

# LICENSING SUB COMMITTEE

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Tuesday, 19 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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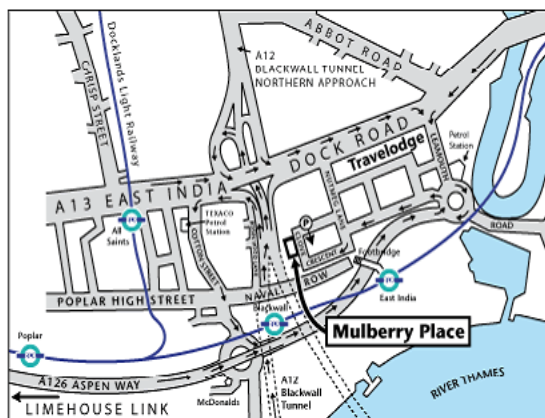
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## **APOLOGIES FOR ABSENCE**

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. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 38)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 26<sup>th</sup> July 2014 and 8<sup>th</sup> July 2014.

		<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>4.</b>	<b>ITEMS FOR CONSIDERATION</b>		
<b>4 .1</b>	<b>Application for a New Premises Licence for City of Paris Limited - 74 Bonner Street, London, E2 0QP</b>	<b>39 - 90</b>	<b>Bethnal Green</b>
<b>4 .2</b>	<b>Application for a Variation to the Premises Licence for Burro E Salvia, 52 Redchurch Street, London, E2 7DP</b>	<b>91 - 154</b>	<b>Weavers</b>
<b>4 .3</b>	<b>Application for a New Premises Licence for (Pilpel Spitalfields), 38 Brushfields Street, London E1 6NG</b>	<b>155 - 204</b>	<b>Spitalfields &amp; Banglatown</b>
<b>4 .4</b>	<b>Application for a Temporary Event Notice for Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT</b>	<b>205 - 230</b>	<b>Bow East</b>
<b>5.</b>	<b>ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT</b>		





# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Further advice**

For further advice please contact:-

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

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**TOWER HAMLETS**



**LICENSING COMMITTEE**

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

## **1. Interpretation**

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

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

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

## **3. Timescales**

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

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

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

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

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

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

## **6. Record of Proceedings**

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

## **7. Irregularities**

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

## **8. Notices**

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

## **9. Appeals**

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

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

## APPENDIX A

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

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

## **APPENDIX B**

### **Regulation 8**

#### **Action Following receipt of notice of hearing**

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

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## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

### (2) Licensing Sub-Committee Role and Membership.

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

**(5) What can be circulated?**

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

**(6) How will the applications be considered?**

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

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

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

**(8) Queries on reports.**

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

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

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

## **LICENSING SUB COMMITTEE HEARING PROCEDURE**

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

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

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

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

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## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE LICENSING SUB COMMITTEE

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

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

#### Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed  
Councillor Muhammad Ansar Mustaqim

#### Other Councillors Present:

Councillor Racheal Saunders

#### Officers Present:

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

#### Applicants In Attendance:

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

#### Objectors In Attendance:

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

#### Apologies

None

#### 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

## **2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

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

## **4. ITEMS FOR CONSIDERATION**

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

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

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

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

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

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

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

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

In response to questions from Members the following was noted;

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

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

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

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

#### The Licensing Objectives

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

#### Consideration

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

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

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

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

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

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

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

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

#### Sale of Alcohol (on sales)

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

#### The Presentation of Films

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

#### Hours Premises is open to the Public

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

#### Conditions

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



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

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

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

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

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

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

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

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

There were no questions from members.

### The Licensing Objectives

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

### Consideration

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

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

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

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

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

### Hours open to the public

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

### Non standard timings

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

### Conditions

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

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

## **5. EXCLUSION OF THE PRESS AND PUBLIC**

The Chair Moved and it was: -

### **Resolved:**

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

## **6. RESTRICTED MINUTES**

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

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

There was no other business.

The meeting ended at 7.30 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

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**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.00 P.M. ON TUESDAY, 8 JULY 2014**

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

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed  
Councillor Muhammad Ansar Mustaqim

**Officers Present:**

Andrew Heron – (Licensing Officer, Licensing Department)  
Michelle Terry – (Legal Services)  
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

**Applicants In Attendance:**

Jack Spiegler - (Spainata & Co)  
Stefano Nicolai - (Spainata & Co)  
Federica Focaccia - (Spainata & Co)  
Rhys Rose - (Ican Centres)  
Philip Kirton - (Ican Centres)  
Bishop Malcolm - (Ican Centres)  
Alexander Avanzato - (Ican Centres)

**Objectors In Attendance:**

PC Alan Cruickshank - (Metropolitan Police)  
PC Mark Perry - (Metropolitan Police)  
Ali Dhaoma - (Kedassia Poultry Ltd)

**Apologies**

None

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

## 2. RULES OF PROCEDURE

The rules of procedure were noted.

## 3. ITEMS FOR CONSIDERATION

The order of business was varied at the meeting, however the minutes are in the order as the agenda for ease of reference.

### 3.1 Application for a New Premises Licence for Spianata & Co - 41 Brushfield Street, London, E1 6AA

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Spianata & Co, 41 Brushfield, London E1 6AA. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair, Mr Jack Speigler, Legal Representative gave a brief summary of the application and the nature of the business. It was noted that the premises was one of six roman bakeries selling sandwiches, salads drinks, etc. he explained that the hours applied for were modest with no regulated entertainment, hours within the Council's framework hours and have put forward proposed conditions to safeguard any licensing issues. It was noted that the sale of alcohol would be ancillary to food and that the CCTV condition proposed by the Police was also accepted.

Mr Speigler explained that the premises would not have a negative impact on the saturation policy and cumulative impact zone as it was not a late night premises, not a bar and there would be no vertical drinking. He believed that the operating schedule addressed all the concerns raised and was confident that the operation of the premises would not add to the negative cumulative impact in the area.

Members then heard from PC Alan Cruickshank, Metropolitan Police, who stated that objections were made to all applications within the cumulative impact zone unless the applicant could demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.

In response to a question it was noted that only two types of Italian beer would be sold at the premises and would not be super strength.

Members retired to consider their decision at 2.20pm and reconvened at 2.25pm.

#### The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing

Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

#### Consideration

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

Members had reached a decision and this decision was unanimous. Members were satisfied that the conditions proposed would promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, Spianata & Co, 41 Brushfield Street, London E1 6AA be **GRANTED with conditions.**

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

Monday to Sunday from 11:00 hours to 21:30 hours

#### Hours Premises is open to the Public

Monday to Friday from 07:30 hours to 22:00 hours

Saturday & Sunday from 11:00 hours to 22:00 hours

#### Conditions

1. Substantial food and suitable beverages other than alcohol, including drinking water, shall be equally available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
2. The sale of alcohol shall be ancillary to food.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police.
4. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
5. No deliveries or collections of waste/recycling/bottles during the hours of 22:00 hours to 07:00 hours.

6. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas at times which will cause a nuisance.
7. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
8. All staff will be trained in respect to the promotion of all four licensing objectives under the Licensing Act 2003.
9. Notices will be displayed warning customers in respect of theft and crime.
10. CCTV camera system covering both internal and external to the premises is to be installed.
11. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
12. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.

### **3.2 Application for a Time Limited Premises Licence for Ican Centres UK Limited, External Yard Area, 33-35 Monier Road, London E3 2PR**

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a time limited premises licence for Ican Studios UK Limited, External Yard Area, 33-35 Monier Road, London E3 2PR. It was noted that objections had been made by a local resident, a local business and the Metropolitan Police.

At the request of the Chair, Mr Rhys Rose, Licensing Representative for the Applicant stated this application was for a number of summer events, the showing of World Cup games, church events, community events etc. he explained that they had been in consultation with the Police and believe that they can carry out the events with greater control if a time limited premises was granted.

Mr Philip Kirton, Applicant briefly explained that they had taken a run down warehouse 3 years ago and transformed it into a community hub. He also explained that there was a church project based at the premises which had also transformed over the years. Mr Bishop Malcolm, representing the Church Project explained the nature of the church project, helping people develop skills for employment, offer training and education for members of the local community. He explained that there was a demand to hold events and that the



Applicants have demonstrated that they can comply with licence conditions by having a premises licence and successful temporary event notices.

Members were then shown before and after pictures of the warehouse, and were given the schedule of events taking place.

Members then heard from Mr Ali Dhaoma, representing Mr Feldman (Local Business) who explained that there had been several break ins since the premises had been open, and they always seem to be alcohol related as beer cans and bottles are found on the scene. He also expressed concerns of security, safety and public nuisance.

Members then heard from PC Mark Perry, Metropolitan Police who stated that he had worked closely with Ican Centres over the year, he explained they had a premises licence with 70 conditions and then stated that a time limited premises for the outdoor area was not suitable for the area in which the premises was in.

It was noted that the applicants were fairly new and generally did comply with conditions but required a lot of support, as officers have had to constantly go back to speak to them about keeping the noise down and general noise nuisance which has not been managed effectively. PC Perry then went on to give detailed accounts of the visits made at the venue by Police Officers with references to strong smells of drugs at the premises, ID scanners not working, complaints of loud music, people seen to be in the influence of alcohol and drugs, examples of poor management etc.

PC Perry concluded that there had only been one church event to date and it was a venue primarily for clubbing during the day and night. It was also noted that no details of the types of events that were going to be taking place were given to the Police.

In response to questions the following was noted;

- That the capacity inside the premises was 1500 and 800 outside in the external yard.
- That over £15,000 had been spent on security, street marshals, CCTV cameras, ID Scanners,
- That there was a drugs policy in force and if any drugs were found on customer they were detained and refused entry and all drugs were handed over to the police
- The applicants questioned why there had been no reports of break ins and crimes and disorder reported to the police
- That there were concerns that the ID scanner on a number of occasions was either not working or switched off. It was noted that there had often been technical problems with the scanner but these had now been rectified.
- That there had been a number of noise complaints reported to Environmental Health.

In summing up, PC Mark Perry stated that an outdoor licence was not suitable for this premises and would cause grave concerns, there would be a likely increase in complaints, and alcohol abuse causing risks to residents. He stated that the premises held daytime and night time raves, with people drinking and dancing for 12-13 hours continuously and then causing disorder when leaving the premise. He urged members to reject the application.

Mr Rose stated that there had been a series of successful events this year, covered by temporary event notices and that the applicants had offered up extra conditions to manage and control the premises and they were confident that they would be able to cope with a time limited premises for the summer period.

Members retired to consider their decision at 3.35pm and reconvened at 3.55pm.

### The Licensing Objectives

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

### Consideration

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

Members noted the grave concerns of public nuisance and crime and disorder. Members also noted the issues of ID scanners not working properly, and evidence of drugs being found at the premises.

Before refusing a licence outright, Members had to consider whether conditions could be placed on the licence which could address such concerns. Members also took into account that the Police and Environmental Health had worked closely with the applicants over a long period or time and that there had been improvements, however, there were serious concerns and complaints and Members were satisfied that granting of the licence would lead to an increase in public nuisance and crime and disorder and that there were no conditions that could be added to alleviate these concerns and promote the licensing objectives.

### Decision

Accordingly, the Sub-Committee unanimously –

**RESOLVED**

That the application for a Time Limited Premises Licence for Ican Centres UK Ltd, External Yard Area, 33-35 Monier Road, London E3 2PR be **REFUSED**.

### **3.3 Application for a Variation to the Premises Licence for Ican Centres UK Limited, 35 Monier Road, London, E3 2PR.**

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Ican Studios UK Limited, 35 Monier Road, London E3 2PR. It was noted that an objection had been made by a local resident.

At the request of the Chair, Mr Rhys Rose, Licensing Representative for the applicants explained that the premises had evolved over the past year, it was a local venue for residents and wanted to add an addition to the premises by opening a pizzeria. It was noted that there had been a consultation process and extra conditions had been agreed with Responsible Authorities.

The objector was not present at the meeting and there were no questions from Members.

Members retired to consider their decision at 2.40pm and reconvened at 2.45pm.

#### The Licensing Objectives

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

#### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them. Members reached a decision and this decision was unanimous. Members were satisfied that the conditions proposed would promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a Variation of the Premises Licence to extend the licensable area, by adding a pizzeria at Ican Centres UK Ltd, 35 Monier Road, London E3 2PR be **GRANTED with conditions**.

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

Sunday to Thursday from 10:00 hours to 23:00 hours  
Friday and Saturday from 10:00 hours to 00:00 hours (midnight)

The provision of Late Night Refreshments

Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

The Opening Hours of the Premises

Sunday to Thursday from 10:00 hours to 23:00 hours  
Friday and Saturday from 10:00 hours to 00:00 hours (midnight)

Conditions

1. There will be no regulated entertainment in the pizzeria area, including the roof of the pizzeria and the external area of the pizzeria.
2. On days when the other areas of the venue are going to be open to customers, the pizzeria will close one hour before those areas are opened to customers.
3. The external area of the pizzeria, including the roof, will be closed to customers from 21:30 hours each day. After this time customers of the pizzeria can use the ground level external area of the pizzeria for smoking. Customers going into this area to smoke cannot take drinks with them.
4. During events that utilise other areas of the Ican Centre, the pizzeria will only be open to existing guests of the event, there will be no extra admission to customers who solely wish to use the pizzeria. On these occasions the opening hours, and hours for the sale of alcohol and the provision of late night refreshments, will be the same as those of the other areas of the venue.
5. Drinking will be permitted in the outdoor area of the pizzeria when only the pizzeria is trading
6. The service to outside tables will cease at 21.30 hours, the terrace and external areas of the pizzeria will close and furniture will be put away.

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

There was no other business.

The meeting ended at 4.00 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

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# Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	19 August 2014	<b>Unclassified</b>	LSC 13/145	

Report of: <b>David Tolley</b> <b>Head of Consumer and Business Relations</b>	Title: <b>Licensing Act 2003 Application for a premises licence for City of Paris Limited – 74 Bonner Street, London, E2 0QP</b>
Originating Officer: <b>Andrew Heron</b> <b>Licensing Officer</b>	Ward affected: <b>Bethnal Green</b>

## 1.0 Summary

Applicant: **City of Paris Limited (08613286)**  
Name and Address of Premises: **City of Paris**  
**74 Bonner Street**  
**London**  
**E2 0QP**

Licence sought: **Licensing Act 2003**  
 **The sale of alcohol**  
 **Provide regulated entertainment**

Objectors: **Local Residents**  
**Councillors**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew heron  
020 7364 2665

### 3.0 **Background**

3.1 This is an application for a premises licence for City of Paris Limited – 74 Bonner Street, London, E2 0QP.

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

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

- the sale of alcohol
- regulated entertainment

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

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

- Monday to Sunday from 12:00hrs to 14:30hrs and from 17:30hrs to 23:00hrs

#### **The Provision of Regulated Entertainment in the form recorded music (indoors):**

- Monday to Sunday from 12:00hrs to 14:30hrs and from 17:30hrs to 23:00hrs

#### **Hours premises is open to the public:**

- Monday to Sunday from 12:00hrs to 14:30hrs and from 17:30hrs to 23:00hrs

3.5 Members may wish to note that in relation to the sale of alcohol this is the same as when the premises closes to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met. The problem, of course, is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the regulated activities and the time the premises closes to the public.

