance, whenever it can.

Thank you for your consideration of this letter.

Yours faithfully

Tessa Abineri

[REDACTED]

Appendix 6

Andrew Heron

From: Andrew Heron on behalf of Licensing
Sent: 28 April 2014 14:04
To: Andrew Heron
Subject: FW: Andrew Heron

Follow Up Flag: Follow up
Flag Status: Completed

From: Katherine Aspinall [REDACTED]
Sent: 28 April 2014 09:23
To: Licensing
Subject: FAO: Andrew Heron

Dear Mr Heron,

I am writing to object to the proposed Variation to its Alcohol Licence for:

Boho Mexica
151-153 Commercial Street
London E1 6BJ
T:020 7377 8418

I am the owner of [REDACTED] Commercial St, which is in the same building as Boho Mexica. The former is on the Commercial Street side of the building and the latter is on the courtyard, but is entirely (including the bedroom) beneath Boho Mexica's premises as well as sharing a wall with their kitchen. I do not want my name and address(es) to be listed publicly.

I object to the proposed changes, which would impact me in two ways: they will cause a public nuisance in terms of increased anti-social behaviour and new noise nuisances (outdoor music as much as patrons leaving later at night hailing taxis and talking at the bus stop); and secondly the strain that increased patrons will put on the building's waste pipes risk putting children in harm's way via fecal contamination.

The former is particularly a problem for Flat [REDACTED], which is on the Commercial Road side of the building. We have already had problems with unlicensed music from Taylor and Taylor and Urban Outfitters, which travels extremely well up the building and causes serious disruption. Hailing taxis, talking at the bus stop and shouting are also persistent problems that the increased hours will exacerbate.

Noise is also a serious issue for Flat [REDACTED], where the chopping in the kitchen, vibrations from music and the extractor fan as well as the flushing of toilets, hum of conversation, footsteps and the shuffling of tables and chairs all penetrate the thin walls. This is particularly a problem around closing time, which is marked by shuffling of furniture that wakes us up in the early hours of the morning.

Most serious however, is that the building's waste pipe's capacity cannot support a restaurant.

The increased hours and tables from the outdoor seating would further the strain. This is particularly a problem because when blockages occur, which our third party plumbers have assured us is the result of too much strain because of the restaurant, waste water including fecal matter pours through the ceiling of the bedroom and the hallway of Flat [REDACTED]. The same blockage also caused waste water, including toilet paper and excrement clumps to bubble over the manhole in the outdoor walkway, which is held in common and

accessible to all residents of the building. The plumbers informed us that blockages will continue to occur as long as the restaurant is on premises, because the Victorian water pipes cannot handle the strain. This means that our apartment as well as part of the courtyard have been and continue to be at risk of contamination by excrement. As said before, increasing the number of patrons would further increase the toilet use above us and thus exacerbate these blockages, which given that there are both children resident in the building and we regularly receive visits from my young nieces, puts children in danger as well as being a nuisance.

Thank you for your time and assistance.

Best regards,

Dr Kate Aspinall

--

[REDACTED]
[REDACTED]

Appendix 7

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:34
To: Andrew Heron
Subject: FW: FAO Andrew Heron: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street, London E1 6BJ.

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

From: CRA [REDACTED]
Sent: 06 May 2014 23:34
To: Licensing
Subject: FAO Andrew Heron: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street, London E1 6BJ.
Importance: High

Dear Mr Heron

RE: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street, London E1 6BJ.

I write as owner/resident of a Cloisters flat on the front facade of the building at 145 Commercial Street E1 6EB; in which Boho Mexica forms a substantial double sized unit running beneath. I therefore wish to voice a number of concerns relating to the public nuisance; that experience teaches; will increase should the sought on-street use & late finish be granted.

Many of our neighbours; with whom I have recently spoken; also share my grave concerns about the impact of this entire variation application; which if granted will further negatively impact on our sleep; as it does already with flue noise & music reaching into our building. Neither the existing acoustic dampening within the premises – nor promised good management inside or out - protects our flats from current nuisance & any extension of hours or outside use will subject us further to: -

- Smokers; diners & drinkers sitting for hours out on pavements directly beneath our flats; especially bad in hot weather as smoke & voices rise through our open windows; really unacceptable any weekday & especially until 1.30am during Fri & Sat. Loud voices of customers are already audible in our flat; even with windows shut; as they compete with traffic noise; so shout/yell/scream louder & this will simply be a greater; later public nuisance if on-street use; late operation & the playing of recorded music is permitted outside. The volume of said music will also likely be increased to be heard over ambient noise; all adding to the cumulous impact of disturbance.
- The inevitable noisy customer departures; people who have been drinking are incapable of talking at normal levels; certainly as we know all too well; once out on our streets. With the very best will management *cannot* prevent inebriated departing adults; walking away; past our lengthy facade; whistling for cabs; shouting or messing about. All the many visitors to this area see is the road; they never look up to all the hundreds of residential windows through which their noise rises; carrying up over lower night traffic levels. This is already bad enough at any hour but nuisance worsens hugely over-night; so we don't need Boho Mexica's late departures increasing this public nuisance.

- The proposal to have outside tables for diners; smokers & drinkers holds a particular threat to our flats – where currently there is only that of standing smokers – which is bad enough as their overly loud voices & smoke reach above windows. I therefore ask the committee - please uphold the intentions of previous committees; to protect our residential amenity when they; very wisely imposed the current conditions that prevent these customers from lingering even longer; by barring smokers from drinking outside; having no outside music or tables & chairs plus insisting on closed doors after 7pm.

FYI: The original licence was granted in 2009 & there was another attempt to vary it on 10/05/11. Thankfully the sought increase in hours of operation with outside use was refused & the only condition varied was no: 2; allowing doors to remain open up to 7pm. I clearly recall the many assurances given to past committees; that this venue would respect its special position in a listed residential block. Disappointingly - not the case - as both Licensing & Planning applications (outside planning permitted hours of operation with close at 23.00hrs Mon-Sat & 22.30 Sun) continue to seek variations that stand to further ruin the peaceful enjoyment of our homes.

Boho Mexica also appears to want to serve alcohol as late as 1.30am Fri & Sat – right up to when it proposes closing to the public; which seems wrong. This would simply result in those already in the venue stockpiling a couple more rounds & attract others desperate for a last minute late drink. Then as there's no finishing up time; unless Boho Mexica intends breaking the law to allow them to stay to do so; otherwise it can only eject them onto our pavements, drinks in hand, which in turn encourages crime & disorder. More public urination & broken glass the least of the uncomfortable prospects for any local residents.

