

LICENSING SUB COMMITTEE

Tuesday, 16 September 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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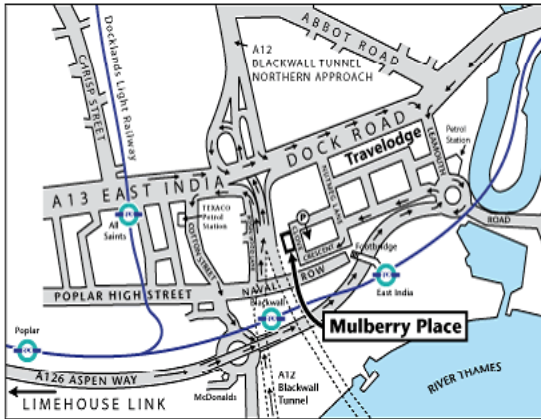
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APOLOGIES FOR ABSENCE

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 - 48)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 24th July, 5th & 19th August 2014.

		PAGE NUMBER(S)	WARD(S) AFFECTED
4.	ITEMS FOR CONSIDERATION		
4 .1	Application for a Variation of the Premises Licence for Ferry House, 26 Ferry Street, London E14 3DT	49 - 148	Blackwall & Cubitt Town
4 .2	Application for a New Premises Licence for A Filo Limited, Unit 9 Ground Floor (Block B), 6 Richmix Square, London, E1 6LD	149 - 202	Weavers
4 .3	Application for a Temporary Event Notice for ICAN Studios, 33-35 Monier Road, London, E3 2PR.	203 - 238	Bow East
5.	ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

3.2 Timescale for notice of hearings to be given

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

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

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

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

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

3.3 Persons who must be notified of a hearing

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

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

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

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

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4. Procedure at the Hearing

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

8. Notices

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

9. Appeals

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

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

APPENDIX A

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

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

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON THURSDAY, 24 JULY 2014

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Mahbub Alam

Councillor Muhammad Ansar Mustaqim

Other Councillors Present:

Councillor Asma Begum

Officers Present:

Alex Lisowski	- (Licensing Officer)
Kirsty Panton	- (Legal Services)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Andy Grimsby	- Item 4.1
Joanne Venables	- Item 4.1
Tim Foster	- Item 4.1
Anthony Pender	- Item 4.1
Danny Connock	- Item 4.1
Graham Hopkins	- Item 4.2
Enrique Vivas	- Item 4.2
Paul Merry	- Item 5
Philip Kirton	- Item 5
Marika Andrews	- Item 6
Amy Read	- Item 6

Objectors In Attendance:

David Gallivan	- Item 4.1
Patricia Gallivan	- Item 4.1
Susan Mapstone	- Item 4.1
Jean Donovan	- Item 4.1
Maria Salih	- Item 4.1

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 meeting for 26 June 2014 was not considered at the meeting.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for Victoria, 110 Grove Road, London, E3 5TH**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Victoria, 110 Grove Road, London E3 5TH. It was noted that objections had been made by local residents.

At the request of the Chair, Mr Andy Grimsey, Legal Representative for the Applicant explained that the premises has had a problematic history previously and therefore the landlord was now applying on behalf of its new tenants, the Yummy Pub Company. He briefly explained that the nature of the premises would be food led, selling quality fresh food and drinks. It was noted that they had an existing licence and wanted to match the hours for the provision of late night refreshments with the hours for the sale of alcohol and also bringing forward the opening hour to 07:00 hours to trade as a coffee shop for breakfast etc.

Mr Grimsey sympathised with residents, but explained that the Yummy Pub were a completely different operator than the ones previously and therefore asked Members and Objectors to disregard the previous history of the premises as they now had new operators who had a track record for improving local pubs. He referred Members to the plan of premises, which had fixed seating areas with 90 covers, with hot drinks and light snacks being served in the mornings. There would be separate dining rooms, and other seated areas predominately for dining.

It noted that the new operators had four other sites, running similar types of pubs with the same concept selling fresh food and drinks.

Members then heard from David Gallivan, Patricia Gallivan, Susan Mapstone, and Jean Donovan, local residents, who all expressed similar concerns of public nuisance, late night disturbance, noise nuisance, smokers standing outside, and noxious smells from the extractor fans. Cllr Asma Begum, Ward Councillor spoke on behalf of Maria Salih, local resident who expressed grave concerns regarding public nuisance and noise nuisance. She suggested that a reduction in hours should be made and suggested conditions to limit the number of smokers allowed outside the premises and for glass bottles not to be collected late at night.

Mr Grimsey sympathised with the residents and explained that they were planning to install a new extractor fan which would address the concerns for noxious smells, noise would not be audible and they would have bottles collected in the morning. Mr Grimsey said that the hours applied for were vital and was confident that the new operators would manage the premises professionally. It was also noted that they would put up signs for bikes not to be left chained to railings next to resident's homes.

In response to questions it was noted that it was a food led organisation, that the new operators had a proven track record to reform local run down pubs.

It was noted that this application was a variation application as there was a current licence and wanted to bring in line the hours for all licensable activities.

The Chair advised that the Sub Committee would at 2.45pm adjourn to consider the evidence presented. The Members reconvened at 2.55pm. The Chair reported that;

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 submissions made by both the objectors and the applicants.

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

Members did note the concerns of noise disturbance from patrons using the beer garden late at night and the number of smokers outside the premises and therefore amended the conditions to restrict the hours for the use of the beer garden and limit the number of smokers outside at any one time in order to help alleviate the concerns of local residents.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, The Victoria, 110 Grove Road, London E3 5TH be **GRANTED with conditions.**

The Provision of Late Night Refreshment

Sunday to Thursday from 23.00 hours to 00:00 hours (midnight)
Friday and Saturday from 23.00 hours to 01.00 hours (the following day)

The Exhibition of Films

Monday to Sunday from 10.00 hours to 00:00 hours (midnight)

The Performance of Live Music and Anything of a Similar Description

Monday to Sunday from 10.00 hours to 00:00 hours (midnight)

The Opening Hours of the Premises

Sunday to Thursday from 07.00 hours to 00.30 hours (the following day)
Friday and Saturday from 07.00 hours to 01.30 hours (the following day)

Conditions

1. An incident book shall be kept at the premises, that records all incidents at the premises including incidents of disorder, anti-social behaviour, people refused entry to or ejected from the premises and reports of stolen property made by customers, as well as any customers refused the sale of alcohol. The reports should include a description of what happened, action taken by staff, any police reference numbers and outcome. The incident book should be made available on request to an authorised officer of the Council or the Police.
2. 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.

3. CCTV camera system covering both internal and external to the premises is to be installed.
4. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
5. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
6. The rear external garden will be used by customers until 9pm
7. The external area at the front of the premises will only be used after 10pm by patrons who are smoking.
8. No more than 5 smokers will be permitted in the front outside area at any one time after 10pm.

4.2 Application for a Variation of the Premises Licence for Boho Mexica - 151-153 Commercial Street, London, E1 6BJ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Boho Mexica, 151-153 Commercial Street, London E1 6BJ. It was noted that objections had been made by local residents.

At this point Mr Graham Hopkins, Licensing Representative on behalf of applicant made of a point that the decision by date for this application had been expired. Members retired to receive advice from the Legal Officer. The Chair reconvened the meeting and stated that the required notification for a hearing was given to the applicant, however due to the Elections, new membership of the committee and members having the relevant mandatory training a short delay had been made in hearing this application however Members believe that notice was given to the applicant and no issues or concerns had been raised regarding this prior to the meeting.

Mr Hopkins then briefly introduced the nature of the application he stated the application had been amended, and the hours requested for outside tables and chairs had been reduced to 12:00 to 21:00 all week, the request for recorded music to be played outside had been withdrawn and all licensable actives was to be amended to 00:00 hours (midnight). He also noted that they had accepted the conditions recommended by the Police in relation to CCTV cameras and also offered additional conditions.

Mr Hopkins accepted that the premises was within the special cumulative impact zone, however, believed that the hours applied for would not have a negative impact on the area. He also highlighted that there had been no

complaints to date and stressed that the extended hours were important to the viability of the business.

Members then heard from PC Mark Perry, Metropolitan Police, who explained that one more venue staying open till late would only compound the problems in the cumulative impact zone. He also stated that a slow creep in hours would affect the area. It was also noted that a variation for this premises had been refused twice before prior to this application. PC Perry also pointed out that one of the conditions offered by the Applicant regarding a noise limiter was already on the current licence and therefore questioned whether this condition was being adhered to currently.

PC Perry also stated that having tables and chairs outside the premises would lead to congestion on the pavements especially during weekends.

In response to questions it was noted that the restaurant had 70 covers, that there would be staff at the door supervising the outdoor area and that the sale of alcohol would be for on sales only.

The Chair advised that the Sub Committee would at 3.30pm adjourn to consider the evidence presented. The Members reconvened at 3.40pm. The Chair reported that;

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 written evidence submitted by the objectors and the submission made on behalf of the Applicant.

Members noted the concerns of public nuisance and crime and disorder reported by the objectors and believed that the gradual creep in hours would lead to an increase in public nuisance and crime and disorder and likely to cause a negative impact on the cumulative impact zone with more people staying for longer within the cumulative impact zone and that there were no conditions that could be added to alleviate these concerns and promote the licensing objectives. Therefore Members were not satisfied that the licensing objectives would be upheld.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for Boho Mexico, 151-153 Commercial Street, London E1 6BJ be **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Application for a Temporary Event Notice for ICan Studios, Smeed Road, London E3 2PT.

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice for Ican Studios, Smeed Road, London E3 2PT. It was noted that objections had been made by the Metropolitan Police and Environmental Health.

At the request of the Chair, Paul Merry, Licensing Representative on behalf of the Applicant gave a brief background to the history of the premise and the transformation since the Applicants had taken over. Members then heard from Mr Philip Kirton, Applicant who said that recently he had left the management and supervision of the studio to his management team and took less control of the premises and in his absence, all these issues and problems had arisen. He explained that they recently had two TEN's during last week and had 4 extra marshals to control the street area, had 25 members of staff, 7-9 SIA door supervisors, and 3 stewards to address the concerns raised by the Police previously.

He explained that he had changed the management staff, trained staff and policies had been changed to address the concerns raised at a previous Licensing Sub Committee. Mr Kirton accepted that errors had been made however changes had now been made to address the problems.

Members then heard from PC Mark Perry, who also spoke on behalf of Ian Waring from Environmental Health, he explained that the applicant had only had the licence for the past 2 years, and that he had worked very closely with the Applicant to help him get a licence by adding a number of conditions to promote the licensing objectives. PC Perry explained that the outside area was not a suitable venue due to the noise nuisance and that during one of the TEN's on 16 July music was still audible after 11pm, with people sitting around drinking and causing nuisance. Therefore concerns for this venue still continue.

There were no questions from Members.

The Chair advised that the Sub Committee would at 3.50pm adjourn to consider the evidence presented. The Members reconvened at 3.55pm. The Chair reported that;

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 listened to the submissions made by the Applicant's representative and the Police.

Members took into account the strong evidence and representations from the Police and Environmental Health and noted the issues and concerns over event management, breaches in security, evidence of drugs use at recent events and noise nuisance and felt that the licensing objectives would not be upheld.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for Ican Studios, Smeed Road, London E3 2PT be **REFUSED**.

6. TEMPORARY EVENT NOTICE FOR THE "CHLOE JEAN" BOAT, CANAL FISH ISLAND

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a temporary event notice for the Chloe Jean Boat, Canal Fish Island. It was noted that objections had been made by the Metropolitan Police.

At the request of the Chair, Amy Read explained that they have contacted Hackney Wicked Festival to see if they can take part in the festival and await to hear from them. That they wanted to provide short boat trips across the canal and serve alcohol during the trip, it was noted that they had a toilet on the boat, and would potentially display art work inside the boat.

Members then heard from PC Perry who stated that the actual Hackney Wicked Festival caused serious alcohol related crime and disorder. He also stated that there was lack of organisational from the applicants who have no agreement with the organisers of the festival. He concluded that due to the lateness of application and no agreement with the Hackney Festival Organisers, the proposed boat trips poses risks of public safety and would potentially build up of congestions by the canal side.

There were no questions from Members.

The Chair advised that the Sub Committee would at 4.10pm adjourn to consider the evidence presented. The Members reconvened at 4.15pm. The Chair reported that;

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 listened to the submissions made by both the Applicant and the Police and had reached a decision and this decision was unanimous.

Members were not satisfied that the licensing objectives would be upheld due to concerns about lateness of the application, lack of organisation for the event and concerns of public safety. It was also noted that there had been no agreement with the Hackney Wicked Festival for the event to take place.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for Chloe Jean Boat, Canal Fish Island London E3 be **REFUSED**.

The meeting ended at 4.15 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 6.40 P.M. ON TUESDAY, 5 AUGUST 2014

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)

Councillor Andrew Cregan
Councillor Candida Ronald

Other Councillors Present:

None

Officers Present:

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

Applicants In Attendance:

Gary Grant - Item 3.1
Damian Sanvil - Item 3.1
Rosalind Foley - Item 3.1
Niall Healy - Item 3.1
Gwendolyn Leick - Item 3.1
Jack Spiegler - Item 3.2
Ricahrd Seldon - Item 3.2

Objectors In Attendance:

Matthew Day - Item 3.1
PC Mark Perry - Item 3.1
Margaret Gordon - Item 3.2

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION**3.1 Application for a New Premises Licence for (Close Up Cinema), 97 - 99 Sclater Street, London E1 6HR**

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for Close Up Cinema, 97-99 Sclater Street, London E1 6HR. It was noted that objections have been received from local residents and the Metropolitan Police.

At the request of the Chair, Mr Gary Grant, Legal Representative on behalf of the Applicant referred Members to the supporting documents submitted by the Applicant which had photos of the premises, premises licence plans, letters of support, website pages etc. It was noted that they would specialise in the promotion, distribution and exhibition of classics, world cinema, documentaries, and artists' films, alongside a film library. It was noted that the cinema would become a unique resource for the local community and also for the wide regional and international audience.

It was further noted that the premise had been there for 9 years with all the facilities mentioned except for screening of films. Mr Grant stated that the nature of the premises, was art led which would educate and entertain users, and have screenings of Art House movies with question and answer sessions afterwards.

Mr Grant stated that the Applicant was happy to accept the reduced hours suggested by the Police and also offered conditions so that alcohol is to be sold only to patrons who attend the venue for film related purposes.

Mr Grant explained that the two resident objections had been addressed as one objection was regarding planning issues and the other objection related to refuse being put out late at night and therefore they were happy to have a condition to restrict the times when refuse could be put out and collected.

Mr Grant then introduced Ms Gwendolyn Leick, freeholder and resident who lived above the venue, Ms Leick explained the benefits of having the venue and expressed her support for the premises.

Members then heard from Mr Matthew Day who stated that the granting of the application would affect his quality of life. He showed photographs showing the close proximity of this venue to his flat. Mr Day stated that he had problems sleeping with the noise from the venue and explained how this affected him in the mornings when getting work.

He emphasised the fact that this premises was within the Saturation Zone and that the premises did cause disturbance. It was also noted that the lack of representation from residents was because there were no permanent residents in the area, as tenants did not stay long enough to object.

Members then heard from PC Mark Perry, Metropolitan Police who stated that another licenced venue would impact local residents, he welcomed the reduction in hours and the conditions proposed but the fact was that people still stood outside the premises causing noise nuisance and the policy was there to protect residents.

In response to questions the following was noted;

- That the capacity of the premises was for a maximum of 40 people.
- That the main objection was against the sale of alcohol as it fuelled anti-social behaviour.
- That CCTV cameras would be operational
- That the Applicants had not had any complaints of anti-social behaviour
- That staff would be trained in how to sell alcohol responsibly.
- That the Applicant had offered a number of conditions such as;
 - no smoking or drinking outside the premises,
 - the courtyard to be restricted to 22:00 hours,
 - a limit on the number of smokers outside in the courtyard,
 - suitable signage to be displayed, and
 - contact details of management to be available to residents for any complaints or concerns they may have.

Members retired to consider their decision at 7.25 pm and reconvened at 7.35 pm.

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 heard representations and taken account of the evidence submitted by both the objectors and the applicant.

Members had reached a decision and this decision was unanimous. Members decided to grant the application as amended and add all the conditions offered by the applicant and those agreed with responsible authorities prior to the hearing. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at committee, the Applicant had done everything they could to mitigate further impact within the cumulative impact zone and Members were content 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, Close-Up Cinema, 97-99 Sclater Street, London E1 6HR be **GRANTED with conditions**.

