

LICENSING SUB COMMITTEE

Tuesday, 5 August 2014 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

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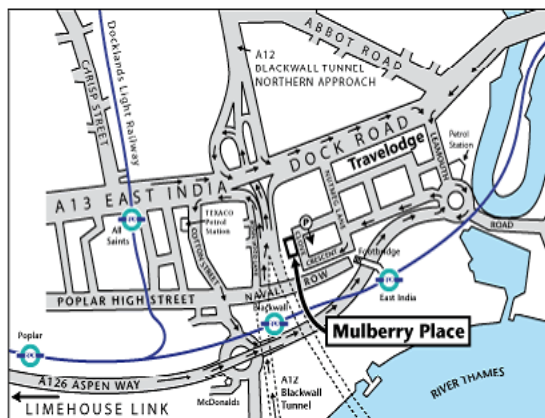
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APOLOGIES FOR ABSENCE

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. ITEMS FOR CONSIDERATION | PAGE NUMBER(S) | WARD(S) AFFECTED |
|--|---------------------------|--|
| 3 .1 Application for a New Premises Licence for (Close Up Cinema), 97 - 99 Sclater Street, London E1 6HR | 21 - 98 | Weavers |
| 3 .2 Application for a Variation to the Premises Licence for W B Spitalfields Ltd, 8-9 Lamb Street, London, E1 6EA. | 99 - 154 | Spitalfields & Banglatown |
| 3 .3 Application for a Temporary Event Notice for 3 Hancock Road, London, E3 3DA | 155 - 174 | Bromley North |

4. 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 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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Agenda Item 3.1

| | | | | |
|---|------------------------|---------------------------------------|--------------------------|-----------------|
| Committee : Licensing Sub Committee | Date 05 August 2014 | Classification Unclassified | Report No. LSC 10/145 | Agenda Item No. |
|---|------------------------|---------------------------------------|--------------------------|-----------------|

| | |
|---|--|
| Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer | Title: Licensing Act 2003 Application for a Premises Licence for (Close Up Cinema), 97 – 99 Sclater Street, London E1 6HR Ward affected: Weavers |
|---|--|

1.0 Summary

Applicant: **Close-Up Film Centre Limited**

Name and Address of Premises: **Close-Up Cinema**
97 – 99 Sclater Street
London
E1 6HR

Licence sought: **Licensing Act 2003**

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

Representation: **Local Residents**
Met Police

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Close Up Cinema), 97-99 Sclater Street, London E1 6HR.

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

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

The sale by retail of alcohol (On sales)

- Sunday to Thursday, from 12:00 hours to 23:30 hours
- Friday and Saturday, from 12:00 hours to 01:30 hours the following days

The Provision of Regulated Entertainment - Indoors

Films

- Sunday to Thursday, from 10:00 hours to 23:30 hours
- Friday and Saturday, from 10:00 hours to 01:30 hours the following days

The Provision of Late Night Refreshment - Indoors

- Sunday to Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to 01:30 hours the following days

Non standard timings

- New Year's Eve Until 02:00 hours

Hours open to the public

- Sunday to Thursday, from 08:00 hours to 00:00 hours
- Friday and Saturday, from 08:00 hours to 02:00 hours the following days

Non standard timings

- New Year's Eve Until 02:00 hours

3.4 The applicant has offered reduced revised timings and conditions. Please See **Appendix 2**.

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

4.0 **Licensing Policy and Government Advice**

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

- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Met police and local residents.
- 5.9 Please see **Appendix 5** for the representation of Met police.
- 5.10 Please see **Appendix 6** for the representation of Jonathan Fitch who is a local resident.

- 5.11 Please see **Appendix 7** for the representation Matthew Day who is a local resident.
- 5.12 Please see **Appendix 8** for the conditions agreed with Environmental Protection.
- 5.13 Please see **Appendix 9** for the conditions agreed with Trading Standards.
- 5.14 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
- 5.15 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.16 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the prevention of public nuisance and the prevention of crime and disorder.
- 5.17 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.18 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading's Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is "the balance of probability."
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 10 - 16** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

| | |
|--------------------|--|
| Appendix 1 | A copy of the application |
| Appendix 2 | Applicant's revised timings and conditions |
| Appendix 3 | Maps of the area |
| Appendix 4 | Section 182 Guidance by the Home Office |
| Appendix 5 | Representation of Met police |
| Appendix 6 | Representation of Jonathan Fitch |
| Appendix 7 | Representation of Matthew Day |
| Appendix 8 | Conditions agreed with Environmental Protection |
| Appendix 9 | Conditions agreed with Trading Standards |
| Appendix 10 | Licensing Officer comments on noise while the premise is in use |
| Appendix 11 | Licensing Officer comments on access/egress problems |
| Appendix 12 | Licensing Officer comments on crime and disorder on the premises |
| Appendix 13 | Licensing Officer comments on crime and disorder from patrons leaving the premises |
| Appendix 14 | Planning |
| Appendix 15 | Licensing Policy relating to hours of trading |
| Appendix 16 | Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone |

Appendix 1

Section 1 of 19

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

| | | |
|------------------|----------------------|--|
| System reference | Not Currently In Use | This is the unique reference for this application generated by the system. |
| Your reference | 13-486 | You can put what you want here to help you track applications if you make lots of them. It is passed to the authority. |

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

| | |
|------------------------|------------|
| * First name | Damien |
| * Family name | Sanville |
| * E-mail | [REDACTED] |
| Main telephone number | [REDACTED] |
| Other telephone number | |

Include country code.

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

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

Applicant Business

- * Is the applicant's business registered in the UK with Companies House? Yes No

| | |
|-----------------------|------------------------------|
| * Registration number | 05470967 |
| * Business name | Close-Up Film Centre Limited |
| * VAT number | - 877 7992 34 |
| * Legal status | Private Limited Company |

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

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

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

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

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 19

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Address

| | |
|-------------------------------|---|
| Building number or name | <input type="text" value="139"/> |
| Street | <input type="text" value="Brick Lane"/> |
| District | <input type="text" value="Tower Hamlets"/> |
| City or town | <input type="text" value="London"/> |
| County or administrative area | <input type="text" value="London"/> |
| Postcode | <input type="text" value="E1 6SB"/> |
| Country | <input type="text" value="United Kingdom"/> |

Contact Details

| | |
|------------------------|---------------------------------------|
| E-mail | <input type="text" value="REDACTED"/> |
| Telephone number | <input type="text" value="REDACTED"/> |
| Other telephone number | <input type="text"/> |

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

40 seat cinema accessed through a retail space operating as a film library with small coffee shop & snack bar. Operating hours from 08:00hrs to 23:30hrs. Premises closing at 00:00hrs allowing 30 minutes for dispersal.

Mission Statement

Close-Up aims to make film culture and history accessible through its library, film screenings and the online publication of Vertigo Magazine. Established in 2005, the company has built up its activities on the basis of reinvesting all its profits into creating an extensive film resource.

The company specialises in the promotion, distribution and exhibition of classics, world cinema, documentaries and artists' films. Our audience is passionate about cinema and includes film enthusiasts, academics, students, researchers and

Continued from previous page...

professionals.

The library's collection of over 17,000 films and books, currently located on Brick Lane, is considered a unique film resource for locals.

Our regular cinema screenings at a local venue have created a cultural benchmark in London allowing renowned filmmakers to meet the audience and discuss their films. The overall aim of the cinema programme is to provide a critical overview of cinema's culture and history.

Our achievements have established Close-Up as a central figure in London's film culture and have gained us the support of institutions including Tate Modern (Stuart Comer); the British Film Institute (Andrew Youdell), the ICA (Pamela Jahn), Whitechapel Gallery (Gareth Evans) and LUX (Benjamin Cook). The creation of a new cinema in the East-End of London has sparked the enthusiasm of those institutions to work in close partnership with Close-Up.

We are now aiming to gather our activities under one roof to expand the promotion of a thriving, diverse audiovisual culture in London. In the fast growing film industry that is developing in the East-End of London, Close-Up plans to open its own cinema. Alongside the film library, the cinema will become a unique resource for the local community but also the widest regional and international audience.

Damien Sanville
Founder and Director
Feb 2014

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

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

- Indoors Outdoors Both

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

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

State any seasonal variations for the exhibition of film

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

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

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

New Years Eve until 02:00hrs

Continued from previous page...

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

State any seasonal variations

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

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

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

New Years Eve until 02:00hrs

Continued from previous page...

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Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises
- Off the premises
- Both

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

State any seasonal variations

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

Continued from previous page...

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

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

New Years Eve until 02:00

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

Continued from previous page...

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

Section 16 of 19

ADULT ENTERTAINMENT

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

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

Performance of Film

The license holder shall adhere to the BBFC (British Board of Film Classification: <http://www.bbfc.co.uk/>) requirements in relation to age certificate restrictions.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

New Years Eve until 02:00hrs

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

All staff will be fully trained in Fire and Health and Safety procedures, including regular Fire & Evacuation drills
All signage will be kept clearly visible and up to date
Incident log books and Health & Safety literature will be accessible to staff at all times
Regular checks to systems and practices will be made by a manager in accordance with government recommendations and policies

b) The prevention of crime and disorder

CCTV recording with 28 day back up to be produced upon police request, including static camera pointing directly to lobby entrance at all times.

Incident Management

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the London Borough of Tower Hamlets.

The log will record the following:

(a) all crimes reported to the venue

(b) all ejections of customers

(c) any incidents of disorder (disturbance caused either by one person or a group of people) [There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]

c) Public safety

No furniture, rubbish or waste paper shall be stored or allowed to accumulate in any part of the premises other than the designated storage or refuse area. Storage of any necessary combustible materials shall be in a position as may be

Continued from previous page...

approved by the Fire Brigade.

Overcrowding in such a manner as to endanger the safety of the public or to interfere unduly with their comfort shall not be permitted in any part of the premises.

No person under the age of eighteen shall be employed as an attendant on the premises.

A rehearsal of the action to be taken by members of the staff in the event of a fire or other emergency shall be held at least once a month.

Fire exits will be checked at regular intervals daily to ensure they are kept clear at all times and the fire alarm and emergency lighting systems will be tested weekly.

Any potential tripping hazards such as carpet or cables will be maintained, fixed or secured as appropriate. Furniture to be kept clear of stairways and exits at all times.

Standard safety and caution signs, such as cleaning signs, will be displayed when necessary.

Patrons will not be permitted to sit on the floor or stairways in any part of the premises. Additional or temporary seating will not be provided in gangways or exits of the cinema auditorium.

d) The prevention of public nuisance

A written dispersal policy shall be in place and implemented to ensure customers move from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

e) The protection of children from harm

Films will be classified, by either the film classification body as specified in the licence or the licensing authority in the following way:

U - Universal. Suitable for audiences aged four years and over

PG - Parental Guidance. Some scenes may be unsuitable for young children

12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult

15 - Passed only for viewing by persons aged 15 years and over

18 - Passed only for viewing by persons aged 18 years and over

Where a programme includes a film recommended either by the film classification body or the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme.

Where films of different categories form part of the same programme, staff shall refer to the oldest age restriction.

As part of the 'Challenge 21' scheme, staff will receive training to request photographic identification where they suspect a person to be under the age of 21. Accepted forms of identification will be restricted to Passport, Drivers Licence or PASS card as part of the Proof of Age Standards Scheme.

Continued from previous page...

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

Continued from previous page...

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

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

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

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

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

Appendix 2

Mohshin Ali

From: Damien Sanville [REDACTED]
Sent: 12 June 2014 12:49
To: Mohshin Ali
Cc: 'Ml. O'Keeffe | healycornelius'; Niall Healy
Subject: Re: CLC/LIC/L1U-75805/MA; Premises Licence Application: Close-Up Film Centre Limited, 97 – 99, Sclater Street, London E1 6HR
Attachments: Premises License Application Updates 12.06.2014.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mohshin,

Thank you very much for sending these representations to us.

We have updated our responses and would be grateful if you could forward them to the concerned parties accordingly.

Please do not hesitate to contact me should you have any questions.

Kind regards,

--

Damien Sanville
Director
CLOSE-UP

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

On 12 Jun 2014, at 11:52, Mohshin Ali wrote:

Dear All,

Please see attached all the Valid representations received for this application.