3.6 Maps showing the relevant premises is included as **Appendix 2**.

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

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

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



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

## 5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Local Residents, including a petition
  - Local Councillors
- See Appendices 4-7**
- 5.9 All of the responsible authorities have been consulted about this application. They are as follows:

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

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

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

5.11 The objections cover allegations of

- Anti-social behaviour on the premises
- Anti-social behaviour from patrons leaving the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

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

5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## 6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
- ❖ Routine conditions about drink promotions are not permitted but can be imposed in appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.

6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 7-10** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 7.0 Exemptions

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

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

## 8.0 Legal Comments

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

## 9.0 Finance Comments

9.1 There are no financial implications in this report.

## 10.0 Appendices

- |                    |  |
|--------------------|--|
| <b>Appendix 1</b>  | A copy of the application  |
| <b>Appendix 2</b>  | Maps of the area   |
| <b>Appendix 3</b>  | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations  |
| <b>Appendix 4</b>  | Representations of Local Resident Mrs E Legon  |
| <b>Appendix 5</b>  | Representations of Local residents – in the form of a petition headed by Mr J and Mrs K Bramley, but additionally representing 4 other parties, including Mrs Legon as above and additionally Mr M Burns, Mr and Mrs Burns and Miss L Morris |
| <b>Appendix 6</b>  | Representations of Councillor Amy Whitelock-Gibbs and Councillor Sirajul Islam   |
| <b>Appendix 7</b>  | Licensing Officer comments on Anti-Social Behaviour on the Premises  |
| <b>Appendix 8</b>  | Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises  |
| <b>Appendix 9</b>  | Licensing Officer comments on Noise while the Premise is in Use  |
| <b>Appendix 10</b> | Licensing Officer comments on Access and Egress Problems   |

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# Appendix 1



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

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

On-Line payments can be made at:

[http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)

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

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

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

**CITY OF PARIS LIMITED**

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
74 BONNER STREET	
Post town	Post code
LONDON	E2 0QP

**LBTH**  
TRADING STANDARDS  
- 9 JUN 2014  
**LICENSING**

Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £14,250.00



## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

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

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

**Provision of regulated entertainment**

Please tick all that apply

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

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

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

**In all cases complete boxes K, L and M**

**B) OTHER APPLICANTS**

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

Name – CITY OF PARIS
Address – 355A BARKING ROAD LONDON E6 1LA
Registered number (where applicable) - 08613286
Description of applicant (for example partnership, company, unincorporated association etc)  PRIVATE LIMITED COMPANY
Telephone number, if any  [REDACTED]
E-mail (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
2	1	0 7 2 0 1 4

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

Day	Month	Year

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

--

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

THE PREMISES IS SITUATED ON A CORNER PLOT ADJOINING RESIDENTIAL ACCOMODATION AND IS SITUATED ON 74 BONNER STREET LONDON E2 0QP. THE PREMISES HAS AN INDIAN RESTAURANT. LICENSABLE ACTIVITIES WILL INCLUDE THE SUPPLY AND CONSUMPTION OF ALCOHOL AND RECORDED MUSIC.

**E**

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

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	Y
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)  THE PLAYING OF RECORDED MUSIC BY A SOUND SYSTEM		
Mon	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Tue	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Wed	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Thur	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Fri	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Sat	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Sun	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)  NONE		
			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  NONE		

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here (please read guidance note 2)</b>	Both		
Tue						
Wed				<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b>		
Thur						
Fri			<b>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)</b>			
Sat						
Sun						

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)</b>	On the premises	Y	
Day	Start	Finish		Off the premises		
Mon	12:30 PM 17:30 PM	14:30 PM 23:00 PM	<b>Please give further details here (please read guidance note 7)</b>	Both		
Tue	12:30 PM 17:30 PM	14:30 PM 23:00 PM				
Wed	12:30 PM 17:30 PM	14:30 PM 23:00 PM		<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>  NONE		
Thur	12:30 PM 17:30 PM	14:30 PM 23:00 PM				
Fri	12:30 PM 17:30 PM	14:30 PM 23:00 PM	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b>			
Sat	12:30 PM 17:30 PM	14:30 PM 23:00 PM		NONE		
Sun	12:30 PM 17:30 PM	14:30 PM 23:00 PM				

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

**Name**

SAJUL ISLAM

**Address**

[REDACTED ADDRESS]

**Personal Licence number(if known)**

[REDACTED LICENCE NUMBER]

**Issuing Licensing authority (if known)**

LONDON BOROUGH OF TOWER HAMLETS

**K**

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

NONE

**L**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)			<u>State any seasonal variation</u> (please read guidance note 4)	
Day	Start	Finish		
Mon	12:30 PM	14:30 PM	NONE	
	17:30 PM	23:00 PM		
Tue	12:30 PM	14:30 PM		
	17:30 PM	23:00 PM		
Wed	12:30 PM	14:30 PM		
	17:30 PM	23:00 PM		
Thur	12:30 PM	14:30 PM		<b>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</b> (please read guidance note 5)
	17:30 PM	23:00 PM		
Fri	12:30 PM	14:30 PM		NONE
	17:30 PM	23:00 PM		
Sat	12:30 PM	14:30 PM		
	17:30 PM	23:00 PM		
Sun	12:30 PM	14:30 PM		
	17:30 PM	23:00 PM		

**M**

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

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

- 1) Staff will be trained at regular periods on licensing issues.
- 2) Staff will be trained to adhere to any crime prevention initiative operated by the Police.
- 3) The premises has CCTV throughout the building.

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

- 1) A CCTV system is at present installed and can be updated to comply with the requirements of the Police should that be necessary.
- 2) The Premises has always adequate lighting.
- 3) The Premises Licence Holder will from time to time risk assess the need for door supervision and will provide door supervisors in accordance with the requirements of the risk assessment.
- 4) There will be visible notices in the premises stating that no drug use will be tolerated inside or outside the premises.
- 5) Staff are trained to ensure that alcohol will not be sold to any under-aged person.

**c) Public safety**

- 1) The Premises Licence Holder will comply with all relevant Health & Safety legislation.
- 2) First Aid equipment is available at the premises.



**d) The prevention of public nuisance**

1. Music will be kept to a reasonable noise level, bearing in mind particular regard will be taken into account of the noise levels.
2. The hours for music is restricted.

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

1. Strictly no alcohol will be served to anyone under the age of 21 years. Staff will reserve the right to ask for proof of identification to prove age.
2. There will be visible notices in the property to state that no alcohol will be served to anyone under the age of 21 years.

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

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

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

Signature

[REDACTED]

Date

05/06/14

Capacity - APPLICANTS SOLICITOR

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

Signature

Date

Capacity

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

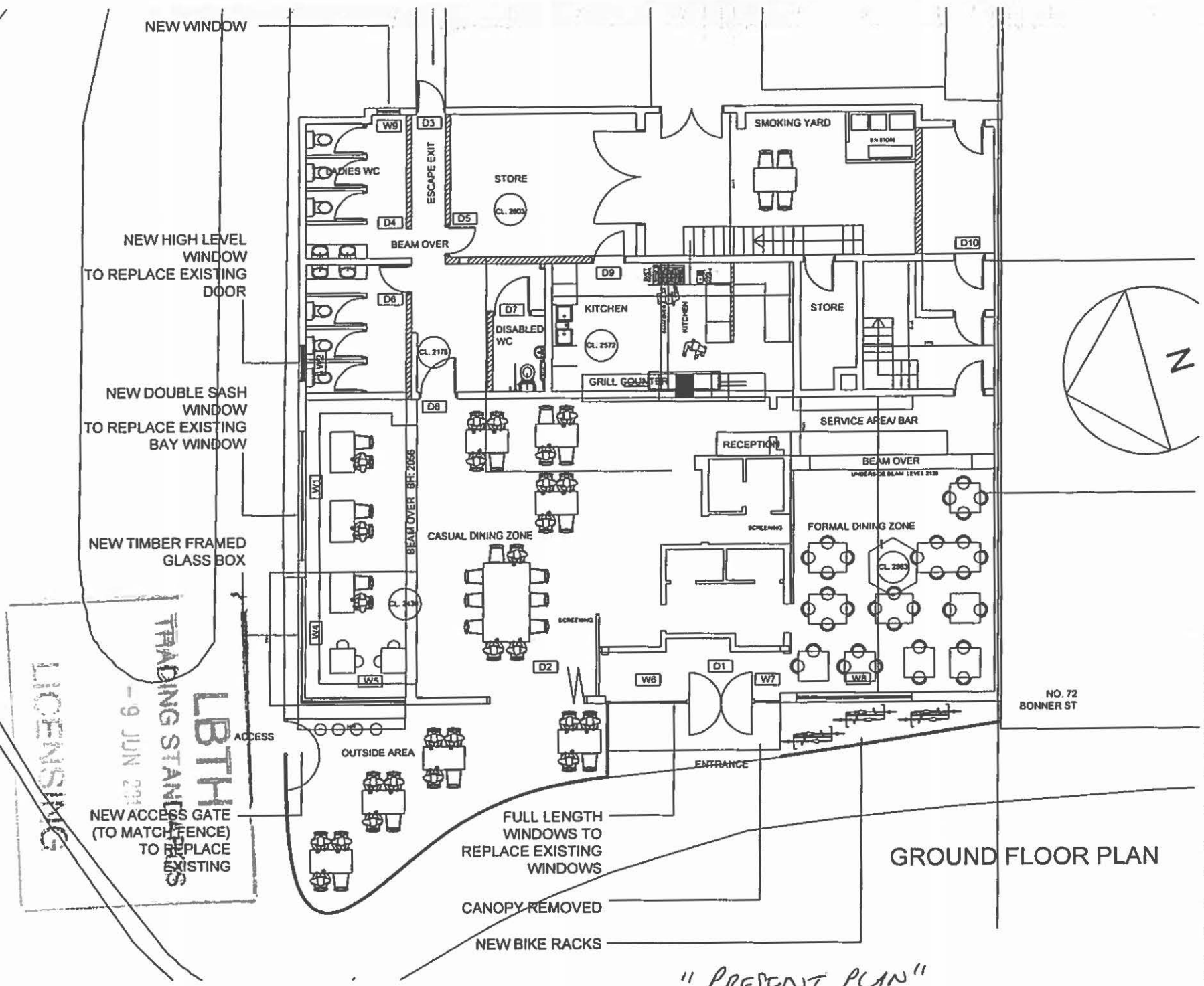
WATERFIELDS SOLICITORS  
445 ROMAN ROAD

Post town LONDON

Post code E3 5LX

Telephone number (if any) – [REDACTED]

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



LICENSING

LBTTH TRADING STANDS

-9 JUN 2011

GROUND FLOOR PLAN

"PRESENT PLAN"

These drawings are for a full Regulatory submission, and if approved by the local authority, the Contractor is responsible for ensuring that the building is constructed in accordance with the Building Regulations. It is the Contractor's responsibility to ensure that the drawings have been approved by the local authority for the building to be constructed.

All settings out must be checked during any work. Any change to the drawings must be approved by the architect to be correct.

PLANNING

Makespacearc

0415 84 840000 0000 0000 0000

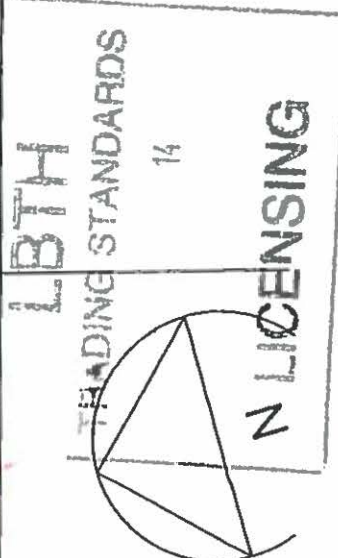
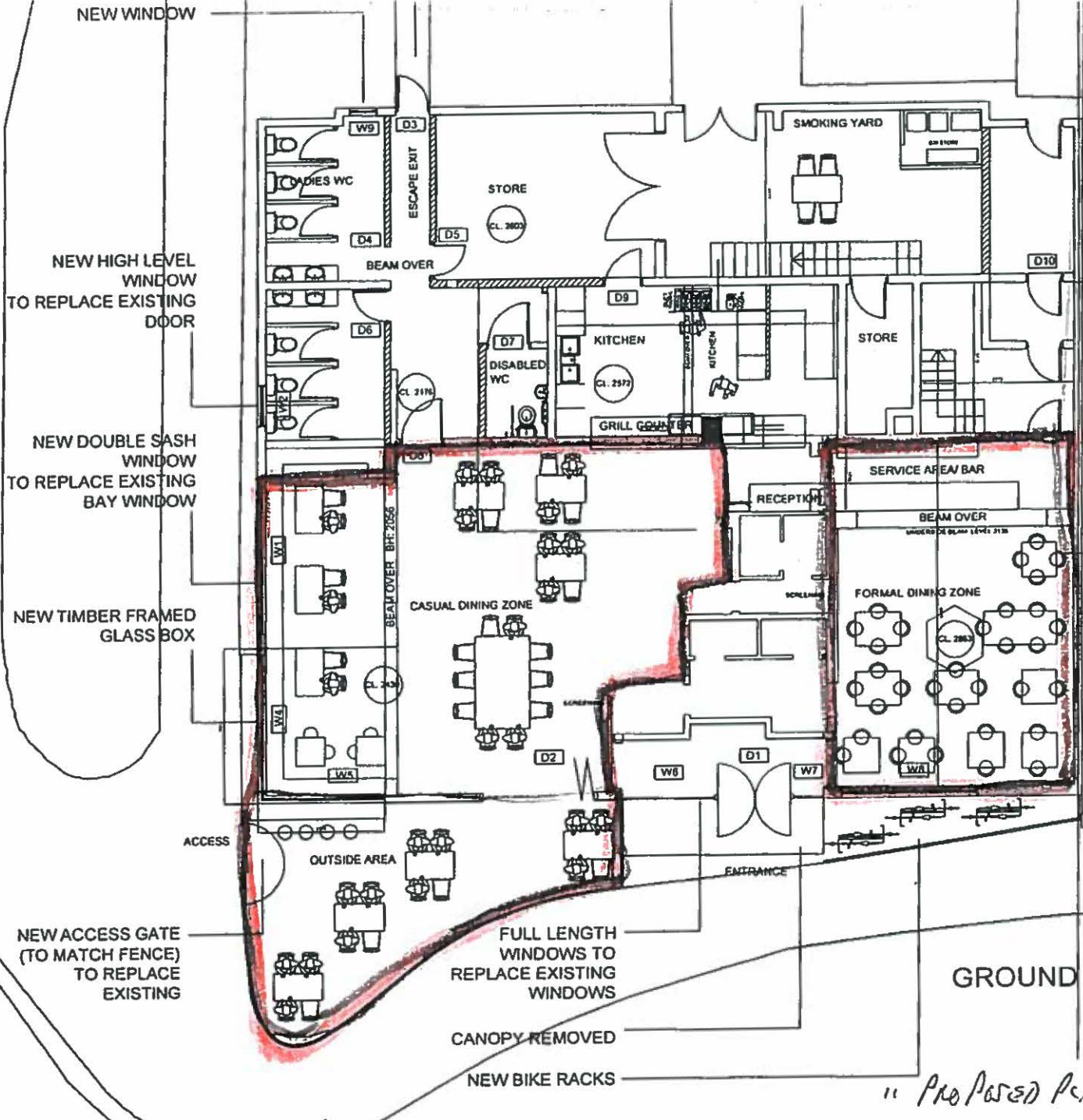
WICKI PARK LTD

74 BONNER RD BETHNAL GREEN E

PLANNING PERMISSION PLAN PROPOSED

1147 26 100

SCALE 1:100@A3



NO. 72 BONNER ST

# GROUND FLOOR PLAN

" PROPOSED PLAN "

These drawings are for a Regulatory submission, and approved by the local authority pursuant to the Building Control Act 2004. The Contractor approved to do the work and working under a Building is approved must with the accompanying drawings. It is the responsibility of the contractor to ensure that the drawings are complied with.