Sale of Alcohol (on sales only)

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

The Provision of Regulated Entertainment - Films (indoors)

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

The Provision for Late Night Refreshments

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

Hours Premises is open to the Public

Monday to Sunday from 08:00 hours to 00:00 hours (midnight)

Conditions

1. Regulated entertainment shall not be audible inside any affected residential premise so as to cause a nuisance
2. Limit the number of smokers in the courtyard to a maximum of 5 at any one time after 22:00 hours.
3. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Council

The log will record the following

- (a) all crimes reported to the venue

(b) all ejections of customers

(c) any incidents of disorder (disturbance caused either by one person or a group of people)

[There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]

4. Alcohol to be sold only to patrons who attend the venue for film related purposes.
5. No drinks to be consumed outside the front of the premises and no smokers to be allowed outside the front of the premises.
6. 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.
7. No refuse to be put outside during the hours of 21:00 hours to 07:00 hours.
8. 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.
9. CCTV camera system covering both internal and external to the premises is to be installed.
10. 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.
11. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.

3.2 Application for a Variation to the Premises Licence for W B Spitalfields Ltd, 8-9 Lamb Street, London, E1 6EA.

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for WB Spitalfields Ltd, 8-9 Lamb Street, London E1 6EA. It was noted that objections have been received from local residents.

It was noted that there had been a representation that has been omitted from the agenda. The Chair asked if the applicant was happy to accept this representation at late notice. The representation was accepted and noted by the Applicant and Members.

At the request of the Chair, Mr Jack Speigler, Legal Representative stated that the application was to vary the application to extend the outside area to allow for 4 tables and 8 chairs to be placed outside for dining. It was noted

that the premises was a premium sea food restaurant and amendments to the application had been made with a reduction in hours and conditions. It was noted that as a result of the conditions no responsible authorities had objected.

Members then heard from Robert Seldon, Applicant who gave a brief account of his experiences of managing restaurants for the past 25 years, he also explained that there would be two members of staff looking after the outside area, and had not had any problems or complaints from any of his other restaurants in Westminster and Soho.

It was noted that the whole purpose for licensing this extended area was for dining, there had not been any complaints so far and it was unlikely to have impact on policy area as it was not a late night premises, nor a new licence, it was a premium restaurant and not a bar.

Members then heard from Margaret Gordon, local resident who also spoke on behalf of residents who were unable to attend the meeting who had made objections. She expressed a number of concerns over the tables and chairs outside, access to the flats above the restaurant and general noise nuisance as a result of diners sitting outside the premises

Ms Gordon welcomed the reduced timings and stated that having 5-6 smokers outside the premises could get quite noisy. She asked if consideration can be made when putting out and putting in the chairs and tables.

Members raised concerns about the tables and chairs outside the premises, public safety and noise nuisance. It was noted that the size of tables and chairs would be determined by the Council's Streets and Markets Team.

Members retired to consider their decision at 8.30 pm and reconvened at 8.50 pm.

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 noted the concerns of public nuisance raised by the objectors and that the premises was within the cumulative impact zone. Members were able to consider cumulative impact because of an increase to capacity, however

small that increase was. Members noted the amendments to the application offered by the Applicant in the run up to the sub-committee hearing and the conditions proposed and agreed to by the Applicant at the hearing itself. Members were of the view that the application as amended promoted the licensing objectives and was sufficient to mitigate any potential impact in the cumulative impact zone in relation to the increase in capacity.

Members were satisfied that the variation would not have a detrimental cumulative impact in the area and therefore granted the application as amended with conditions which would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for Wright Brothers Spitalfields Ltd, 8-9 Lamb Street, London E1 6EA be **GRANTED** with conditions.

To extend the area allowed for the sale of alcohol to the pavement outside the premises.

Sale of Alcohol (on sales only)

Monday to Saturday from 10:00 hours to 21:00 hours
Sunday from 12 noon to 21:00 hours

Conditions

1. Any patrons that smoke after 21:00 hours will not be permitted to take any drinks out with them.
2. No consumption of alcohol outside other than those seated and as part of a substantial meal.
3. A maximum of 8 patrons to dine in the extended area at any one time.
4. External dining to cease at 21:00 hours at which point the external dining area will be closed. The external dining area to be cleared of all furniture by 21:30 hours.

3.3 Application for a Temporary Event Notice for 3 Hancock Road, London, E3 3DA

The Chair stated that the Temporary Event Notice Application had been withdrawn by the Applicant and therefore they did not require consideration.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

The Chair stated that the Temporary Event Notice Applications had been withdrawn by the Applicants and therefore they did not require consideration.

4.1 Licensing Act 2003 Temporary Event Notice for 3 Hancock Road, London, E3 3DA.

The Chair stated that the Temporary Event Notice Application had been withdrawn by the Applicant and therefore they did not require consideration.

4.2 Licensing Act 2003 Temporary Event Notice for 3 Hancock Road, London, E3 3DA.

The Chair stated that the Temporary Event Notice Application had been withdrawn by the Applicant and therefore they did not require consideration.

The meeting ended at 9.00 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 19 AUGUST 2014

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

Members Present:

Councillor Peter Golds
Councillor Rachel Blake
Councillor Andrew Cregan

Officers Present:

Kathy Driver – (Principal Licensing Officer)
Paul Greeno – (Senior Advocate, Legal Services)
Antonella Burgio – Committee Officer

Applicants In Attendance:

Gaia Enria	Burro E Salvia
Daniel de Filippis	Burro E Salvia
Nathan McCann	Pilpel Spitalfields
Vizi Dinay	Pilpel Spitalfields
Morgan Clement	Autumn Street Studios
Charlie Porter	Autumn Street Studios
Daniel Beaumont	Autumn Street Studios
Alex Benson	Autumn Street Studios
George Hull	Autumn Street Studios

Objectors In Attendance:

PC Mark Perry Metropolitan Police

Apologies

No apologies for absence were received.

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 meetings held on 26th June 2014 and 8th July 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for City of Paris Limited - 74 Bonner Street, London, E2 0QP**

The Chair noted that:

- the applicants had requested that the application be deferred and
- advice from the Council's legal officer that, since the application was for a new premises licence, the deferment would cause no prejudice to either applicant or objectors. As it was a new application and as the applicants were unable to attend then it was in the Public Interest for the applicant to be given the opportunity to make their application to Members rather than the case being determined in their absence.

RESOLVED

That the item be deferred.

4.2 Application for a Variation to the Premises Licence for Burro E Salvia, 52 Redchurch Street, London, E2 7DP

At the request of the Chair, the Principal Licensing Officer, introduced the report which detailed the variation to the licensable activities applied for by Burro E Salvia, 52, Redchurch Street, London, E2 7DP and noted there had been a representation by the Police, a responsible authority under the Act but no other eligible groups.

The Chair invited the applicant to make her representations and she provided the following information in support of the application to vary the premises licence. Members considered the applicant's submission that:

- whilst operating under the current licence, there had been no complaints or issues around crime or public nuisance.
- the primary business activity was to purvey speciality pasta. This remained, although the business had diversified to offer small scale dining based on its products.
- the Police wished to impose a CCTV installation condition, however costs would be prohibitive to the business.
- the applicant maintained good order at the premises and there had been good cooperation with the Police.

- the zones in which there was alcohol sales and consumption did not encourage street drinking or other crime / public nuisance.
- Sale of alcohol generally stopped at 9.30pm at which time last orders for food, to eat in or take away, were placed; this acted as an informal “drinking up time”.

Members heard from the objector, in this case the Metropolitan Police and noted:

- that the objection from the Police was based on its policy to object to all new licences and variations in the cumulative impact zone.
- no evidence as to what actual disturbance would be caused was presented.
- the conditions requested by the Police as preventative measures that:
 1. CCTV be installed at the premises or installation be deferred for 6 months and
 2. off sales be removed from the variation.

The Sub-Committee retired at 7.00pm to consider its decision and reconvened at 7.03pm.

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 written information placed before them and had taken account of the evidence submitted by the Police, a responsible Authority under the Act and the applicant.

Members were satisfied that the variation would not have a detrimental cumulative impact in the area nor did the establishment expose the Council to risks of crime and disorder and public nuisance and therefore considered the installation of CCTV unnecessary at this time. Noting that the ethos and primary purpose of the establishment was to experience artisan pasta, they considered it appropriate that sale of alcohol should accompany food and the time of the termination of sale of alcohol be reduced to 9.30pm, in keeping with this. They therefore granted the variation subject to this amendment which in their view would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the premises licence for Burro E Salvia, 52 Redchurch Street, London, E2 7DP be **GRANTED**, subject to the cessation of the sale of alcohol at 9.30pm, for the following activities:

On and Off Sale of Alcohol

- Thursday to Saturday, 10.00am to 21.30pm

The Opening Hours of The Premises

- Thursday to Saturday, 10.00am to 22.00pm

4.3 Application for a New Premises Licence for (Pilpel Spitalfields), 38 Brushfields Street, London E1 6NG

At the request of the Chair, the Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for Pilpel Spitalfields, 38 Brushfields Steet, London, E1 6NG and noted that a representation had been made by the Police and the Licensing Authority, responsible authorities under the Act.

The Chair the invited the applicant's representative to make his representations accompanied by the premises manager and he provided the following information in support of the application for a new premises licence. Members noted:

- conditions were offered at Annex A to the application; in particular, substantial CCTV equipment beyond the standard required would be installed.
- two temporary events under the Act had been held at the premises which had caused no issues of crime and disorder or public nuisance.
- it was not intended that the premises would operate and a bar or off licence but the primary business remained that of a hot food outlet. Therefore there would be no late hours.
- a small range of specialist beers only would be offered for sale and all alcohol would be stored away from customer access.
- off sales of alcohol was requested to enable customers to purchase beer with hot food which was the main offer.
- as speciality beers were intended to be sold, any litter could be easily traced to the premises should any such incident occur.

Members heard from the objector, the Metropolitan Police that:

- objections from the Licensing Authority and Police were made on the basis that the application was in a cumulative impact zone on the grounds of crime and disorder and public nuisance. In the case the premises were in the Brick Lane cumulative zone.
- no Licensing Authority representative attended to respond to Members in support of the submission.
- the objection from the Police was due to its policy to object to all new licences and variations in such zones, however no specific evidence of

how this premises would contribute to the cumulative effects was given. Members were informed the premises raised no cause form concerns in relation to alcohol sold for consumption with food but there were concerns in relation public nuisance such as littering and outdoor drinking in connection to off sales.

They also noted the written representation from the Licensing Authority which argued against the application also on the basis that the application was in the cumulative impact zone.

The Sub-Committee retired at 7.20pm to consider its decision and reconvened at 7.31pm.

The Licensing Objectives

In considering the application for a new premises licence, 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 written information placed before them and had taken account of the evidence submitted by the responsible Authorities under the Act and the applicant.

Members noted that the applicant had offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. They considered the schedule and how effective these measures would be in promoting the licensing objectives and mitigate any potential impact in the cumulative impact zone in relation to the increase in capacity. They determined it was appropriate that alcohol off sales terminate at 9.00pm.

Members reached a decision and this decision was unanimous. Members decided to grant the application incorporating all of the conditions offered. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence provided prior to and at committee, the Applicant's measures were sufficient to mitigate further impact within the cumulative impact zone and Members were content 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, (Pilpel Spitalfields), 38 Brushfields Street, London E1 6NG be GRANTED for the following activities with conditions stipulated in Annex A.

- 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

Conditions

The measures offered in Annex A of the application to be incorporated into the Premises Licence

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 the 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 the 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

4.4 Application for a Temporary Event Notice for Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT

At the request of the Chair, the Principal Licensing Officer, introduced the report which detailed the application for a temporary event notice under the Licensing Act 2003 by Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT. She advised that this year, the applicant had been granted without objections, 15 days of temporary event notices over 7 events for the same hours applied for. However, in this instance, a representation regarding the event which was to be held over the Bank Holiday weekend had been made by the Police, a responsible authority under the Act.

The applicants were invited to consider if they wished to amend the Temporary Event Notice submitted and offered a revised terminal hour of 6.00am.

The Chair then invited the applicant to make his submission in support of the application assisted by his supporters. They provided the following information which was noted by Members:

- an amended termination time of 6.00am was offered.
- the premises was pre-licensed and had previously delivered other temporary events ending at 8.00am without issues.
- the target clientele was LGBTG community which are not associated with high crime rates. Additionally promotion was aimed locally, by word of mouth.
- all events (current and previous) were risk assessed and assessment outcomes indicated the events were well planed
- conditions to be included at Annex A to the application; in particular, substantial CCTV installation.

Members heard from the Metropolitan Police who had objected to the temporary event notice and noted the following matters:

- the objection related to Police capacity and staffing levels to deal with any incidents for the period of the temporary event notice which coincided with the annual Notting Hill Carnival.
- objections from the Police were made on the grounds of crime and disorder and public nuisance.
- there were no Police concerns around the running/operation of the venue but around egress and removal patrons from the premises
- there were no indications of likely crime at the time of the hearing.
- the event had been risk assessed as low risk.

The Sub-Committee did not retire but considered its decision in session.

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 heard representations and taken account of the evidence submitted by both the objector, the Police which was a Responsible Authority under the Act and the applicants.

Members reached a decision and this decision was unanimous. Members decided to grant the amended application for the Temporary Event Notice as offered by the applicants and with conditions contained in the premises licence of the premises. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at Committee, the event should not cause further impact within the cumulative impact zone if the conditions of the premises licence continued to be observed and they were satisfied that the event would not harm the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the amended application for a Temporary Event Notice for Autumn Street Studios, Unit 3, 39 Autumn Street, London, E3 2TT under the Licensing Act 2003 be **GRANTED with the following conditions contained in the premises licence of the business** for the following licensable activities:

The date applied for:

Bank Holiday Monday, 24th August, 2014

Times applied for:

00.01 hours – 06.00 hours

Licensable Activities:

- Sale by retail of Alcohol (on premises only)
- The Provision of Regulated Entertainment -live music DJs and dancing (on premises only)
- The Provision for Late Night Refreshments (on premises only)

Conditions**Annex 3 - Conditions attached after a hearing by the licensing authority on 30th April 2013**

1. The premises remains a member of Venue Watch;
2. A Security Plan is to be provided to the Police for the Police to review;
3. A Transport Plan is to be provided to the Police for the Police to review;
4. A CCTV camera system covering both internal and external to the premises is to be installed;
5. 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;
6. At all times the premises is open a person who can operate the CCTV system must be present on the premises;
7. The DPS or a personal licence holder will be at the premises at all times it is open to the public;
8. 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;
9. There will be a search policy;
10. SIA staff will operate from the premises at a ratio of one per one hundred persons or part thereof;
11. No persons under the age of 18 will be permitted upon the premises at any time;
12. A challenge 25 policy will be implemented by SIA staff on entrance to the venue;
13. One SIA guard to be positioned 30 minutes from opening till 30 minutes past closing at the top of Autumn Street;

14. One SIA guard to be positioned 30 minutes from closing till 30 minutes past closing at the top of Autumn Street;
15. Large street signage to deter taxi touting to be displayed during opening times;
16. 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;
17. Road cones to be placed on double yellow lines outside of sensitive areas of Wick Lane to stop taxi's pulling up;
18. Autumn Street public highway area is to be included in the Waste Management Plan;
19. Professional noise monitoring is to be conducted on Autumn Street during opening hours.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 7.48 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	16 September 2014	Unclassified	LSC 22/145	

Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application to vary the Premises Licence for Ferry House, 26 Ferry Street, London E14 3DT Ward affected: Blackwall and Cubit Town
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1.0 Summary

Applicant: **Ben Abdsamad Allali**

Name and Address of Premises: **Ferry House**
26 Ferry Street
London
E14 3DT

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

- **To add the sale of alcohol and recorded music on the first floor**

Representations: **Local Residents / Other Persons**
Environmental Protection

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 Background

3.1 This is an application for a variation of the premises licence for Ferry House, 26 Ferry Street, London E14 3DT.

3.2 On the 23rd November 2011, Mr Ben Allali became the licence holder and also the Designated Premises Supervisor.

3.2.1. On the 29th January 2013, Mr Allali made a similar variation to include the first floor and to remove some conditions of the licence. This application received numerous representations and subsequently Mr Allali withdrew the application.

3.2.2. On the 10th June 2013, Mr Allali then made another new application for the first floor. This application also received representations from local residents, Environmental Protection and the Licensing Authority. The application was refused at the Licensing Sub-Committee hearing on the 20th August 2013.

3.3 A copy of the existing licence for the ground floor is enclosed in **Appendix 1**.

3.4 The timings of the existing licence are detailed below for information only:-

Ground Floor

Alcohol (On and off sales)

The provision of Regulated Entertainment

(Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing)

- Monday to Saturday 11:00 hours to 00:00 hours
- Sunday 11:00 hours to 23:00 hours

Non-standard times

12 events per annum until 02:00 hours, inclusive of Bank Holidays, with seven clear days notice given to the Police and Environmental Health.