The objections will be put into a committee report and forwarded to the Democratic Operations section who will arrange a date for the hearing. You will be sent a copy of the report which will include details of the representations; you will also be notified at this point of the date and time of the Licensing subcommittee hearing.

Do let me know if you want me to forward your response/amendments to those parties that have made representations.

Regards

Mohshin Ali - Senior Licensing Officer

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

From: [REDACTED]] **On Behalf Of** Ml. O'Keeffe | healycornelius
Sent: 09 June 2014 10:36
To: Mohshin Ali
Cc: Niall Healy; Damien Sanville
Subject: CLC/LIC/L1U-75805/MA; Premises Licence Application: Close-Up Film Centre Limited, 97 – 99, Sclater Street, London E1 6HR

Dear Moshin,

Please find attached the applicant's responses to the representations on the Premises License Application, Ref. No. CLC/LIC/L1U-75805/MA.

I will call you in a moment to clarify the information is clear and if anything further is required.

Kind regards,

Michael O'Keeffe
BSc. (Hons.) Arch. Tech. **ACIAT ICIOB**
architectural technologist

[REDACTED]
[REDACTED]
[REDACTED]



healycornelius design consultancy limited
No.5 St. John's Lane London **EC1M 4BH**

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



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<EHConditionsAgreed.pdf><JFitch.pdf><JFitch2.pdf><MDay.pdf><Police.ACruickshank.pdf>

Premises License Application

Close Up Cinema : 97-99 Sclater Street E1 6HR

Representations Received and responses offered by applicant

12 June 2014

Please amend the details on the application report to reflect the response from the applicant to the representations raised:

A: Trading Standards service

Representation:

We would normally recommend using "Challenge 21" with regard to sales of alcohol. Also you may wish to broaden the range of documents accepted to include other photographic identification accepted under the 'Pass' regime.

Applicant's response:

In addition to existing conditions, please see below updated text in red

Section 18: e) Protection of children from harm:

Films will be classified, by either the film classification body as specified in the licence or the licensing authority in the following way:

U - Universal. Suitable for audiences aged four years and over

PG - Parental Guidance. Some scenes may be unsuitable for young children

12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult

15 - Passed only for viewing by persons aged 15 years and over

18 - Passed only for viewing by persons aged 18 years and over

Where a programme includes a film recommended either by the film classification body or the licensing authority as falling into the

12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme.

Where films of different categories form part of the same programme, staff shall refer to the oldest age restriction.

As part of the 'Challenge 21' scheme, staff will receive training to request photographic identification where they suspect a person to be under the age of 21. Accepted forms of identification will be restricted to Passport, Drivers Licence or PASS card as part of the Proof of Age Standards Scheme.

B. Environmental Health

Representation:

"Please agree to the following condition to form part of your operating schedule:

- Regulated entertainment shall not be audible inside any affected residential premise so as to cause a nuisance; and
- Limit the number of smokers in the courtyard to a maximum of 5 at any one time after 10pm."

Applicant's response:

As per email response to Alkesh Solanki (dated 14.05.14)

"I confirm that we do agree with both conditions stated below to form part of our operating schedule:

- Regulated entertainment shall not be audible inside any affected residential premise so as to cause a nuisance; and
- Limit the number of smokers in the courtyard to a maximum of 5 at any one time after 10pm."

C. Metropolitan Police

Representation received from Alan Cruickshank, Met Police

Representation:

1.

If they are to consider granting a licence, I would ask that they remove the non standard timing. Police resources are stretched on NYE. The applicant can consider applying for a TEN nearer the time.

I would also ask the committee to consider the following hours:

Alcohol

- Monday - Sunday : 2330
- Closing a half hour later, allowing a "drinking up period"
- Late night refreshments : all week: 2300 - 2330
- Films: all week : 1000 – 2330

Applicant's response:

Please see below amended conditions in agreement in red

Section 14: Late Night Refreshments

Fridays and Saturdays: reduce from 1:30am to 23:30pm
Remove NYE non-standard timing

Section 15: Supply of Alcohol:

Fridays and Saturdays: reduce from 1:30am to 23:30pm
Remove NYE non-standard timing

Section 7: Provision of Films:

Fridays and Saturdays: reduce from 1:30am to 23:30pm
Remove NYE non-standard timing

2.

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

Applicant's response:

Please refer to below as per application

Section 18, b) the prevention of crime and disorder:

CCTV recording with 28 days back up to be produced upon police request, including static camera pointing directly to lobby entrance at all times. 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.

Incident Management

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the London Borough of Tower Hamlets.

The log will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of customers
- (c) any incidents of disorder (disturbance caused either by one person or a group of people) [There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]

3.

No customer to be allowed to stand outside with drinks whether alcoholic or non alcoholic and

No more than 6 smokers allowed outside at one time.

Applicant's response:

Please see below amended conditions in agreement in red

Section 18, d): the prevention of public nuisance:

A written dispersal policy shall be in place and implemented to ensure customers move from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

No alcoholic drinks to be consumed outside the premises on the pavement at anytime. No non-alcoholic drinks to be consumed outside the premises on the pavement after 10pm.

The number of smokers in the courtyard will be limited to a maximum of 5 at any one time after 10pm.

D. Public Representation; Jonathan Fitch

Representation:

1.

Planning Permission: 3 - The use of the cinema shall not commence until details of the method of insulating the cinema to prevent the transmission of unacceptable levels of noise to neighbouring residential properties have been submitted to and approved in writing by the local planning authority. The details shall include the results of a suitable acoustic survey, and the provision of post completion testing where necessary.

The sound insulation shall be installed in accordance with the approved details prior to the first use of the approved cinema and retained thereafter.

Applicant's response:

Please see below details of sound insulation as per Planning Application requirements:

- 3mm Remat across the first floor flat's floor under the chipboard floor (above cinema)
- 7 inch concrete slab
- 100mm Rockwool sound insulation
- Floating ceiling made of 2 x sound block plasterboards on resilient bars fixed at 90 degrees to the metal framed ceiling structure.
- 13inch walls covered with sound block plasterboards across

We will provide both a background and internal sound survey when the cinema space is completed

2.

Planning Permission: 4 - The use allowed by this permission shall not take place other than between the hours of: -

08:00 -23:30, Mondays - Fridays
08:00 Saturday - 00:30 Sunday morning
08:00 - 23:30 Sundays or Bank Holidays

Applicant's response:

Please see below amended conditions in agreement in red

Section 14: Late Night Refreshments

Fridays and Saturdays: reduce from 1:30am to 23:30pm
Remove NYE non-standard timing

Section 15: Supply of Alcohol:

Fridays and Saturdays: reduce from 1:30am to 23:30pm
Remove NYE non-standard timing

Section 7: Provision of Films:

Fridays and Saturdays: reduce from 1:30am to 23:30pm
Remove NYE non-standard timing

3.

Planning Permission: 8 - Any plant or ventilation equipment associated with the new development shall be designed to ensure that noise levels are at a level of 10db below the lowest measured background noise (LA90, 15 minutes) as measured one metre from the nearest affected window of the nearest affected residential property. The assessment of the background noise shall be made in the absence of all operating plant that services the premises that is the subject of this planning application. In addition the plant shall not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the building.

Applicant's response:

Documents will be submitted to the planning department to validate compliance.

4.

Planning Permission: 7 - Patrons of the cinema and customers of the retail shop shall not be allowed access to the central courtyard.

and

In addition, I request that patrons are not permitted to gather or consume alcohol obtained from the premises on the pavement outside of the premises.

Applicant's response:

Please see below amended conditions in agreement in red

Section 18, d): the prevention of public nuisance:

A written dispersal policy shall be in place and implemented to ensure customers move from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

No alcoholic drinks to be consumed outside the premises on the pavement at anytime. No non-alcoholic drinks to be consumed outside the premises on the pavement after 10pm.

The number of smokers in the courtyard will be limited to a maximum of 5 at any one time after 10pm.

E. Public Representation; Matthew Day

Representation:

1.

I am concerned about the noise that will be generated by customers entering and exiting the building particularly in the early hours of the morning and late at night.

and

I am also concerned about traffic and parking, as the license if granted will operate beyond the times of local underground and overground services.

Applicant's response:

Please see below amended conditions in agreement in red

Section 14: Late Night Refreshments

Fridays and Saturdays: reduce from 1:30am to 23:30pm
Remove NYE non-standard timing

Section 15: Supply of Alcohol:

Fridays and Saturdays: reduce from 1:30am to 23:30pm
Remove NYE non-standard timing

Section 7: Provision of Films:

Fridays and Saturdays: reduce from 1:30am to 23:30pm
Remove NYE non-standard timing

2.

Alcohol has been shown to lower inhibitions and impair peoples abilities to make reasonable judgements, providing a sign to ask patrons to act more responsibly when leaving a premises is a poor deterrent when alcohol is added to this equation.

Applicant's response:

Please see below amended conditions in agreement in red

Section 18, d): the prevention of public nuisance:

A written dispersal policy shall be in place and implemented to ensure customers move from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

No alcoholic drinks to be consumed outside the premises on the pavement at anytime. No non-alcoholic drinks to be consumed outside the premises on the pavement after 10pm.

The number of smokers in the courtyard will be limited to a maximum of 5 at any one time after 10pm.

3.

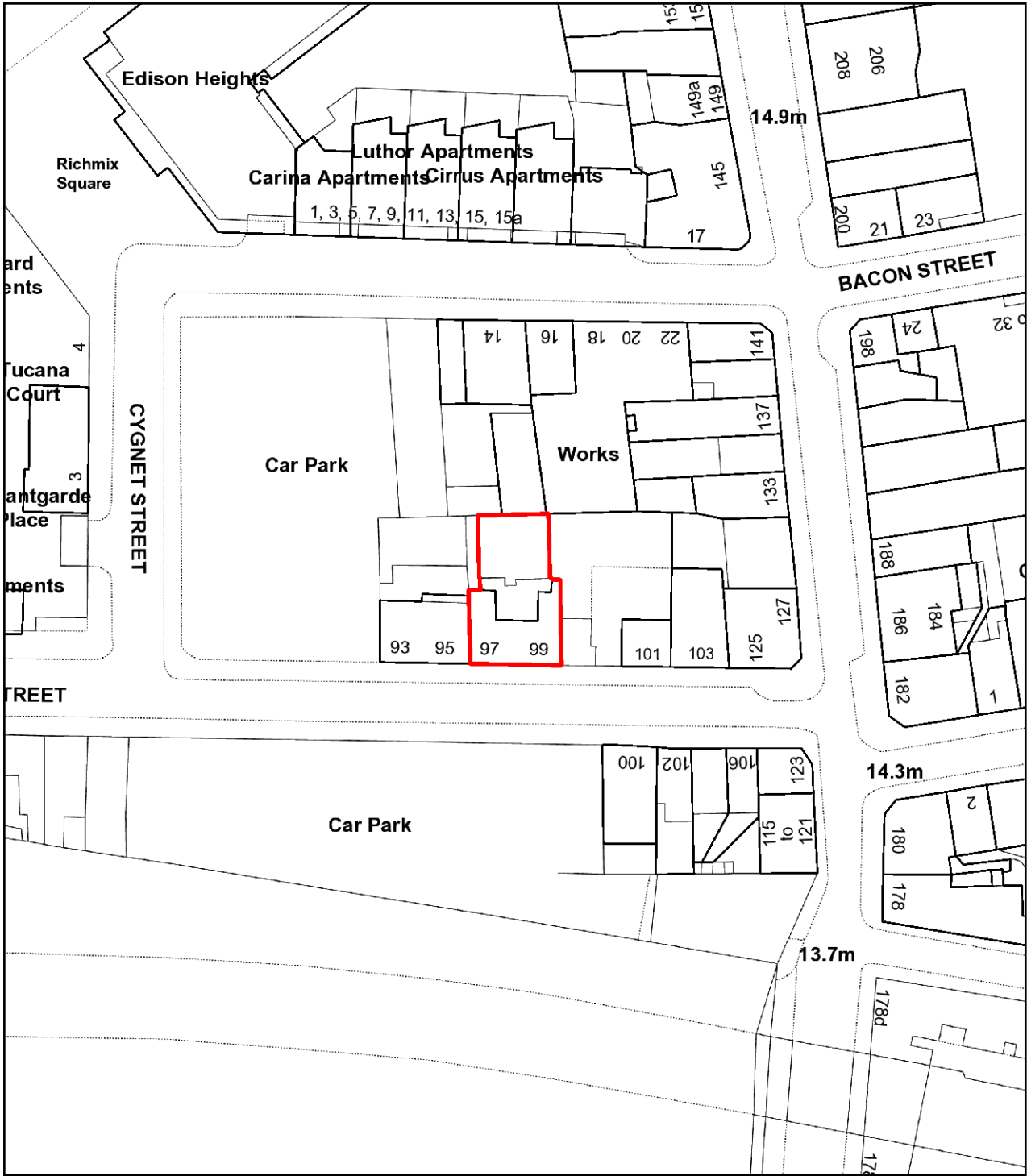
It is also unclear to me how the waste generated by these premises will be disposed of.