This community had hoped Boho Mexica; having been granted in '09 by licensing; opening Fri & Sat 1.5 hours beyond planning permitted hours of 23.00; would have been satisfied but clearly not. To push this to 2.5 hours beyond is absolutely unacceptable & if granted will result in us sadly having no choice but to; waste yet more time & council resources; asking planning to enforce its currently permitted hours.

So for the sake of so many people's continued enjoyment of their homes; to protect the residential amenity of The Cloisters & it's many neighbouring blocks; we ask the committee to refuse all the proposed variations to the existing licence & to uphold all the current, protective conditions. Those safe-guards already in place; both the planning hours of permitted use & the current license conditions are the only things preventing Boho Mexica further blighting our lives.

Thank you very much for your patience & for taking the time to consider these points.

Yours Truly

Mrs H Bagshaw



Appendix 8

Andrew Heron

From: Uncleeric Bagshaw [REDACTED]
Sent: 07 May 2014 17:26
To: Andrew Heron
Subject: FW: Andrew Heron - Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street E1 6BJ

Importance: High

Dear Mr Heron,

RE: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street E1 6BJ

Boho Mexica proposes to serve alcohol; food and play recorded music until 23.30pm weekdays and 1.30am on Fridays and Saturdays; both inside and for outside tables (which it also wants in place 7 days a week). It also wants to show amplified 15+ films on Mondays 17:00 to 23:30.

I wish my following objection to the above application be lodged; In terms of the four licensing objectives as I believe there will be an increase in problems for our block; the users of hire bikes and pedestrians:-

The prevention of crime and disorder The bar is embedded within our residential block and the numbers smoking outside on the street already cause disorder with loud voices and obstruction of other passers-by. This situation will be exacerbated by both the extended opening and addition of tables; which is likely to cause disputes with careless users of the bike rack; who often back into people even now. Outside users phones and handbags will also be targeted by our ever present thieves.

Public safety The majority of the pavement directly in front of the premises is occupied by a 'Boris Bike Rack'. It's already difficult at times to pass when the street is busy – so the addition of tables; chairs and more customers will expose all pavement users to a considerable increase in risk of injury from being caught between bike users and street furniture.

The prevention of public nuisance Noise of gathered crowds of smokers outside this venue is already an issue for flats on the Cloisters main facade; such as ours; those above and the Porters flat below the premises. This nuisance will be exacerbated by extended opening and the addition of tables.

The protection of children from harm I am concerned that given the small space in which the venue proposes to show 15+ films; with street facing windows down one entire side and all areas visible from the pavement; that passing children will stand to be subjected to unsuitable images.

This latest application is; in large part simply a repeat of the 2009 original and 2011 variation; applications (which I also feel is simply a waste of the committee's precious time and the council's budget!); both of which the committee fully considered and thankfully, from the point of view of residents, rejected the late opening sought and placed a number of residential amenity safeguarding conditions upon the venue – which I ask should stand.

I also request that for all the above; this application be refused in its entirety, as nothing whatsoever has changed since the last time when later hours and outside use were also sought. I urge the committee to

reach the same conclusion and reject this application at very least on the grounds of prevention of public nuisance.

Yours truly
Mr Eric Bagshaw

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 9

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:33
To: Andrew Heron
Subject: FW: FAO of Andrew Heron

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

From: Katrina Bradley [REDACTED]
Sent: 06 May 2014 22:18
To: Licensing
Subject: FAO of Andrew Heron
Importance: High

Dear Sir,

I wish to complain in the strongest possible terms about the application from Boho Mexico in Commercial Street.

The extensions they are asking for will only add to the misery we already suffer from people leaving late night drinking establishments in the nearby vicinity. My weekends are frequently disturbed by people coming down the street from these places. There is a lot of shouting, swearing, screaming and often fighting in the street outside my home, this often happens in the early hours of the morning so my sleep is disturbed. Adding another such licensed premise to this list will only add to the public nuisance that we are already experiencing.

Thanking you in anticipation

Yours faithfully

Katrina Bradley (Ms)

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

Appendix 10

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 07 May 2014 10:01
To: Andrew Heron
Subject: FW: Boho Mexica - 151/153 Commercial St - Variation to Alcohol Licence

Follow Up Flag: Follow up
Flag Status: Completed

From: Andy Bridger [REDACTED]
Sent: 06 May 2014 10:47
To: Licensing
Subject: Boho Mexica - 151/153 Commercial St - Variation to Alcohol Licence

FAO: Andrew Heron,

Andrew,

As both an owner of a property in the Cloisters block (in which Boho Mexica is situated) and a volunteer member of the board of directors of the management company for this residential block, I am very aware that many of the tenants are very concerned about the requested variation of alcohol licence.

As a result I would like to formally object to the extension on the basis of public nuisance.

The request to stay open and play music until 23:30pm on weekdays and 1:30am on Fridays and Saturdays (both in and outside the restaurant) will cause considerable adverse impact to those living in the block and the wider area.

Given that it takes about 30 mins for the sound to die down, post closing, this means for many residents they will be unable to get to sleep until at least midnight during the week and 2 am on Friday and Saturday!

There are residential flats directly above and below this restaurant (which preceded the restaurant by many decades) which already suffer public nuisance (in the form of noise pollution to their flat due to limited noise insulation) when the restaurant is open – this extension will make that problem considerably worse.

The restaurant's exist opening hours are sufficient – prior requests for their extension have been turned down and I would request that on behalf of those living above, below and nearby this restaurant, that you refuse their opening hours extension.

Thanks,

Andy

Andy Bridger
[REDACTED]

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Appendix 11

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:34
To: Andrew Heron
Subject: FW: Boho Mexica License Variation Application

Follow Up Flag: Follow up
Flag Status: Completed

From: Fiona Buxton [REDACTED]
Sent: 06 May 2014 23:47
To: Licensing
Subject: Boho Mexica License Variation Application

For the attention of Andrew Heron

As I see it Boho Mexica wants to serve alcohol and food, and also play recorded music until 23.30 weekdays and 01.30 on Fridays & Saturdays, both inside and outside. Boho Mexica also wants to show films, with sound on Mondays 17.00 to 23.30.

For residents this means that there will be more nuisance from drinkers and smokers in the area. There will be music all week long on the street, and on Friday and Saturday it will go on until gone 01.30 after which people will have to move on. This will then be followed by people leaving the area noisily passing homes, calling for cabs or just from sheer "joie de vivre" talking loudly, shouting, laughing, singing or on occasion violently and argumentatively.