Note: The premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Hours premises are open to the public:

- Monday to Saturday 11:00 hours to 00:20 hours
- Sunday 11:00 hours to 23:20 hours

Non-standard times

20 minutes after the cease of licensable activities

Note: the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

- 3.5 A copy of the variation application is enclosed as **Appendix 2**.
- 3.6 The applicant has described the nature of the variation as follows:
- To add the sale of alcohol and recorded music on the first floor
- 3.7 The applicant has applied to add the following to the existing licence:

First Floor

Alcohol (On and off sales)

The provision of Regulated Entertainment – Indoors and outdoors
(Recorded Music only)

- Monday to Saturday 11:00 hours to 00:00 hours
- Sunday 11:00 hours to 23:00 hours

Hours premises are open to the public:

- Monday to Saturday 11:00 hours to 00:20 hours
- Sunday 11:00 hours to 23:20 hours

Non-standard times

- New Years Eve, from 23:00 hours to 11:00 on New Years Day.

- 3.8 Members may wish to note that the current licence does not authorise the provision of late night refreshment (provision of hot food and hot drinks between 23:00 hours to 05:00 hours). In the variation, the applicant has not applied to include the provision of late night refreshment. Members may wish to seek clarification from the licence holder in relation to this matter.
- 3.9 A map showing the relevant premises is included as **Appendix 3**.
- 4.0 **Licensing Policy and Government Advice**
- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect in 2011.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2012.

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 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.

5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.

5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

5.5 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.

5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.

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

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

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

5.10 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Local Residents / Other Persons and Environmental Protection.

5.11 Please **Appendix 5** for the representation of Environmental Protection.

5.12 Please below for a list of other persons making a representation

Name	Interest	Appendix
Laura Muir	Local resident	6
Poul Hansen	Local resident	7
Deni Butterfield	Local resident	8
Zolkiewicz Magda	Local resident	9
Ignacia Benitez	Local resident	10
Sande Carlo	Local resident	11
Zanda Mising	Local resident	12
Rory Wilkinson	Local resident	13
Mr J and Mrs K Cole	Local resident	14
PBC Solicitors	Freeholders	15
Khaled Ahmed-Ali	Local resident	16
Harry Yuen	Local resident	17
Conor Funston	Local resident	18

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

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

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

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

5.15 Essentially, the responsible authority and interested parties oppose the application because the applicant has not explained how within the context of the variation they will meet all of the licensing objectives.

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

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 19 - 26** 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 current premises licence
- Appendix 2** A copy of the application for variation
- Appendix 3** Maps of the area
- Appendix 4** Section 182 Guidance by the Home Office
- Appendix 5** Representation of representation of Environmental Protection
- Appendices 6 - 18** the actual representations of the residents
- Appendix 19** Licensing Officer comments on noise while the premise is in use
- Appendix 20** Licensing Officer comments on access/egress problems
- Appendix 21** Licensing Officer comments on crime and disorder on the premises
- Appendix 22** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 23** Public safety
- Appendix 24** Protection of Children from harm
- Appendix 25** Planning
- Appendix 26** Licensing Policy relating to hours of trading

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Appendix 1

(Ferry House)
26 Ferry Street
London
E14 3DT

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

Date: 15th December 2005

Amended Minor Variation: 1st April 2011



Part A - Format of premises licence

Premises licence number

15782

Part 1 - Premises details

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

26 Ferry Street

Post town

London

Post code

E14 3DT

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of regulated entertainment consisting of (Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing)

The times the licence authorises the carrying out of licensable activities

Alcohol and Regulated Entertainment (Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing)

- Monday to Saturday 11:00 hours to 00:00 hours
- Sunday 11:00 hours to 23:00 hours

Non-standard times

12 events per annum until 02:00 hours, inclusive of Bank Holidays, with seven clear days notice given to the Police and Environmental Health.

Note: The premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

- Monday to Saturday 11:00 hours to 00:20 hours
- Sunday 11:00 hours to 23:20 hours

Non-standard times

20 minutes after the cease of licensable activities

Note: the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

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

On and off sales

Part 2

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

Ben Abdsamad Allali

[Redacted]

[Redacted]

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

N/a

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

Ben Abdsamad Allali

[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

Issuing Authority: [Redacted]

Licence No. [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 customer apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises is open to the public.
2. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within reasonable time upon request by the Police.
3. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
4. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly
5. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
6. Children under the age 16 shall not be permitted to enter the premises after 21:00 hours

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

7. That doors and windows be kept closed at all times during the operating of regulated entertainment, save for access and egress.
8. That no patrons be allowed to consume alcohol in the outside area of the premises after 21.00 hours;
9. That karaoke only be permitted on Friday and Saturday;
10. That there be twelve non standard timings permitted per annum until 02.00 hours, inclusive of Bank Holidays, with seven clear days notice given to the Police and Environmental Health; and
11. That operation of the new licensing hours be subject to the London Fire and Emergency Planning Authority objections being adequately addressed.

Annex 4 - Plans

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

17 October 2005



Part B - Premises licence summary

Premises licence number

15782

Premises details

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

26 Ferry Street

Post town

London

Post code

E14 3DT

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment consisting of Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing

The times the licence authorises the carrying out of licensable activities

Alcohol and Regulated Entertainment

Monday to Saturday 11:00 hours to 00:00 hours
Sunday 11:00 hours to 23:00 hours

The opening hours of the premises

Non-standard times

12 events per annum until 02:00 hours, inclusive of Bank Holidays, with seven clear days notice given to the Police and Environmental Health.

Note: The premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Monday to Saturday 11:00 hours to 00:20 hours
Sunday 11:00 hours to 23:20 hours

Non-standard times

20 minutes after the cease of licensable activities

Note: However, The premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Name, (registered) address of holder of premises licence

Ben Abdsamad Allali



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)

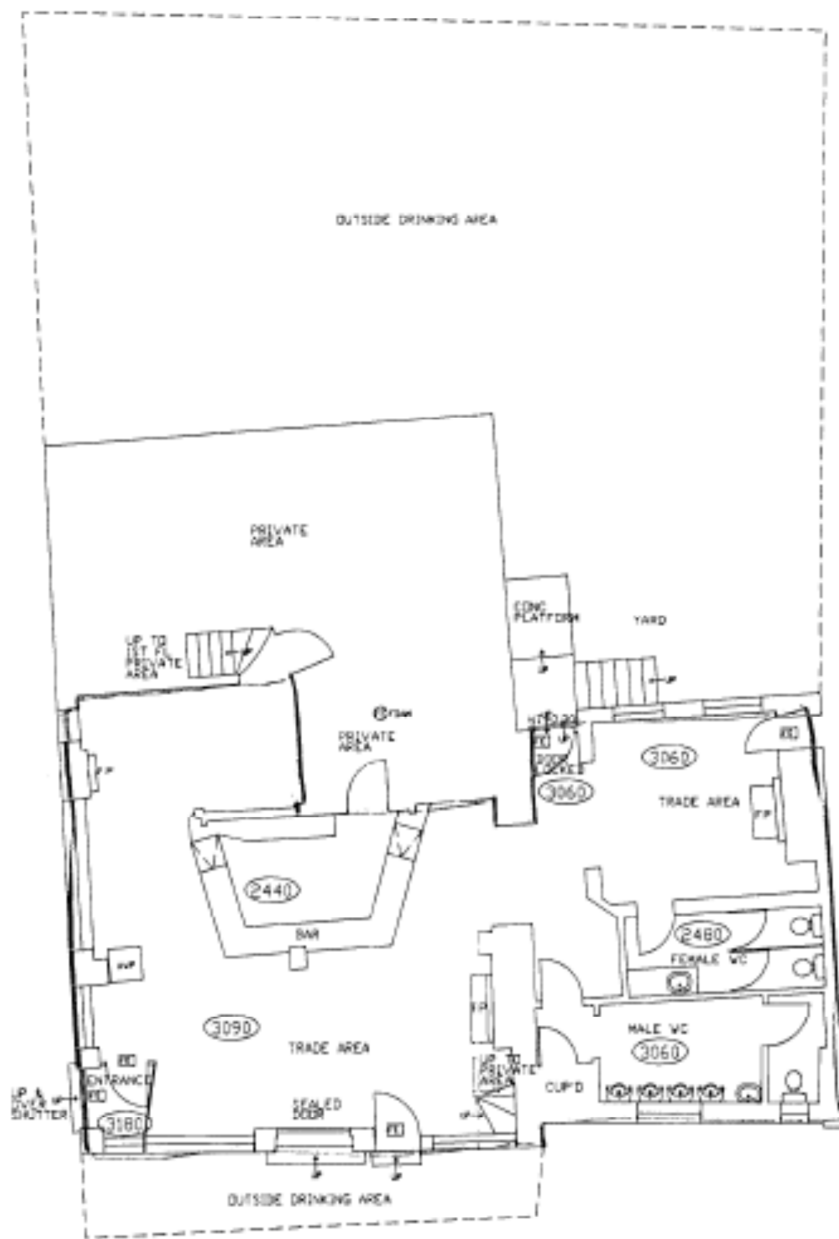
N/a

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

Ben Abdsamad Allali

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

Children under the age 16 shall not be permitted to enter the premises after 21:00 hours



Appendix 2



LICENSING ACT 2003

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

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We BEN ALLALI (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 15782

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>26 FERRY ST</u>		LBTH TRADING STANDARDS 16 JUN 2014 LICENSING
Post town <u>LONDON</u>	Post code <u>E14 3DT</u>	

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

Part 2 - Applicant details

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

Part 3 - Variation

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

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

Day	Month	Year

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

Please add:
 sale & supply of alcohol
 on the first floor dining area
 (Plans enclosed)

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

--

Part 4 Operating Schedule

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

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for exhibition of films (please read guidance note 4)	
Thur					
Fri				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)	
Sat					
Sun					

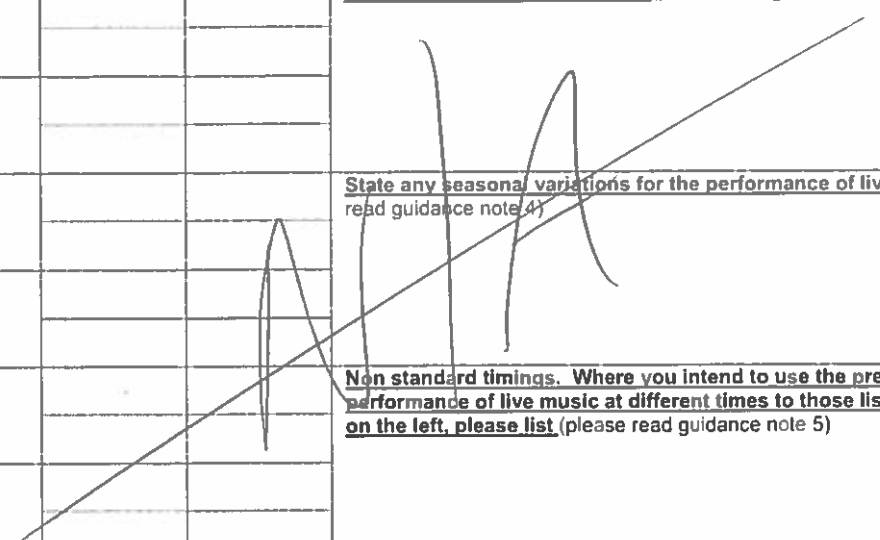
C

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

D

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

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	
				Both	<input checked="" type="checkbox"/>
Mon	11.00	00.00	<p>Please give further details here (please read guidance note 3)</p>		
Tue	11.00	00.00			
Wed	11.00	00.00			
Thur	11.00	00.00			
Fri	11.00	00.00			
Sat	11.00	00.00			
Sun	11.00	23.00			
			<p>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)</p>		
Sat	11.00	00.00	NEW YEARS EVE FROM 11PM		
Sun	11.00	23.00	NEW YEARS DAY UNTIL 11 AM		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place <u>indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<p><u>Please give further details here</u> (please read guidance note 3)</p> <p><u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)</p> <p><u>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</u> (please read guidance note 5)</p>	Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Mon			<p><u>Please give further details here</u> (please read guidance note 3)</p> <p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p> <p><u>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</u> (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	11.00	00.00	Please give further details here (please read guidance note 2)	Both	<input checked="" type="checkbox"/>
Tue	11.00	00.00			
Wed	11.00	00.00		State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Thur	11.00	00.00			
Fri	11.00	00.00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	11.00	00.00		NEW YEARS EVE	FROM 11pm
Sun	11.00	23.00		UNTIL NEW YEARS DAY	UNTILL 11am

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)

NON, ITS A DINING PUB

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	00.00	<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>NEW YEARS EVE 11 pm UNTIL NEW YEARS DAY UNTIL 11 AM</p>
Tue	11.00	00.00	
Wed	11.00	00.00	
Thur	11.00	00.00	
Fri	11.00	00.00	
Sat	11.00	00.00	
Sun	11.00	00.00	

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

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)

TO HAVE A SAFE ENVIRONMENT FOR INDIVIDUALS & FAMILIES, TO NOISE TO A MINIMUM AND HAVE ALL OUR OBJECTIVES IN PLACE.

b) The prevention of crime and disorder

WE HAVE 16 CCTV CAMERAS SITUATED INSIDE & OUTSIDE THE PREMISES. ALL OUR STAFF ARE TRAINED TO DEFUSE SITUATIONS OR CALL 999 IN EMERGENCIES. REFUSE TO SERVE ANYONE TOO DRUNK OR UNSUITABLE.

c) Public safety

FIRE & SMOKE ALARMS INSTALLED OVER ENTIRE BUILDING, CLEARLY DISPLAYED EMERGENCY ESCAPE SIGNS, ALL EQUIPMENT IS REGULARLY TESTED, ALL STAFF KNOW CALL SIGNS & MEETING POINTS.

d) The prevention of public nuisance

WE HAVE SIGNS ASKING CUSTOMERS TO RESPECT OUR NEIGHBOURS WHILST LEAVING OR STANDING OUTSIDE OUR PREMISES, WE ASK PATRONS NOT TO CONSUME ALCOHOL OUTSIDE PREMISES AFTER 9PM, WE ASK TAXI'S TO TURN OFF ENGINES WHILST WAITING & NOT TO BEEP THEIR HORNS.

e) The protection of children from harm

ANY ONE UNDER 16 NOT ALLOWED IN BAR UNLESS ACCOMPANIED WITH A RESPONSIBLE ADULT. NO ONE UNDER 18 TO APPROACH BAR FOR A DRINK, OR COLLECT A DRINK FOR AN ADULT THEY ARE WITH.

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


CHECKLIST:

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

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

Part 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	13/6/2014
Capacity	150

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

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

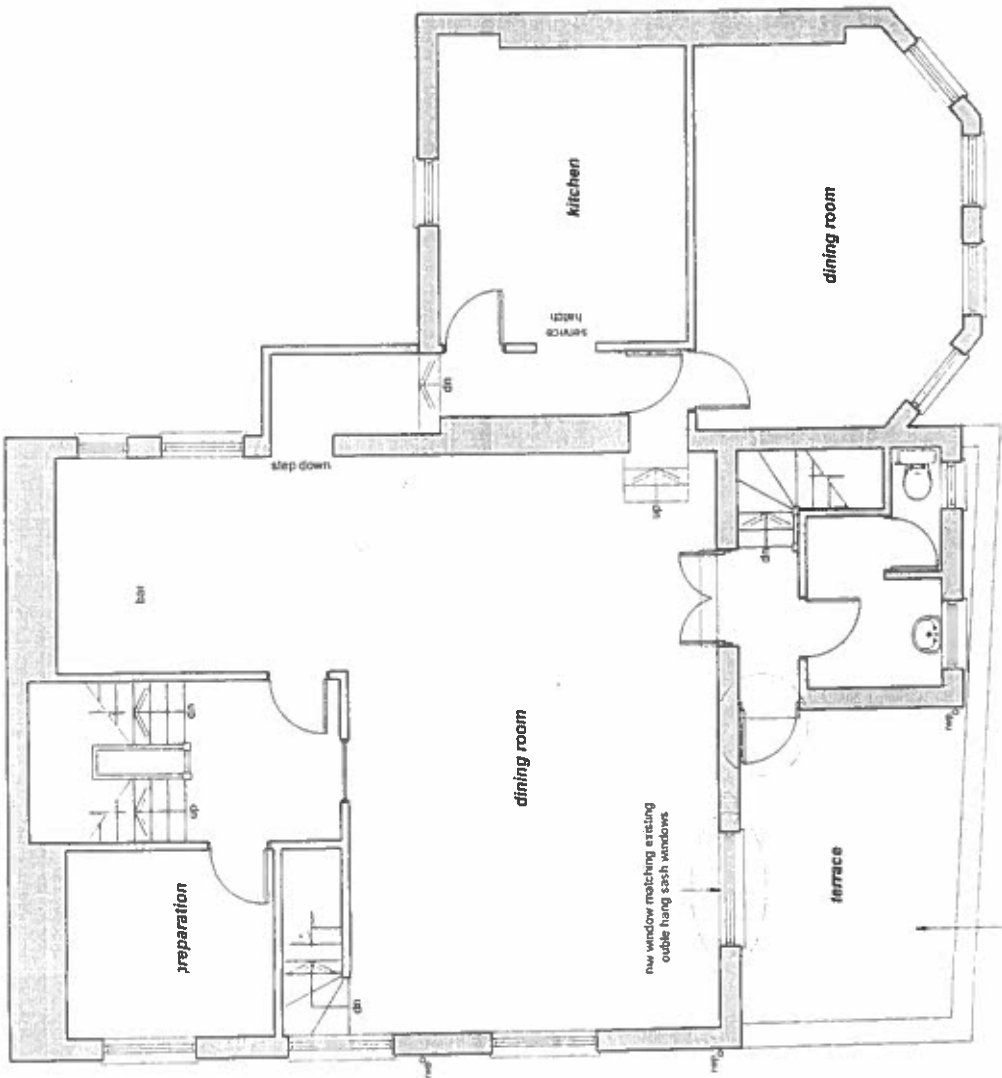
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

General Notes:

1. Dimensions should not be scaled from the drawings where accuracy is essential.
2. Details, dimensions and levels to be checked on site by builder prior to commencement of works. Any works commenced prior to all necessary local authority approvals are entirely at the risk of the owner & builder.
3. Structural details are subject to exposure of existing construction and verification by L.A. Surveyor and any necessary revised details are to be agreed with the L.A. Surveyor prior to carrying out the affected works.
4. All materials are to be used in accordance with the manufacturers' guidelines and all relevant British Standards Codes of Practice & Regulation 7 of Building Regs.
5. All works are to be carried out in accordance with Local Authority requirements.
6. The intended works fall within the Party Wall Act 1996 and any adjoining owners affected must be notified prior to commencement of any works.
7. Thames Water Authority permission to be obtained if building over or adjacent to sewers within 3 metres. (Tel 08459 200 800)
8. No part of the extension to project into adjoining boundary lines.