Applicant's response:

A dedicated Refuse Store has been allocated within the premises to store waste (Please see Premises Plan "13-486-PL001B Premises License").

Waste will then be disposed of in adequate bin bags and at the hours allocated for collection by the Council.

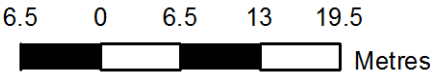
Appendix 3



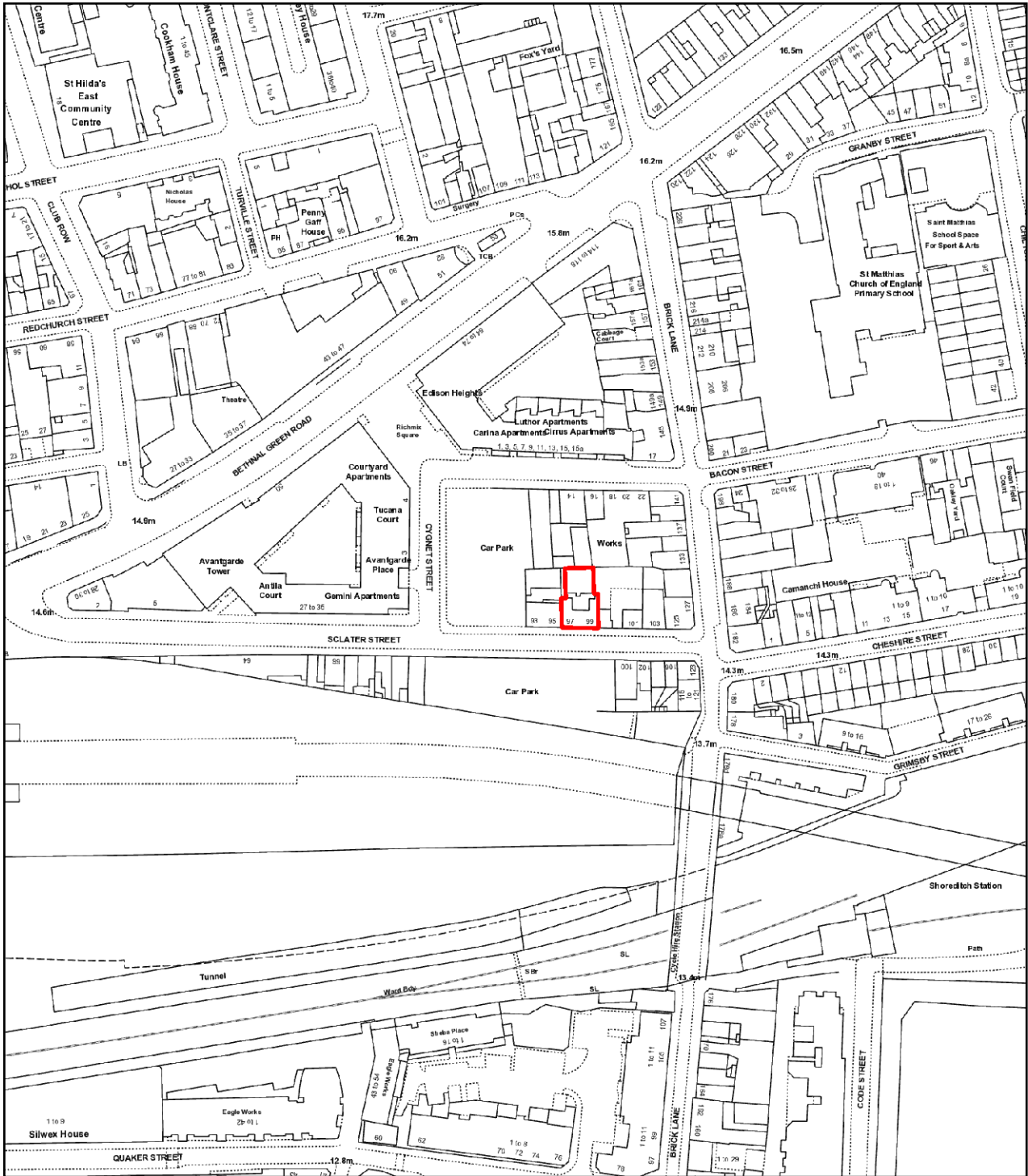
97-99 Sclater Street



Scale 1:754



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97-99 Sclater Street



Scale 1:1884

10 0 10 20 30



Metres



Appendix 4

Section 182 Advice by the Home Office

Updated June 2013

Relevant, vexatious and frivolous representations

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

recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

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

Appendix 5

Mohshin Ali

From: Alan.D.Cruickshank@met.pnn.police.uk
Sent: 20 May 2014 09:28
To: Mohshin Ali
Subject: Close Up Cinema
Attachments: Close-Up Cinema (May 14).doc

Dear Mohshin

Please find my representation for the above application.

Regards

Alan Cruickshank PC 189HT

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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John McCrohan
LBTH Licensing
Toby Club
Vawdrey Close

E1 4UA

HT - Tower Hamlets Borough
HH - Limehouse Police Station

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

Telephone: 0207 275 4911

Facsimile:

Email:

Alan.D.Cruickshank@met.pnn.police
.uk

www.met.police.uk

Your ref:

Our ref:

11 May 2014

Dear Mr McCrohan

Re: Premises Licence Application

Close-Up Cinema, 97-99 Sclater St, E1 6HR

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

The prevention of crime and disorder

The prevention of public nuisance

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

Sunday - Thursday : 1200 - 2330

Friday - Saturday : 1200 - 0130

Other licensable activities reflect the above hours.

They also wish to have a non standard time on New Years Eve until 2am the next day.

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

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

Sclater St 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 and restaurants in this immediate area.

One more late night opening venue will only compound the problems at the top end of the CIZ.

The availability of alcohol until 0130 on Friday and Saturday will mean more people staying for longer within the CIZ.

The applicant must be aware that there is now a saturation policy and the late hours applied for do not reflect the concerns that have led to the implementation of a CIZ.

Even without a saturation policy, Tower Hamlets Police Licensing Unit would be objecting to such late hours.

There are residential properties nearby. It is difficult to ask people to be quiet after they have consumed alcohol, leaving at 2am. Whether it is just boisterous behaviour or shouting at top of their voices, it is likely to cause a public nuisance.

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.

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

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

Table 1: London Ambulance Service call outs to binge drinking

| Ward | No of Incidents 2011/12 | No of Incidents 2012/13 | % Change over 2011/12 to 2012/13 |
|----------------------------|-------------------------|-------------------------|----------------------------------|
| Spitalfields & Banglatown | 145 | 175 | + 21% |
| Weavers | 82 | 89 | +21% |
| Tower Hamlets ward average | 57 | 71 | +25% |

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

Table 2: Alcohol Attributable Admission Rates 2011/2012

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

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

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

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

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

If they are to consider granting a licence, I would ask that they remove the non standard timing. Police resources are stretched on NYE. The applicant can consider applying for a TEN nearer the time.

I would also ask the committee to consider the following hours:

Alcohol

Monday - Sunday : 2330

Closing a half hour later, allowing a “ drinking up period”

Late night refreshments : all week: 2300 - 2330

Films: all week : 1000 - 2330

Conditions

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,

5. No customer to be allowed to stand outside with drinks whether alcoholic or non alcoholic

6. No more than 6 smokers allowed outside at one time.

Alan Cruickshank PC 189HT

Appendix 6

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 14 May 2014 17:28
To: Mohshin Ali
Subject: FW: Representation re: Application for Premises Licence, Close-Up Film Centre Ltd, 97-99 Sclater Street, E1 6HR

From: Jonathan Fitch [REDACTED]
Sent: 14 May 2014 17:05
To: Licensing
Subject: Representation re: Application for Premises Licence, Close-Up Film Centre Ltd, 97-99 Sclater Street, E1 6HR

Dear Sir / Madam -

Notice of Application for a Premises Licence: Close-Up Film Centre Ltd, 97-99 Sclater Street, London E1 6HR

I am writing to request that, if the authority awards a licence for the provision of films and sale of alcohol, that the hours permitted are limited to those for which planning consent for change of use was granted (application number PA/13/01781 decided on 07 October 2013). The specific conditions in this planning consent require:

3 - The use of the cinema shall not commence until details of the method of insulating the cinema to prevent the transmission of unacceptable levels of noise to neighbouring residential properties have been submitted to and approved in writing by the local planning authority. The details shall include the results of a suitable acoustic survey, and the provision of post completion testing where necessary.

The sound insulation shall be installed in accordance with the approved details prior to the first use of the approved cinema and retained thereafter.

Reason: To protect the amenity of neighbouring residents from any undue noise or disturbance coming from the use of the cinema in accordance with the requirements of policy SP10 (4) of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document (Adopted 2013).

4 - The use allowed by this permission shall not take place other than between the hours of: -
08:00 -23:30, Mondays - Fridays
08:00 Saturday - 00:30 Sunday morning
08:00 - 23:30 Sundays or Bank Holidays

Reason: To safeguard the amenity of adjacent residents and the area generally and to accord with policy SP10(4) of The Core Strategy (2010) and policy DM25 of the Managing Development Document (2013).

7 - Patrons of the cinema and customers of the retail shop shall not be allowed access to the central courtyard.

Reason: To protect the amenities of occupiers of neighbouring buildings from noise or disturbance in accordance with the requirements of policy SP10 (4) of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document (Adopted 2013).

8 - Any plant or ventilation equipment associated with the new development shall be designed to ensure that noise levels are at a level of 10db below the lowest measured background noise (LA90, 15 minutes) as measured one metre from the nearest affected window of the nearest affected residential property. The assessment of the background noise shall be made in the absence of all operating plant that services the premises that is the subject of this planning application. In addition the plant shall not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the building.

Reason: To protect the amenity of occupiers of nearby properties from noise or vibration disturbance in accordance with the requirements of Tower Hamlets Core Strategy 2010 policy SP03(2) and SP10(4a).

In addition, I request that patrons are not permitted to gather or consume alcohol obtained from the premises on the pavement outside of the premises.

Yours faithfully,
Jonathan Fitch

[REDACTED]

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 10 June 2014 10:21
To: Mohshin Ali
Subject: FW: Licensing Application: 97-99 Sclater Street E1 6HR

Follow Up Flag: Follow up
Flag Status: Flagged

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

From: Jonathan Fitch [REDACTED]
Sent: 09 June 2014 20:06
To: Licensing
Subject: Licensing Application: 97-99 Sclater Street E1 6HR

Dear Sir/ Madam -

Apologies if I have sent this already (I believe I have, but cannot locate it in my Sent box).

I am writing to object to the licensing application for the reasons set out below.

It appears there are three licences being applied for in this application:

- film
- alcohol
- refreshment

In terms of all three licences, or activities, the stated operating hours set out within the Operating Schedule (Section 5 of 19), ends at 23:30, with half an hour for dispersal, I do not believe there is any need for any of the licences to extend beyond that time.