All building work must be done in accordance with the Building Regulations and any other relevant legislation. It is the responsibility of the contractor to ensure that the drawings are complied with.

PLANNING

Makespace21

74 BONNER RD BETHNAL GREEN

VICHO PARK LTD

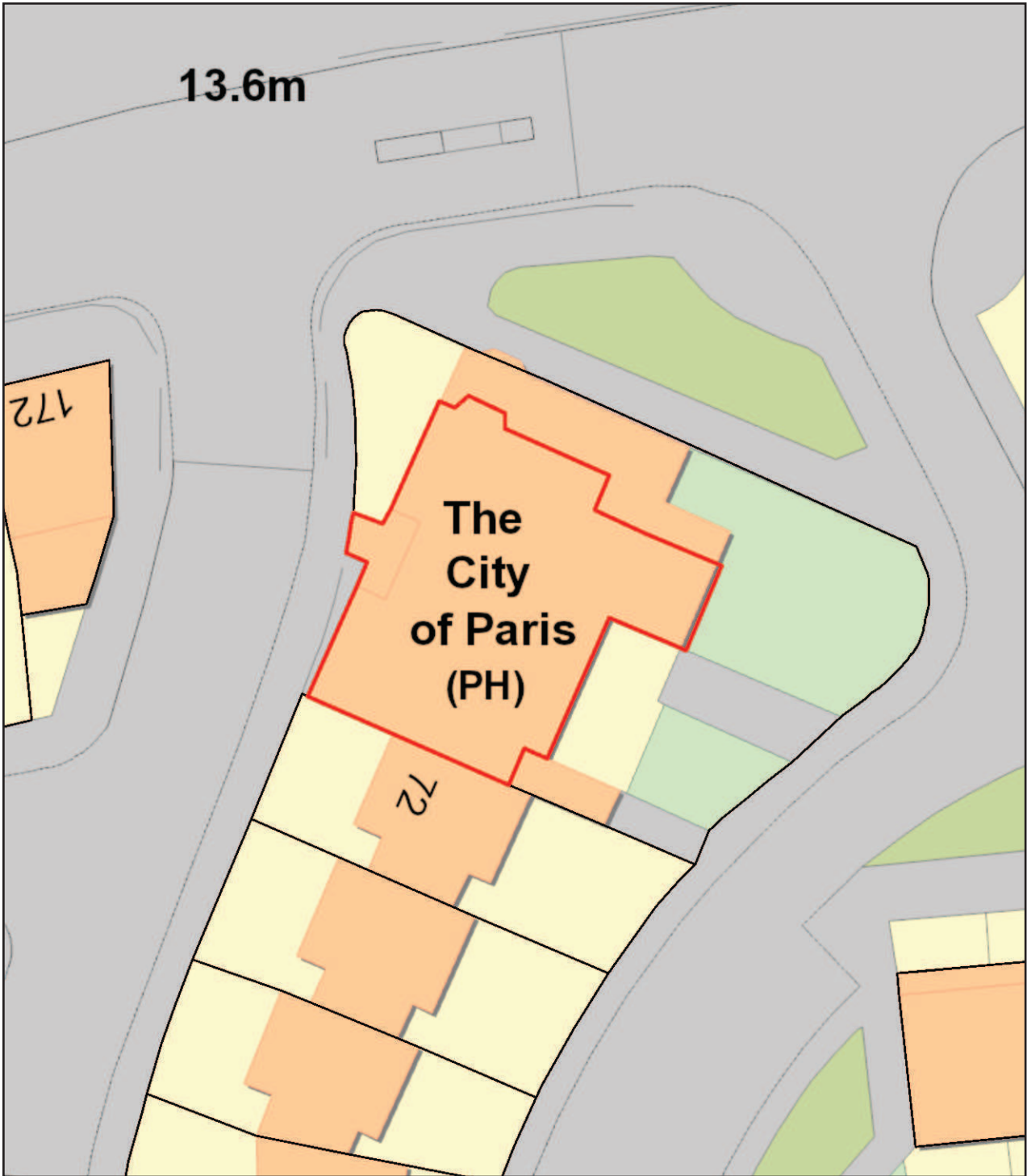
74 BONNER RD BETHNAL GREEN

PLAN PROPOSED

11/17/2018

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# Appendix 2

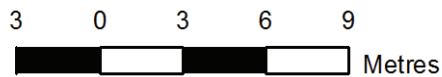


# 74 Bonner Street

Map 1



Scale 1:334



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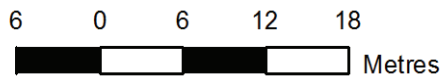


# 74 Bonner Street

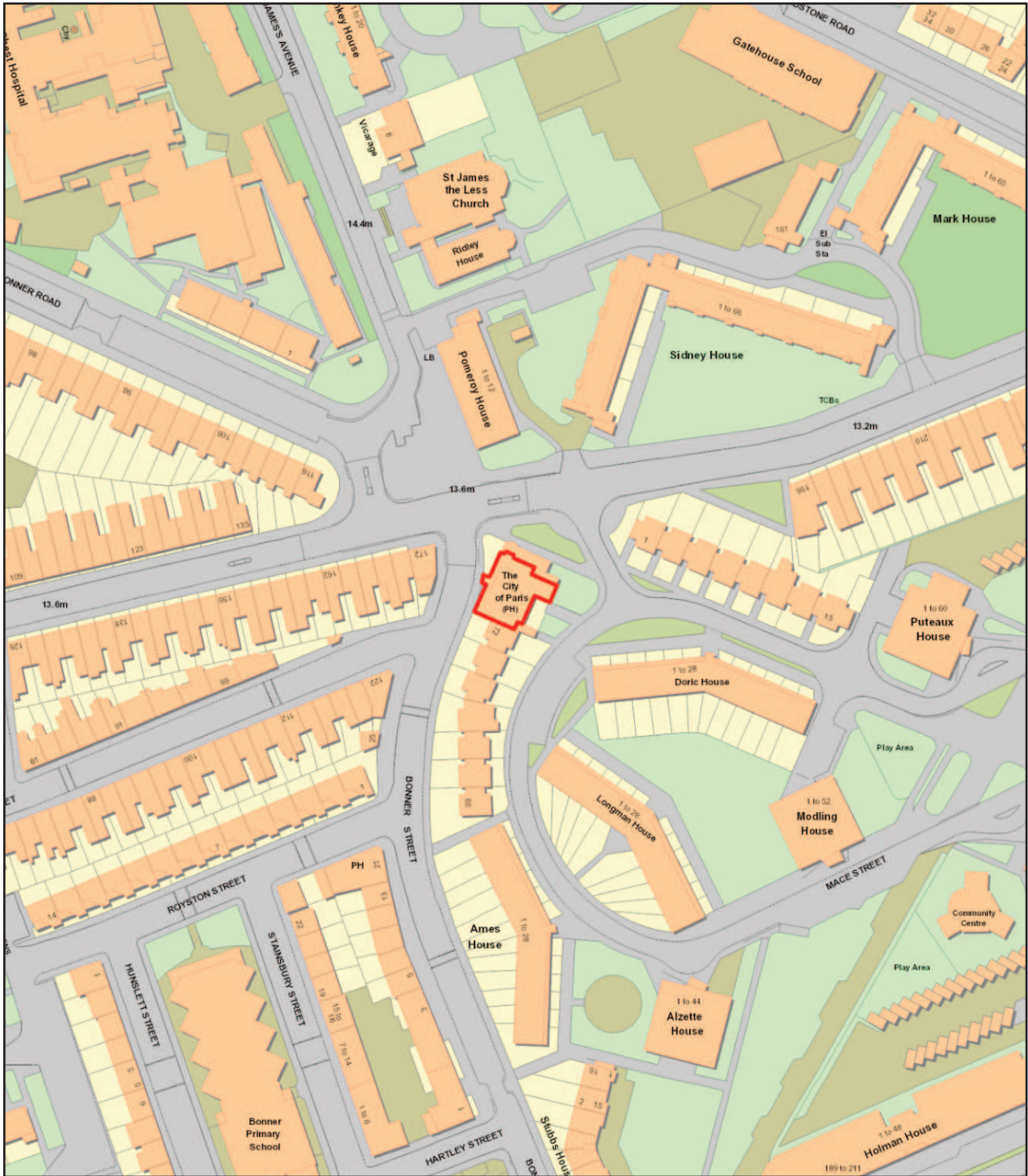
## Map 2



Scale 1:668



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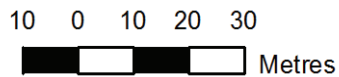


# 74 Bonner Street

## Map 3



Scale 1:1669



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# Appendix 3

### Section 182 Advice by the Home Office

Updated October 2012

#### Relevant, vexatious and frivolous representations

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

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

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

## **Appendix 3**

### **Section 182 Advice by the Home Office**

**Updated October 2012**

#### Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be

invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

# Appendix 4

[REDACTED]

John McCrohan,  
Trading Standards and Licensing Services Manager,  
London Borough of Tower Hamlets,  
Licensing Section, Mulberry Place (AH),  
PO Box 55739,  
5 Clove Crescent,  
London, E14 1BY.

19<sup>th</sup> June 2014

Dear Mr. McCrohan,

**Re: Licensing Act 2003 and the City of Paris Limited, 74 Bonner Street, London, E2 0QP.**

I would like to strongly oppose the decision to award a licence for the above property. As an elderly tenant living [REDACTED] I have experienced antisocial behaviour from previous owners over the last 10 years.

If the license is granted it would cause increased noise levels, I have had various items thrown or left in my front garden e.g. dirty underwear, vomit, etc. I have been frightened by the shouting and loud music playing. I will not be able to sleep or feel safe in my own.

My home is connected to the above property by a single adjoining wall, so you will understand my serious concerns regarding the noise levels.

Yours sincerely,

[REDACTED]

Mrs. Eileen Legon

LBTH  
TRADING STANDARDS  
33 CLOVE CRESCENT  
LICENSING

# Appendix 5



Mr J & Mrs K Bramley



23<sup>rd</sup> June 2014

Attn Kathy Driver  
Licensing Section  
Mulberry Place (AH)  
P O Box 55739  
5 Clove Crescent  
London  
E14 1BY

Dear Ms Driver

**Re:-Licensing Act 2003 and The City Of Paris 74 Bonner Street E2 0QP New Application**

Regarding the above application we wish to object to the application for the Supply of Alcohol and playing of recorded music. I see the application states for a "New Application" but as the premises are currently used as a restaurant and following a telephone enquiry to your office I understand the application is for Alcohol and background music in conjunction with the restaurant business.

If it allows the applicant to use the premises as a Public House then our concerns would be even more of concern. Therefore I have listed below objections that I raised in 2009 when an application was made.

The reasons for objecting is any approval will certainly lead to alcohol fuelled anti-social behaviour, which is becoming seriously worse which we have experienced in the past decade.

These premises are completely surrounded by residential properties and in close proximity to the London Chest Hospital, of which, this applicant must been aware of.

We have suffered before with noise from these premises.

Due to smoking restrictions within public premises and the inevitable consequence of people coming outside to smoke I do not believe they will be able contain any noise from within the premises with the only doors to the premises being continually opened/closed.



I have experienced in the past urinating in the close proximity of the premises and bottles being left in the adjoining front gardens and patrons drinking outside the premises after hours.

In the past I have experienced confrontation when challenging people to try and stop them from carrying out such behaviour. Obviously I suspect this concern would only be more dangerous and be even more worrying to many of the elderly neighbours who live immediately in the adjoining premises in Bonner Street.

Whilst these premises have been vacant, the area has been as it should be, with the noise level of cars and pedestrians in and around the area quieter.

Like a residential area the noise level at night has also been pleasant.

The premises are not detached and directly abut residential properties the music would be a disturbance to the adjoining properties and to the many other properties facing and to the rear of the premises. The location of the premises is not suited to a late night entertainment venue in the slightest.

There is already parking difficulties in the street and since the introduction of some resident's bays being taken away for "Club Car Share" directly outside the premises the parking has become even worse. The introduction of late night entertainment will undoubtedly make the situation worse.

I am aware, and your records will show, the last time an application was made for these premises and the late License the Local Authority received a record amount of objections and hopefully due to the summer holiday's residents do not miss their opportunity to reiterate their initial objections. I see no difference in this application and believe previous objections should also be taken into account.

Only the Licensing section can prevent the anti-social behaviour occurring fuelled by extended alcohol hours, which is becoming increasing a problem and I would therefore urge the Local Authority not to grant the license.

Notwithstanding the above I wish also to draw to the Licensing Authority attention to what we expect the applicant is attempting to create is a "Venue" for party's etc. All the above issues would then be again more of a problem. The applicant currently has advertised in their window;

**Meetings**

**Engagement Parties**

**Anniversary Parties**

**Birthday & Private Parties**

**Conference & Meetings**

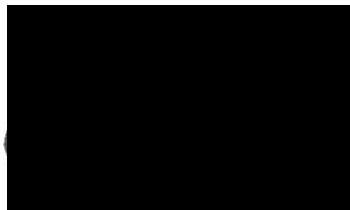
**Venue for Hire separated into m3 Rooms**

SEE ATTACHED PHOTO

All the above activities I would consider do not form the activities of a normal restaurant and expect the applicant will use the license for the premises as a banqueting venue and all the above would cause concerns as we listed above previously when the premises applied for a Alcohol License.