The last time Boho Mexica applied for a similar License change the Committee specifically applied regulations to avoid problems:

The doors to the entrance and windows be kept closed whilst regulated entertainment (music) is in progress

All doors and windows are to be kept closed during operation of the premises

No drinks be taken outside by any customers; including those going outside to smoke

No furniture to be placed outside on the pavement

These were applied to avoid noise, prevent smokers drinking outside and to stop the pavement being used for potentially noisy dining/drinking.

I don't know what has changed since Boho's Last application - in fact there is an extra complication from Boris's Bike Rack situated on the curb directly in front of Boho.

Boho Mexica is situated in a 69 flat residential building.

The License Variations is outside the Permitted Hours of Operation as defined by the venue's Planning Consent which states that a Close to Public of 23.00 Monday to Saturday and 22.30 Saturday to Sunday.

I object to this Variation Application on the grounds of Prevention of Public Nuisance.

Yours sincerely

Fiona Buxton



Appendix 12

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 07 May 2014 09:59
To: Andrew Heron
Subject: FW: Andrew Heron - Boho Mexica Commercial St Licensing Objection

From: Becca Caddy [REDACTED]
Sent: 05 May 2014 19:35
To: Licensing
Subject: FAO: Andrew Heron - Boho Mexica Commercial St Licensing Objection

Hello Andrew,

I'm writing to you today in regards to a recent licensing request from Boho Mexica on Commercial Street, London that myself and my boyfriend would like to object to.

We are residents in [REDACTED] [REDACTED] and our names are Rebecca Caddy and Michael Carthy.

As you can see from our address, we live directly above Boho Mexica and we are on the first floor. This means we currently encounter problems from the venue already, including noise from within the venue and a lot of vibrations coming from both inside the venue through the floors and outside the venue when people leave, including noise from people hailing taxis and having arguments, etc. This has proved to be a disturbance as we fall to sleep and we've considered making a complaint on numerous occasions.

As you can imagine, the license application for later hours, tables and chairs outside and playing music outside too really concerns us given we're so close to the venue.

When it comes to the tables outside and music being played outside, the main reason we're concerned is noise (and possibly smoke) coming in through our windows. We already experience a lot of noise from outside the venue and if revellers are eating and drinking outside throughout the night this will be extremely disruptive to our lives.

This is all made the more concerning by the fact the venue wants to stay open later. Already the noise and vibrations tend to disturb us as we're going to bed, but if they'll be later it'll become more disruptive to our lives than it already is.

Thank you for taking the time to read our objection. As you can see from the main points I've highlighted above, we're very concerned that outdoor entertainment coupled with later opening hours will have a big impact on our quality of life here in our flat given we're so close to the venue.

I hope you consider our objections and if you'd like further information or details from us, then please do not hesitate to get in touch. I've written all of our details below again.

Thank you and all the best,

Becca

Rebecca Caddy and Michael Carthy

Appendix 13

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:32
To: Andrew Heron
Subject: FW: For the attention of Andrew Heron: Objection to Boho Mexica's application for a Variation to its Alcohol Licence, from Timothy Simon Couzens

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

From: [REDACTED]
Sent: 06 May 2014 21:41
To: Licensing
Subject: For the attention of Andrew Heron: Objection to Boho Mexica's application for a Variation to its Alcohol Licence, from Timothy Simon Couzens

Objection to Boho Mexica's application for a Variation to its Alcohol Licence, from Timothy Simon Couzens

Dear Mr Heron,

I am the owner of Flat [REDACTED]

I wish to object to the abovequoted application by Boho Mexica for a Variation to its Alcohol Licence.

This proposed variation would contribute to public Nuisance: there will be drinkers, smokers and music out on the pavement (directly beneath The Cloisters, a residential block of 69 flats) for the entire week until 23.30pm; &until 1.30am on Fridays&Saturdays. The clients will continue their public nuisance after Boho Mexica's official closing time, as the clients will wend their way noisily out of the area, passing more homes, hailing taxis, and soliciting prostitutes.

All of Boho Mexica's sought Licence Variations are outside the Permitted Hours of Operation as defined by Boho Mexica's Planning Consent, which stipulates a Close to Public of 23:00 Monday-Saturday; &22:30 on Sundays. The current Licence already exceeds these times - so perhaps enough is enough?

The proposed amplified 15+ films on Mondays (up till 23:30); &the proposed in situ outside tables will both add to the public nuisance inflicted upon The cloisters' residents, &other local residents.

All of the existing Conditions imposed on Boho Mexica should stand, to prevent Public Nuisance.

Yours faithfully, T.Simon Couzens [REDACTED]

Appendix 14

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:32
To: Andrew Heron
Subject: FW: Attention: Andrew Heron

Follow Up Flag: Follow up
Flag Status: Completed

From: Julie Dey [REDACTED]
Sent: 06 May 2014 19:27
To: Licensing
Subject: Attention: Andrew Heron

Dear Mr. Heron,

Regarding the application: Boho Mexica at 151-153 Commercial Street E1 6BJ

It has come to my attention that this establishment has applied to serve food and alcohol and play recorded music until 23:30 on weekdays and until 01:30 on Fridays and Saturdays. This application is being sought for inside and outside seating. Also the application seems to ask for amplified films on Monday evenings until 23:30.

As far as I am aware, these variations are ALL outside of the Permitted Hours of Operation as defined by the venue's Planning Consent which stipulates a Close to Public of 23:00 Mon to Sat & 22.30

Sun. Doesn't the current Licence already exceed these times? If so, **perhaps more resources should be put to monitoring / policing current licenses and violations rather than seek to unreasonably extend them.**

Boho Mexica, (which is currently considered to by our household to be a valuable part of our local dining culture), would no longer be so regarded if it were to be granted these variations. It is a double-fronted restaurant and bar that exists directly underneath residential flats that are privately owned and occupied - many of whom have lived there for years, and contributing to Spitalfields long before the area became safer and "trendy". And, it should be mentioned, well before any of the late-night restaurants.

Our house is one street away from Boho Mexica on Calvin Street. We are all affected by what impacts the neighbourhood and long-term neighbours / residents. This application would affect us on Calvin Street in a very negative way as it would create a lot of late-night/early-morning foot traffic of rowdy people and music inside and out until very, very unreasonably late and then departing upon closure. It is a busy area; however, this late-night activity is unsuitable for that area of Spitalfields as it is **so highly populated by residents on our street and ALL of the surrounding ones** - in the Exchange Building, surrounding 17th century Huguenot homes, and numerous peaceful residents on our Calvin Street. Of course there is also the spillover effect that it would have on neighbours beyond the hundreds I include here already.