However, I note that the applicant is requesting a licence until 01:30 on Saturday and Sunday morning for all three activities. I believe this is far too late to prevent the activities from causing a disturbance to residents of the street, impacting on their ability to sleep. If the Committee is minded to disregard to plight of residents and allow the cinema to operate later than 23:30, then I request that the Committee does prohibits the sale and consumption of alcohol and refreshments beyond that time, which would otherwise exacerbate the likely nuisance to residents later into the night when patrons would disperse.

In terms of the alcohol license in particular, the premises is within the Council's recently announced Saturation Zone, therefore I request that the Committee needs to be mindful of the intentions of that Saturation Zone, in particular that it is intended to protect local residents from the many negative impacts of the intense night time economy that has been allowed to develop within the area.

In terms of all three licences, or activities, Sclater Street contains over 25 flats within about 15 metres of the premises, many of which are single aspect flats facing onto Sclater Street. These homes are likely to be disturbed by any late comings-and-goings from the premises, but I believe residents would be extremely disturbed by any gathering of patrons on the pavement outside the premises. Therefore, if the Committee does grant any of the licenses, I urge the Committee to prohibit the applicant from allowing patrons to gather on the pavements outside the premises or consume alcohol or refreshments purchased from the premises on the pavements.

Similarly, the premises contains a rear courtyard next to the cinema. Three single aspect flats within the neighbouring building at 101 Sclater Street, and the bedrooms of three other flats within that building (plus several others on Brick Lane) will be disturbed by patrons who gather in the rear courtyard, as sound will resonate from the courtyard across this largely enclosed 'back of building' space. I would therefore urge the Committee to prohibit the use of the courtyard by patrons and the consumption of alcohol and refreshment therein.

In terms of the applicant's stated measures to address the licensing objective of preventing public nuisance within the application (which is notably thin), if the Committee is allowed to place conditions on the applicant, I request that the Committee prohibits the placing of rubbish or any other waste at any time on the pavement or street at times other than those specified by the Council for collection (and particularly not at night).

I hope the Committee will give serious consideration to these requests.

Jonathan Fitch



Sent from my device

Appendix 7

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 10 June 2014 10:18
To: Mohshin Ali
Subject: FW: Licensing Application for 99-97 Sclater Street E1 6HR

Follow Up Flag: Follow up
Flag Status: Flagged

From: Matthew Day [REDACTED]
Sent: 09 June 2014 19:25
To: Licensing
Subject: RE: Licensing Application for 99-97 Sclater Street E1 6HR

Licensing Objection

To Whom It May Concern

RE: Licensing Application for 99-97 Sclater Street E1 6HR

I am a resident of [REDACTED] and I am concerned about the application for licensing on the premises 99-97 Sclater Street and would like to raise my objection to the proposed application. My residence is directly next to the 99-97 Sclater Street and my property faces directly onto Sclater Street, with the living accommodation and bedroom windows at the front of the building. I am concerned that the licensing application will affect my right to reasonably enjoy my property due to the length of operating hours and the associated nuisance that this proposal will bring.

As the licensing application states that the main purpose of the business is the cinema seating 40 patrons, shop and refreshment space I am concerned about the noise that will be generated by customers entering and exiting the building particularly in the early hours of the morning and late at night. Cinema audiences traditionally leave on mass and it is worrying to think about the noise generated by 40 people in the early hours of the morning and late at night so close to my bedroom window when it is safe to presume that I will be trying to sleep. Alcohol has been shown to lower inhibitions and impair peoples abilities to make reasonable judgements, providing a sign to ask patrons to act more responsibly when leaving a premises is a poor deterrent when alcohol is added to this equation.

It is also unclear to me how the waste generated by these premises will be disposed of. Unlike more contemporary buildings I cannot see an adequate bin store or refuse point to store rubbish and I am concerned about the disposal of waste and the environmental impact this will have on Sclater Street. I have had to frequently complain about the refuse and refuse collection on Sclater Street and I worry about the

additional impact that the proposed premises will have on refuse, especially the disposal of food and drink waste, without adequate resources or storage. I am also concerned about traffic and parking, as the license if granted will operate beyond the times of local underground and overground services. Parking can be an issue and increased traffic comes with noise and pollution concerns.

I am also worried about the noise, waste and obstruction of public highways that would be caused by patrons of this type of establishment enjoying refreshments on the street, queuing for tickets and smoking outside of the premises.

The application for licensed premises is within the Tower Hamlets' saturation zone and it is presumed that the licensing of the said premises will further exacerbate the anti-social behaviour and disorder which is plighting our community. Over the past few weeks I have had to remove or clean urine and vomit from the communal doorway of 101 Sclater Street due to the reckless behaviour of revellers, this further compromises my enjoyment of my home and I feel that the proposed licensing of a premises so close to my property will further diminish my rights to reasonably enjoy my home.

I am an artist and lecturer and have lived and worked in this community since 1997, I have seen the dramatic changes that have effected the area in that time and continue to effect the area. I can understand the appeal of a space dedicated to independent film (though it could be argued that we are well served with cinema and film establishments being so close to both the Rich Mix and Aubin Cinema), but I have also seen the change in character brought in by relaxed licensing policies to the area and the impact it has had on the local community; as all of my friends with young families have moved away from the area due to the effect of the nighttime economy. I think that the proposed licensing application is irresponsible to the local community in its hours of operation, especially when one considers that the new Avant Garde development has housed many local families with young children in need on Sclater Street and Bacon Street. By licensing a premises until two in the morning on the weekend and midnight during the week I feel that the licensing committee would be doing a disservice to myself and my neighbours and our reasonable rights to enjoy our homes.

Yours Sincerly

Matthew Day

Appendix 8

Mohshin Ali

From: [redacted] on behalf of N. Healy | healycornelius
[redacted]
Sent: 14 May 2014 15:42
To: Mohshin Ali
Subject: New Premises Licence Application: Close-Up Film Centre Limited, 97 – 99, Sclater Street : Amendment to conditions following EHO input

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Moshin,

Our client has agreed to the incorporation of the following conditions requested by Alkesh Solanki in Environmental Health.

Please let me know if you require anything further to confirm this amendment.

Kind regards,

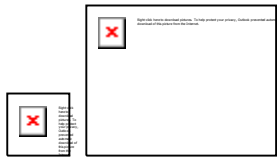
Niall Healy MCIAT
managing director

[redacted]
[redacted]



healycornelius design consultancy limited
No.5 St. John's Lane London **EC1M 4BH**

[redacted]
[redacted]
[redacted]



PLEASE NOTE I WILL BE TAKING PART IN THE HOMECOMING LEG OF THE CLIPPER ROUND THE WORLD RACE 13-14 AND WILL BE UNAVAILABLE ON THE FOLLOWING DATES:

3rd JUNE -21st JUNE
28th JUNE - 6th JULY
9th JULY - 14TH JULY

THE RACE FINISHES ON THE 12th JULY AT ST.KATHERINE'S DOCK . . . COME ALONG AND JOIN THE HOMECOMING FESTIVAL

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----- Forwarded message -----

Fro

From: Damien Sanville [REDACTED] >

Date: 14 May 2014 15:19:45 GMT+01:00

To:

Alkesh Solanki <Alkesh.Solanki@towerhamlets.gov.uk>

Subject: Re: MAU: 075805

Dear Alkesh,

I confirm that we do agree with both conditions stated below to form part of our operating schedule:

- **Regulated entertainment shall not be audible inside any affected residential premise so as to cause a nuisance; and**
- **Limit the number of smokers in the courtyard to a maximum of 5 at any one time after 10pm.**

Can you please confirm if this email will suffice or do we need to update our current application too?

Kind regards,

Damien Sanville

On 14 May 2014, at 13:49, Alkesh Solanki wrote:

Please agree to the following condition to form part of your operating schedule:

- **Regulated entertainment shall not be audible inside any affected residential premise so as to cause a nuisance; and**
- **Limit the number of smokers in the courtyard to a maximum of 5 at any one time after 10pm.**

Regards,
Alkesh.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 1BY | [020 7364 6518](tel:02073646518)/5007 | alkesh.solanki@towerhamlets.gov.uk

--

Damien Sanville
Director



Appendix 9

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 08 May 2014 11:03
To: Mohshin Ali; Ian Moseley
Subject: FW: Application relating to Close Up Film Centre
Attachments: Tower_Hamlets_Application_for_a_premises_licence SUBMIT_UPDATED_2014_05_07.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jenny Sadler [REDACTED]
Sent: 08 May 2014 10:16
To: Licensing
Cc: 'Damien Sanville'; Ian Moseley; N. Healy | healycornelius
Subject: Re: Application relating to Close Up Film Centre

Dear Mohshin & Ian,

I have attached an updated copy of our Premises Licence application. The below indicates the changes that have been made:

Section 18:

e) Protection of children from harm:

~~Staff will be trained in checking customers' ages by only accepting a Passport or Drivers Licence.~~

As part of the 'Challenge 21' scheme, staff will receive training to request photographic identification where they suspect a person to be under the age of 21. Accepted forms of identification will be restricted to Passport, Drivers Licence or PASS card as part of the Proof of Age Standards Scheme.

Do let us know if you require any further information.

Kind Regards,
Jenny

--
Jenny Sadler
Manager

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

On 7 May 2014, at 13:27, Licensing wrote:

I would be grateful if you can send me the actual agreed wordings of the conditions.

Regards

Mohshin Ali - Senior Licensing Officer

✉ London Borough of Tower Hamlets . Licensing . Mulberry Place . 5 Clove Crescent . London E14 2BG

Tel☎: 020 7364 5498 | Fax☎: 020 7364 0863 | Email✉: Mohshin.Ali@towerhamlets.gov.uk

From: Damien Sanville [REDACTED]
Sent: 07 May 2014 11:22
To: Ian Moseley
Cc: Licensing; N. Healy | healycornelius; Jenny Sadler
Subject: Re: Application relating to Close Up Film Centre

Dear Ian,

In addition to implementing the 'Challenge 21' scheme, we will also broaden the range of documents accepted to include other photographic identification accepted under the 'Pass' regime as you suggested.

Is it possible to update our application or does this correspondence suffice?

Looking forward to hearing from you.

Kind regards,

Damien

--

Damien Sanville
Director
CLOSE-UP

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

On 7 May 2014, at 05:45, N. Healy | healycornelius wrote:

Dear Ian,

I can confirm that the applicant will be happy to implement the Challenge 21 scheme to validate age and is happy to have a condition on the license requiring the same.

Please confirm if we need to provide anything further confirm this point.

Kind regards,

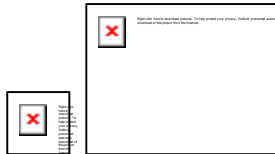
Niall Healy MCIAT
managing director

[REDACTED]



healycornelius design consultancy limited
No.5 St. John's Lane London **EC1M 4BH**

[REDACTED]



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On 2 May 2014 12:06, Ian Moseley <Ian.Moseley@towerhamlets.gov.uk> wrote:

I have received a copy of your application with regard to the above on behalf of the Trading Standards service.

I note that you have addressed the issue of age controls for films, however we would normally recommend using "Challenge 21" with regard to sales of alcohol. Also you may wish to broaden the range of documents accepted to include other photographic identification accepted under the 'Pass' regime.

Appendix 10

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.4**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.5**).

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.39).