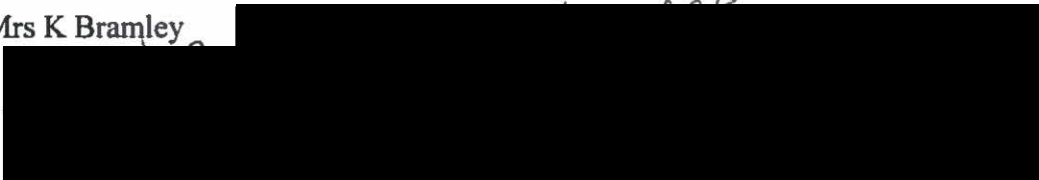
I have attached the premises current advertisement in the window.

Yours Faithfully



Mr J & Mrs K Bramley

.....



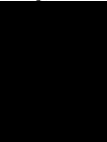
Mr M Burns

.....

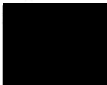


Mr & Mrs Burns

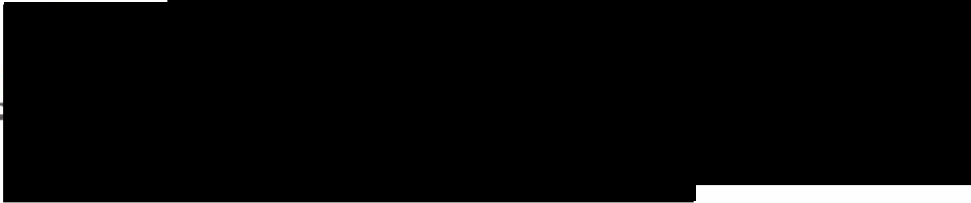
.....



MRS E WEGAN



MISS L. MORRIS



# TY OF P

paris.co.uk



- \* MEETINGS
- \* WEDDING
- \* ENGAGEMENT PARTIES
- \* ANNIVERSARY PARTIES
- \* BIRTHDAYS & PRIVATE PARTIES
- \* CONFERENCES & MEETINGS

VENUE IS SEPARATED IN TO 3 ROOMS

CALL ON 020 8980 7614 for bookings

# Appendix 6

## Andrew Heron

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**From:** Andrew Heron on behalf of Licensing  
**Sent:** 07 July 2014 09:48  
**To:** Andrew Heron  
**Subject:** FW: Alcohol licence application - City of Paris - objection

**Importance:** High

---

**From:** Amy Whitelock Gibbs  
**Sent:** 06 July 2014 22:42  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Alcohol licence application - City of Paris - objection  
**Importance:** High

To whom it may concern

We are writing on behalf of our constituents to object to the application for an alcohol licence for City of Paris restaurant, 74 Bonner Street, E2. Please confirm this objection has been received and processed by the licensing team.

When the premises previously had an alcohol licence (as 'Habanos') there were significant problems with antisocial behaviour and noise disturbance. This is a densely residential area with properties adjacent to and above the premises on Bonner St / the Cranbrook estate, and very close by on Cyprus street and Old Ford road. When the premises last had an alcohol licence residents suffered serious problems with hours of opening (beyond hours allowed by the licence), poor management of persons leaving the premises, noise from persons leaving, urinating in neighbouring gardens and against house walls, parking causing obstruction, noise from cars leaving (horns, radios, engines running), groups smoking outside, and noise from the premises itself.

We therefore share our residents' concerns that granting an alcohol licence would breach the licensing objectives of preventing public nuisance and preventing crime and disorder.

We appreciate that the behaviour of the premises under previous management can not be regarded as grounds of refusing a new application under the Licensing Act. However, residents have reported to us that the current management of City of Paris is already causing problems which are impacting on the community, even without an alcohol licence. This is a good indicator of future behaviour and as such we are concerned the current management would be unable or unwilling to promote the licensing objectives around public nuisance, and crime and disorder.

In recent months the restaurant has had functions when there have been some problems of people gathering outside and cars and taxis waiting outside with engines running, and also large groups smoking outside. Egress has not been properly managed at these functions. The restaurant has also opened beyond 11pm (the closing time as stipulated in the lease), put up structures in the front without planning permission/building control approval, and also put up a neon sign without planning permission. These issues have all been raised with the council but as yet there has been no response as to enforcement action taken by officers. Customers also sit outside after 6pm (again this is the time stipulated in the lease that outside areas should not be used after).

These issues indicate potentially poor management, who are not averse to flouting the terms of their lease or



planning restrictions, and have shown little regard to the local community. As such, we are deeply concerned that the premises would be unable to manage the crime, disorder and public nuisance that can arise from having an alcohol licence.

We therefore urge the council to reject the application for an alcohol licence.

If the council are minded to permit the licence, we request at the very least that the following conditions are applied and enforced:

- reducing the hours alcohol can be served until, particularly given the hours applied for (11pm) are in line with the closing hours and therefore leave no drinking up time
- erecting and monitoring CCTV at entrances and making it available to licensing officers and police when required
- not permitting customers to sit outside after 6pm (in line with the current lease conditions)
- ensuring clear signage warns customers they are in a residential area
- adopting the Challenge 25 policy

Kind regards

Cllr Amy Whitelock Gibbs & Cllr Sirajul Islam

Bethnal Green ward

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

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

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



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

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

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

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

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

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 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

### Noise while the Premise is in Use

#### General Advice

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

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

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

#### Licensing Policy

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

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

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

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

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

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

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

### Police Powers

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

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

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

Licence conditions should not duplicate other legislation (1.19)

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

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

### Other Legislation

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

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

# Appendix 10



### Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

#### Comment

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

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

#### General Advice

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

The hours of operation also need to be considered.

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

#### Licensing Policy

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

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

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

# Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	19 August 2014	<b>Unrestricted</b>	LSC 14/145	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation Services</b>	Title <b>Licensing Act 2003</b> <b>Application for a Variation to the Premises Licence for Burro E Salvia, 52 Redchurch Street, London, E2 7DP.</b>
Originating Officer: <b>Alexander Lisowski</b> <b>Licensing Officer</b>	Ward affected <b>Weavers</b>

## 1.0 Summary

Applicant:	<b>Burro E Salvia Ltd</b>
Name and	<b>Burro E Salvia</b>
Address of Premises:	<b>52 Redchurch Street London E2 7DP</b>
Licence sought:	<b>Licensing Act 2003 Application to vary a premises licence to extend the hours for:</b> <ul style="list-style-type: none"><li>• <b>On and Off Sale of Alcohol</b></li></ul>
Objectors:	<b>The Metropolitan Police</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Alexander Lisowski  
020 7364 7446

### 3.0 **Background**

3.1 This is an application for a variation of a premises licence to extend the hours allowed for the on and off sale of alcohol and to extend the opening hours at a restaurant, Burro E Salvia, 52 Redchurch Street, London, E2 7DP.

The applicant has provided extra information. See **Appendix 5**.

The venue is within the Brick Lane Cumulative Impact Zone. See **Appendix 12**.

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

The current hours of the licence are:

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

- Monday to Saturday, 10.00am to 19.00pm
- Sunday, 11.00am to 17.00pm

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

- Monday to Saturday, 10.00am to 19.00pm
- Sunday, 11.00am to 17.00pm

The extra hours applied for are:

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

- Thursday to Saturday, 10.00am to 22.00pm

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

- Thursday to Saturday, 10.00am to 22.00pm

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

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

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

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

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

- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in June 2013.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, 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 4**.
- 5.6 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Metropolitan Police
- 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

- Crime and public disorder
- Public nuisance

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

## 6.0 **Licensing Officer Comments**

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ❖ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)

- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
  - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
  - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
  - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
  - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
  - ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
  - ❖ 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** Maps of the surrounding area of the premises.
- Appendix 4** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.
- Appendix 5** Additional information supplied by the applicant.
- Appendix 6** Representations of the Metropolitan Police.
- 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 Zone.

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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](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.

**We** BURRO E SALVIA LTD (Insert name(s) of applicant)

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

Premises Licence number 16934

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
<u>52 REDCHURCH STREET</u>	
Post town	Post code
<u>LONDON</u>	<u>E2 7DP</u>

Telephone number at premises (if any)	<u>[REDACTED]</u>
Non-domestic rateable value of premises	£ <u>9,500.00</u>



**Part 2 - Applicant details**

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

**Part 3 - Variation**

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

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

--	--	--	--	--	--	--	--

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

HAVING HAD A VARIATION OF CONDITION 3 (OPENING HOURS) OF THE PLANNING PERMISSION, WE ARE KEEP FOR THE SAME VARIATION TO APPLY TO THE PREMISES LICENCE AS FOLLOWS:

THURSDAY - SATURDAY 10:00 - 22:00

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

## Part 4 Operating Schedule

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

### Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

**A**

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

**B**

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

**C**

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

**D**

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



**E**

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

**F**

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

**G**

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

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
			<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (Y) (please read guidance note 2)</b>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 2)	Both		
Tue						
Wed				<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur						
Fri				<b>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</b> (please read guidance note 5)		
Sat						
Sun						

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick (Y) (please read guidance note 7)</b>	On the premises		
Day	Start	Finish		Off the premises		
Mon			<b>Please give further details here</b> (please read guidance note 7)	Both	X	
Tue						
Wed				<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Thur	10:00	22:00				
Fri	10:00	22:00		<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	10:00	22:00				
Sun						

K

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

NONE

L

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)			<b>State any seasonal variation</b> (please read guidance note 4)
Day	Start	Finish	
Mon	6:00	19:00	
Tue	10:00	19:00	
Wed	10:00	19:00	
Thur	10:00	22:00	
Fri	10:00	22:00	
Sat	10:00	22:00	
Sun	10:00	17:00	
<b>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</b> (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

Please tick yes

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

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

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

**M**

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

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

THE OWNER AND DIRECTOR IS THE PERSONAL LICENCE HOLDER AND LOOKS AFTER THE TRAINING OF ALL THE STAFF.

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

ALL RELEVANT NUMBERS FOR THE LOCAL AUTHORITIES ARE AVAILABLE.  
ALCOHOL ON THE SHELF IS ONLY ACCESSIBLE BY THE STAFF.

**c) Public safety**

ALL RELEVANT NUMBERS FOR THE LOCAL AUTHORITIES ARE AVAILABLE.  
A FIRE EVACUATION PLAN IS IN PLACE AND FIRE EXTINGUISHERS AVAILABLE IN 3 AREAS OF THE SHOP.

**d) The prevention of public nuisance**

THE LICENCE ALLOWS FOR ALCOHOL TO BE SERVED ONLY INSIDE THE PREMISES.  
NO OUTSIDE ACTIVITY IS PERMITTED SO AS TO KEEP THE NOISE TO THE MINIMUM.  
ONLY 12 PEOPLE ARE ALLOWED TO SEAT.

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

NO ALCOHOL IS SOLD TO PEOPLE UNDER AGE OF 18. THERE IS A PROOF OF AGE SCHEME IN PLACE : NO PROOF / NO SALE.

# Appendix 2



**(Burro E Salvia)**  
52 Redchurch Street  
London  
E2 7DP

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

**See the attached licence for the licence conditions**

**Signed by**

**John McCrohan**   
**Trading Standards and Licensing Manager**

**Date: 25<sup>th</sup> June 2013**



**Part A - Format of premises licence**

Premises licence number

17679

**Part 1 - Premises details**

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

**(Burro E Salvia)**  
52 Redchurch Street

**Post town**  
London

**Post code**  
E2 7DP

**Telephone number**  
None

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

**Sale of Alcohol**

- Monday to Saturday, from 10:00 hours to 19:00 hours
- Sunday, from 11:00 hours to 17:00 hours

**The opening hours of the premises**

- Monday to Saturday, from 10:00 hours to 19:00 hours
- Sunday, from 11:00 hours to 17:00 hours

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

On and off sales

## **Part 2**

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

Burro E Salvia Ltd  
Harwood House  
43 Harwood Road  
London  
SW6 4QP

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

07810486

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

Gaia Enria

[REDACTED]  
[REDACTED]  
[REDACTED]

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

**Personal Licence Number:** [REDACTED]

**Issuing Authority:** [REDACTED]

## Annex 1 - Mandatory conditions

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

1.

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

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
  3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
  4.
    - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
    - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
  5. The responsible person shall ensure that;
    - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
      - (i) beer or cider: ½ pint;
      - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
      - (iii) still wine in a glass: 125 ml; and
    - (b) customers are made aware of the availability of these measures.

## **Annex 2 - Conditions consistent with the operating Schedule**

1. No nudity or semi nudity permitted

## **Annex 3 - Conditions attached after a hearing by the licensing authority** Licensing subcommittee hearing of 25<sup>th</sup> June 2013

1. Alcohol shall be served with food only
2. No open drinks shall be taken outside the premises

## **Annex 4 - Plans**

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

16<sup>th</sup> April 2013 - Ground Floor

*(Job Number: 1109 / Drawing Number: 1109.03A: dated,  
21/03/2013)*

*Note:*

- Basement floor for storage only
- First floor preparation area only



**Part B - Premises licence summary**

**Premises licence number**

17679

**Premises details**

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

**(Burro E Salvia)**  
52 Redchurch Street

**Post town**

London

**Post code**

E2 7DP

**Telephone number**

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol



The times the licence authorises the carrying out of licensable activities

**Sale of Alcohol**

- Monday to Saturday, from 10:00 hours to 19:00 hours
- Sunday, from 11:00 hours to 17:00 hours

The opening hours of the premises

- Monday to Saturday, from 10:00 hours to 19:00 hours
- Sunday, from 11:00 hours to 17:00 hours