If these variations in license were to be granted, your office would be demanding that Spitalfields residents tolerate late-night drinkers, smokers, loud music and loud departures AND THEN ALSO the early-morning opening and high traffic of the Spitalfield Market on Sunday morning.

I implore you to consider the consequences of granting this license and thus pushing limits of the existing neighbourhood. Our families and homes and futures all rely heavily upon such decisions.

Regards,

Julie Dey

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 15

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 07 May 2014 10:18
To: Andrew Heron
Subject: FW: Register concerns regarding application to vary premise licence

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]
Sent: 06 May 2014 12:10
To: Licensing
Subject: Register concerns regarding application to vary premise licence

Hi,
I have been made aware that a local restaurant Boho Mexico, 151-153 Commercial St, is applying to change its licence - I wanted to register my concerns as a local resident, regarding the proposal. Is there a process to do this?

The application I am referring to is here: http://alcohol-entertainment.towerhamlets.gov.uk/Civica-elr-3.2_live/resource.ashx?resourcetype=document&filename=L11_CommercialSt151-153.pdf

The restaurant is located in the middle of a residential area, with many surrounding apartments' windows facing the property, including my own. I am very concerned that adding outdoor tables and outdoor music will significantly increase noise levels, and prevent residents from being able to sleep. I have similar concerns that extending the opening hours on Friday and Saturday nights will also increase noise levels and commotion outside our flats, again impacting residents sleep.

Many thanks for your help,

Dave Halstead

[REDACTED]

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Appendix 16

Andrew Heron

From: heard nora [REDACTED]
Sent: 04 May 2014 15:19
To: Licensing; John Mccrohan
Cc: Andrew Heron
Subject: Boho Mexica , application to vary licence

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. McCrohan,

Re: application for Variation of Licence, Boho Mexica, 151-153, Commercial Street E1 6BJ:
- on Fridays and Saturdays, to extend the sale of alcohol to 00.30 and close the premises at 1am, with recorded music played till 1am (i.e all one hour later than permitted by their current licence)
- to have tables and chairs outside the restaurant where food and beverages will be served, and recorded music played, 7 days a week
- to play 15+ films in the restaurant during hours of opening

I wish to register an objection to the above application, which relates to premises located on the ground floor of The Cloisters, the large residential building (containing 68 flats) in which I live.

My objection is mainly on the grounds of public nuisance. Local residents already have to put up with significant noise disturbance and anti-social behaviour from customers of the many licensed premises in the area: this includes people shouting, singing, arguing, gathering in noisy groups to smoke, blaring car stereos, urinating in doorways, vomiting in the street.....and will obviously be exacerbated if these extended weekend hours are approved, with residents of the flats above and around Boho (i.e. in The Cloisters) particularly affected.

The proposed outside tables and recorded music would cause even greater disturbance to the residents; as well as potentially loud talking and laughing from customers sitting outside, the noise from the music would be completely unacceptable (especially given the level at which it would probably have to be played in order for the customers to hear it above the traffic). Residents would also be subjected to unpleasant fumes from people smoking.

A separate issue relating to the proposed outside tables is the fact that there is insufficient space for tables on that stretch of pavement, with the 'Boris bike' rack immediately outside the premises - so the safety of passing pedestrians, forced to step out onto the road, could be compromised, as indeed could that of customers sitting at the tables, from cyclists returning to the bike rack.

Boho's current licence already exceeds the hours laid down in their Planning Consent, so it would be very perverse to allow the weekend hours to be extended even further; it would also go against the current Tower Hamlets policy regarding licensing hours, which specifies a closing time of 24.00 on Fridays and Saturdays (and 22.30 Sundays, 23.30 Mon.to Thurs.) 'to ensure that extended licensing hours do not result in alcohol-related antisocial behaviour persisting into the night and early hours of the morning'.


It would be equally perverse to go against the Conditions imposed on Boho when their current licence was granted, in 2009:

- the doors to the entrance and windows to be kept closed whilst regulated entertainment (music) is in progress
- all doors and windows to be kept closed during operation of the premises
- no drinks be taken outside by any customers; including those going outside to smoke
- no furniture to be placed outside on the pavement

.....which were imposed to prevent noise from the restaurant carrying out onto the street, and to ensure that the pavement was not used by customers who were drinking. If these Conditions were felt necessary in 2009, nothing has changed since then that would justify them being lifted now.

For all of the above reasons, I urge the council to reject this application.

With best wishes,

(Ms.) Nora Heard, 

P.S. Incidentally, I have never seen 25.00 hours used to indicate 1am (as in this application)! - and can't help wondering if it is officially acceptable, given that, as far as I'm aware, such a time does not actually exist??

Appendix 17

Andrew Heron

From: [REDACTED]
Sent: 30 April 2014 16:31
To: Andrew Heron
Subject: License extension application, Boho Mexica, 151-3 Commercial Street E1 6BJ

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Heron,

I understand that the restaurant referenced above (Boho Mexica) has submitted an application to extend hours of operation, to extend the serving hours for alcohol until later into the night, and to create an outdoor seating area for its customers.

Given the residential nature of this part of Commercial Street, with large blocks of flats on both sides of the streets, I would like to lodge an objection to this application. Over the 12 years that I have lived in the Exchange Building at 132 Commercial Street, noise, light, EMF radiation, and other issues have proliferated dramatically. These problems have significantly eroded the quality of life for residents of this area. Alcohol misuse has already been shown to be a serious problem in the area and providing further opportunities for drinking - and especially for drinking outdoors - will only aggravate the problem. The addition of outdoor seating will only increase the noise levels that residents of the Cloisters and the Exchange Building who face Commercial Street already have to endure.

Experience has also shown that previous planning constraints and noise issues have not been adequately enforced by the Council. Until the Council can demonstrate that they are able to regulate and enforce the terms of existing licensing and planning agreements, they should refrain from granting additional rights.