Other Legislation

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

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

Appendix 11

Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.4**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.5**)

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.37).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.39)

Appendix 12

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 13

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

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

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

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.37)

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 14

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 15

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

(see 12.9 of the licensing policy)

Appendix 16

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

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

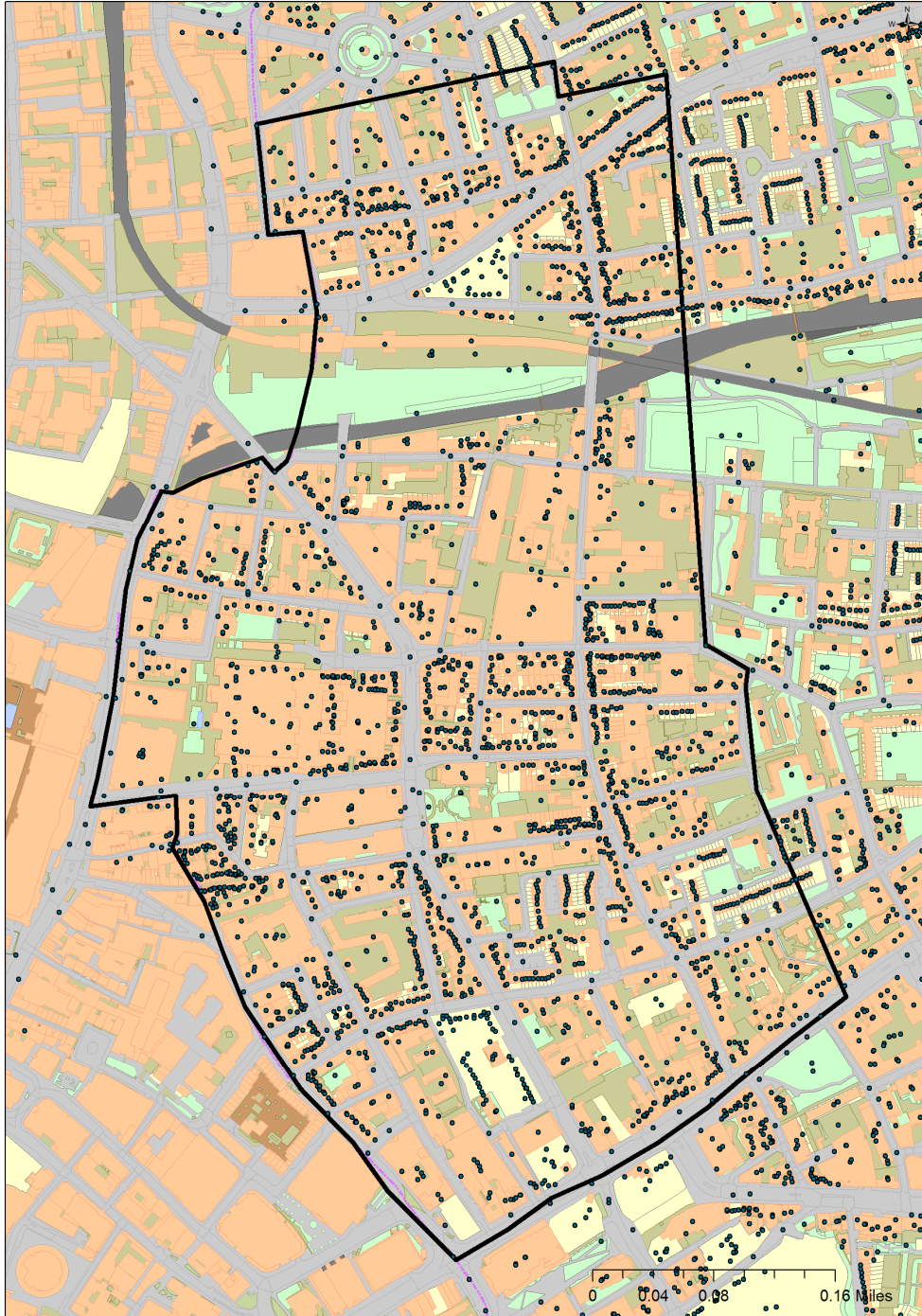
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

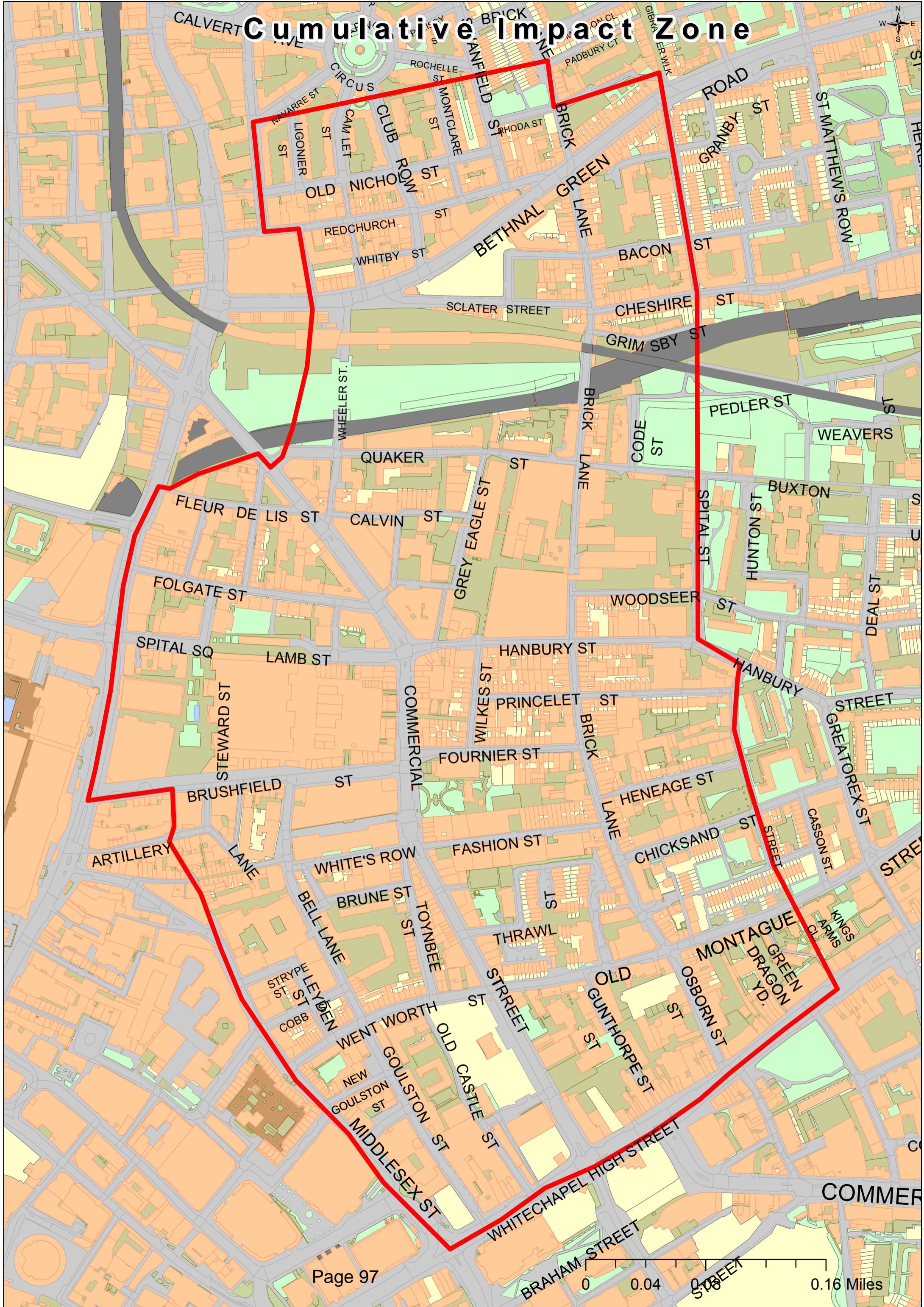
Figure One

The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



Cumulative Impact Zone



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Agenda Item 3.2

| | | | | |
|--------------------------------|----------------|---------------------|------------|-----------------|
| Committee : | Date | Classification | Report No. | Agenda Item No. |
| Licensing Sub Committee | 05 August 2014 | Unrestricted | LSC 11/145 | |

| | |
|---|--|
| Report of David Tolley Head of Consumer and Business Regulation Services | Title Licensing Act 2003 Application for a Variation to the Premises Licence for W B Spitalfields Ltd, 8-9 Lamb Street, London, E1 6EA. |
| Originating Officer: Alexander Lisowski Licensing Officer | Ward affected Spitalfields and Banglatown |

1.0 Summary

| | |
|----------------------|---|
| Applicant: | Wright Brothers Spitalfields |
| Name and | W B Spitalfields |
| Address of Premises: | 8A Lamb Street London E1 6EA |
| Licence sought: | Licensing Act 2003 Application to vary a premises licence to: <ul style="list-style-type: none">extend the area allowed for the sale of alcohol |
| 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 This is an application for a variation of a premises licence to extend the area allowed for the sale of alcohol at W B Sptitalfields, 8-9 Lamb Street, London, E1 6EA. The venue is within the area covered by the Brick Lane Cumulative Impact Policy. **See Appendix 12.**

The venue is a restaurant which currently has a premises licence for the on-sale of alcohol. They have applied to extend the area allowed for the sale of alcohol so that they can serve alcohol to customers seated at tables on the pavement outside the venue.

Since submitting the application the applicant has agreed amended conditions with Environmental Health and the Licensing Authority. The Licensing Sub-committee is requested to consider those conditions.

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

The current hours of the licence are:

On Sale of Alcohol

- Monday to Saturday, 10.00am to midnight.
- Sunday, 12.00noon to 23.30pm
- Good Friday and Christmas Day, 12noon to 23.30pm
- New Year's Eve, except when it is a Sunday, 11.00am to midnight.
- New Year's Eve when it is on a Sunday, 12noon to 23.30pm.
- On New Year's Eve, from the end of permitted hours on New year's Eve to the start of permitted hours on the following day.

The hours requested for the extended licensable area are:

On Sale of Alcohol

- Monday to Saturday, 10.00am to midnight
- Sunday, 12.00noon to 23.30pm

This request has been amended to:

- Monday to Saturday, 10.00am to 21.00pm
- Sunday, 12noon to 21.00pm
- They have also agreed a the following conditions "Any patrons that smoke after 9pm will not be permitted to take any drinks out with them", and "No consumption of alcohol outside other than by those seated and as part of a substantial meal.

See Appendix 3

- 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 4.**

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 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, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 **Representations**

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

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

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

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

5.5 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5.**

- 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
 - The Licensing Authority

See Appendices 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
- The protection of children from harm
 - Public nuisance
 - Public safety

- 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 disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application for a variation to a current premises licence.
- Appendix 2** A copy of the current premises licence.
- Appendix 3** Amended conditions agreed with Environmental Health and the Licensing Authority.
- Appendix 4** Maps of the surrounding area of the premises.
- Appendix 5** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.
- 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 patrons leaving the premises.
- Appendix 9** Access and egress problems.
- Appendix 10** Planning.
- Appendix 11** Licensing Policy relating to hours of trading.
- Appendix 12** Brick Lane Cumulative Impact Policy.

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Appendix 1



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 WRIGHT BROTHERS SPITALFIELDS (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 16805

Part 1 – Premises details

| | | |
|--|------------------|--|
| 8A LAMB STREET OLD SPITALFIELDS MATRKET | | |
| Post town LONDON | Post code E1 6EA | |

| | |
|---|------------|
| Telephone number at premises (if any) | [REDACTED] |
| Non-domestic rateable value of premises | £ 25968.60 |

Part 2 - Applicant details

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

Part 3 - Variation

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

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

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

We are applying for tables outside on Lamb Street and would like to serve alcohol with food at the tables, we have been informed that this would require an off license.

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

| |
|-----|
| n/a |
|-----|

Part 4 Operating Schedule

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

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

I

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

J

| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7) | On the premises | | |
|---|-------|----------|--|---|--|--|
| Day | Start | Finish | | Off the premises | | |
| Mon | 10am | Midnight | Please give further details here (please read guidance | Both | | |
| Tue | 10am | Midnight | | | | |
| Wed | 10am | Midnight | | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Thur | 10am | Midnight | | | | |
| Fri | 10am | Midnight | | 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 | 10am | Midnight | | | | |
| Sun | Noon | 11.30pm | | | | |

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)

N/A

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 | 10am | Midnight | |
| Tue | 10am | Midnight | |
| Wed | 10am | Midnight | |
| Thur | 10am | Midnight | |
| Fri | 10am | Midnight | |
| Sat | 10am | Midnight | |
| Sun | Noon | 11.30pm | Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5) |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N/A

Please tick yes

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

x

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

Staff will be fully trained on the supply of Alcohol and the relevant licensing act, we have CCTV on the street covering the entire area.

c) Public safety

We will have dedicated seating outside & dedicated waiters looking after the area, as we are a food led outlet there will be no overcrowding as it is seated only we train our staff in fire safety & have trained first aiders on site.

d) The prevention of public nuisance

The area will be for dining only so there will be no overcrowding, we will happily move guests inside after 10pm so our neighbours are not disturbed.

e) The protection of children from harm

As this is a small external dining area, I do not envisage the use of foul language etc, we are a very family friendly restaurant.