Name, (registered) address of holder of premises licence

Burro E Salvia Ltd  
Harwood House  
43 Harwood Road  
London  
SW6 4QP

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

On and off sales

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

07810486

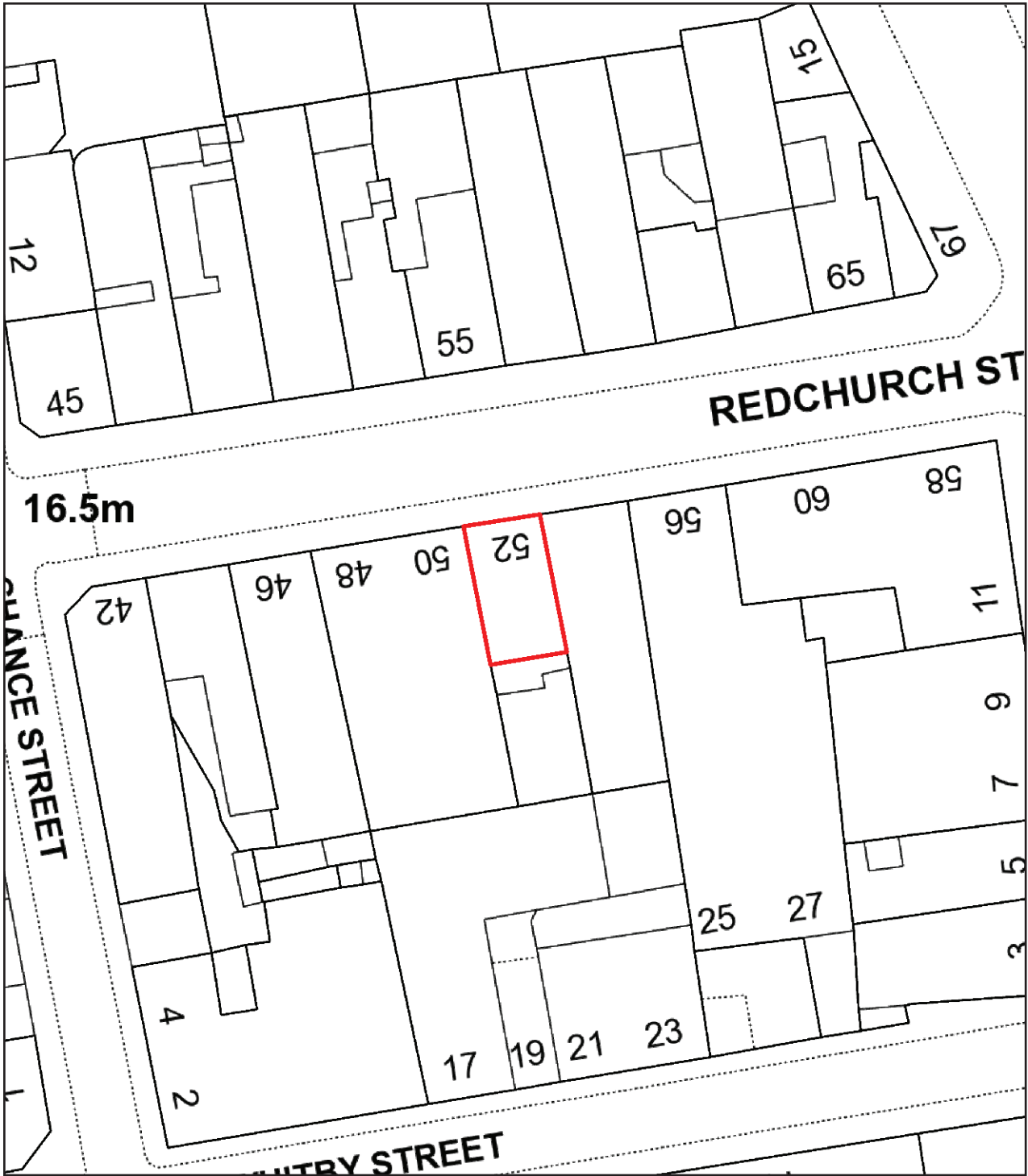
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Gaia Enria

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

No restrictions

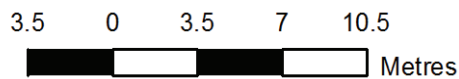
# Appendix 3



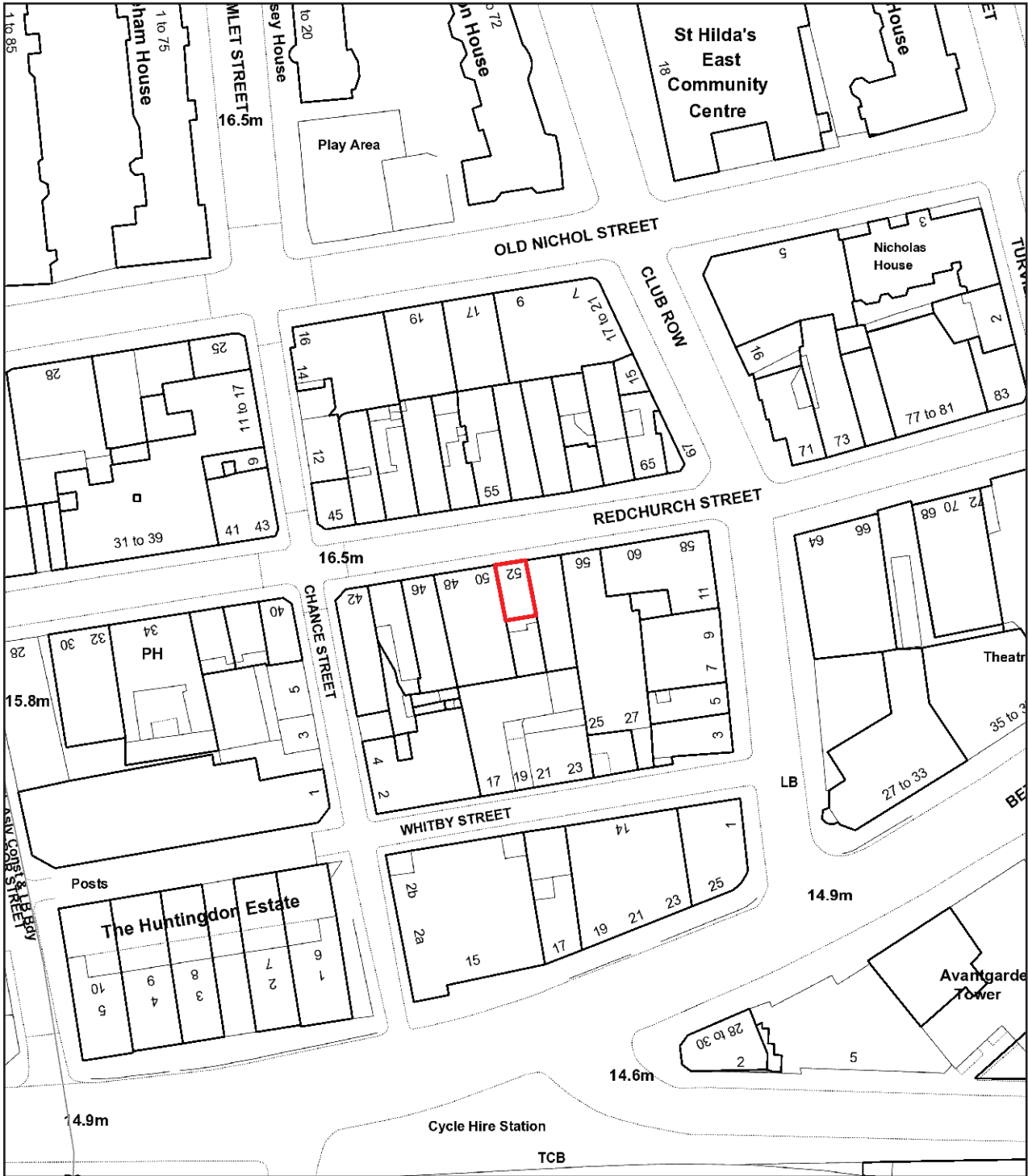
## 52 Redchurch Street



Scale 1:383



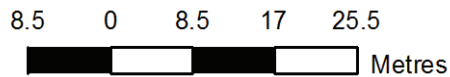
Produced by London Borough of Tower Hamlets on 06/08/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



# 52 Redchurch Street



Scale 1:957



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# Appendix 4

## Section 182 Advice by the Home Office

Updated October 2010

### Relevant, vexatious and frivolous representations

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

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

# Appendix 5

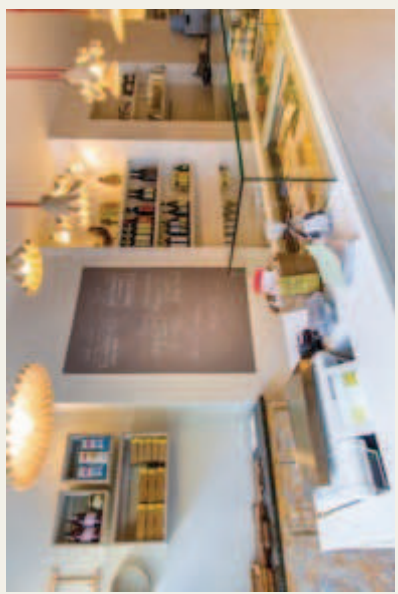
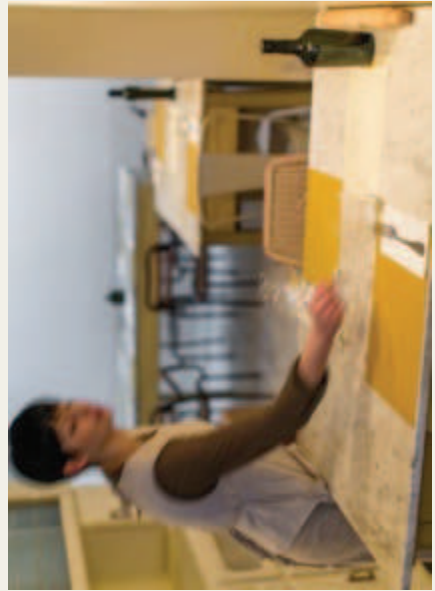
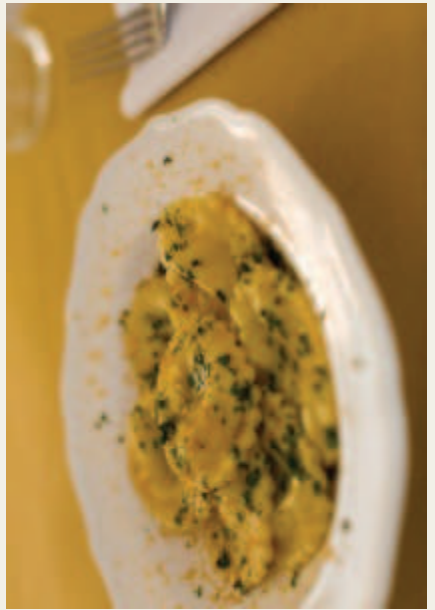




PASTIFICIO

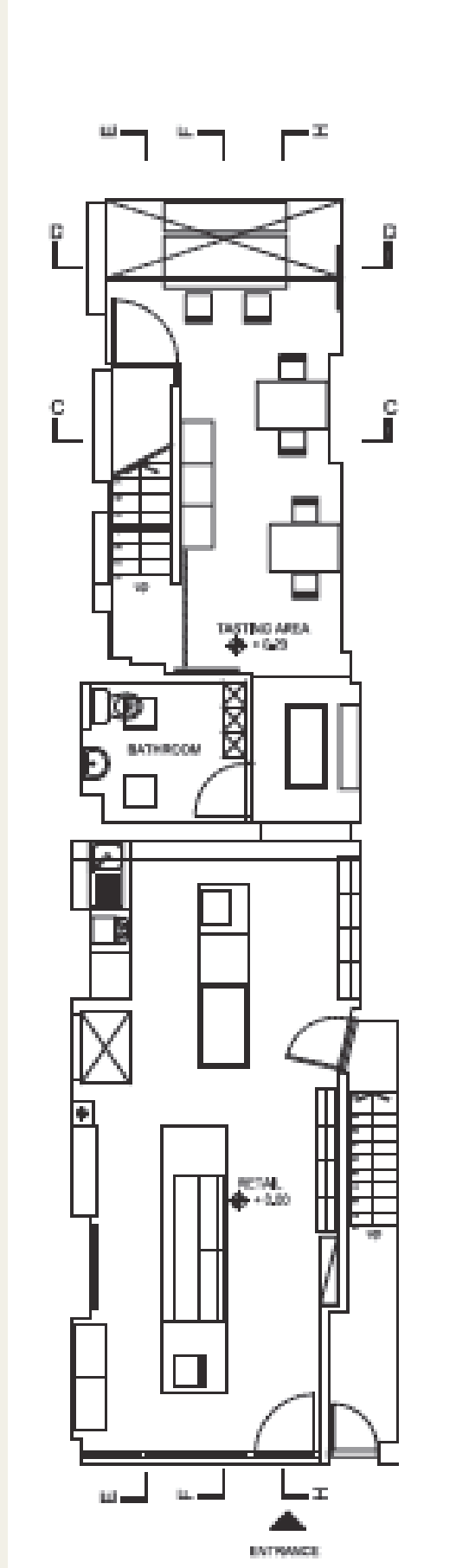
52 Redchurch Street, E2 7DP London

[www.burroesalvia.co.uk](http://www.burroesalvia.co.uk)





56 sqm divided between retail and eat in, with only 3 tables for up to 12 diners







"Low key restaurants with warm, friendly service and food that makes sense, is what appeals to me and Burro e Salvia is just that. They make beautiful handcrafted pasta in an open kitchen using the best possible ingredients." Skye Gyngell, culinary director of Heckfield Place and chef-patron of soon to open London restaurant.





## DRINKS

### APERITIVO

	Glass	Bottle
Bianco (White Vermouth), Mauro Vergano (Piemonte)	£ 5.00	
Americano (Red Vermouth), Mauro Vergano (Piemonte) <i>Served with a splash of soda and orange rind</i>	£ 5.00	

### WINE

#### Sparkling

Prosecco Bottle Fermented Sottoriva, Malibrán (Veneto)	£ 7.00	£27.00
Lambrusco Radice 2012, Paltrinieri (Emilia Romagna)		£29.00

#### White

Bianca 2012, Castello di Cigognola (Lombardia)	£ 6.50	£25.00
Vignammare, Nino Barraco (Sicilia)		£29.00
Nosiola, Giuseppe Fanti (Trentino)		£31.00

#### Orange

Coda di Volpe Paski 2011, Cantina Giardino (Campania)		£27.00
Zibibbo, Nino Barraco (Sicilia)		£33.00
Ageno 2008, La Stoppa (Emilia Romagna)		£40.00

#### Red (served chilled)

Rosammare, Nino Barraco (Sicilia)	£7.50	£29.00
Lambrusco Sottobosco 2011, Ca de Noci (Emilia Romagna)		£35.00
Lambrusco Ciso 2010, I Dolomiti (Trentino Alto Adige)		£41.00

#### Other Red

Barbera 'Bandita' 2011, Cascina Tavijn (Piemonte)	£6.50	£25.00
Petit Rouge 2012, Di Barro (Val D'Aosta)		£25.00
Pinot Nero Pigeno 2011, Stroblhof (Trentino Alto Adige)		£38.00
Primitivo Amphora 2011, Guttarolo (Puglia)		£39.00

### CRAFT BEERS

Enkir, Birra del Borgo	£5.00 (330ml)
Cortigiana, Birra del Borgo	£5.00 (330ml)
ReAle, Birra del Borgo	£5.00 (330ml)
Keto RePorter, Birra del Borgo	£6.00 (330ml)

### DESSERT WINES & AFTER COFFEE

Liquore di Mirto Classico, Lucrezio R, Berchidda (Sardegna)	£5.00 (50ml)
Chinato, Mauro Vergano (Piemonte)	£5.00 (50ml)

### SOFT DRINKS

Chinotto, Gazzosa, Aranciata, Tonic Water, LURISIA	£ 3.00
Curiosity Cola, FENTIMAN'S	£ 3.00

### COFFEE

Experience the most traditional of small Italian rituals, the Moka (Allpress coffee): Moka for 1	£ 2.50	Moka for 2/3	£ 5.00
Side of Almond Milk £0.50/ Glass of Almond Milk	£ 2.00	Almond Milk Macchiato	£ 2.50