Health & Safety
 This project contains no known items which we consider to be of a greater risk than an experienced builder would expect to find on a similar project. Method statement and risk assessment to be carried out by contractor. Under the CDM Regulations 2007, it is the owner's responsibility to appoint a coordinator to ensure work is carried out efficiently and in a safe manner.

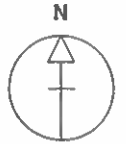
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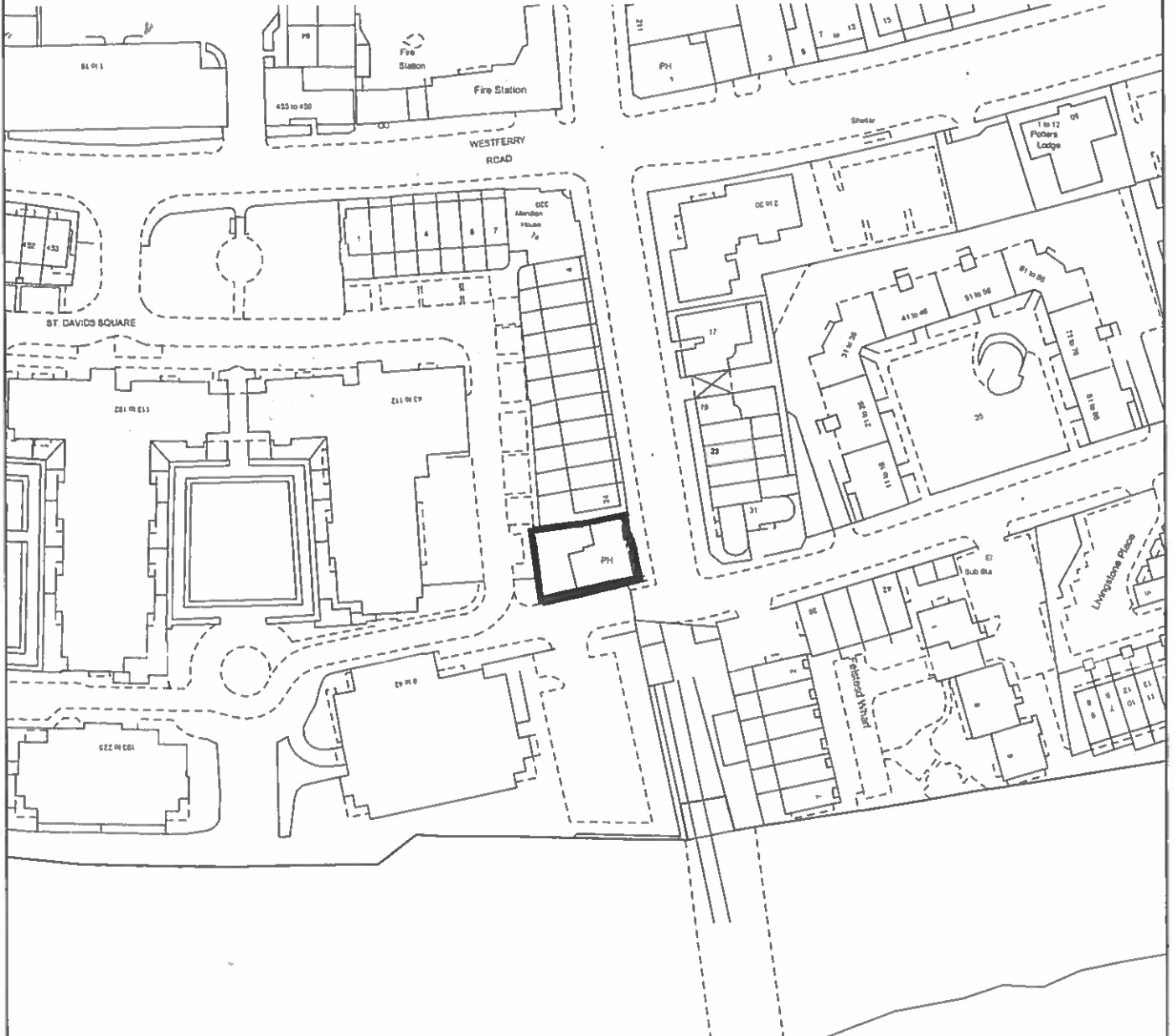
TOWER HAMLETS

ORDNANCE SURVEY MAP REFERENCE:

TQ3878SW

SCALE 1:1250

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LBTH
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1 6 JUN 2014
LICENSING

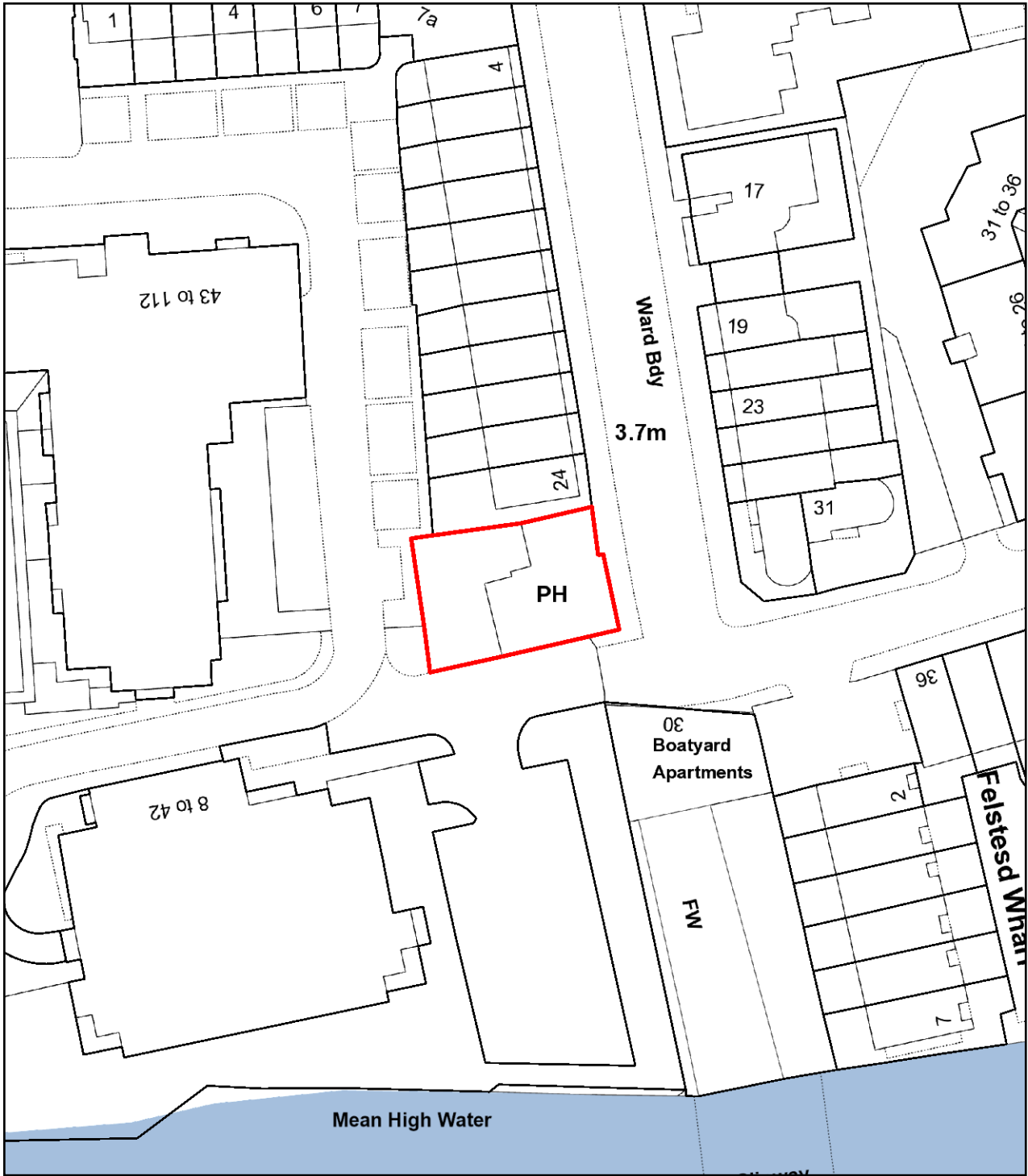
This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 13 April 2005 at 10:36:06. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 13 April 2005.

This title is dealt with by the Stevenage District Land Registry.



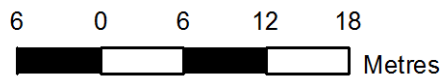
Appendix 3



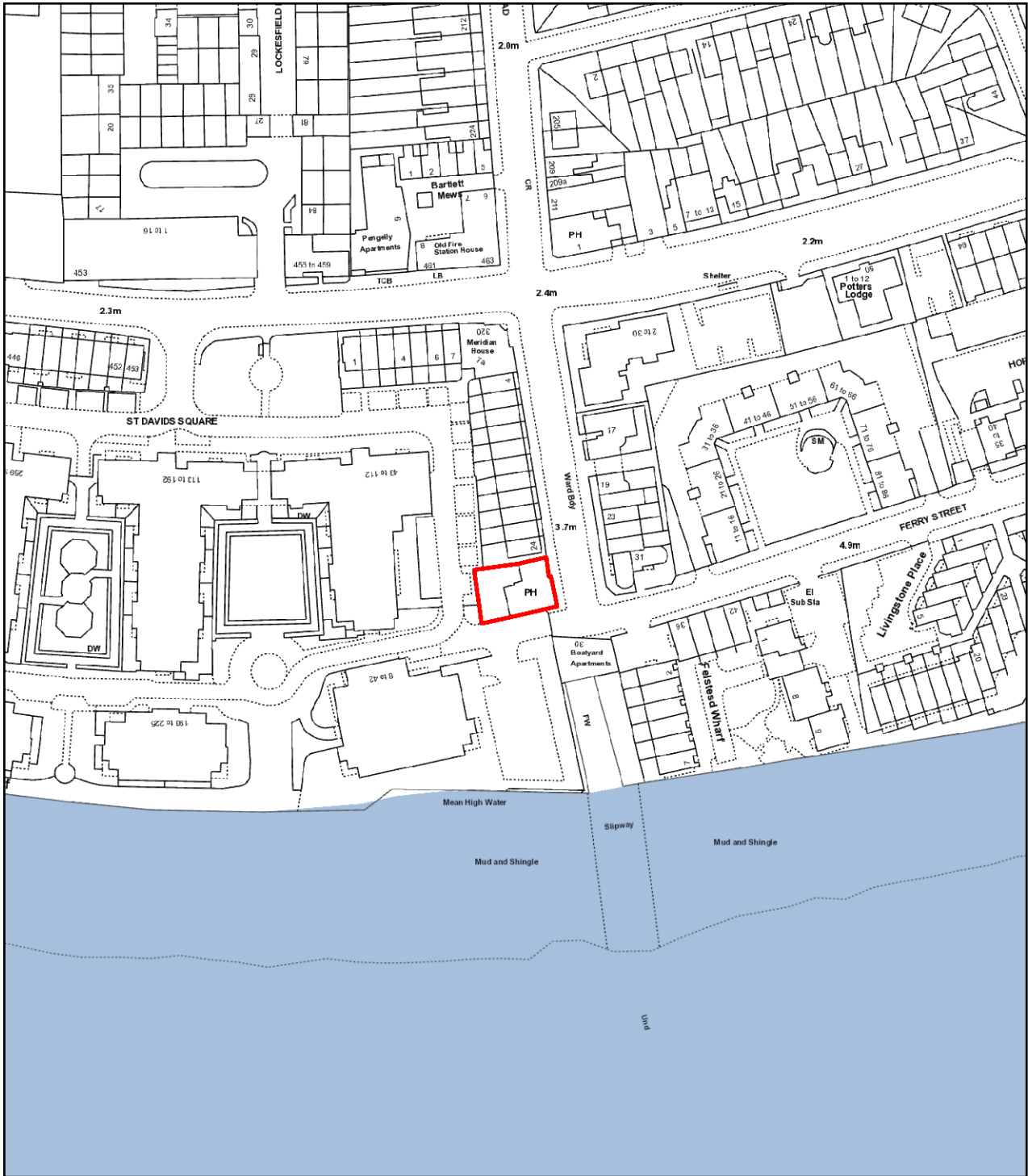
26 Ferry Street



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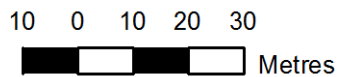
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26 Ferry Street



Scale 1:1669



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Appendix 4

Section 182 Advice by the Home Office

Updated June 2013

Relevant, vexatious and frivolous representations

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

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

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

Appendix 5

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 08 July 2014 14:29
To: Mohshin Ali
Subject: FW: Application for Variation - 076606 - The Ferry House

From: Ian Wareing
Sent: 08 July 2014 14:12
To: Licensing
Subject: FW: Application for Variation - 076606 - The Ferry House

Dear Licensing, please see below, to which I have not received a response.

EH will like to make a representation against this application. The building is listed, as stated by the applicant, and therefore is unsuitable for regulated entertainment. There have been issues in the past with loud music emanating from the pub causing disturbance to several local residents. The premises is single glazed and has many gaps on the façade where noise escapes. This was the reason we asked for a copy of any acoustic testing. To allow music other than background only on the 1st floor, will exaggerate the problem already documented on the ground floor. Without having any evidence to the contrary, the building is old and not designed for loud music late at night, and major acoustic work would have to be undertaken to stop noise from emanating from the premises.

We would also like the application for music outside the premises to be rejected for the same reasons mentioned earlier with regards to the previous complaints.

With regards to the balcony we would seek a condition that there be no access to the general public and it should be accessed for maintenance purposes only by staff and approved contractors. It is anticipated that this will be used for smokers and outside drinking which will cause disturbance to the residents opposite and those of Boatyard Apartments.

Regards,

Ian

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

020 7364 5008

ian.wareing@towerhamlets.gov.uk

From: Ben Allali [REDACTED]
Sent: 18 June 2014 14:44
To: Ian Wareing
Subject: Re: Application for Variation - 076606

I will look into noise bit am away till Wednesday next week

Balcony is not going to be used for licensable activity but can't stop people going out there, please take into consideration that that part of the building is one of the reason why building is listed and should be available to members of public

Regards

Mr allali

Sent from my iPhone

On 18 Jun 2014, at 13:55, Ian Wareing <ian.wareing@towerhamlets.gov.uk> wrote:

Mr Allali, I am in receipt of your variation as detailed above. Can you please provide the following;

1 An acoustic report undertaken by a member of The Institute of Acoustics or Association of Noise Consultants. This would need to show how the pub has been acoustically treated so as to allow music until midnight. Your consultant would also need to show how you intend not to cause a nuisance with music outside the pub until midnight.

2 A confirmation that the balcony area, situated above the front of the pub, is not to be used at any time during pub opening hours.