CHECKLIST:

- | | |
|--|---|
| | Please tick <input type="checkbox"/> yes |
| ▪ I have made or enclosed payment of the fee | x |
| ▪ I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable | x |
| ▪ I understand that I must now advertise my application | x |
| ▪ I have enclosed the premises licence or relevant part of it or explanation | x |
| ▪ I understand that if I do not comply with the above requirements my application will be rejected | x |

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 | [Redacted] |
| Date | 20/04/2014 |
| Capacity | Operations manager |

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.

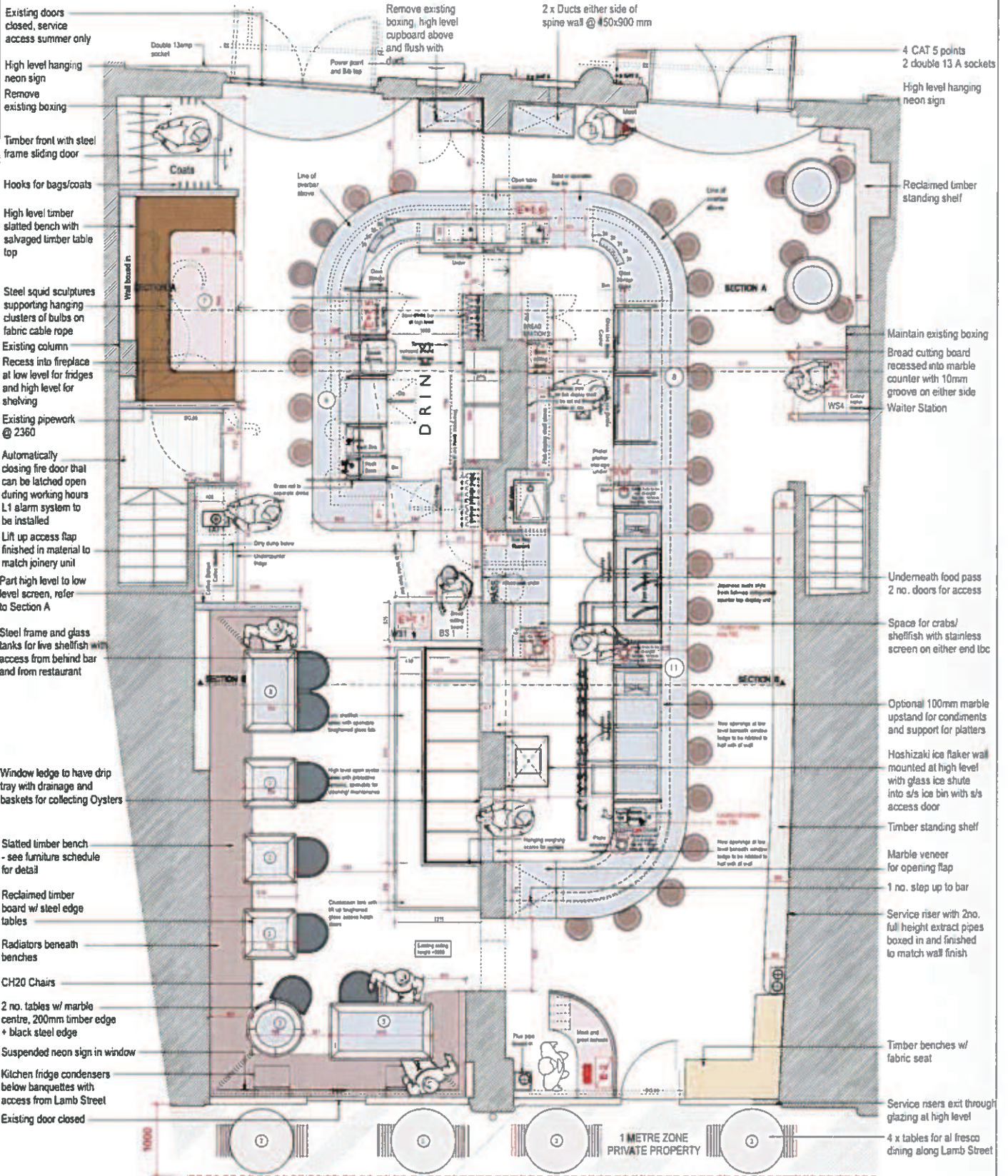
| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

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

Richard Seldon
8a Lamb Street
Old Spitalfields Market

| | |
|--|------------------|
| Post town London | Post code E1 6EA |
| Telephone number (if any) [Redacted] | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) Richard.seldon@thewrightbrothers.co.uk | |

**GROUND FLOOR PLAN
INTERNAL LAYOUT
1:50 @ A3**



| | | | | | | | |
|---------------------------------------|---|---|--------------|-------------------------------|--------------------------------------|--------------------------|---|
| UNDERCOVER ARCHITECTURE LTD | studio 7 6 Regent's Park Road London NW1 7TS T +44 20 7268 8200 E info@undercoverarchitecture.com | PROJECT TITLE The Wright Brothers Spitalfields | 0000 | 23rd June 2014 | OWNER TITLE Charles A. | Ground Floor GA | This drawing is the property of Undercover Architecture Ltd and may not be copied, altered or reproduced in any way or manner for a third party without written authority. All dimensions are subject to site survey and post-construction. Do not scale. |
| | | CLIENT The Wright Brothers | 00000 | 1:50 @ A3 / 1:250 @ A1 | OWNER | INFORMATION ON LY | |


Appendix 2

**(W B Spitalfields Ltd)
8-9 Lamb Street
Spitafields
London
E1 6EA**

Licensable Activities authorised by the licence

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 14/10/05



Part A - Format of premises licence

Premises licence number

16805

Part 1 - Premises details

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

(W B Spitalfields Ltd)
8-9 Lamb Street
Spitafields

Post town
London

Post code
E1 6EA

Telephone number
[REDACTED]

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

See Mandatory Conditions for details of restrictions.

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

The opening hours of the premises

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

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

On sales only

Part 2

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

WB Spitalfields Limited
c/o Francis Clark
Lowin House
Tregolls Road
Truro
Cornwall
TR1 2NA

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

08269801

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

Richard Alan Seldon

[REDACTED]
[REDACTED]
[REDACTED]

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

[REDACTED]
[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

For restaurants

The licence is granted for premises structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises and the licence is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

It is an implied condition that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
premises

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

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

Private Entertainment

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

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

Public Entertainment

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

Hot Meals and Hot Drinks

Hot food and hot drinks may be sold for up to 30 minutes after the end of normal permitted hours

Annex 2 - Conditions consistent with the operating Schedule

None

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

None

Annex 4 - Plans

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

08 Aug 2005

Appendix 3

Alex Lisowski

From: Alkesh Solanki
Sent: 28 May 2014 12:12
To: Licensing
Cc: Alan.D.Cruickshank@met.police.uk; '[REDACTED]'
Subject: FW: Variation. 6 Lamb Street. MAU:076002.

Please note the agreements below.

Regards,
Alkesh.

From: Richard Seldon [mailto:[REDACTED]]
Sent: 21 May 2014 18:03
To: Alkesh Solanki
Cc: Alan.D.Cruickshank@met.police.uk
Subject: Re: Variation. 6 Lamb Street. MAU:076002.

Dear Alkesh,

I am happy to agree to the terms stated below,

Thank you,

Kind Regards,

Richard Seldon.
[REDACTED]

On 21 May 2014, at 13:12, "Alkesh Solanki" <Alkesh.Solanki@towerhamlets.gov.uk> wrote:

Dear Richard,

Please agree to the following to form as conditions in your operating schedule:

- All external use for eating and/or drinking shall cease at 9pm; and
- Any patrons that smoke after 9pm will not be permitted to take any drinks out with them.

Regards,
Alkesh.

Kathy Driver

From: Richard Seldon [REDACTED]
Sent: 23 July 2014 16:11
To: Kathy Driver
Subject: Re: LambSt8a.LARep

Hi Kathy,

As we are a restaurant and it will be prime seating, I would be more than happy to agree.

Regards,

Richard A Seldon
Restaurant Operations Manager
[REDACTED]
[REDACTED]

From: Kathy Driver <Kathy.Driver@towerhamlets.gov.uk>
Date: Wednesday, 23 July 2014 15:59
To: Richard A Seldon <[REDACTED]>
Subject: RE: LambSt8a.LARep

Apologies for the delay in responding.

I would like to discuss whether we can come to agreement on following condition.

No consumption of alcohol outside other than by those seated and as part of a substantial meal.

If you are happy to accept the above condition, I will withdraw my representation.

Regards

Kathy Driver
Principal Licensing Officer
Toby Club, Naudrey Close

By Post and personal callers:
Licensing Team
6th Floor
Mulberry Place
5 Clove Crescent
London E14 2BG

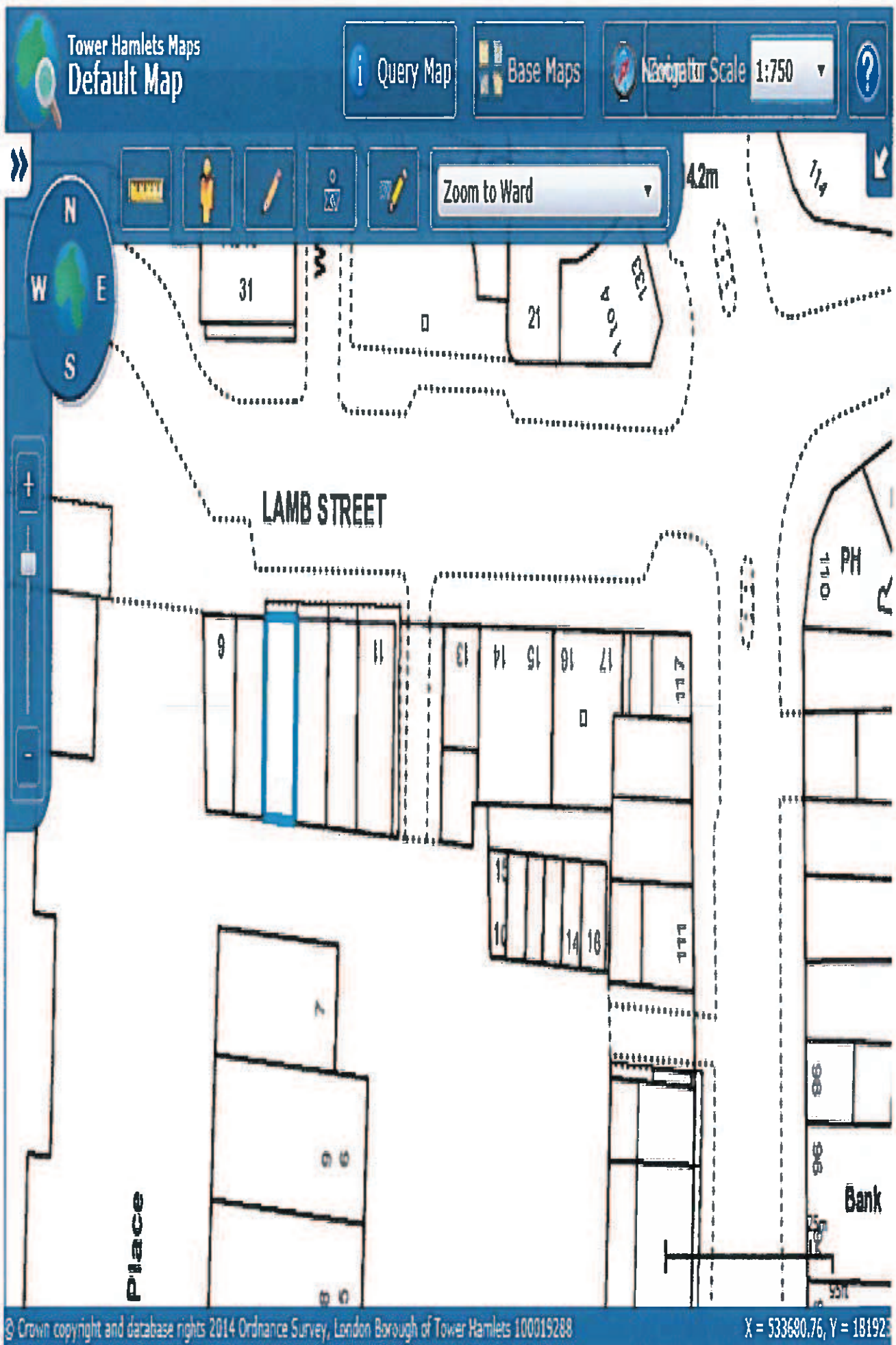
Please note:
Meetings with Licensing Officers are by prearranged appointment only.