28<sup>th</sup> JULY – 3<sup>rd</sup> AUGUST 2014

### SNACKS & STARTERS

- Finocchiona £ 4.00  
*Finocchiona salami*
- Carciofi sott'olio, 'Dispensa di Amerigo' £ 5.00  
*Amerigo's artichokes in olive oil*
- Mortadella Classica di Bologna (Bonfatti) £ 5.50
- Carne Salada (M. Cardinale Bosio) £ 7.50  
*Cured beef with citrus zest and extra virgin olive oil*
- Burrata e Caponata £ 8.50  
*Burrata cheese and Sicilian vegetable caponata*
- Prosciutto San Daniele (DOK Dall'Ava) with Mozzarella di Bufala £9.50
- Sharing Platter £15.00
- Bread and Extra Virgin Olive Oil £ 2.00
- Pane, Burro e Acciughe £ 5.00  
*Anchovies, Toasted Bread and Butter*
- Insalata Russa £ 5.00  
*Russian Salad with tuna*

### PASTA

- Tagliatelle con farina 'Petra' al Ragu £ 10.00  
*Tagliatelle with stone milled flour 'Petra' with meat ragu*
- Tortelloni Verdi di Ricotta al Pomodoro £ 10.00  
*Filled green pasta with ricotta and parsley, in a tomato sauce*
- Orecchiette con Pesto, Patate e Fagiolini £ 11.00  
*Orecchiette with Pesto, Potatoes and Green Beans*
- Tjarin con Zucchine, Bottarga e Menta £ 11.00  
*Tjarin with courgettes, dry mullet roe and mint*
- Plin di ricotta al Tartufo nero estivo £ 12.00  
*Filled pasta with ricotta and black summer truffle*
- Grated 24 months Parmigiano Reggiano £ 0.50

### DESSERT

- Tiramisu alla Fragola £ 5.00  
*Strawberry Tiramisu*
- Granita Siciliana: Caffè e Panna £ 5.00  
*Sicilian Granita: Coffee and Whipped Cream*

All our pasta are handmade daily and available to buy from the Deli Counter for you to cook at home.  
Please alert us if you have food allergies or intolerances and we will do our best to accommodate your needs.  
We are now open for dinner Thursday-Saturday 6:30-10:00pm

# Appendix 6

LBTH Licensing  
Toby Club  
Vawdrey Close  
  
E1 4AU

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

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

Telephone: [REDACTED]  
Facsimile:  
Email:

[REDACTED]  
[REDACTED]  
[REDACTED]  
www.met.police.uk

Your ref:

Our ref:

1 June 2014

Dear Mr McCrohan

**Re: Application to vary a Premises Licence**

**Burro e Salvia Ltd, 52 Redchurch St, E2 7DP**

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**

LBTH has adopted a Saturation Policy / Cumulative Impact Policy which includes

Redchurch St and nearby streets. 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



**ca. demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.**

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

Although the alcohol hours are within the framework hours, it is yet another premise that will have the ability to sell alcohol in the area which is already "saturated"

At present, Tower Hamlets Police Licensing Unit's policy is to object to all new licences or variations in the CIZ as set out by the Saturation Policy. If no objection was forthcoming from the police, then LBTH Licensing at present would object to the application.

This provides the opportunity to the committee to scrutinize the application and for the applicant to demonstrate how their application will not have a negative cumulative impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

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

If the committee is to consider granting a licence, I would ask that they consider the following condition.

Install / maintain CCTV

1. CCTV

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

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

Alan Cruickshank PC 189HT

# Appendix 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

## 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 Section 8.2 of the Licensing Policy)**.

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

The 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 (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 (1.16).

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 4.3

Committee : <b>Licensing Sub-Committee</b>	Date 19 August 2014	Classification <b>Unclassified</b>	Report No. LSC 16/145	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Consumer and Business Regulations Service</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Pilpel Spitalfields), 38 Brushfields Street, London E1 6NG</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant: **Pilpel For The People Limited**

Name and **Pilpel Spitalfields**

Address of Premises: **38 Commercial Street**  
**London**  
**E1 6AT**

Licence sought: **Licensing Act 2003 – premises licence**  

- **Sale by retail of alcohol**

Representations: **Licensing Authority**  
**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 (Pilpel Spitalfields), 38 Brushfields Street, London E1 6NG.

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

3.3 The licensable activities and timings that have been applied for are as follows:

**The sale by retail of alcohol (On and off sales)**

- Monday to Sunday, from 10:00 hours to 21:00 hours

**Hours open to the public**

- Monday to Sunday, from 10:00 hours to 21:00 hours

3.4 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.

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

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

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

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

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

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

## 5.0 Representations

- 5.1 All 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.
- 5.2 This hearing is required by the Licensing Act 2003, because a relevant representation has been made by the Licensing Authority and Met Police.
- 5.3 Please see **Appendix 3** for the representation of the Licensing Authority acting as a responsible authority.
- 5.4 Please see **Appendix 4** for the representation of Met Police.
- 5.5 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise
  - Trading Standards
  - Child Protection
  - Public Health
  - Licensing Authority
- 5.6 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
- 5.7 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.
- 5.8 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.

## 6.0 Licensing Officer Comments

6.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). 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 to licensing authorities in relation to the carrying out of their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.7)
- ❖ Also “so long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as 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 (10.6).
- ❖ 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.10.25).
- ❖ “The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.20)
- ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.33).

- ❖ Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.39).
- 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, club or premises management cannot be justified and will not serve the licensing objectives.” (2.39)
- 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 5 - 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 in the representations.

## **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
- Appendix 2** Maps of the area
- Appendix 3** The representation of the Licensing Authority acting as a responsible authority
- Appendix 4** The representation of Met Police
- Appendix 5** Licensing Officer comments on noise while the premise is in use
- Appendix 6** Licensing Officer comments on access/egress problems
- Appendix 7** Licensing Officer comments on crime and disorder on the premises
- Appendix 8** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 9** Planning
- Appendix 10** Licensing Policy relating to hours of trading
- Appendix 11** Cumulative Impact Policy

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# Appendix 1

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

Tower Hamlets Licensing Team  
 Mulberry Place (AH) PO Box 55739  
 5 Clove Crescent E14 1BY



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**XWe** Pilpel for the People Limited  
 (Insert name(s) of applicant)

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

**Part 1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Pilpel Spitalfields 38 Brushfield Street	
Post town London	Post code E1 6AT
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 25,250.00

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
  - i as a limited company  please complete section (B)
  - ii as a partnership  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)

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

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

Please tick yes

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

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

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

Name PILPEL FOR THE PEOPLE LIMITED
Address 38 Brushfield Street London E1 6AT
Registered number (where applicable) 07450441
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

### Part 3 - Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY		
a	s	a	p			

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

DD		MM		YYYY		

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

n/a
-----

Please give a general description of the premises (please read guidance note 1)  
A restaurant selling food, hot and cold beverages and alcohol.

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

Please tick any that apply

**Provision of regulated entertainment**

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

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

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

**In all cases complete boxes K, L and M**

# A

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

# B

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



**C**

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

**D**

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

## E

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

## F

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

## G

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

## H

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



I

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption - please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day				Off the premises	<input type="checkbox"/>
Start	Finish			Both	<input checked="" type="checkbox"/>
Mon	10.00	21.00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue	10.00	21.00			
Wed	10.00	21.00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur	10.00	21.00			
Fri	10.00	21.00			
Sat	10.00	21.00			
Sun	10.00	21.00			

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

Name Manuel Alfonsin	
Address 	
Post code	
Personal licence number (if known) tbc	
Issuing licensing authority (if known) tbc	

## K

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

None

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	21.00	
Tue	10.00	21.00	
Wed	10.00	21.00	
Thur	10.00	21.00	
Fri	10.00	21.00	
Sat	10.00	21.00	
Sun	10.00	21.00	

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

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

Please see Annex A

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

Please see Annex A

**c) Public safety**

Please see Annex A

**d) The prevention of public nuisance**

Please see Annex A

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

Please see Annex A

**Checklist:**


**Please tick to indicate agreement**

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



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

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

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

Signature	
Date	19 May 2014
Capacity	Joelson Wilson LLP Solicitors for and duly authorised agents on behalf of the Applicant

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

Signature	
Date	
Capacity	
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Mark McDermott Joelson Wilson LLP 30 Portland Place	
Post town London	Post code W1B 1LZ
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 	



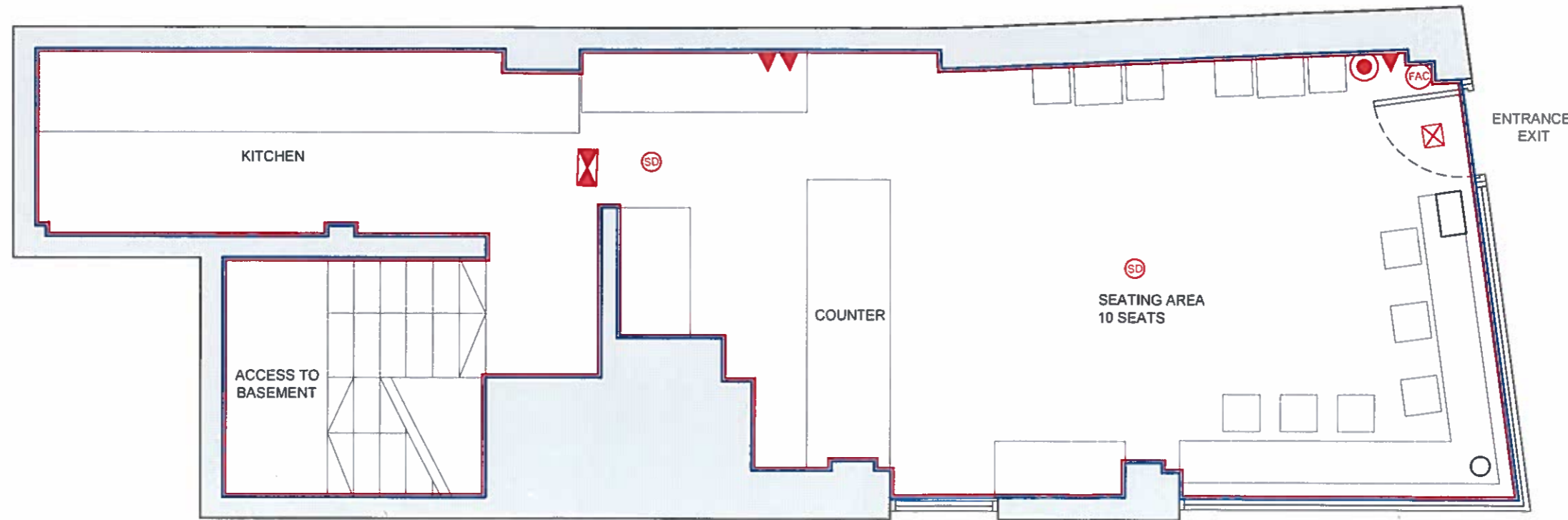
## Notes for Guidance

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

## ANNEX A

1. The supply of alcohol at the premises shall only be to a person taking a meal there and for consumption by such a person as ancillary to their meal.
2. A direct telephone number for members of management at the premises shall be made available to local residents associations and to any person wishing to comment on the operation of the premises.
3. CCTV must be installed at the premises. Tapes and visual images recorded shall be retained for a period of 31 days and the system installed at the premises must be at least in accordance with the specification issued by the Licensing Authority. Access to the system must be made available to an Authorised Officer on request.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
6. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
7. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
8. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - (a) all crimes reported to the venue;
  - (b) all ejections of patrons;
  - (c) any complaints received;
  - (d) any incidents of disorder;
  - (e) seizures of drugs or offensive weapons;
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol; or
  - (h) any visit by a relevant authority or emergency service.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

LBTF  
 TRADING STANDARDS  
 20 MAY  
 LICENSING



PROPOSED GROUND FLOOR PLAN  
 SCALE 1:50

**NOTE**  
 The position of fire and safety equipment as shown on the plan or such other position as agreed from time to time in consultation with the fire authority

**KEY:**

Denotes area to be used for licensable activities	Site Boundary Extent
FIRE ALARM BREAK GLASS to be provided adjacent to final exits	EMERGENCY LIGHT
SMOKE DETECTOR	FIRE ALARM CONTROL PANEL
FIRE EXTINGUISHER	FIRE EXIT SIGN approved sounders to mains as per fire officers approval

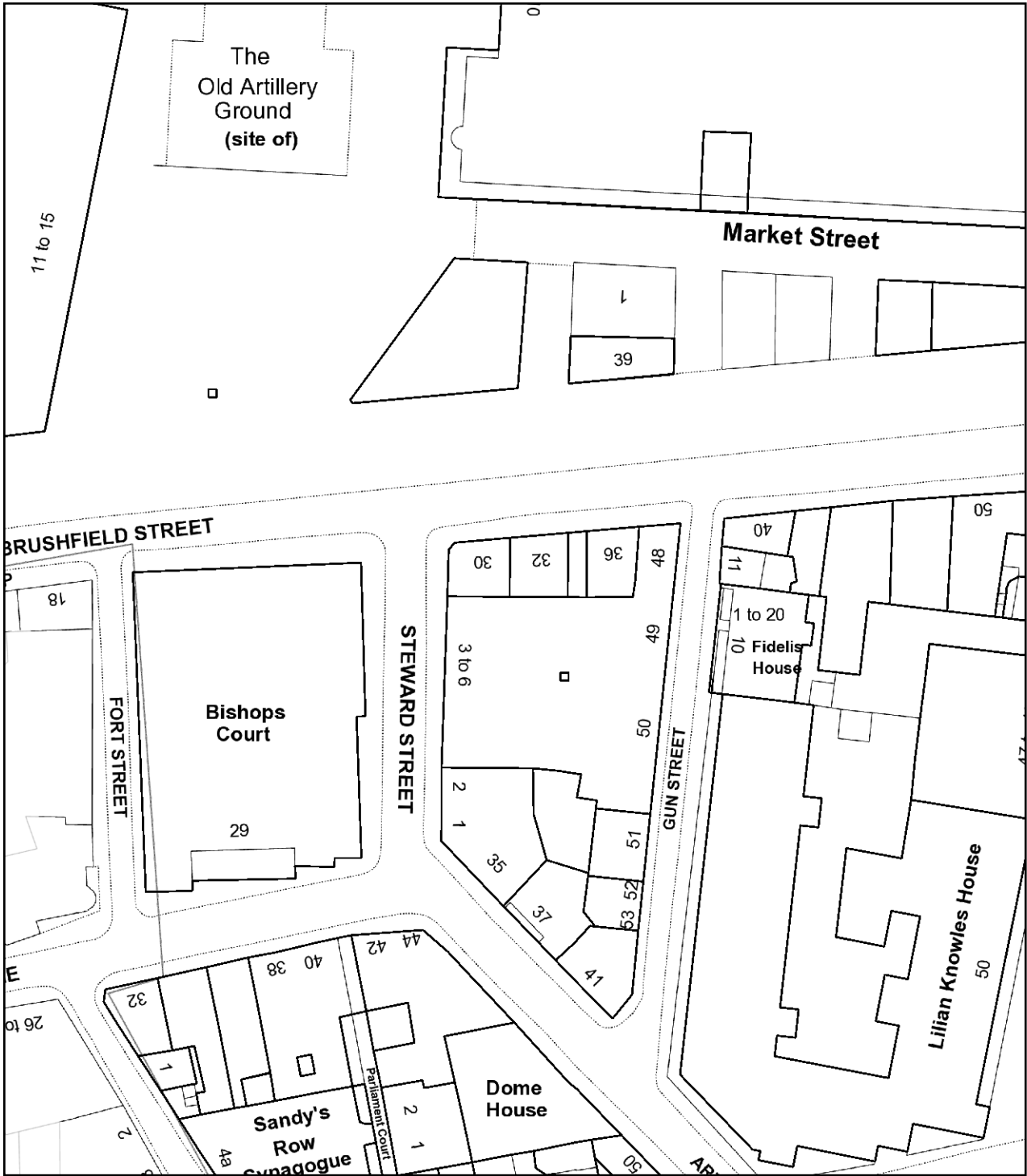
Do not scale from drawing.  
 The author of this drawing takes no responsibility for any dimensions obtained by measuring or scaling from this drawing and no reliance may be placed on such dimensions. If no dimension is given it is the responsibility of the recipient to ascertain the dimension specifically from the author or by site measurement.  
 The sizing of all structural and services elements must always be checked against the relevant engineer's drawings. No reliance should be placed upon sizing information shown on this drawing.  
 All areas are approximate and measured off preliminary drawings. They relate to the likely area of the building at the current stage of the design and using the agreed option when in accordance to relevant standards as the RIBA Code of Measuring Practice. City Edition, RIBA 2012/13A. Any decisions to be made on the basis of these proportions, whether as to project viability, pre-letting, lease agreements or the like should include due allowances for the increases and decreases inherent in the design development and building process.  
 Report all drawing errors, omissions and discrepancies to the architect.