Regards,

Ian

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

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

Appendix 6

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 02 July 2014 18:29
To: Mohshin Ali
Subject: FW: Objection to the application to vary the current licence of the Ferry House Pub, Ferry Road: Ref TSS/LIC/076606

Follow Up Flag: Follow up
Flag Status: Flagged

From: Laura Muir [REDACTED]
Sent: 02 July 2014 18:25
To: Licensing
Cc: Greg Boyle
Subject: Objection to the application to vary the current licence of the Ferry House Pub, Ferry Road: Ref TSS/LIC/076606

Dear Sir,

My partner Greg Boyle and I (Laura Muir) live in [REDACTED] and would like to object to the application Ref TSS/LIC/076606 to vary the current licence of the Ferry House Pub, located on Ferry Street next to our residential building. We object to this under the prevention of public nuisance law.

The building itself is not suitable for regulated entertainment at any time due to its proximity to the Boatyard Apartments building and other housing around it. Even the Monday evening karaoke could be very loud even in our top flat. There is little acoustic insulation and we feel that a terminal hour of midnight is much too late on a regular basis. It is not only the noise from the pub but also the noise from patrons leaving when there is a lot of shouting and loud conversations that go on, particularly at the weekend.

If the entertainment moves to the first floor and outside the pub as well (this is in the application) then this is bound to be more noisy and cause more of a disturbance.

Because of the problems of noise and disruption we feel that the pub should be closed at or before 11pm. Any regulated entertainment in the pub should not be audible in the nearby houses. It is also completely unacceptable to allow the use of the 1st floor balcony for any purpose as voices, music etc are all clearly audible to all residents.

In order to prevent additional nuisance it is essential that the application for the use of the first floor for regulated entertainment is not granted permission and the use of outdoor areas for regulated entertainment is also not allowed.

If you require any further information or clarification please do not hesitate to contact me.

All the best,

Laura

Laura Muir
[REDACTED]

Appendix 7

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 03 July 2014 18:05
To: Mohshin Ali
Subject: FW: Objection: Variation TSS/LIC/076606 - The Ferry House Pub, 26 Ferry Street, London E14 3DT
Attachments: Scanned from a Xerox multifunction device.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

From: Hansen, Poul (HAPO) [REDACTED]
Sent: 03 July 2014 17:37
To: Licensing
Subject: Objection: Variation TSS/LIC/076606 - The Ferry House Pub, 26 Ferry Street, London E14 3DT

Good day –

Please see attached objection for the requested opening times.
As I'm one of the closest neighbours to the pub, I would very much appreciate if this license request could be turned down, as there is already enough disturbances going on, which makes it difficult to balance working life with the current opening times.

Brgds,
Poul

P.Hansen

[REDACTED]

30th June 2014

Kathy Driver
Principal Licensing Officer - Licensing Section
London Borough of Tower Hamlets
Mulberry Place (AH)
5 Clove Crescent
London, E14 1BY

Dear Ms Driver,

Objection: Variation TSS/LIC/076606 - The Ferry House Pub, 26 Ferry Street, London E14 3DT

I am writing with reference to the application to vary the Premises Licence at the 1st Floor of the Ferry House.

The Ferry House pub has a history of causing noise problems to people living in the vicinity due to the proximity of the noise sensitive premises and there is a history of disorderly behaviour of the customers. This has been verified by officers from the Council.

This proposed variation may seem insignificant but the effect could be catastrophic and will, unless properly controlled, impact adversely on the licensing objectives. This is a cause of major concern.

Many letters have already been sent to the licensing dept. about this and the previous applications, that identify residents' concerns about crime and disorder; public safety; public nuisance; and protection of children from harm so there is no need for me to reiterate them here. It is sufficient to say that the problems have been so severe that LBTH have in the past seen fit to install an overt CCTV camera in Ferry Street and special measures have been implemented by Parking Services and the Safer Neighbourhood Teams to regularly visit the area. There is good evidence to suggest that the start of problems in the area coincided with a change in management of the licensed premises and many problems (noise and disturbance) can be directly linked to the customers of the pub.

We are very concerned that if this variation to the licence is granted that this premise will have the potential to host events on both floors. It doubles the capacity of the licensed premises and is bound to cause major issues. This does not promote the licensing objectives.

To prevent misuse of the first floor the sale of alcohol must be ancillary to the sale of food and customers must order, consume and pay for a meal in the restaurant. Customers should also be prohibited from removing open containers from the restaurant. Ideally the consumption of alcohol outside of the premises, from both ground and first floors should be restricted to the pub garden and no other area (particularly the pavement area to the front of the premises and the first floor balcony).

The licensing objectives to which our comments refer are bracketed at the end of each paragraph.

We are at a complete loss as to why this application has been accepted in its current form. The London Borough of Tower Hamlets website states:

What information do I need to put on the application form?

- Don't forget to fill in the operating schedule-make clear licensable activities and any limitations.
- **Detail how you will ensure compliance with the four licensing objectives. All the responsible authorities will look at this and you should discuss any problems with them before you make an application.**

I have also looked at the s182 Licensing Guidance and reproduce below in summary the relevant points:

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:

the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;

Applicants are expected to include positive proposals in their application on how they will manage any potential risks.

For example, premises with close proximity to residential premises should consider how this impacts upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective.

If an applicant persistently fails to supply the required information, the licensing authority may refuse the application and the applicant must submit a new application.

*.....required information is missing or incorrect; the licensing authority may 'hold' the application **until the applicant has supplied all the required information.** This effectively resets the 28 day period for determining an application and may be done any number of times until the application form is complete.*

There is no way that the information provided by the applicant on the application form could be construed as meeting the obligation to provide positive proposals, he provides no proposals at all for meeting any of the licensing objectives. This is a requirement of the application procedure.

This complete lack of information should be sufficient to refuse this application and it should never have been accepted in this form in the first place. (All of the Licensing Objectives)

It is understood that the applicant has said that he intends to use the balcony.

We object to the use of the balcony for any purpose due to the close proximity of residential premises.

Patrons on the balcony are loud and very disturbing and if used as a smoking area the smoke enters our bedrooms as it is so close. Furthermore the patrons have a nasty habit of throwing cigarette butts over the balcony into the street below which is extremely unpleasant and quite dangerous for passers-by.

(Prevention of Public Nuisance).

This pub/restaurant is very close to residential premises.

What steps does the applicant propose to deal with the following?

- i) Smoking outside our bedroom windows
- ii) Noise from people in the street outside our bedroom windows
- iii) Dispersal of patrons after closing time.

to ensure the promotion of the nuisance objective.

The Ferry House is currently a pub with an unlicensed restaurant upstairs. The local residents have been regularly affected by noise and disturbance and it is clear that the publican takes no steps to minimise the disturbance in line with his responsibilities as the licensee. How could anyone presume that by providing an additional licensed area that this nuisance will not be increased without any mitigation being offered by the applicant? *(Prevention of Public Nuisance).*

Currently the residents are intimidated by the pub landlord and his clientele and we feel that the appropriate action should be taken by the licensing authority to resolve these issues without delay. We are clearly being harassed on a regular basis and as a result of this harassment a number of residents no longer feel comfortable to object to this application for fear of reprisal.

This new application is for regulated entertainment on the first floor and outside. We can regularly hear 'background music' from the ground floor of the pub in our bedrooms, (they quite often leave the doors open whilst playing music). This suggests that any music on the first floor would also be clearly audible so this would not be acceptable to us. (*Prevention of Public Nuisance*).

The noise that comes from inside the pub is not acceptable to I don't see how noise generated outside the pub can be acceptable in any way.

We strongly object to this application on the following grounds:

1. The application has not been properly made as no proposals for meeting any of the licensing objectives have been supplied by the applicant.
2. The integrity of the Licensing Authority function depends on the Council's ability to take appropriate enforcement action. The Licensing Authority has admitted that the conditions associated with the current ground floor licence are unclear and ambiguous
3. To grant this application the Licensing Authority would be failing in their statutory duty to promote the four licensing objectives set down in the Licensing Act 2003.
4. Overwhelming evidence has been previously supplied to the Licensing Authority as to why this application should be refused.

We maintain that there should be an application for a new premises licence for the whole property with reduced opening hours, reduced operating hours over the New Year period and with sufficient information provided to demonstrate the steps they propose to take to promote the licensing objectives. All of the existing unclear, unenforceable, ambiguous conditions should be removed and one set of clear conditions should be applied to the whole premises.

If however a variation is granted we would ask that you take all of the above into account and:

We would be grateful if you could add a condition to the licence that prohibits the throwing of glass into the bin between the hours of 11pm and 7am.

We would be grateful if you could add a condition that requires the whole premises to be vacated outside licensing hours (except the staff) - **to prevent private parties. This was proposed by the Police for the previous application.**

We regularly suffer noise from people leaving the premises in the early hours of the morning, talking, shouting, cars revving etc and the licensee has a history of inviting friends to stay behind after closing time. *This would minimise disturbance to residents outside of normal licensing hours. (Prevention of Public Nuisance).*

We would like to see 11pm as the terminal hour for all activities in the pub so that we can all get at least a decent nights sleep.

Even recently when the pub was almost closed there were Karaoke nights with 'music' blaring out which was totally unacceptable.

Recently they had a 'closing down party' just before the refurbishment took place. It was terrible with music blasting out and drunk people staggering all over the road (including the bar staff). Environmental Health were called and had to ask them to shut down.

Condition Number	Current	Requested
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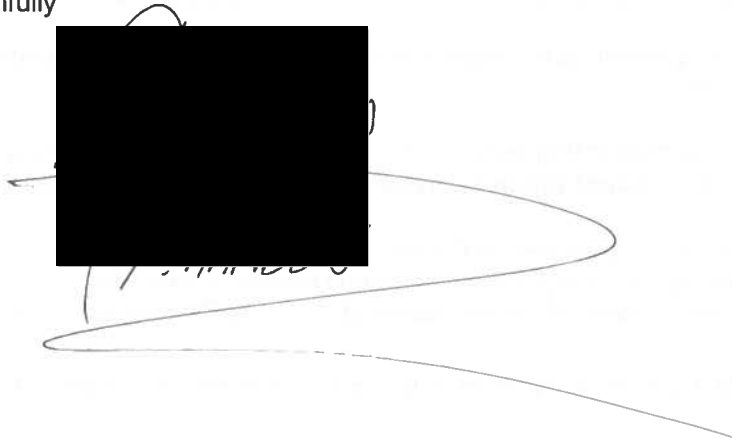
<i>Annex 3 Condition 8</i>	<i>No patrons be allowed to consume alcohol in the outside area of the premises post 2100hrs</i>	No patrons be allowed to consume alcohol in the outside area of the premises except in the external area provided for that use within the curtilage of the premises (i.e. the pub garden).
<i>Annex 2 Condition 3</i>	<i>Drinks not to be removed from premises save for consumption in external areas provided for that use.</i>	The external area should be defined. It should not include the pavement outside the premises nor the first floor balcony. It should be the rear garden which is an area specifically for this use.

The Ferry Street and Felstead Wharf area is occupied by families, many with young children. The area outside the pub (on the street) is used day and night by customers for drinking, using their mobile phones and smoking. Very often the male customers harass passing females and bad language is quite common. The aim of the licensing objective which protects children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language.

Relocating these customers to the pub garden will not only reduce the noise and disturbance from the loud talking, swearing etc outside our homes, it will also reduce the exposure of women and young children to this unpleasant effect associated with living adjacent to these premises. We also hope that this condition will reduce the number of beer bottles/pint glasses that appear in our gardens overnight from customers in the street.

(Prevention of Public Nuisance + Public Safety + Protection of Children from harm).

Yours faithfully



Appendix 8

9th July 2014

Dear Sir

RE: Ferry House TSS/LIC/076606

I am writing to advise that I strongly object to the application recently submitted for the variation of the Premises Licence at The Ferry House Pub 26 Ferry Street London E14 3DT.

I live in one of the flats in the Boatyard Apartments directly opposite the Ferry House Pub. When I first moved in we had no problems with the pub at all but over more recent years it seems that there is always a problem – either from loud music or karaoke, patrons sitting outside and being rude and noisy, late finishes, ‘lock in’s’, noise from cars and taxis and loud drunk people in the street.

I have lost count now of how many new applications and variations to the premises licence have been made over the years but there are no significant changes to the previous applications and they have all been refused. I don’t really understand why the Council even accept the applications as they never contain the information required.

The pub has been closed now for a few months for refurbishment. It has been great to not to have to worry about whether or not we are going to be woken by noise from the pub at all hours. We have enjoyed the peace and quiet during the short respite.

My personal view is that the building is not suitable for anything other than incidental or background music and there should be tighter control on patrons behaviour to minimise the disturbance to the locals. Mr Allali has always claimed that it was to be a restaurant. That would probably be ok as there would be no need for loud music or karaoke and it could shut at a reasonable hour.

The pub has recently undergone refurbishment and although it has a history of noise problems – no attempt has been made during the refurbishment to reduce the likelihood of noise breakout from the premises.

Environmental Health have been called out numerous times to deal with noise problems from the pub and any increase in the pub’s operations particularly on the first floor would be totally unacceptable.

To allow use of the first floor does not meet the licensing objective for the promotion of the prevention of public nuisance. The ground floor already creates a substantial noise nuisance and if any regulated entertainment or any use by the public is allowed on the first floor it brings the noise much closer to nearby noise sensitive premises.

The use of the first floor would mean a doubling of the capacity of the premises with the obvious increase in noise impact. The application states that it is for the playing of recorded music outside and inside. It is not clear from the application form where this outside area is. Is it the outside area of the first floor or are they trying to slip in the outside areas of the ground

floor as well? I have now seen the plans (the plans are incorrect and show a door that is no longer there). The plans for the first floor do not show any areas marked for where outside entertainment might be held.

If this is the first floor balcony then obviously this is totally unacceptable. We would like to see any use of the balcony prohibited, as it is far too close to residents' bedrooms. Any talking, shouting, use of mobile phones, smoking etc on the first floor balcony would be very close to residents' bedrooms, which would be very intrusive and create a continuous nuisance. Even allowing customers to use any external areas to the ground floor would be an on-going nuisance due to the proximity of residents' properties.

A number of the flats have bedrooms facing the balcony. It is very concerning that people on the balcony will be able to see straight into the bedrooms where small children may be sleeping. This does not meet with the requirement for the protection of children from harm.

There is no screen on the balcony at all. Previously people using the balcony (without permission) have been seen throwing cigarette ends over and balancing drinks on the parapet wall. There is a very real danger that passers by could be hit by falling glasses or cigarette ends. (Public Safety)

I would suggest that use of the ground floor is outside of the application since it refers specifically to the First Floor only. The use of the ground floor for outside entertainment should not be considered at all.

I strongly object to the proposed hours of operation and would like to see the operating hours of the ground floor for all purposes knocked back to 2300hrs at the most. We already suffer from noise from karaoke and patrons leaving at all hours in a very drunk and rowdy fashion and any increase in activities and number of patrons by allowing the use of the first floor is certain to be detrimental to the enjoyment of our properties.

We object to the use of the pub from 11pm to 11am on New Years Eve as the noise on New Years Eve in the past has been intolerable and the Environmental Health have been called to quieten the noise down.

When the pub was operating previously the current noise conditions were not complied with. Noise from the pub regularly caused nuisance to the local residents, particularly after 11pm when the noise should be inaudible, the doors to the pub were often left wide open when by condition they should always be closed and many times the pub continued beyond the terminal hour stated in the licence. On one occasion when they had a 'christening' party in the garden the music was audible in Greenwich!

I do not consider that any of the steps mentioned on the application form are positive steps to promote the licensing objectives and, based on how Mr Allali has run the premises to date, I do not feel that he has any regard for the local residents whatsoever.

Yours sincerely

A black rectangular redaction box covers the signature area. The box is approximately 250 pixels wide and 40 pixels high. There are some faint, illegible scribbles around the edges of the box, possibly remnants of a signature or handwriting.

Appendix 9

LBTH
TRADING STANDARDS
11 JUL 2014
LICENSING

London E14 3DT

8th July 2014

Dear Sir

RE: Ferry House TSS/LIC/076606

I am writing to advise that I strongly object to the application recently submitted for the variation of the Premises Licence at The Ferry House Pub 26 Ferry Street London E14 3DT.

The pub has recently undergone refurbishment and although it has a history of noise problems – no attempt has been made during the refurbishment to reduce the likelihood of noise breakout from the premises.

Environmental Health have been called out numerous times to deal with noise problems from the pub and any increase in their operations would be totally unacceptable.

To allow use of the first floor does not meet the licensing objective for the promotion of the prevention of public nuisance. The ground floor already creates a substantial noise nuisance and if regulated entertainment is allowed on the first floor it brings the noise much closer to nearby noise sensitive premises.

The application states that it is for the playing of recorded music outside and inside. It is not clear from the application form where this outside area is. Is it the outside area of the first floor or are they trying to slip in the outside areas of the ground floor as well?

If this is the first floor balcony then obviously this is totally unacceptable. We would like to see the use of the balcony prohibited as it is far too close to people's bedrooms. Talking, shouting, use of mobile phones, smoking etc right by peoples bedrooms must not be allowed at all.