Sincerely,

James Hurlin
[REDACTED]
[REDACTED]

Appendix 18

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:33
To: Andrew Heron
Subject: FW: Boho Mexica - Licence Variation of Hours & Conditions

Follow Up Flag: Follow up
Flag Status: Completed

From: clancey von kappelhoff [REDACTED]
Sent: 06 May 2014 23:22
To: Licensing
Subject: RE: Boho Mexica - Licence Variation of Hours & Conditions

F.A.O. Andrew Heron

Dear Mr Heron,

I object to the variations in licence and new hours that Boho Mexica 151-153 Commercial Street E1 6BJ have applied for.

The existing conditions of doors and windows closed during operating hours and entertainment; no drinks or furniture outside, should remain. I believe these should remain as a Prevention of Public Nuisance.

This is a residential area and the majority of residents work and need a night of sleep, without disturbance, in order to work productively and enjoy their homes. I believe that if these new hours and variances are granted then this will have a detrimental effect on the area and residents.

I represent 80 plus residents of Celia Blairman House and Philip Blairman House, including myself.

Yours sincerely,

Clancey Von Kappelhoff
Secretary of Newlon Housing Association's Residents' Association

[REDACTED]

Appendix 19

Attention: Mr Andrew Heron

Dear Mr Heron

RE: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street, London E1 6BJ.

We write concerning the above as serving Directors of the Spitalfields Cloisters (Management Co) Ltd (SCMC LTD); with the legal remit to look after the interests of both the residents & building at The Cloisters, 145 Commercial Street, E1 6EB but also personally, being leaseholders of flats. The directors have a number of concerns; relating to potential increase in public nuisance should this application to allow outside operation; by removing a number of valuable & protective existing conditions; succeed.

The Cloisters is a residential block comprising 69 flats with 140+ residents; over 4 floors; with the main facade in Commercial St, over a row of 6 shop units; of which Boho Mexica at 151-153 forms a double fronted unit. Therefore 16 of our flats are directly over this premises; the nearest; most vulnerable 4 on the 1st floor at only just over a metre above. To allow this venue to operate until 1.30 a.m. Friday and Saturday will therefore impact badly on the residents of the above flats; all of whom already report problems with music nuisance.

Being a Victorian Grade II listed block The Cloisters has numerous shared chimney stacks; vents; pipes, ducts, load bearing structural walls; all running from the basement via the shops & all flats above to the roof. We are therefore by reason of the building's structure; totally vulnerable to high levels of inter-flat & inter-shop unit noise transference yet alone noise emanating from a late night, music playing licensed venue beneath us.

We note with further concern the proposal for outside tables & playing of recorded music. There is already nuisance caused by the smokers who currently stand outside the venue during operation. This new proposal would place yet more diners; drinkers; smokers & now speakers directly under the windows of Flat 10 & 11 as well as the floors above; which will all become even more vulnerable to the noise of loud voices competing with traffic noise and smoke rising through their windows.

Boho Mexica runs to the back of the building & is also entirely over our resident Porter's flat at basement level. He's a staff member for whom we have a duty of care & we consider his flat to be particularly vulnerable to noise nuisance; as he has already reported hearing; during the late evenings both footfall and the beat of music. Granting this variation will severely undermine his quality of life and as with the above flats; considerably increase the level of public nuisance already suffered.

I wish to re-emphasise that to avoid noise break-out; prevent smokers drinking outside and to stop the pavement being used for potentially noisy dining/drinking:

1. The doors to the entrance and windows be kept closed whilst regulated entertainment (music) is in progress.
2. All doors and windows are to be kept closed during operation of the premises.

3. No drinks be taken outside by any customers; including those going outside to smoke.
4. No furniture to be placed outside on the pavement.

We note that the application also seeks to increase service of Late Night Refreshment. The venue has a kitchen flue that runs through the residential end light well. This has become a source of increased nuisance in operation with complaints of pervasive food odour within both common parts and flats as well as an increase in flue operation noise; now clearly perceptible in the end flats sharing a wall with the light well. Therefore later operation of this flue will also add to and increase the noise and odour nuisance already experienced.

We sincerely hope that the Licensing Committee will see fit to up-hold all their previously; wisely; imposed conditions and refuse this latest variation application; in order to continue to protect our residents from any further detriment to their residential amenity; prevent an increase in public nuisance both within our block & on the public highway.

In closing; the directors do not bear any malice toward Boho Mexica; we simply have a legal remit to protect the interests of all the residents of The Cloisters; the building & environs. Therefore we still hope that the Committee will see fit to refuse this entire variation application to help protect all living here.

Thank you for considering all these points in your deliberations.

Yours Truly,
Gill Orbell, Vanessa Kwai, Andrew Bridger

██
██
██

Appendix 20

Andrew Heron

From: Personne, Yoann [REDACTED]
Sent: 02 May 2014 17:35
To: Andrew Heron
Subject: Boho Mexica licensing application

Follow Up Flag: Follow up
Flag Status: Completed

Dear Andrew

It recently came to my attention that Boho Mexica has requested licensing authority to put tables and chairs outside on the pavement, and to open later at night. I live directly opposite the restaurant in the Exchange Building and strongly believe that they should not obtain the authorisation to do so.

The noise nuisance is already high enough as it is and this street does not need another alcohol selling place late at night for safety reasons. It would however be a good idea to make the street more pedestrian friendly; with the number of shops expanding in the area it has become increasingly dangerous for pedestrians; It would be good to do something before a tragedy happens.

I hope I live in the borough where the voice of the residents is considered.

Best regards,
Yoann Personne

Dr Yoann Personne
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 21

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 28 April 2014 13:47
To: Andrew Heron
Subject: FW: Boho Mexico - Attention Andrew Herron

From: Lynn Richardson [REDACTED]
Sent: 27 April 2014 18:03
To: Licensing
Subject: Boho Mexico - Attention Andrew Herron

Dear Mr Herron

I notice there is a licence application for Boho Mexico to increase it's hours of opening. As you will be aware Boho Mexico sits right under a residential building and so the hours being asked for are excessive and the application should be refused.

Requesting a licence until 1.30am on Friday and Saturday and until 23.30pm weekdays is way too late. In addition to sitting right under the Cloisters there are numerous other residential units and houses both alongside, over the road and further down Folgate and other streets nearby.

Extended hours will cause public nuisance crime and disorder

The area has undergone significant transformation since I brought my flat in the block in 1986. It has gone from being commercial (Spitalfields market, wholesalers etc) to residential with shops alongside to cater for those residents and workers nearby. It must be remembered that to have a premises beneath your home that it open until 1.30am is completely inappropriate.