Tel: 020 7364 5171
Fax: 020 7364 0863
Hotline: 0207 364 5008

General email: licensing@towerhamlets.gov.uk

See our regular licensing news pages at www.towerhamlets.gov.uk (Business/Alcohol and Street Trading)

Appendix 4



The screenshot displays the Tower Hamlets Maps Default Map interface. At the top, the title 'Tower Hamlets Maps Default Map' is visible. The interface includes several navigation and utility buttons: 'Query Map', 'Base Maps', 'Navigator Scale 1:1750', and a help icon. A toolbar on the left contains a compass, a zoom slider, and a 'Zoom to Ward' dropdown menu. The main map area shows a detailed street map of the Spitalfields Market area, with streets labeled: Spital Square, Lamb Street, Hanbury Street, Crispin Place, Spitalfields Market, Market Street, Fournier Street, and Puma Court. A blue highlighted area is visible on Lamb Street. At the bottom, the copyright information reads '© Crown copyright and database rights 2014 Ordnance Survey, London Borough of Tower Hamlets 100019288' and the coordinates are 'X = 533761.72, Y = 181978.63'.

Appendix 5

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 6

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 27 May 2014 09:44
To: Alex Lisowski
Subject: FW: Wright Brothers, Lamb Street, E1 6EA
Attachments: 20140525_132813.jpg

Importance: High

From: Lesley Forrester [mailto: [REDACTED]]
Sent: 26 May 2014 15:04
To: Licensing
Subject: Wright Brothers, Lamb Street, E1 6EA
Importance: High

I have just noticed the attached in the window of this restaurant.
I live opposite these premises and have not had any notification that this restaurant has applied to vary their licence.
I cannot find the relevant part of your website to view the application.

I would like to strongly object to these premises being given permission to serve alcohol outside from noon to 10pm for the following reasons-

- **Public Nuisance** – There are homes & bedrooms of homes immediately facing this restaurant. The previous occupiers traded successfully for 20+ years without the need to have table on the pavement. The current occupiers could see the situation before they took over the premises. (Within the last 2 years). Having diners eating and drinking on this part of the street would be totally unacceptable and should neighbours should not have to put up with the noise and nuisance this will cause.
- **Public Safety** – The pavement on this part of the street is only 6 or 7 feet wide. If tables were placed outside, this would restrict the width and cause difficulty for prams/pushchairs and wheelchairs to safely navigate the remaining part of the pavement. One would also have to run the gauntlet of cigarette smokers as you walked past.
- **Protection of Children from harm** – I think from the government's recent support on promoting plain packaging of cigarette cartons, there is now enough evidence to show that if children see people smoking in an everyday setting; they are more likely to start themselves. We should be doing all we can to stop smoking in areas immediately outside restaurants.

Other points I want to mention, but you are not allowed to consider.....

The restaurant already has outside tables in the market area at the back of the restaurant
None of the local residents or the residents associations were informed of this application to my knowledge

If permission is granted, a restriction after 8pm as per the recent granting at 4 Crispin Place would be reasonable in the circumstances.

Can you please confirm receipt of my email as the deadline for representation is 29th May 2014.

Lesley Cousins

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 09 June 2014 14:18
To: Alex Lisowski
Subject: FW: Wrights Oyster Bar - 8a Lamb Street, Spitalfields Application for Variation of Premises Licence

From: Jon Shapiro [mailto: [REDACTED]]
Sent: 09 June 2014 14:09
To: Licensing
Subject: Wrights Oyster Bar - 8a Lamb Street, Spitalfields Application for Variation of Premises Licence

Dear Sir or Madam,

I would like to object strongly to the above application on the grounds of:

- > Noise nuisance
- > Public safety.

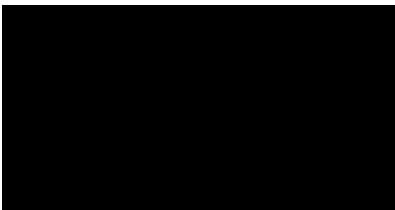
The proposal to place tables and chairs on the narrow pavement in Lamb Street would cause total obstruction to pedestrians, and hence potential accidents with people being forced to divert into the roadway. This pavement is already obstructed particularly when market traders are setting up and taking down. But even at less busy times, there is a continual flow of people, trolleys and goods in and out of Old Spitalfields Market. No further intrusion onto this pavement should be allowed.

The pavement is also immediately opposite the largest concentration of flats in the St George development who already suffer from the constant noise emanating from the Market. To place diners on the pavement opposite the flats, would aggravate this noise nuisance and should not be allowed.

Additionally I do not understand why the Oyster Bar should be applying for an Off-Licence. Since this would be irrelevant to their request to use seating on the pavement, no licence for Off-Licence sales should be granted – particularly not considering that the premises are inside the Brick Lane area “Cumulative Impact Zone – CIZ”.

I request that the total application should be refused.

Yours faithfully,
Jon Shapiro.



Alex Lisowski

From: Mohshin Ali on behalf of Licensing
Sent: 30 May 2014 10:15
To: Alex Lisowski
Subject: FW: 8a Lamb Street, Spitalfields. Variation of premises licence

From: StGeorgeResidents'Association [mailto: [REDACTED]]
Sent: 29 May 2014 23:50
To: Licensing
Subject: 8a Lamb Street, Spitalfields. Variation of premises licence

From: St George Residents' Association Spitalfields,
[REDACTED]

Dear Licensing Officer,

St George Residents' Association represents the owners and residents in 193 flats on the north side of Lamb Street. A significant proportion of the flats face directly opposite the Wright Bros Oyster restaurant at 8a Lamb Street. The flats in residential buildings closest to the restaurant are at 31 Lamb Street, the back of 50 Folgate Street, parts of 54 and 56 Folgate Street and 20 Lamb Street.

Residents in this locality endure considerable noise during the evenings from nearby pubs and from people walking rowdily along Lamb Street. An open air environment with background traffic from Commercial Street would encourage diners to talk more loudly than they would inside the restaurant. We understand that the restaurant has permission for inside music, but this will get out to the neighbourhood when waiters pass through the open door to serve at outdoor tables.

We understand that the restaurant has A3 Use, but once outdoor tables are occupied it will be likely that diners will sit drinking for some time before and after the meal is served.

The pavement is used by many people in the evening, often walking in groups. Vehicles are parked in the parking bays right to the pavement edge. Tables surrounded by chairs would obstruct public access along the street. Waiters carrying hot food might even cause accidents.

SGRA asks that the Application for Variation to the Premises Licence to serve alcohol at outside tables is refused on the grounds of potential noise nuisance and safety to the public.

Yours faithfully

Margaret Gordon - Chairman, St George Residents' Association Spitalfields.

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

Appendix 12

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

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

The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



Agenda Item 3.3

| | | | | |
|--------------------------------|----------------|---------------------|------------|-----------------|
| Committee : | Date | Classification | Report No. | Agenda Item No. |
| Licensing Sub Committee | 05 August 2014 | Unclassified | LSC 12/145 | |

| | |
|---|---|
| Report of David Tolley Head of Consumer and Business Regulation Originating Officer: Alexander Lisowski Licensing Officer | Title : Licensing Act 2003 Temporary Event Notice for 3 Hancock Road, London, E3 3DA. Ward affected: Bromley North |
|---|---|

1.0 Summary

Applicant: **Jack Willmore**

Address of Premises: **3 Hancock Road
London E3 3DA**

Objectors: **Environmental Health
The Metropolitan Police**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Alexander Lisowski
020 7364 7446

3.0 **Background**

3.1 This is an application for a Standard Temporary Event Notice.

3.2 Enclosed is a copy of the application. (**See Appendix 1**).

3.3 The applicant has described the nature of the application as follows:

The Supply of Alcohol
Regulated Entertainment
Late Night Refreshment

3.4 The premises that has been applied for is:

3 Hancock Road, London, E3 3DA

3.5 The dates and times that have been applied for are as follows:

16.00pm, Saturday, 23rd August to 05.30am, Sunday, 24th August, 2014.

3.6 A map showing the relevant premises and immediate area is included as **Appendix 2**.

4.0 **Temporary Event Notices**

4.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.

4.2 The licensing authority cannot oppose an application, (nor can local residents or businesses. The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 12 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.

4.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.

4.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority

(a) if it considers it appropriate for the promotion of the licensing objectives to do so,

- (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 4.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
 - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
 - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 4.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 4.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.

5.0 **Objections**

5.1 The Police objections are contained in **Appendix 3**.

5.2 Environmental Protection objections are contained in **Appendix 4**.

Advice to Members

6.0 The Police Reform and Social Responsibility Act 2011 have amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.

6.1 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.

6.2 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.

6.3 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale

of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.

6.4 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

7.0 Legal Comments

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

8.0 Finance Comments

8.1 There are no financial implications in this report.

9.0 Appendices

| | |
|-------------------|------------------------------------|
| Appendix 1 | A copy of the application |
| Appendix 2 | Maps of the area |
| Appendix 3 | Police Objection |
| Appendix 4 | Environmental Protection objection |

Appendix 1

23-24 Aug.

Marie Harding

From: automailer@e-paycapita.com
Sent: 18 July 2014 03:15
To: Licensing
Subject: Payment Authentication Receipt - DO NOT REPLY TO THIS E-MAIL

77134

JACK WILLSMORE/
3
HANCOCK ROAD
LONDON
E3 3DA

Tower Hamlets

Date: 18 July 2014 Time: 03:14

Thank you for your payment to Tower Hamlets. Please keep this e-mail as a record for your accounts.

Account Details

=====
Transaction ID Payment For / Reference Amount

183-7267 Licences/Registrations, Temporary Event Noti GBP21.00
R9212.54443.A1347.

Total: GBP21.00

Miscellaneous Details

=====
183-7267 Service - Licences/Registrations
Item - Temporary Event Notice

Payment Details

=====
Payment Reference: 183-7267
Email Address: ink.papaya@gmail.com

Total Amount: GBP21.00



Fee:

Receipt No:
183 7267

LONDON BOROUGH OF TOWER HAMLETS Temporary Event Notice

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| 1. The personal details of premises user (Please read note 1) | |
|---|--|
| 1. Your name | |
| Title | Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |
| Surname | WILLSMORE |
| Forenames | JACK |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | |
| Title | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |
| Surname | - |
| Forenames | |
| 3. Your date of birth | |
| 4. Your place of birth | |
| 5. National Insurance Number | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | |
| UNIT B3 41 DACE ROAD | |
| Post town | LONDON |
| Post code | E3 2NG |
| 7. Other contact details | |
| Telephone numbers Daytime | |
| Evening (optional) | |
| Mobile (optional) | |
| Fax number (optional) | |
| E-Mail Address (if available) | |

LBTH
TRADING STANDARDS
17 JUL 2014

LICENSING

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Post town

Post code

9. Alternative contact details (if applicable)

Telephone numbers:

Daytime

Evening (optional)

Mobile (optional)

Fax number (optional)

E-Mail Address
(if available)

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

(Please read note 2)

3 HANCOCK ROAD.
BROMLEY BY BOW.
E3 3DA

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number

-

Club premises certificate number

-

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

COURTYARD - 16:00-23:30
STUDIO B - 21:00-05:30
STUDIO A - NOT OPERATIONAL

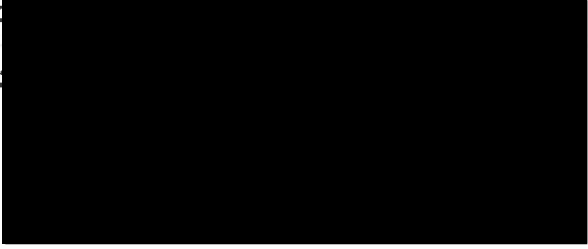
Please describe the nature of the premises below. (Please read note 4)

THE PREMISE COMPRISES AN INDUSTRIAL OFFICE COMPLEX, STORAGE WAREHOUSES AND COURTYARD.