We strongly object to the proposed hours of operation and would like to see the operating hours of both the ground and first floor for all purposes to be knocked back to 2300hrs at the most. We suffer from noise from karaoke and patrons leaving at all hours in a very drunk and rowdy fashion.

We object to the use of the pub from 11pm to 11am on New Years Eve as the noise on New Years Eve in the past has been intolerable and the Environmental Health have been called to quieten them down.

The pub does not comply with any of the conditions on the current licence so I have no reason to assume that they will comply with any additional ones. The pub when it was recently open used to stay open until all hours with music clearly audible in our bedroom. The door at the side is always open so the noise breakout is very high. The designated area for drinking outside the pub is not observed and people are quite often all over the street drinking and shouting. It is not a pleasant place to live when this is going on.

We do not feel that any of the steps mentioned on the application form are positive steps to promote the licensing objectives. Mr Allali always puts this on the application forms he never actually attempts to promote any of the licensing objectives – he has no regard for the local residents whatsoever.

Yours faithfully



ZOLKIEWICZ

MAGDA

Appendix 10

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 14 July 2014 15:22
To: Mohshin Ali
Subject: FW: Ferry House, Variation of Premises Licence (ref. TSS/LIC/076606)

From: Ignacio Benitez [REDACTED]
Sent: 14 July 2014 15:02
To: Licensing
Subject: Ferry House, Variation of Premises Licence (ref. TSS/LIC/076606)

To the Tower Hamlets Licensing Sub-Committee,

Our names: Mr. Ignacio Benitez & Ms. Raquel Gracia

Our address: [REDACTED]

As residents of the above address, we are writing to OBJECT to the application for a variation of premises licence for the Ferry House pub, situated in number 26 of that same street, primarily on the grounds of policy objective *The prevention of public nuisance*, as described in paragraph 4.4 of your *Statement of Licensing Policy 2013-2018*.

While we had already filed an objection in recent days as part of an effort led by a neighbour in our building, we have had an opportunity to look at the issue in further detail and - in the event that you accepted only one representation per resident - we would like this letter to prevail as it better represents our most current opinion.

We recognise that the Ferry House has a long history in the area. But what once was an isolated building on this side of the Isle of Dogs, today sits in a largely residential area increasingly occupied by families, like us, with young children, who have been attracted to the area for its enjoyable outdoors (the river Thames, nearby parks, etc.) and general quietness, among other things. It is, in this context, when the noise and other outcomes from nearby venues such as the Ferry House feels amplified and particularly unwelcome for us, whose bedrooms are almost at a touching distance to the pub itself.

At this point, we would like to highlight that the plan information contained in the application is no longer valid, as the ordnance survey map provided (ref. TQ3878SW, which dates from 2005, when the current licence was granted) does not show our building, which is a relatively new development sitting in a previously industrial site very close to the southern side of the Ferry House.

To address our concerns and minimise the direct impact that the Ferry House will have on our lives, we would like to suggest some CONDITIONS that we hope can be included in the licence when you review their application:

* **No access to the terrace on the first floor:** This is a preemptive measure that is absolutely essential to us, as the privacy and well-being of our 3-year old daughter, whose bedroom could be overlooked from that point, should be absolutely paramount.

* **Restricted standard hours:** Current opening hours appear unnecessary long. We could not raise our concerns when the licence was granted in 2005, not least because our building did not exist back then. To better align those hours with our needs today, we would like to suggest a closing time at 23:00 as standard. Also, music should not be played after 21:00 and drinking and other entertainment should stop in external

areas (including the back garden) from 19:00, to minimise the impact of such activities on children that are getting ready for going to bed.

* **Eliminate non-standard hours:** The current licence allowing for late closing times (02:00) on 12 chosen days per year in addition to an all-night event in New Year's Eve looks to us as being extremely generous to the licensee, and unreasonably onerous to local residents. Again, now that we have this opportunity to comment, we would like you to consider why the need to grant extended hours to this venue given that there are already other options available locally and, perhaps more importantly, in more appropriate areas across the borough and throughout London as a whole, where people can go in search for late-night entertainment.

While we are aware that the current licence already includes conditions aimed at limiting the noise and general levels of nuisance caused to local residents, enforcement has not always been satisfactory, and we are concerned that extending the sale and supply of alcohol to the first floor, as currently requested by the applicant, could make things worse.

We trust that the hearing panel will consider all our concerns and arrive to a decision that is satisfactory to all parts.

Yours sincerely,

Ignacio Benitez & Raquel Gracia



8th July 2014

Dear Sir

RE: Ferry House TSS/LIC/076606

I am writing to advise that I strongly object to the application recently submitted for the variation of the Premises Licence at The Ferry House Pub 26 Ferry Street London E14 3DT.

The pub has recently undergone refurbishment and although it has a history of noise problems – no attempt has been made during the refurbishment to reduce the likelihood of noise breakout from the premises.

Environmental Health have been called out numerous times to deal with noise problems from the pub and any increase in their operations would be totally unacceptable.

To allow use of the first floor does not meet the licensing objective for the promotion of the prevention of public nuisance. The ground floor already creates a substantial noise nuisance and if regulated entertainment is allowed on the first floor it brings the noise much closer to nearby noise sensitive premises.

The application states that it is for the playing of recorded music outside and inside. It is not clear from the application form where this outside area is. Is it the outside area of the first floor or are they trying to slip in the outside areas of the ground floor as well?

If this is the first floor balcony then obviously this is totally unacceptable. We would like to see the use of the balcony prohibited as it is far too close to people's bedrooms. Talking, shouting, use of mobile phones, smoking etc right by people's bedrooms must not be allowed at all.

We strongly object to the proposed hours of operation and would like to see the operating hours of both the ground and first floor for all purposes to be knocked back to 2300hrs at the most. We suffer from noise from karaoke and patrons leaving at all hours in a very drunk and rowdy fashion.

We object to the use of the pub from 11pm to 11am on New Years Eve as the noise on New Years Eve in the past has been intolerable and the Environmental Health have been called to quieten them down.

The pub does not comply with any of the conditions on the current licence so I have no reason to assume that they will comply with any additional ones. The pub when it was recently open used to stay open until all hours with music clearly audible in our bedroom. The door at the side is always open so the noise breakout is very high. The designated area for drinking outside the pub is not observed and people are quite often all over the street drinking and shouting. It is not a pleasant place to live when this is going on.

We do not feel that any of the steps mentioned on the application form are positive steps to promote the licensing objectives. Mr Allali always puts this on the application forms he never actually attempts to promote any of the licensing objectives – he has no regard for the local residents whatsoever.

Yours faithfully



I. BEVITEZ



Page 111
RAQUEL GRACIA

Appendix 11

LBTH
TRADING STANDARDS
1 1 JUL 2014
LICENSING



8th July 2014

Dear Sir

RE: Ferry House TSS/LIC/076606

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Yours faithfully

Appendix 12

LBTH
TRADING STANDARDS
11 JUL 2014

LICENSING

8th July 2014

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We object to the use of the pub from 11pm to 11am on New Years Eve as the noise on New Years Eve in the past has been intolerable and the Environmental Health have been called to quieten them down.

The pub does not comply with any of the conditions on the current licence so I have no reason to assume that they will comply with any additional ones. The pub when it was recently open used to stay open until all hours with music clearly audible in our bedroom. The door at the side is always open so the noise breakout is very high. The designated area for drinking outside the pub is not observed and people are quite often all over the street drinking and shouting. It is not a pleasant place to live when this is going on.

We do not feel that any of the steps mentioned on the application form are positive steps to promote the licensing objectives. Mr Allall always puts this on the application forms he never actually attempts to promote any of the licensing objectives – he has no regard for the local residents whatsoever.

Yours faithfully





Roland Bernata

Zanda Kusin

Appendix 13



30th June 2014

Kathy Driver
Principal Licensing Officer - Licensing Section
London Borough of Tower Hamlets
Mulberry Place (AH)
5 Clove Crescent
London, E14 1BY

Dear Ms Driver,

Objection: Variation TSS/LIC/076606 - The Ferry House Pub, 26 Ferry Street, London E14 3DT

I am writing with reference to the application to vary the Premises Licence at the 1st Floor of the Ferry House.

I strongly object to this application on the following grounds:

1. The application has not been properly made as no proposals for meeting any of the licensing objectives have been supplied by the applicant. For example: This pub/restaurant is very close to residential premises. What steps does the applicant propose to deal with the following?
 - i) Smoking outside our bedroom windows
 - ii) Noise from people in the street outside our bedroom windows
 - iii) Dispersal of patrons after closing time.to ensure the promotion of the nuisance objective.
2. The integrity of the Licensing Authority function depends on the Council's ability to take appropriate enforcement action. The Licensing Authority has admitted that the conditions associated with the current ground floor licence, of which this is a variation, are unclear and ambiguous. The variation would increase the areas in which these unclear and ambiguous conditions apply.
3. As I understand it, many letters have already been sent to the licensing dept. about this and the previous applications. The Ferry House pub has a history of causing noise problems to people living in the vicinity and there is a history of disorderly behaviour of the customers. Problems in the past have been so severe that LBTH have installed an overt CCTV camera in Ferry Street and special measures have been implemented by Parking Services and the Safer Neighbourhood Teams to regularly visit the area.
4. The proposed variation means that the pub will have the potential to host events on both floors as a licensed premises without any proposals for meeting any licensing objectives as discussed above. Ferry Street and Felstead Wharf area is occupied by families, many with young children. The proposed variation will intensify the problems these families already have with the Ferry House Pub.

Yours faithfully

Rory Wilkinson



Appendix 14



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

By post and email: licensing@towerhamlets.gov.uk

11th July 2014

Dear Sir/Madam

The Ferry House, 26 Ferry Street, London E14 3DT (premises 15782)

As residents of Ferry Street we would like to raise two objections to the Variation of Premises Licence application for The Ferry House dated 17th June 2014. These objections are that:

1. Alcohol will be served and music can be played until midnight on Monday to Saturday.
2. Music will be played inside and outside the pub.

This objection is based on:

- The fact that The Ferry House is situated within a densely populated residential area, and
- Our experience of poor management at The Ferry House, which has had a detrimental impact on our quality of life in the years we have lived nearby.

We would like to emphasise that we have ceased to experience all of the issues below since the Ferry House has been closed.

Our objection relates to public nuisance, public safety and crime and disorder.

Public Nuisance

The levels of noise emanating from the pub were unacceptable on a regular basis. Music played inside the pub was regularly of a volume sufficient to penetrate through the single-glazed windows and doors of the Ferry House and the double-glazing of our property. This caused a disturbance late into the night and often meant we postponed going to bed until the music had stopped. This was particularly troublesome during karaoke nights.

Patrons tended to congregate at the front of the premises, exchanging loud conversation and arguments that were heard easily inside our home. These frequently contain obscenities to which we would not want to subject our child.

During the summer, it was common practice for patrons to park outside the front of the pub and play loud music from their car with open windows while they socialised both outside and inside the pub.

This nuisance was significant enough to provoke numerous complaints to the council's noise department from us and other concerned residents.

The Ferry House held a party for the London Marathon 2013, which included playing music outside the pub. This music was played long after the marathon had finished. We were prevented from sleeping despite having the windows closed and earplugs in. The pub did turn the music off after we complained, but our experience to date is that the pub only behaves responsibly after receiving complaints and we were tired of having to repeatedly contact them every time we wished to exercise our right to quiet enjoyment of our property.

We note that the licensing application states music will be played inside and outside of the premises. The Ferry House is surrounded on all sides by residential properties in a densely populated, otherwise quiet, part of Tower Hamlets. Given the past history of noise disturbance from The Ferry House, we strongly object to this component of the licensing application.

Public Safety

We have both been subjected to unprovoked obscene remarks made by customers passing our property while we have been standing on the street. One episode would constitute sexual harassment, whereby an intoxicated man left The Ferry House in the afternoon, approached one of us and made sexually offensive remarks. The police arrived shortly afterwards so we did not take further action. Since then, we have felt intimidated when passing intoxicated patrons leaving The Ferry House.

Crime and Disorder

We have multiple examples of antisocial behaviour perpetrated by individuals leaving the pub. These include urinating into an alleyway on our street before entering The Ferry House, smashing glasses and bottles in the street and the noise of fights and arguments. We were repeatedly woken up between 1-2am on Saturday and Sunday mornings. During one memorable incident, we were woken up by a man shouting sexually offensive comments at his partner.

We recall several instances of people leaving the pub clearly intoxicated and driving away in a car.

By raising this objection, we wish to prevent a return of the previous issues that we experienced and so improve the lives of our family and neighbours.

We have a personal interest in ensuring that The Ferry House remains in business. The Island Gardens area lacks good quality pubs and other places for the community to meet. The Ferry House could run a more successful business by moving away from selling large quantities of cheap alcohol to heavy drinkers

and instead attract its closer neighbours who might prefer a quieter, more family-friendly community pub.

Thank you for the opportunity to contribute to this licensing application process.

Yours,

Mr J and Mrs K Cole

Appendix 15

The Licensing Section
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
LONDON
E14 2BG

Ref: PBC/036

14th July 2014

Dear Sirs

Re: Ferry House, 26 Ferry Street, London E14 3DT – Representation against application for a variation of a Premises Licence (TSS/LIC/068425)

We are instructed by Ferry Street LLP, who are the freeholders of the apartment block at 30 Ferry Street, London E14 3DT, to make a representation against the application by Ben Allali to vary the Premises Licence in respect of the above premises to include the first floor.

We understand that the last date for representations is 17th July 2014 and would be obliged if this letter could be treated as a relevant representation under the Licensing Act 2003.

Our clients' premises consist of a block of 8 apartments which are opposite and in very close proximity to the Ferry House public house. Our clients are aware that the pub has been a source of considerable concern to their tenants and local residents with a history of vandalism, nuisance and disorderly behaviour associated with customers from the premises which at times has been intolerable. A particular concern is the constant and unacceptable noise from customers drinking and smoking outside the premises, which is obviously at its worst in the summer months.

The pub is situated in a densely residential area and any increase in the size of the existing premises will inevitably exacerbate the nuisance already caused by its customers and have a potential for increased disorder and disturbance to tenants of the apartment block and other local residents.

In June 2013, Mr Allali applied for a new Premises Licence solely for the first floor of the pub rather than a variation application. Our clients and a number of local residents made strong representations against this application which was refused by the Licensing Sub-Committee at a hearing on 20th August 2013.

The current application once more seeks to licence the first floor of the premises, albeit this time by way of a variation rather than a new licence application. The effect of licensing the first floor of the premises will result in a doubling in size of the pub, with the likelihood that local residents will be subjected to a significant increase in noise and disturbance arising out of activities at the enlarged premises.

Furthermore, we would question whether a variation application is valid in circumstances where the premises are effectively doubling in size. Section 36(6) of the Licensing Act 2003 states that a variation may not "vary substantially the premises to which it relates". In our submission, the proper application in these circumstances would be for a new Premises Licence to cover both the ground and first floors in substitution for the existing licence and the variation application should therefore be rejected in its present form.

Our clients are particularly concerned about Mr Allali's intentions in relation to the use of the first floor and his apparent disregard for the concerns of residents. A comparison with the refused application made last year is revealing and gives rise to serious concerns about the likely intensification of use should the application be granted:

1. The current variation application requests a 12 midnight terminal hour (23.00 Sundays) for both alcohol sales and recorded music. The application for a stand-alone licence for the first floor last year stated a terminal hour of 23.00 each day.
2. The variation application requests recorded music for both indoors and outdoors whereas the application last year was for indoor use only. It is also revealing that the plan of the first floor submitted with the variation application shows a door leading out on to the first floor balcony which we understand no longer exists. This door was not shown on the plan for last year's application. Furthermore, whereas the plan last year stated: "Private Terrace (not to be licensed)" there is nothing to this effect on the plan submitted with the variation application which simply states "Terrace".

We understand that a number of flats at the Boatyard apartments opposite the pub have bedrooms that face the first floor terrace (balcony). The applicant is very well aware from objections to previous licence applications and noise complaints for the existing pub that residents would be seriously affected by any noise from the first floor balcony. The fact that he has included the use of this external area for both alcohol sales and recorded music until 12 midnight (23.00 Sundays) in the current application shows his complete disregard for these concerns and does not give our clients any confidence at all that this application would promote the prevention of public nuisance licensing objective.


The plan of the first floor of the premises does not show any detailed internal layout and simply shows a bar area and two dining room areas. However, there are no conditions offered in the Operating Schedule to restrict the use of the first floor for restaurant diners only and, in any case, the application is for the supply of alcohol for consumption both on and off the premises. In our submission, the statements by the applicant in the Operating Schedule as to how he will promote the licensing objectives (Section M) are very general and lack the clarity to be capable of enforcement.