It will cause a high level of public nuisance. People will come to the premises and use it as a 'venue' for late night drinking. This is something many boroughs try to avoid at all costs and Tower Hamlets should be no different. With these late night visitors comes noise and nuisance both on arrival and especially on leaving. The fact there are tables outside 7 days a week adds to these problems.

Public disorder & crime will always follow when you have a premises open this late on such a regular basis.

The Cloisters is unique in that residents live there for years. It is a large block with over 60 individual homes. There are still many residents still there from 1986 when I purchased my flat. We should all be entitled to the peaceful use of our properties.

Yours sincerely
Lynn Richardson
[REDACTED]

Appendix 22

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:33
To: Andrew Heron
Subject: FW: FAO Andrew Heron

Follow Up Flag: Follow up
Flag Status: Completed

From: Rose [REDACTED]
Sent: 06 May 2014 23:07
To: Licensing
Subject: FAO Andrew Heron

Re: Boho Mexica Restaurant

151-153 Commercial Street E1

I am writing to object to the recent application from the owners of the above named business to be allowed to vary the terms of their license on the grounds of 'prevention of public nuisance'.

The thought of 7 days a week of operation up to 2330h on weekdays and 0130h on Friday & Saturday with tables outside as well as in is worrying in the extreme. The noise from the recorded music, alcohol fuelled exchanges not to mention the amplified sound track of 15+ certificate films from 1700-2330h on Mondays cannot fail to substantially affect the wellbeing of residents living in the vicinity. The installation of tables & chairs on this busy pavement will also prove a hazard to passers by.

I would like the present conditions which were previously imposed by the licensing committee to remain in place i.e. that windows & doors be kept closed during the hours of operation and definitely while music is played; that no drinks are to be consumed outside; that furniture is not allowed on the pavement.

I strongly urge the committee to put the interests of local residents above those of a commercial premises and reject this application.

Yours Sincerely,

Rose Sheldon
[REDACTED]

Appendix 23

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:31
To: Andrew Heron
Subject: FW: FAO Andrew Heron

Follow Up Flag: Follow up
Flag Status: Completed

From: Linda Skinner [REDACTED]
Sent: 06 May 2014 19:09
To: Licensing
Subject: FAO Andrew Heron

Dear Mr. Heron,

3rd application by Boho Mexica to drastically extend their opening hours;
& permission for placement of tables and chairs on the pavement of Commercial Street.

As the owner of [REDACTED], I once more wish to add my voice to those who ask for balance and common sense to be applied when considering the sweeping licence variations being requested by Boho Mexica,

Those who make The Cloisters their home should have protection from the excesses of rowdy and anti-social behaviour that would inevitably follow such wholesale opening hours, not to mention tables and chairs on the pavement, in particular at night.

Long-term residents have no delusions about what this would mean in terms of increased nuisance, i.e. all the usual Night-time Economy excesses from inebriated customers.

Has anybody been to Commercial Street recently? It really IS the last place that tables and chairs on the pavement could be considered an appropriate option. Traffic volumes are extremely high at all times, day and night, but particularly at night as it is a main approach for the club life of Shoreditch. It is madness to contemplate putting tables and chairs on the pavement of a street that is so heavily used. It will endanger lives, especially as the evening wears on and more alcohol is consumed. Who is going to protect the road-users: the drivers, the cyclists? Who is going to protect pedestrians on the pavement trying to get past, who will be obliged to step into the road?

It defies all logic and I ask that this not be granted.

Similarly, the extension of opening hours is detrimental to the general good order of the Commercial Street area, which has suffered a lot in the recent past from urban blights such as prostitution, left over from the Spitalfields Market era, i.e. April 1991 onwards. Until circa 2000, it looked unlikely that this stretch of Commercial Street would ever free itself from its murky and unsavoury past. I personally doubted that the area would ever come good, but now it has, and that should be protected. It has been a surprise and a pleasure to see the area drag itself up as it has; there is big money being invested, both in commercial properties and private dwellings. These incoming investors will have brought with them a

reasonable expectation of good order being encouraged and maintained. (If it isn't, they won't stay. It's as simple as that. Plenty of other London areas provide a similar offering now.)

How much more so, then, do long-term Cloisters residents have the right (yes - more than most) to the reasonable expectation of Boho Mexica continuing to function under the same, limited opening hours as they currently enjoy. These have been successful in helping keep the excesses of the Night-time Economy in check.

There is no commercial justification for their request. The area is extremely well-served in establishments providing the same service as Boho Mexica. However, it is Boho Mexica that is housed within a residential building, and that brings with it responsibilities.

The Cloisters is a Listed Building, as I am sure you know. George Peabody set a high standard, and left a heritage to be proud of. The building has a noble past, which deserves to be protected, not squandered for the sake of some short-termism by those whose profit-margin is predicated on the sale of as much alcohol as possible, in the shortest possible time - and never mind the consequences. I'm sure the ethos of LBTH would be sympathetic to this argument.

In short:

- > the tables and chairs would be dangerous
- > the extended hours could quickly contribute to deterioration of social order on a street that is extremely busy, and which is on the brink of becoming a street to be proud of, not ashamed of.
- > having premises within a residential building, particularly one of such historical importance, brings special responsibilities. It is not a free-for-all situation.

Be assured of my good intention at all times.

Best regards,

Linda J. Skinner

Appendix 24

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 29 April 2014 10:35
To: Andrew Heron
Subject: FW: licensing application at Boho Mexica Restaurant, 151-153 Commercial Street, E1 6BJ

Follow Up Flag: Follow up
Flag Status: Completed

From: Spitalfields Community Group [REDACTED]
Sent: 28 April 2014 21:57
To: Licensing
Cc: Alan Cruickshank
Subject: licensing application at Boho Mexica Restaurant, 151-153 Commercial Street, E1 6BJ

Dear Sir/Madam,

Spitalfields Community Group OBJECTS to the licensing application at Boho Mexica Restaurant, 151-153 Commercial Street, E1 6BJ, for a variation to its existing licence.

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

Commercial Street has a high concentration of licensed premises currently, jeopardising the quality of life of surrounding residents, and of other non-licensed businesses operating in the area. Indeed, LBTH recently designated a "Cumulative Impact Zone" in recognition of the excessive number of licensed premises in the area. Boho Mexica is sited within the Cumulative Impact Zone.