REV	DATE	NOTES
1	15.05.14	First Issue

INT	Project title	Scale @ A3
MG	Pipel, Brushfield Street	1:50
	Drawing title	Drawn
	Proposed Ground Floor- Licensing Plan	MG
	Drawing no.	Checked
	14018_GA_001	BM

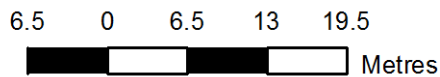
# Appendix 2



# 38 Brushfield



Scale 1:754



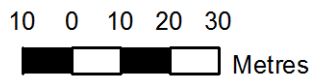
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# 38 Brushfield Street



Scale 1:1884



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# Appendix 3

**Communities, Localities & Culture**  
Safer Communities

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

Tower Hamlets Licensing

Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel **020 7364**  
Fax **020 7364 0863**  
Enquiries to  
Email [@towerhamlets.gov.uk](mailto:@towerhamlets.gov.uk)

10<sup>th</sup> June 2014

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

My reference: TSS/LIC/L1U: 76150

Your reference:

Dear Sir / Madam,

**Licensing Act 2003**  
**Re: Pipel – 38 Brushfield Street, London, E1 6AT**

On 1<sup>st</sup> November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane



Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone.

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

The Licensing Authority is therefore making representation against the above application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CIZ. If the applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area; then I ask the Committee to reject the application in full. If the Committee sees fit to grant the application, I would suggest that the 'off sales' of alcohol be removed from the licence.

Yours sincerely,

A black rectangular redaction box covering the signature of Andrew Heron.

**Andrew Heron**  
**Licensing Officer**

# Appendix 4

## Mohshin Ali

---

**From:** Alan.D.Cruickshank@met.pnn.police.uk  
**Sent:** 10 June 2014 13:37  
**To:** Mohshin Ali  
**Cc:** [REDACTED]  
**Subject:** Pilpel objection  
**Attachments:** Pilpel objection ( June 14 ).doc

Good afternoon

FAO: Nial McCann or Mark McDermott

Dear Sirs

Please find enclosed my objection for the premises licence application at Pilpel, 38 Brushfield St, E1

As you are no doubt aware the restaurant is in the newly adopted CIZ

I am happy to meet to discuss this further

Best wishes

Alan

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

LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4AU

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

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

Telephone: 0207 275 4911

Facsimile:

Email:

Alan.Cruickshank@met.police.uk

www.met.police.uk

Your ref:

Our ref:

10 June 2014

Dear Mr McCrohan

Re: Application for a Premises Licence

Pilpel, 38 Brushfield St, E1 6AT

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

LBTH has adopted a Saturation Policy / Cumulative Impact Policy which includes

Brushfield St. This policy was adopted due to the concerns about the number of licensed

premises in such a small area and the resulting number of ASB calls and the potential for

disorder.

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

This objection is not a reflection on the applicant but a response to the Saturation Policy.

Since the introduction of the policy and the CIZ, licences have been granted in the saturation zone but the continuing introduction of new licensed premises or variations however small or well run, will only compound the problems in the CIZ

Although the alcohol hours are within the framework hours, it is yet another premise that will have the ability to sell alcohol in the area which is already “saturated”

At present, Tower Hamlets Police Licensing Unit’s policy is to object to all new licences or variations in the CIZ as set out by the Saturation Policy. If no objection was forthcoming from the police, then LBTH Licensing at present would object to the application.

This provides the opportunity to the committee to scrutinize the application and for the applicant to demonstrate how their application will not have a negative cumulative impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

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

Will off sales lead to more littering in the street?

If the committee is to consider granting a licence, I would ask that they consider the following:

1. The removal of off sales.

(another additional premises that has the ability for off sales will only compound problems in the CIZ)

2. Install / maintain CCTV

CCTV

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

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

Alan Cruickshank PC 189HT

# Appendix 5

## 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 6

## 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 7

## 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 8

## 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 9

## **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 10

## 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 11

### **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.

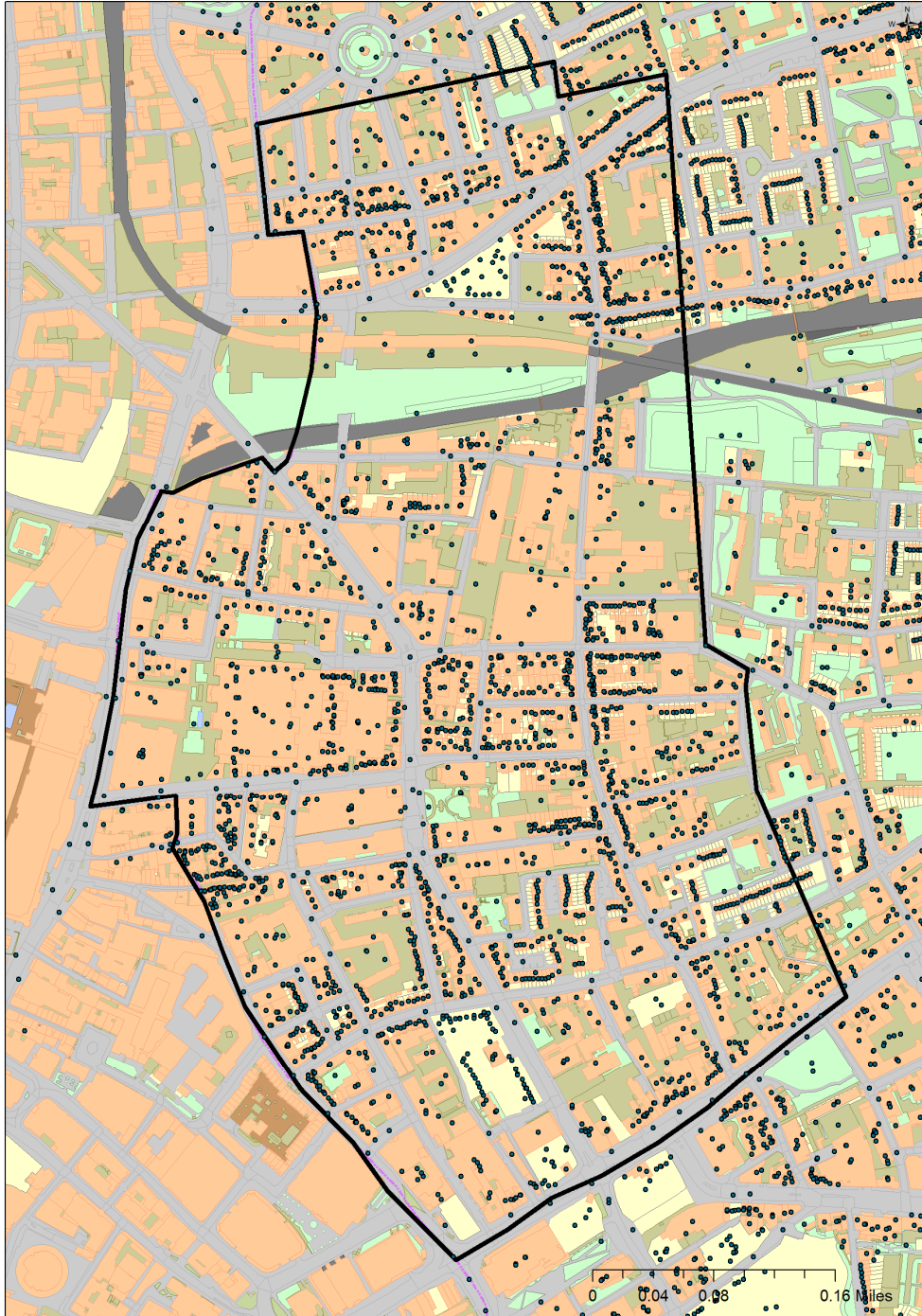
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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

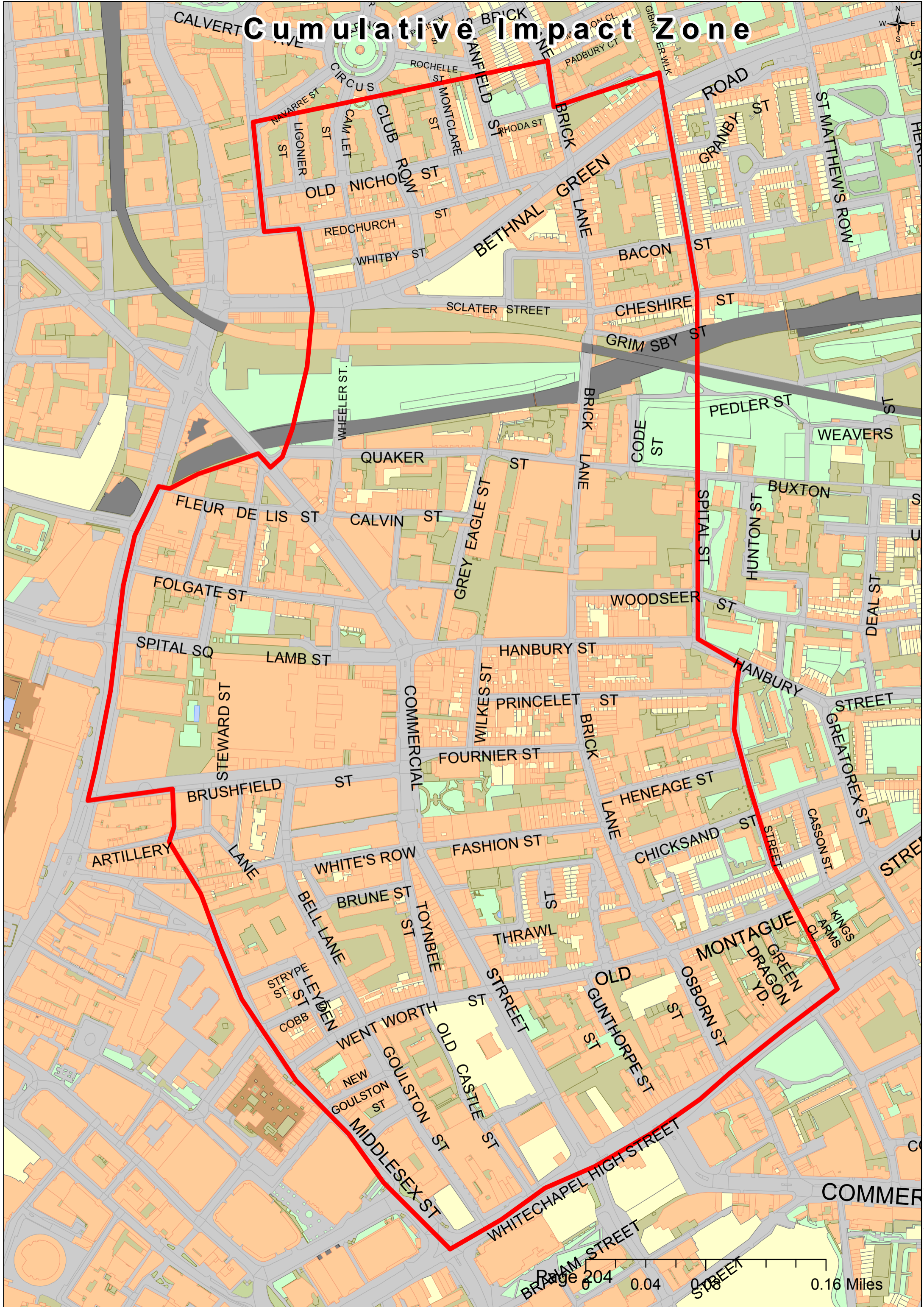
**The Cumulative Impact Zone in the Brick Lane area**

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





# Agenda Item 4.4

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	19 August 2014	<b>Unclassified</b>	LSC 17/145	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation</b>  Originating Officer: <b>Alexander Lisowski,</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT.</b>  Ward affected: <b>Bow East</b>
--	--

## 1.0 Summary

Applicant: **Gareth Gwynne-Smith**

Address of Premises: **Autumn Street Studios  
Unit 3  
39 Autumn Street  
London E3 2TT**

Objectors: **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 Enclosed is a copy of the premises licence. (**See Appendix 2**).

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

**The Supply of Alcohol  
Regulated Entertainment  
Late Night Refreshment**

3.5 The premises that has been applied for is:

**Autumn Street Studios  
Unit 3  
39 Autumn Street  
London E3 2TT**

3.6 The dates that have been applied for are as follows:

**Bank Holiday Monday, 24<sup>th</sup> August, 2014**

3.7 The times that have been applied for are as follows:

**00.01am – 08.00am**

3.8 A map showing the relevant premises and immediate area is included as **Appendix 3**.

### 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 4**.

## 6.0 Advice to Members

- 6.1 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.
- 6.2 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.
- 6.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 6.4 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.
- 6.5 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** A copy of the premises licence.
- Appendix 3** Maps of the area around the venue.
- Appendix 4** Police objections.