In conclusion, this is the second application within 12 months to licence the first floor and rather than addressing our clients concerns it has the effect of increasing them for the reasons outlined in our letter. Accordingly, in our submission the grant of the variation application is inappropriate and is also likely to be detrimental to the crime and disorder and public nuisance objectives and the application should therefore be refused.

We are instructed to attend the hearing of this matter before the licensing committee in due course in support of our clients' objections to this application.

We would be obliged if you could acknowledge receipt and if you have any queries please contact Phil Crier at this office.

Yours Faithfully


PBC Licensing Solicitors

Appendix 16

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 16 July 2014 09:53
To: Mohshin Ali
Subject: FW: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

From: Khaled Online [REDACTED]
Sent: 15 July 2014 23:54
To: Kathy Driver
Cc: Licensing
Subject: RE: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

Kathy Driver
Principal Licensing Officer - Licensing Section
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London, E14 2BE

Dear Ms Driver,

RE: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

We write to make a representation regarding the above Application for a Variation of the Premises Licence at the Ferry House public house.

At the outset, we wish to make it fully clear that we do not have an objection to there being a restaurant on the first floor of the Ferry House public house subject to good management control over its operation.

However, the Ferry House public house has a history of causing noise problems for people living in the vicinity due to its very close proximity to residential premises. This has been verified by Officers from the Council. In addition, since the transfer of the lease/ownership of the Ferry House public house, there has been a serious escalation in crime and disorder on the street. The effects of these problems have caused serious distress to local residents. Especially since the Ferry Street, Felstead Wharf and Lockes Wharf area is occupied by families, many with young children.

To prevent misuse of the licence at the first floor level, the sale of alcohol must be ancillary to the sale of food and the customers must order, consume and pay for a meal in the restaurant. Customers should also be prohibited from removing open containers from the restaurant. Ideally the consumption of alcohol outside of the premises should be restricted to the pub garden and no other area (particularly the pavement area to the front of the premises and the first floor balcony). Relocating these customers to the pub garden will not only reduce the noise and disturbance, but will reduce the number of beer bottles/pint glasses that appear in our gardens overnight from customers in the street.

We object to the use of the balcony for any purpose due to the close proximity of residential premises. Patrons on the balcony are loud, very disturbing and whilst smoking in this area cause smoke to enter our

bedrooms. Furthermore, patrons have been observed throwing cigarette butts over the balcony into the street below which is extremely unpleasant and quite dangerous for passers-by.

We are very concerned about the playing of recorded music indoors and outdoors. In the past we have been subjected to loud music and Karaoke from the ground floor of the Ferry House public house into our bedrooms (quite often doors are left open whilst playing music - clearly in breach of the current licence). Previous experience suggests that the same level of music from the first floor would also be clearly audible and a nuisance. Naturally this would not be acceptable to us.

The current opening hours are already too long for a residential area and we believe that a more reasonable terminal hour for the pub and restaurant should be 23.00hrs. We request that you add a condition that requires the whole premises to be vacated outside licensing hours (except the staff) - to prevent private parties as the applicant has a history of inviting friends to stay behind after closing time. We regularly suffer noise from the commotion of people leaving the premises in the early hours of the morning, hanging around outside talking, shouting, cars revving and taxis hooting.

Finally, we note that the applicant has put comments on the application form. Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Disappointingly, we note that none of these are additional steps. These measures represent the bare minimum that any responsible landlord should already have in place. There are no additional steps offered nor are there any steps that could be considered as a means to promote the licensing objectives.

If the applicant does not offer any steps then the guidance set out in the Licensing Act 2003 suggests that the application should be refused.

Yours sincerely,

K Ahmed-Ali

[Redacted signature block]

Appendix 17

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 16 July 2014 09:53
To: Mohshin Ali
Subject: FW: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

From: Dominic Chu [REDACTED]
Sent: 15 July 2014 23:59
To: Kathy Driver; Licensing
Subject: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

Kathy Driver

Principal Licensing Officer - Licensing Section

London Borough of Tower Hamlets

Mulberry Place

5 Clove Crescent

London, E14 2BE

Dear Ms Driver,

RE: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

We write to make a representation regarding the above Application for a Variation of the Premises Licence at the Ferry House public house.

At the outset, we wish to make it fully clear that we do not have an objection to there being a restaurant on the first floor of the Ferry House public house subject to good management control over its operation.

However, the Ferry House public house has a history of causing noise problems for people living in the vicinity due to its very close proximity to residential premises. This has been verified by Officers from the Council. In addition, since the transfer of the lease/ownership of the Ferry House public house, there has been a serious escalation in crime and disorder on the street. The effects of these problems have caused serious distress to local residents. Especially since the Ferry Street, Felstead Wharf and Lockes Wharf area is occupied by families, many with young children.

To prevent misuse of the licence at the first floor level, the sale of alcohol must be ancillary to the sale of food and the customers must order, consume and pay for a meal in the restaurant. Customers should also be prohibited from removing open containers from the restaurant. Ideally the consumption of alcohol outside of the premises should be restricted to the pub garden and no other area (particularly the pavement area to the front of the premises and the first floor balcony). Relocating these customers to the pub garden will not only reduce the noise and disturbance, but will reduce the number of beer bottles/pint glasses that appear in our gardens overnight from customers in the street.

We object to the use of the balcony for any purpose due to the close proximity of residential premises. Patrons on the balcony are loud, very disturbing and whilst smoking in this area cause smoke to enter our bedrooms. Furthermore, patrons have been observed throwing cigarette butts over the balcony into the street below which is extremely unpleasant and quite dangerous for passers-by.

We are very concerned about the playing of recorded music indoors and outdoors. In the past we have been subjected to loud music and Karaoke from the ground floor of the Ferry House public house into our bedrooms (quite often doors are left open whilst playing music - clearly in breach of the current licence). Previous experience suggests that the same level of music from the first floor would also be clearly audible and a nuisance. Naturally this would not be acceptable to us.

Furthermore, the current opening hours are already too long for a residential area and we believe that a more reasonable terminal hour for the pub and restaurant should be 23.00hrs. Additionally, we request that you add a condition that requires the whole premises to be vacated outside licensing hours (except the staff) - to prevent private parties as the applicant has a history of inviting friends to stay behind after closing time. We regularly suffer noise from the commotion of people leaving the premises in the early hours of the morning, hanging around outside talking, shouting, cars revving and taxis hooting.

Finally, we note that the applicant has put comments on the application form. Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Disappointingly, we note that none of these are additional steps. These measures represent the bare minimum that any responsible landlord should already have in place. There are no additional steps offered nor are there any steps that could be considered as a means to promote the licensing objectives.

If the applicant does not offer any steps then the guidance set out in the Licensing Act 2003 suggests that the application should be refused.

Yours sincerely,

Harry Yuen

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 18

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 16 July 2014 10:38
To: Mohshin Ali
Subject: FW: Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

From: [REDACTED]
Sent: 16 July 2014 10:35
To: Kathy Driver; Licensing
Subject: Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

Kathy Driver
Principal Licensing Officer - Licensing Section
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London, E14 2BE

Dear Ms Driver,

RE: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

We write to make a representation regarding the above Application for a Variation of the Premises Licence at the Ferry House public house.

At the outset, we wish to make it fully clear that we do not have an objection to there being a restaurant on the first floor of the Ferry House public house subject to good management control over its operation.

However, the Ferry House public house has a history of causing noise problems for people living in the vicinity due to its very close proximity to residential premises. This has been verified by Officers from the Council. In addition, since the transfer of the lease/ownership of the Ferry House public house, there has been a serious escalation in crime and disorder on the street. The effects of these problems have caused serious distress to local residents. Especially since the Ferry Street, Felstead Wharf and Lockes Wharf area is occupied by families, many with young children.

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We are very concerned about the playing of recorded music indoors and outdoors. In the past we have been subjected to loud music and Karaoke from the ground floor of the Ferry House public house into our bedrooms (quite often doors are left open whilst playing music - clearly in breach of the current licence). Previous experience suggests that the same level of music from the first floor would also be clearly audible and a nuisance. Naturally this would not be acceptable to us.

Furthermore, the current opening hours are already too long for a residential area and we believe that a more reasonable terminal hour for the pub and restaurant should be 23.00hrs. Additionally, we request that you add a condition that requires the whole premises to be vacated outside licensing hours (except the staff) - to prevent private parties as the applicant has a history of inviting friends to stay behind after closing time. We regularly suffer noise from the commotion of people leaving the premises in the early hours of the morning, hanging around outside talking, shouting, cars revving and taxis hooting.

Finally, we note that the applicant has put comments on the application form. Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Disappointingly, we note that none of these are additional steps. These measures represent the bare minimum that any responsible landlord should already have in place. There are no additional steps offered nor are there any steps that could be considered as a means to promote the licensing objectives.

If the applicant does not offer any steps then the guidance set out in the Licensing Act 2003 suggests that the application should be refused.

Yours sincerely,

Conor Funston

[Redacted signature block]

[Redacted block]

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Appendix 19

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 20

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 21

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 22

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 23

Safety problems

General Advice

Members need to bear in mind the substantial amount of primary legislation in this area, and to only impose conditions where they are both proportionate to identified problems and not adequately covered by primary legislation.

The larger and more complex a premises before Members, the more likely it is that specific conditions will be proportionate and necessary.

Licensing Policy

Premises should be constructed so as to minimise public safety risks. (See 7.1).

The Licensing Authority expects applicants to seek advice from both the relevant Health and Safety body and also the Fire and Emergency Planning Authority. (See 7.2). The applicant should identify where existing legislation is not adequate. (See 7.3).

The Licensing Authority will consider attaching conditions to ensure public safety and these may include Conditions drawn from the Model Pool of Conditions relating to public safety. (See Appendix 3 Annex E, F and J of the Licensing Policy). In particular Members may wish to consider the following headings: (this list is not exhaustive):

Annex E

- Adequate arrangements for people with disabilities, inc. their awareness of them.
- Escape routes
- Safety checks
- Curtains, hangings, decorations, upholstery etc.
- Accommodation limits
- Fire action notices
- Emergency procedures
- Water
- Emergency vehicle access
- First aid
- Lighting
- Temporary electrical installations
- Alterations to the premises
- Special effects

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

The public safety objective is the physical safety of the people using the relevant premises,” not public health (2.19).

It is permissible to require certificates or checks provided this does not duplicate other legislation. Responsible authorities should make their expectations clear to applicant’s (2.26).

“Safe capacities “ should only be imposed where necessary for the promotion of public safety or the prevention of disorder.” (2.27). So conditions of a fire certificate must not be reproduced.

Other Legislation

The Health and Safety at Work Act 1974, and various regs.
The Regulatory Reform Order (Fire Safety) 2005.

Other Guidance

Model National and Standard Conditions for Places of Public Entertainment and Assoc. Guidance

The Event Safety Guide

Managing Crowds Safely

5 Steps to Risk Assessment

Safer Clubbing

Safety Guidance for Street Art etc.

Various BS and ISO standards

Appendix 24

Underage drinking or other harm to minors

General Advice

If Members hear evidence that gives them cause for concern in relation to the licensing objective of protecting children from harm, and provided it is proportionate they should consider a licence condition that all under 18 year olds are excluded, and that a registered door supervisor is employed to check the age of all customers. This should be done where the activities to be carried on, previous history or lack of effective management justifies it.

There are also other licensing conditions that may be appropriate, as explained below. This may be appropriate where the premises may have children present and it is not primarily a place for consuming alcohol. For example a restaurant or a Cinema.

Of course, it is not necessary to restate the existing law in relation to any licensing conditions.

Licensing Policy

The policy recognises that children need to be protected (**See Section 9 of the Licensing Policy**).

The Licensing Policy expects applicants to have sought appropriate advice from the Area Child Protection Agency. (**See 9.3**).

The following are examples of premises that will raise concern:

- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided
- Where irresponsible drinking is encouraged or permitted

(**See 9.4**).

The Licensing Authority expects all applicants who are supplying alcohol to have addressed the issues relating to the protection of children from harm. and to have robust measures in place to protect children. (**See Section 9.9**)

The policy expects all licence holders to comply with the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin. (**See Section 9.8**).

The Licensing Authority will consider attaching conditions to protect children and these may include Conditions drawn from the Model Pool of Conditions

relating to Protecting Children from Harm. (**See Appendix 2 Annex H of the Licensing Policy**). In particular Members may wish to consider the following: (this list is not exhaustive):

- Restricting access to premises where heavy or binge or underage drinking is a problem
- Restricting access where significant gambling, or adult entertainment is an issue
- There is a general presumption that where the public are allowed on a premises after 11pm children under 12 will not be allowed unaccompanied by an adult (for example a supermarket)-the applicant can however rebut this
- Restrictions may be applied at particular times, for example when adult entertainment takes place or “happy hours”
- Age restrictions that apply to cinema performances
- Age restrictions for theatres where the entertainment is “adult”
- Conditions relating to the safety of children at performances, or as performers-such as venue, fire safety, special effects and dangerous equipment
- The Portman Code relating to the naming, packaging and promotion of alcoholic drinks

Licensing Act 2003 (Part 7)

The Licensing Act 2003 only permits under 16 years olds onto premises exclusively or primarily used for the supply of alcohol when accompanied by adults.

Children under 16 years old must be accompanied by an adult to be present between midnight and 5am on all premises supplying alcohol.

Restaurants may serve wine, beer or cider for consumption to 16-18 year olds with a meal-this is the only significant exception to the prohibition of selling alcohol to minors, and the purchase itself must be by an adult..

The Licensing Act 2003 makes it a criminal offence to serve alcohol to minors (there is however a defence of due diligence). Applicants are always free to exclude minors if they wish to do so.

Other Legislation

The Children (Performances) Regulations 1968 sets out the requirements for protecting child performers

Appendix 25

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 or 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 26

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)

Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	16 September 2014	Unclassified	LSC 23/145	

Report of: David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a premises licence for A Filo Limited, Unit 9 Ground Floor (Block B), 6 Richmix Square, London, E1 6LD Ward affected: Weavers
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1.0 Summary

Applicant: **A Filo Limited (08607072)**
Name and Address of Premises: **A Filo Limited**
Unit 9, Ground Floor (Block B)
6 Richmix Square
London
E1 6LD

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

Objectors: **Local Residents**
Local Councillors
Metropolitan Police

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a variation in a premises licence for A Filo Ltd., Unit 9 Ground Floor (Block B), 6 Richmix Square, London, E1 6LD.

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
- The provision of late night refreshment

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

Sale of Alcohol (both on and off sales)

- Monday to Thursday from 10:00hrs to 23:30hrs
- Friday to Saturday from 10:00hrs to 00:00hrs (midnight)
- Sunday from 10:00hrs to 22:30hrs

The Provision of Late Night Refreshment (indoors):

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

Hours premises is open to the public:

- Monday to Thursday from 08:00hrs to 23:30hrs
- Friday to Saturday from 08:00hrs to 00:00hrs (midnight)
- Sunday from 09:30hrs to 22:30hrs

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

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

3.6 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 1st November 2013.

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

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 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
- Local Councillors
- The Metropolitan Police

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 from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Close proximity to residential properties
 - The Tower Hamlets Cumulative Impact Zone
- 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 8-11** 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 08:00hrs and midnight, no additional conditions should be set relating to the music.

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- | | |
|--------------------|---|
| Appendix 1 | A copy of the application |
| Appendix 2 | Maps of the area |
| Appendix 3 | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations |
| Appendix 4 | Representations of Local residents in the form of a petition via spokesperson Mr Abdeslam Saadani |
| Appendix 5 | Representation of Robin Fellgett of the Jago Action Group |
| Appendix 6 | Representation of Cllrs Pierce and Mukit |
| Appendix 7 | Representation of the Metropolitan Police |
| Appendix 8 | Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises |
| Appendix 9 | Licensing Officer comments on Noise while the Premise is in Use |
| Appendix 10 | Licensing Officer comments on Access and Egress Problems |
| Appendix 11 | Licensing Officer comments on The Tower Hamlets Cumulative Impact Zone |

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Appendix 1

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

Licensing Section,
Mulberry Place
(AH), PO Box 55739, 5 Clove Crescent,
London 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 A Filo 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 Unit 9 Ground Floor (Block B), 6 Richmix Square	
Post town London	Post code E1 6LD
Telephone number at premises (if any)	not known
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii as a partnership | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> 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 A Filo Limited
Address C/O Shelley Stock Hutter LLP 1st Floor, 7 - 10 Chandos Street London W1G 9DQ
Registered number (where applicable) 08607072
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 delicatessen/cafe/restaurant.