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

Above Boho Mexica on Commercial Street is a large block of flats housing over 100 residents, called The Cloisters. Cloisters residents are already directly affected by noise and nuisance from the patrons of Boho Mexica. The restaurant's application to extend hours for the provision of alcohol and food, and the playing of recorded music until 2330 Sun – Thurs and until 0130 Fri and Sat, is clearly excessive, given the negative impact it will have on the lives of residents. The restaurant proposes outside seating for which there is inadequate space on the public highway given the existence of a Barclays cycle hire docking station nearby. It would therefore pose a risk to public safety. Noise nuisance from patrons sitting outside would cause greater disturbance to residents than those inside the restaurant, and smoking from outside tables would inevitably intrude into the homes of residents overhead, which is clearly unacceptable.

For these reasons Spitalfields Community Group OBJECTS to the licensing application at Boho Mexica, 151-153 Commercial Street E1 6BJ.

From and on behalf of SCG

Appendix 25

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:34
To: Andrew Heron
Subject: FW: Mr. Andrew Heron re: licence application Boho Mexica at 151-153 Commercial Street E1 6EB

From: Elizabeth Williamson [REDACTED]
Sent: 06 May 2014 23:39
To: Licensing
Subject: Mr. Andrew Heron re: licence application Boho Mexica at 151-153 Commercial Street E1 6EB

For the attention of Andrew Heron.

We are writing to you to strongly object to the application by Boho Mexica regarding extension of working hours of the restaurant and placing the tables in front of the venue.

Our objection is primarily on the grounds of public nuisance.

We are representing the tenants of flats 25 and 55 , The Cloisters, 145 Commercial Street E1 6EB. The premises are situated directly below these flats.

Both of these flats are at the end of the corridors, next to the vent erected in the light well. This is a source of constant, very loud noise and unimaginable stench of fried food and burned fat while the premises is open. Please, go and experience it one day. Extending the licence will make this even worse.

When the restaurant was to be opened we belonged to a scarce group of people, who did not object.

We've regretted it bitterly since.

Boho Mexica has been a constant source of Public nuisance and Noise pollution. Granting it with extra opening hours means only that the situation will get worse.

The pavement at this point in commercial street is narrow and is further restricted by a Boris bike rack and a pedestrian crossing.

These just isn't room for tables in the street at this point. It will become unpleasant and dangerous for pedestrians trying to get past.

At throwing out time the noise of drunken revellers gets very bad.

Already the noise, screaming , swearing , cigarette smoke from outside Boho is so intense , that they can be heard very well in the flats, despite the nuclear double glazing, that we installed in all our windows.

There are already groups of customers, who noisily block the pavement, and are abusive to pedestrians.

Extending the hours or adding outside tables will make this much worse.

These tenants won't be able to get to sleep until after 1:30 – this is surely not acceptable.

Elizabeth Williamson
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 26

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

Shuk Yeung

27th April 2014

RE: Licensing Act 2003 and Boho Mexica, 151-153 Commercial Street, London E1 6BJ

Dear Mr. McCrohan,

I am writing to object to the above application for a variation of premises license, on the following grounds:

- ~~Extended hours, external seating and externally audible music would bring about unacceptable noise disturbance in a residential stretch of Commercial Street, and disrupt sleep to residents in flats in the same building as Boho Mexica. Flats in the same Cloisters building exist on the 1st floor and above; noise from the street is clearly audible from the bedrooms. Any noise other than general background noise has potential to disrupt sleep of residents.~~
- Although the applicant states the external seating will be supervised, this will be insufficient to adequately limit noise disturbance from the customers' combined chatter and laughter.
- Late licensing would encourage minicab drivers to park on the road immediately outside the residential flats. There is significant risk that their loud late-night conversations would create noise disturbance and disrupt sleep.
- Granting Boho Mexica this license would set a precedent for other restaurants/cafes to obtain the same permissions on this residential stretch of road. The cumulative impact would create noise disturbance that is unacceptable for a residential area.
- Noise nuisance would be even worse during the summer, when the heat and humidity requires one to sleep with an open window.

I would appreciate it if you would inform me of your decision.

Yours sincerely,

Shuk Yeung



Appendix 27

Andrew Heron

From: Neil Feinson [REDACTED]
Sent: 24 April 2014 19:56
To: Licensing
Subject: Licensing Application 15763 - Boho Mexica Commercial Street E1
Attachments: L11_CommercialSt151-153.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

I wanted to write to object to this application. I live in [REDACTED] which contains approximately 100 flats and lies directly across the road from Boho Mexica. We already suffer considerable noise and nuisance from Boho Mexica due to the gathering of customers outside late on Friday and Saturday evenings.

Placing tables on the pavement for the serving of alcohol and food will lead to an increase in noise on its own, but the application also proposes playing recorded music outside until 1.00 am. I believe this is contrary to the spirit if not the letter of the saturation policy for this district.

I therefore ask that you reject this application because of the serious impact it will have on large numbers of local residents living in blocks on both sides of Commercial Street.

http://alcohol-entertainment.towerhamlets.gov.uk/Civica-elr-3.2_live/resource.ashx?resourcetype=document&filename=L11_CommercialSt151-153.pdf

Yours truly

N R Feinson

Sent from my iPad

Appendix 28

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



15 April 2014

BOHO MEXICA, COMMERCIAL STREET, E1

Dear Mr McCrohan

Thank you for your letter regarding the above's application for a variation of premises.

I live directly above the above restaurant at 

I don't know the detail of the application. However, my flat is immediately above Boho Mexica. The proprietor in y view is not a thoughtful neighbour with loud music at varied times often late at night. I haven't been able to log all of this but I noted the following in my diary.

Wednesday 2 April 19.30 Loud Thumping music

Thursday 3 April 18.30 Loud Thumping music

Friday 4 April 21.30 Loud Thumping music and again 00.20 – 00.30 am

Please note I very rarely stay at the flat weekends but I am aware that other residents have had problems. I, therefore, oppose this application. In fact I wish you would consider revoking the license as it stands now. The proprietor has a cavalier attitude to the noise. It's not as though we haven't mentioned it to him.

Yours faithfully



John Last



John McCrohan
Licensing Section
Mulberry Place (AH)
6th Floor
5 Clove Crescent
London E14 2BQ



Dear Mr McCrohan

LICENSING ACT 2003 and BOHO MEXICO, 151-153
COMMERCIAL ST E1 6BJ

I write further to you following my letter to you objecting to a variation of the premises licence for me above. I do so because it has been brought to my attention that in order for my objection to be valid I am obliged to address the (4) principals of the Act.