# Appendix 1



Fee: £21.00
Receipt No: 78786

24/08/14  
77299

## 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.

<b>1. The personal details of premises user (Please read note 1)</b>	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> -Miss <input type="checkbox"/> -Ms <input type="checkbox"/> -Other (please state)
Surname	Gwynne - Smith
Forenames	Gareth
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"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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)	
Security And Event Solutions Ltd 2 Gloucester Mansions 27 Gloucester Place	
Post town Brighton	Post code BN1 4AA
7. Other contact details	
Telephone numbers	( [REDACTED] )
Daytime	
Evening (optional)	
Mobile (optional)	[REDACTED]
Fax number (optional)	
E-Mail Address (if available)	

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)	

<b>2. The premises</b>	
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)	
Autumn Street Studio's. Unit 3, 39 Autumn Street, London, E3 2TT	
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	16752
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)	
Please describe the nature of the premises below. (Please read note 4)	
Warehouse space converted into appropriate event space.	
Please describe the nature of the event below. (Please read note 5)	
Late night entertainment featuring live music, dj's and dancing. Sale by retail of alcohol.	

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"/> Y
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"/> N
The provision of regulated entertainment	<input type="checkbox"/> Y
The provision of late night refreshment	<input type="checkbox"/> Y
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/> N
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
Monday 0001 - 0800	
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)	
0001 - 0800 Monday 24th August 2014	
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"/> Y
	Off the premises only <input type="checkbox"/> N
	Both <input type="checkbox"/> N

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

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 type="checkbox"/> YES <input type="checkbox"/>	
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	9	
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/> NO

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/> NO
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/> NO
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/> NO
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.		
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/> NO

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 type="checkbox"/> Y
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/> Y
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/> Y
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"/> N/A
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"/> N/A

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"/> N/A
Made or enclosed payment of the fee for the application	<input type="checkbox"/> Y
Signed the declaration in Section 9 below	<input type="checkbox"/> Y

<b>8. Condition (Please read note 16)</b>
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.

<b>9. Declarations (Please read note 17)</b>	
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	GGSMITH
Date	28.7.14
Name of Person signing	Gareth Gwynne-Smith

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 18)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	
Date	On behalf of the licensing authority
Name of Officer signing	

# Appendix 2

**(Autumn Street Studios)  
Unit 3  
39 Autumn Street  
London  
E3 2TT**

**Licensable Activities authorised by the licence**

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

**See the attached licence for the licence conditions**

**Signed by**

**John McCrohan**   
**Trading Standards and Licensing Manager**

**Date: 30<sup>th</sup> April 2013  
Reissued 26<sup>th</sup> September 2013 as per Thames Magistrates Court Order by  
Consent**





**Part A - Format of premises licence**

Premises licence number

16497

**Part 1 - Premises details**

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

(Autumn Street Studios)  
Unit 3  
39 Autumn Street

**Post town**

London

**Post code**

E3 2TT

**Telephone number**

None

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

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

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

Sale of Alcohol (on sales only)

- Monday to Thursday from 12:00hrs (midday) to 23:30hrs
- Friday from 12:00hrs (midday) to 06:00hrs (the following day)
- Saturday from 12:00hrs (midday) to 08:00hrs (the following day)
- Sunday from 16:00hrs to 22:30hrs

The Provision of Regulated Entertainment in the form of Live Music, Recorded Music (and anything similar)

- Monday to Thursday from 12:00hrs (midday) to 23:30hrs
- Friday from 12:00hrs (midday) to 06:00hrs (the following day)
- Saturday from 12:00hrs (midday) to 08:00hrs (the following day)
- Sunday from 16:00hrs to 22:30hrs

The Provision of Late Night Refreshments

- Monday to Thursday from 23:00hrs to 23:30hrs
- Friday from 23:00hrs to 06:00hrs (the following day)
- Saturday from 23:00hrs (midday) to 08:00hrs (the following day)

**The opening hours of the premises**

- Monday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday from 12:00hrs (midday) to 06:30hrs (the following day)
- Saturday from 12:00hrs (midday) to 08:30hrs (the following day)
- Sunday from 16:00hrs to 23:00hrs

**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**

Alex Benson  
(Autumn Street Studios)  
Unit 3  
39 Autumn Street  
London  
E3 2TT

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

Not applicable

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

Gareth Gwynne-Smith

[REDACTED]  
[REDACTED]  
[REDACTED]

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

[REDACTED]

## **Annex 1 - Mandatory conditions**

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

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority. This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or in respect of premises in relation to any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

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

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
  3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
  4.
    - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
    - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served

alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that;
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

#### **Annex 2 - Conditions consistent with the operating Schedule**

Not Applicable

#### **Annex 3 - Conditions attached after a hearing by the licensing authority on 30<sup>th</sup> April 2013**

1. No more than 26 post-midnight events to take place annually;
2. The premises remains a member of Venue Watch;
3. A Security Plan is to be provided to the Police for the Police to review;
4. A Transport Plan is to be provided to the Police for the Police to review;
5. A CCTV camera system covering both internal and external to the premises is to be installed;
6. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority;
7. At all times the premises is open a person who can operate the CCTV system must be present on the premises;
8. The DPS or a personal licence holder will be at the premises at all times it is open to the public;

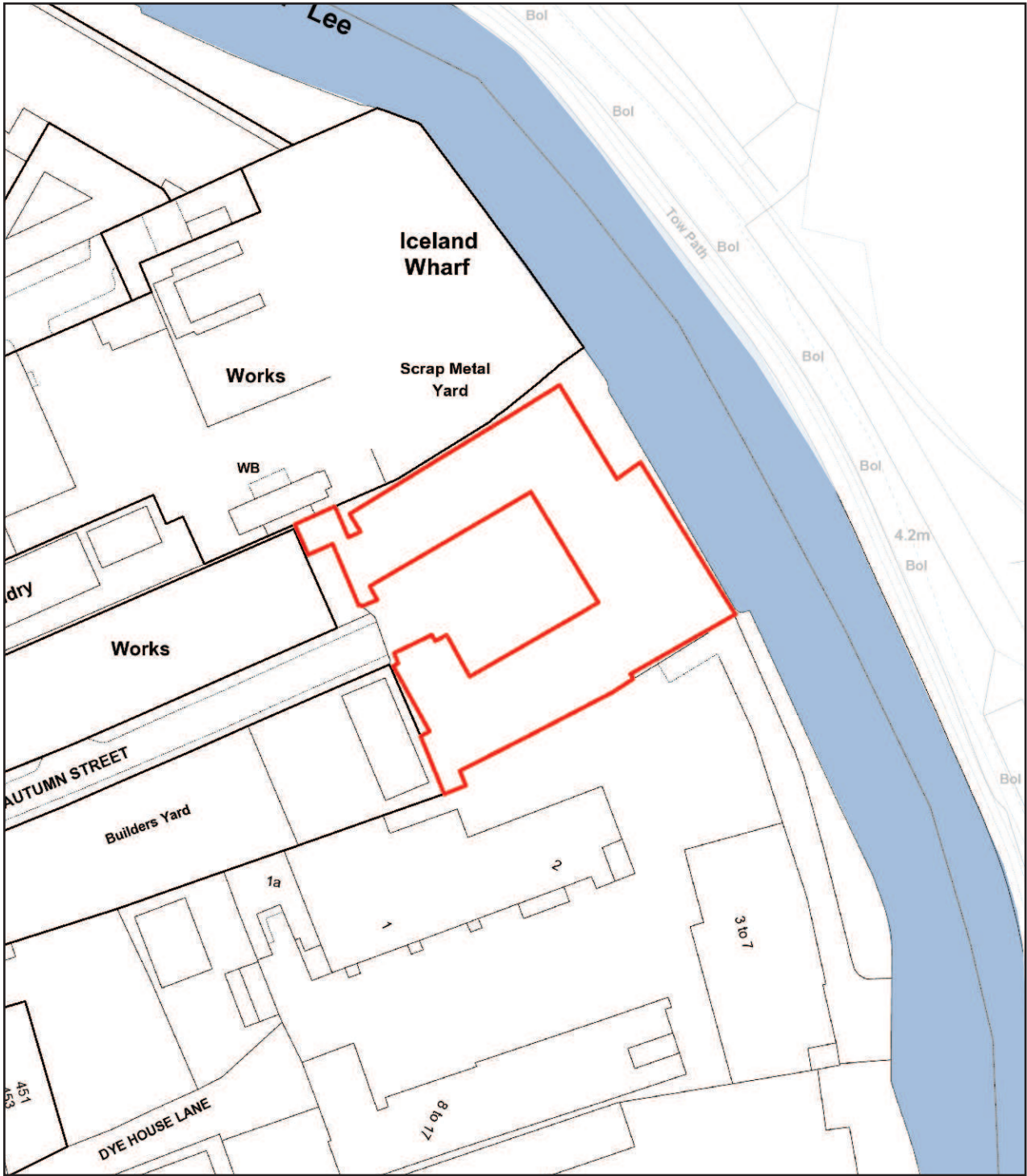
9. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premise. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by inspection of the incident log to be limited to inspection by the Police and Licensing Authority. A recordable incident will be one which involves an allegation of a criminal offence;
10. There will be a search policy;
11. SIA staff will operate from the premises at a ratio of one per one hundred persons or part thereof;
12. No persons under the age of 18 will be permitted upon the premises at any time;
13. A challenge 25 policy will be implemented by SIA staff on entrance to the venue;
14. One SIA guard to be positioned 30 minutes from opening till 30 minutes past closing at the top of Autumn Street;
15. One SIA guard to be positioned 30 minutes from closing till 30 minutes past closing at the top of Autumn Street;
16. Large street signage to deter taxi touting to be displayed during opening times;
17. Prominent and clearly legible notices shall be displayed in all egress areas of Autumn Street Studios requesting patrons to respect the needs of local residents and to leave the premises and area quietly;
18. Road cones to be placed on double yellow lines outside of sensitive areas of Wick Lane to stop taxi's pulling up;
19. Autumn Street public highway area is to be included in the Waste Management Plan;
20. Professional noise monitoring is to be conducted on Autumn Street during opening hours.

#### **Annex 4 - Plans**

The plans are those submitted to the licensing authority on: 4<sup>th</sup> March 2013

# Appendix 3

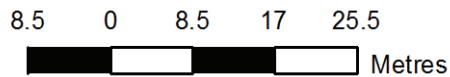




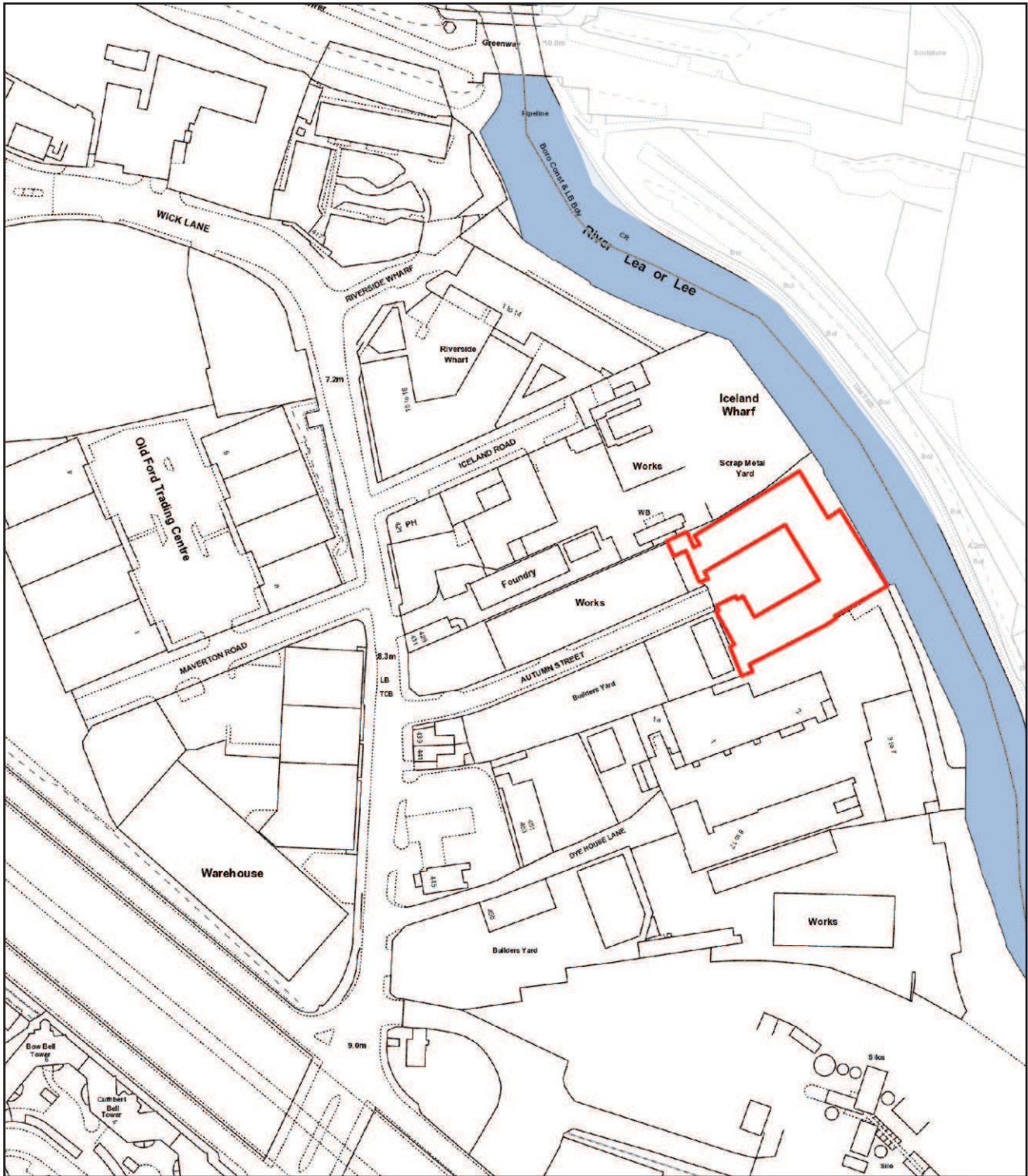
## Unit 3, 39 Autumn Street



Scale 1:957



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## Unit 3, 39 Autumn Street



Scale 1:1914

10 0 10 20 30

 Metres



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# Appendix 4



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

**HT - Tower Hamlets Borough**

Licensing Office  
Toby Club,  
Vawdry Close

[REDACTED]  
[REDACTED]  
[www.met.police.uk](http://www.met.police.uk)

Your ref:

Our ref:

30th July 2014

Dear Mr McCrohan

**Re: Application for Temporary Event Notice for Autumn Street Studios on  
24th August 2014**

I write with reference to the above application which was received in the Licensing Office on the 30th July 2014.

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

The Temporary Event Notice is for an event at Autumn Street Studios on Notting Hill Carnival Weekend. This is a weekend when Police resources are incredibly stretched.

By having a dance music event that runs from the night of the 23rd to 08:00 on the morning of the 24th where people will be consuming alcohol during that time, runs the risk of creating alcohol related crime and disorder.

As this is a bank holiday weekend there is the risk that people will already of consumed alcohol in great quantities during the long weekend, and by allowing them to continue drinking until 08:00 only increases the chance of alcohol related ASB

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 venue is in a remote location with poor public transport links, 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.

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