Please describe the nature of the event below. (Please read note 5)

THE EVENT SCHEDULED IS A DAYTIME AND EVENING, ELECTRONIC CULTURE AND MUSIC EVENT

| 3. The licensable activities | |
|---|--|
| Please state the licensable activities that you intend to carry on at the premises (please tick all the licensable activities you intend to carry on). (Please read note 6) | |
| The sale by retail of alcohol | <input checked="" type="checkbox"/> |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | <input type="checkbox"/> |
| The provision of regulated entertainment | <input checked="" type="checkbox"/> |
| The provision of late night refreshment | <input checked="" type="checkbox"/> |
| Are you giving a late temporary event notice? (Please read note 7) | <input type="checkbox"/> |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8) | |
| 230814 240814 | |
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9) | |
| 230814 - 16:00-00:00 240814 - 00:00-05:30 | |
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10) | 499 |
| If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate) (Please read note 11) | On the premises only <input checked="" type="checkbox"/> |
| | Off the premises only <input type="checkbox"/> |
| | Both <input type="checkbox"/> |

| 4. Personal licence holders (Please read note 12) | | |
|---|--|--------------------------------|
| Do you currently hold a valid personal licence? (Please tick) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below. | | |
| Issuing licensing authority |  | |
| Licence number | | |
| Date of issue | | |
| Date of expiry | | |
| Any further relevant details | | |

| 5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you) | | |
|---|--|---|
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If answering yes, please state the number of temporary event notices you have given for events in that same calendar year | 2 | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you) | | |
|---|---------------------------------|---|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year. | x | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 7. Checklist (Please read note 15) | |
|---|-------------------------------------|
| I have (Please tick the appropriate boxes) | |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| If the premises are situated in one or more licensing authority areas, sent a copy of this notice to each additional licensing authority | <input type="checkbox"/> |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police | <input type="checkbox"/> |

| | |
|--|--------------------------|
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | <input type="checkbox"/> |
| Made or enclosed payment of the fee for the application | <input type="checkbox"/> |
| Signed the declaration in Section 9 below | <input type="checkbox"/> |

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

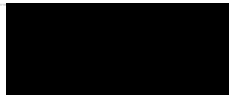
9. Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

| | |
|------------------------|---|
| Signature |  |
| Date | 180714 |
| Name of Person signing | JACK WILLSMORE |

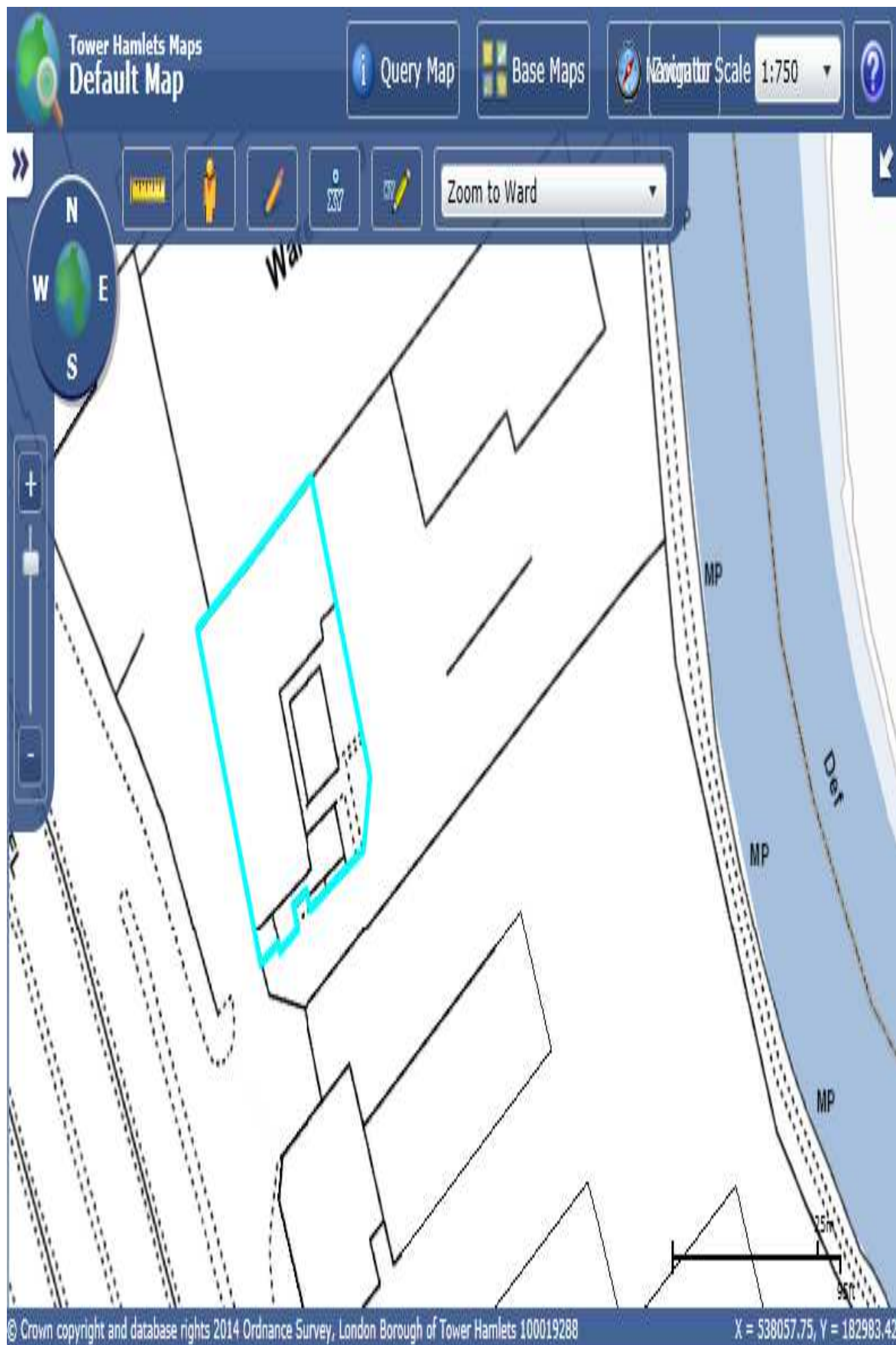
For completion by the licensing authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

| | |
|-------------------------|--------------------------------------|
| Signature | On behalf of the licensing authority |
| Date | |
| Name of Officer signing | |

Appendix 2



The screenshot displays the 'Tower Hamlets Maps Default Map' interface. At the top, there is a navigation bar with buttons for 'Query Map', 'Base Maps', and 'Navigator Scale' set to 1:1750. Below this is a toolbar with various map tools and a 'Zoom to Ward' dropdown menu. The main map area shows a street grid with labels for 'Penny Street', 'Hickcock Road', and 'Hickcock Street'. A building on Hickcock Road is highlighted with a cyan rectangle. A compass rose is visible on the left side, and a scale bar at the bottom right indicates 50m and 200ft. The footer contains copyright information: '© Crown copyright and database rights 2014 Ordnance Survey, London Borough of Tower Hamlets 100019288' and coordinates 'X = 538084.14, Y = 183021.05'.

Appendix 3



John McCrohan,
Tower Hamlets Licensing,
Toby Club,
Vawdry Close

HT - Tower Hamlets Borough

Licensing Office

[REDACTED]
[REDACTED]

Telephone: 0207 275 4950
Email: Mark.perry@met.police.uk
www.met.police.uk

Your ref:

Our ref:

23rd July 2014

Dear Mr McCrohan

**Re: Application for Temporary Event Notice for 3 Hancock Road on 23rd
to 24th August 2014**

I write with reference to the above application which was received in the Licensing Office on the 18th July 2014.

Police object the application for a Temporary Event Notice for the 23rd and 24th August 2014 on the grounds of Crime and Disorder and Prevention of Public Nuisance.

The Temporary Event Notice is for an event at 3 Hancock Road, Bromley by Bow on Notting Hill Carnival Weekend. This is a weekend when Police resources are incredibly stretched.

By having a dance music event that runs from 4:00pm to 05:30 where people will be consuming alcohol during that time, runs the risk of creating alcohol related crime and disorder.

Such events also attract drug use and where there is drug use there are drug dealers who supply them.

While under normal circumstances Police would be able to work with promoters and venue operators to ensure the safe running of the event, during Notting Hill there are simply not the resources available to do this.

Given that this is not a venue specifically designed to host such events, and that there is the possibility of alcohol related disorder and drug use we therefore object to the Temporary Event Notice being granted and ask that it is refused by committee.

Appendix 4

Alex Lisowski

From: Ian Wareing
Sent: 22 July 2014 14:51
To: [REDACTED]
Cc: MARK.J.Perry@met.police.uk
Subject: FW: TEN 3 Hancock Rd - APP 77134

Follow Up Flag: Follow up
Flag Status: Completed

Dear all, please accept this as a representation against the TEN applied for as above. EH remain unconvinced that an 'electronic' music event in an open air courtyard until 23.30 will not cause considerable Public Nuisance.

The nearest residential premises are approximately 67 metres away and although separated by the A12, it is our expert opinion that the noise from the event will travel that distance easily especially during gaps in traffic and eventually the lower traffic noise as it gets later and it subsides.

We have not yet been provided with any acoustic specifications of the equipment to be used and any further calculations of predicted noise levels at the nearest residential.

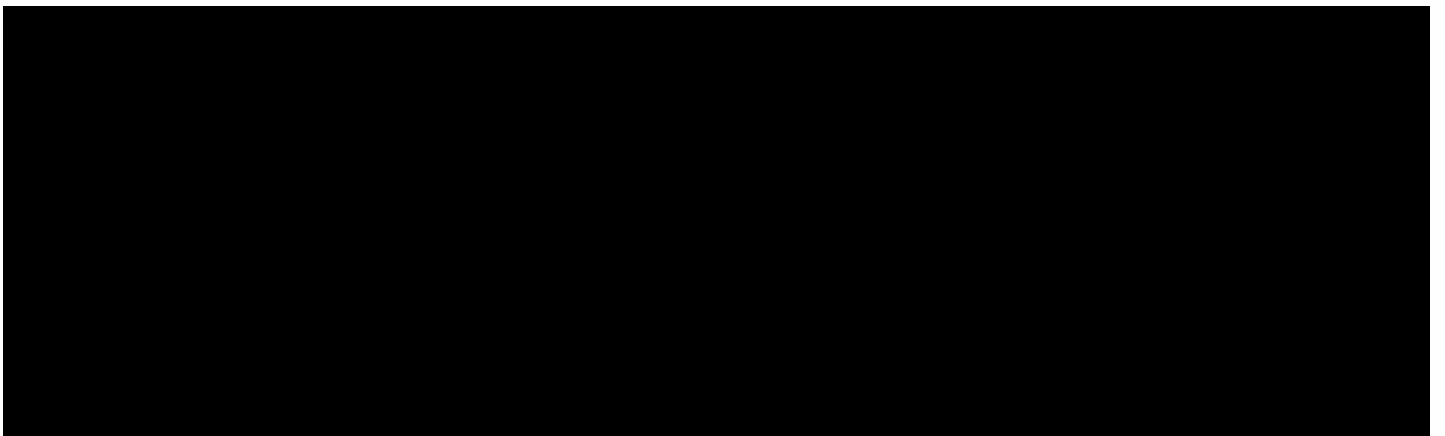
I understand that there is such a tight schedule with TEN's for all concerned, so the information may not be forthcoming as quickly as we would like, hence the need for this representation.

Kind regards,

Ian

Ian Wareing
Technical Officer
Pollution Team
Environmental Protection
Environmental Health
2nd Floor
Gladstone Place Offices
1 Ewart Place
London
E3 5EQ

020 7364 5008
ian.wareing@towerhamlets.gov.uk



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