I, therefore, object under the Public Nuisance heading. I am already bordered by random, noisy music which 'thumps' and vibrates. I have no doubt that should the application be allowed this would increase. Also, understand Boho ~~also~~ wants to extend the food ~~service~~ service. This will entail juke operation noise into the small houses. I don't welcome this.

Yours sincerely



Appendix 29

Andrew Heron

From: Douglas Powrie [REDACTED]
Sent: 25 April 2014 11:31
To: Andrew Heron
Subject: Variation of Alcohol License

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Heron,

I am writing to object to the "Variation of Alcohol Licence" applied for by Boho Mexica at 151-153 Commercial Street. I am a leaseholder in the Cloisters and feel the times they wish to extend to could cause public nuisance due to disruption and noise on patrons exiting the premises at a time when residents in the same building are normally sleeping.

Yours Sincerely

Douglas Powrie [REDACTED]

Appendix 30

LBTH Licensing

Toby Club
Vawdrey Close
E1 4UAHT - Tower Hamlets Borough
HH - Limehouse Police Station
Licensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZwww.met.police.uk

Your ref:

Our ref:

25 April 2014

Dear Mr McCrohan

Re: Application to vary a premises licenceBoho Mexica, 151-153 Commercial St, E1 6BJ

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 wishes to extend the sale of alcohol on Friday and Saturday until 0030 , closing at 0100

Late night refreshments and recorded music reflect the above hours.

LBTH has 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 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.

One more late night opening venue will only compound the problems in the CIZ. Since the implementation of this policy, licences have been granted in the CIZ. However, the slow drip-drip of either new licences or variations will only compound the issues that lead to the policy implementation.

The availability of alcohol until 0030 then closing at 0100, will mean more people staying for longer within the CIZ.

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

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

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

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

The hours applied for falls into the above peak hours.

At present there is a joint response with our colleagues at Hackney and Islington. It means more officers in the CIZ and they aim to target crime and disorder, including ASB.

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

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

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%

Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

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

Table 2: Alcohol Attributable Admission Rates 2011/2012

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

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

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

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 extending the licensable hours, I would ask that they consider the following condition.

1. Install / maintain CCTV

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

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

Alan Cruickshank PC 189HT

Appendix 31

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 32

Noise while the Premise is in Use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19)

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

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

Other Legislation

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

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

Appendix 33

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 34

Noise Leakage from the Premises

General Advice

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

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

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

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

Licensing Policy

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

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

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

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

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

Police Powers

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

Licensing Act 2003

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

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

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

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

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

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

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

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

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

Other Legislation

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

Appendix 35

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(See 12.8 of the licensing policy)

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

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

Appendix 36

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.

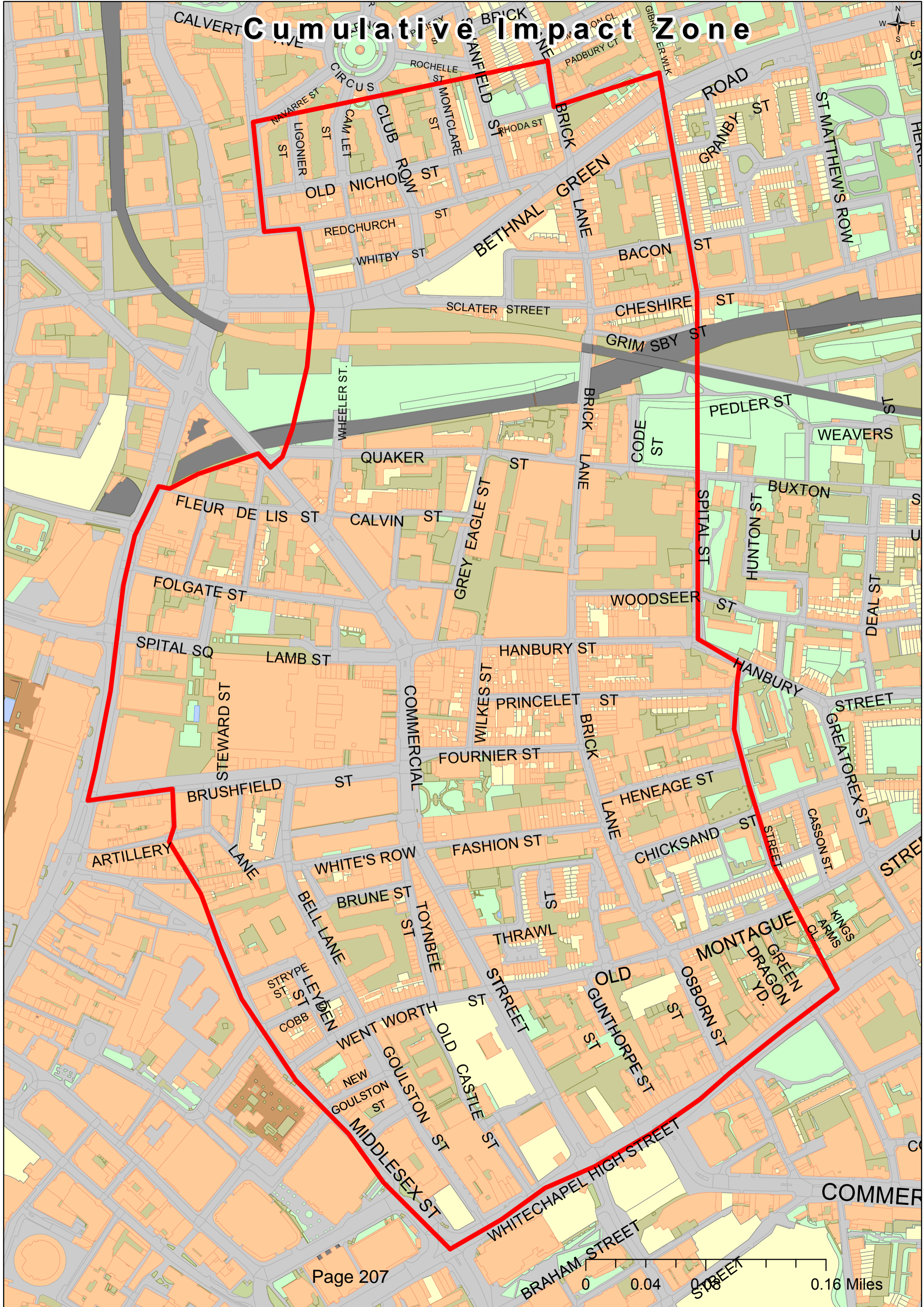
The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore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

The following map shows the outline of the LBTH CIZ.

Cumulative Impact Zone



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