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon	23:00	23.30	Please give further details here (please read guidance note 3) Provision of hot food and drink.		
Tue	23:00	23.30			
Wed	23:00	23.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	23.30			
Fri	23:00	00.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00.00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (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	23.30	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	10.00	23.30			
Wed	10.00	23.30			
Thur	10.00	23.30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10.00	00.00			
Sat	10.00	00.00			
Sun	10.00	22.30			

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

Name Elena Sozzi	
Address [REDACTED]	
Post code	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

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

No activities give rise to concern in respect of children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Day	Start	Finish	
Mon	08.00	23.30	
Tue	08.00	23.30	
Wed	08.00	23.30	
Thur	08.00	23.30	
Fri	08.00	00.00	
Sat	08.00	00.00	
Sun	09.30	22.30	

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	[REDACTED]
Date	18 July 2014
Capacity	Joelson Wilson LLP Solicitors and duly authorised agents on behalf of the Applicant

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

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

ANNEX A

1. A designated taxi number shall be available.
2. There will be no draught sales of alcohol.
3. There shall be no self-service of spirits on the premises except for spirit mixers below 5.5% Alcohol by Volume.
4. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
5. No alcohol shall be consumed more than 30 minutes after the permitted hour for the supply of alcohol.
6. 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.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
8. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
11. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.

15. 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.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) all seizures of drugs or offensive weapons
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
18. All sales of alcohol for consumption away from the immediate outside of the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. The supply of alcohol shall be by waiter or waitress service only.
20. All outside tables and chairs shall be rendered unusable by 22.30 Monday to Saturday and 22.00 on Sunday.

LICENSING PLAN

RED LINE all licensable activities with take place. — · — · —

EXTENT OF OWNERSHIP —

LOCATION OF MOVABLE FURNITURE FOR INDICATIVE PURPOSES ONLY.

FIRE EXTINGUISHER

Carbon dioxide ■

Gas water ■

The current location of fire safety equipment is subject to variation in the future with the agreement of the Fire Officer or after a fire risk assessment.

SD Smoke Detector

HD Heat Detector

⊕E Running man - Emergency Lighting to BS 5266 Part 1 2005

○E Emergency Lighting

CCTV CCTV CAMERA

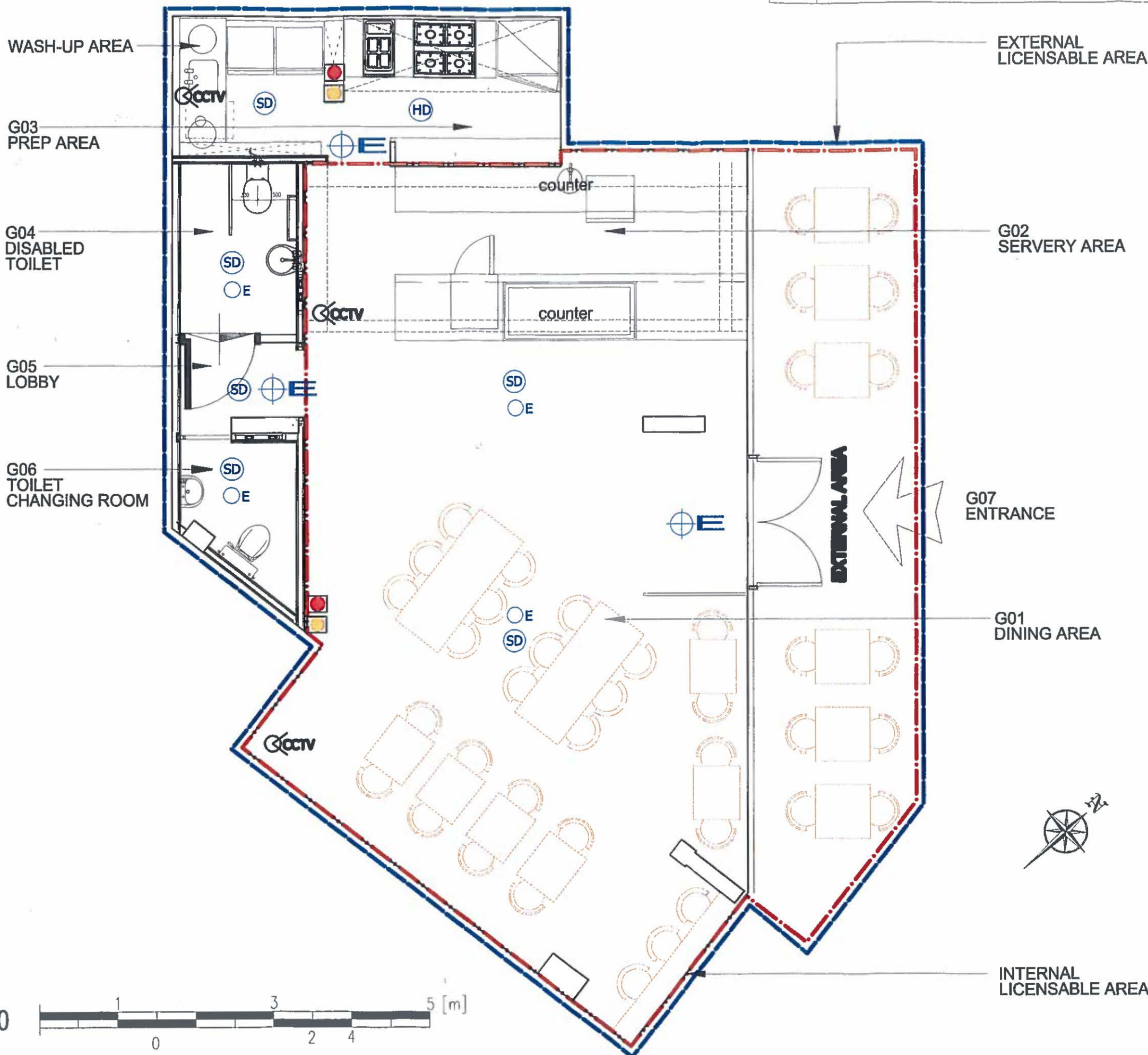
Client
A FILO LIMITED
 FIRST FLOOR
 7-10 CHANDOS STREET
 LONDON W1G 9DQ

Job Title
'A FILO'
 UNIT 9 (BLOCK B)
 6 RICHMIX SQUARE
 LONDON E1 6LD

ADMERLIN.COM
 1 ALEXANDRA MEWS
 LONDON N2 9HA
 M 07912876119

Drawing Title
LICENSING PLAN

Scale	Date	Drawn	Checked / Date
1:50	15 JULY 2014	AM	-
Job No.	Drawing No.	Revision	
A D M 0 7 1 4	L 1 0 0	A	



LBTH
 TRADING STANDARDS
 21 JUL 2014
LICENSING

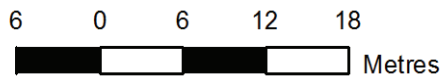
Appendix 2



Rich Mix Square



Scale 1:668



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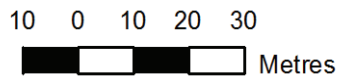


Rich Mix Square

Map 2



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 4

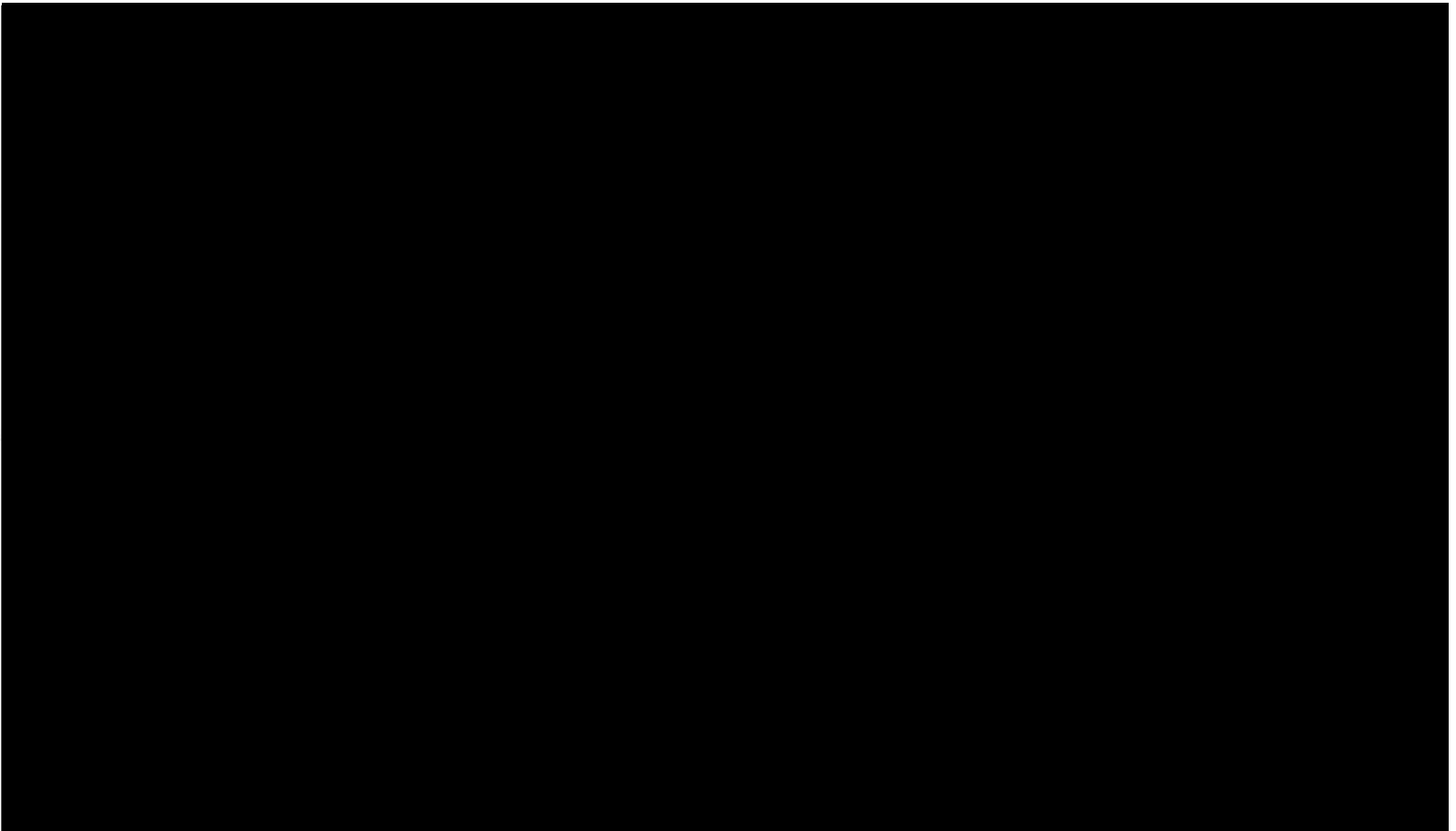
13/08/2014

REF: TSS/LIC/077148

REF: NMM.MJM A00260/0001

Petition against A Filo Ltd application for a premises Licence.

We the undersigned oppose A Filo Ltd Unit9, Block B, 6 Richmix Square E1 6LD a licence. We strongly believe that opening of a new licenced premises to supply alcohol for consumption on the premises and have late night refreshment (past 23:00hrs) or regulated entertainment up until Mon-Thurs. 23:30 Fri-Sat 00:00 will have a cumulative impact on anti-social behaviour, disorder and public nuisance as a consequence a negative impact on children. The residents of Edison heights and their children who live metres across the courtyard from the main entrance of these premises will be directly affected by the rise of noise caused by people seated outside the premises moreover leaving the premises after 23:30 weekdays and 00:00 weekends. This premises is also located in a saturation policy zone and we believe that this license will contribute to the late night problems at Richmix Square and Brick lane and therefore should be rejected by the members of the licensing committee.



Reference Number: NMM.MJM A00260/0001

Petition against this premise: A FILO LIMITED, Unit 9 Ground Floor (Block B) , 6 Richmix Square London E1 6LD

Flat Number	Address	Name	people living in (Adult + children)	Signature
103	Edison Heights E1 6GP	MR SHADWINI ALLARI		
701	Edison Heights	MR J MASON		
702	Edison Heights	Robert - Tennant		
503	Edison Heights	R. YUSUF		
411	Edison Heights	MOKTADIR		
415	Edison Heights	SALEH AHMED		
412	Edison Heights	Nafisa Choudhury		
413	Edison Heights	Alya Haque		
409	Edison Heights	NATALIA AFONSO		
305	Edison Heights	MUHAMMAD		
307	Edison Heights	Carlos MUNOZ		
308	Edison Heights	SUREJA		


Reference Number: NMM.MJM A00260/0001

Petition against this premise: A FILO LIMITED, Unit 9 Ground Floor (Block B) , 6 Richmix Square London E1 6LD

Flat Number	Address	Name	people living in (Adult + children)	Signature
312	Edison Heights	ABDULLAH CHOWDHURY		
310	Edison Heights	CALLISTE YEBOAH		
303	Edison Heights	Mahmud Begum		
104	Edison Heights	Faisal Ahmed		
112	Edison Heights	L. JEBUSE		
101	Edison Heights	Jacqueline Martini		
102	Edison Heights	Nicole Aslam		
106	Edison Heights	Shah Madhu		
114	Edison Heights	Roksana Faruq		
111	Edison Heights	Beauti Nessa		
113	Edison Heights	Rushna Begum		
408	Edison Heights	MR FARONI		

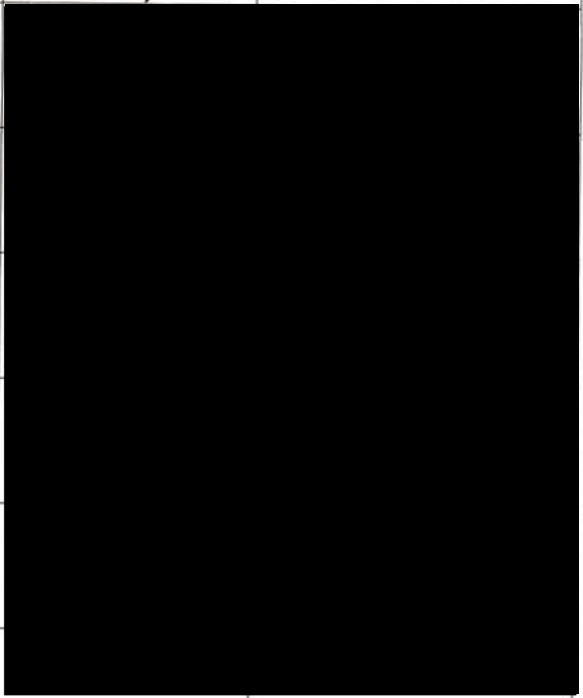
Reference Number: NMM.MJM A00260/0001

Petition against this premise: A FILO LIMITED, Unit 9 Ground Floor (Block B) , 6 Richmix Square London E1 6LD

Flat Number	Address	Name	people living in (Adult + children)	Signature
B 301	CIRRUS APT E1 6FL	Ann-marie king		
202	Cirrus Apartment	Thufayel Ahmed		
13	E1 6LF Bacon Street	Joyawi Ahmed		

Reference Number: NMM.MJM A00260/0001

Petition against this premise: A FILO LIMITED, Unit 9 Ground Floor (Block B) , 6 Richmix Square London E1 6LD

Flat Number	Address	Name	people living in (Adult + children)	Signature
407	Edison Heights	SOBIA IGBAL		
404	Edison Heights E1 6GP	SIERRA		
401	Edison Heights E1 6GP	HARRIET ASARE		
	Edison Heights			
	Edison Heights			
	Edison Heights			

Appendix 5

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 19 August 2014 10:26
To: Andrew Heron
Subject: FW: A Filo Ltd, Unit 9 Ground floor (block B), 6 Richmix Square

Follow Up Flag: Follow up
Flag Status: Completed

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

From: Robin Fellgett [REDACTED]
Sent: 18 August 2014 17:30
To: Licensing
Cc: [REDACTED]
Subject: A Filo Ltd, Unit 9 Ground floor (block B), 6 Richmix Square

Dear Sirs,

In accordance with the policy of the Jago Action Group (JAG), which is a recognised residents' and tenants' association in the area, I write to object to this application for a premises licence under the Licensing Act 2003.

The premises fall within the Cumulative Impact Zone effective 1st November 2013.

Under the licensing authority's policy (para 8.4) the license should be refused as this representation has been received; and I understand several other objections are being tabled too.

To rebut the presumption of a refusal the applicant would need to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises would not add to the cumulative impact already being experienced. Nothing in the application on the TH website even attempts to do so (although annex A has not been uploaded). The cumulative impact of the very large number of licensed premises in the CIZ includes: excessive noise, both from drinkers and from those establishments that play loud music; public nuisance and petty crime including public urinating, vomiting and littering; aggressive behaviour; drug taking and dealing including a recent surge in the mis-use of nitrous oxide (laughing gas) as well as harder drugs. These impacts are particularly unwelcome to families with children; it is therefore especially regrettable that several families have recently felt forced to move out of the area to get away from the worst excesses of the night-time economy, brought about by having too many licensed premises catering to too many people. Any addition is bound to add to some extent to the problem.

Steps that might help moderate the impact of yet another licensed establishment in the neighbourhood include: restricting the supply of alcohol to drinks that accompany a substantial meal (i.e. a restaurant not a bar license); restricting the supply of alcohol to 'on' not 'off' sales; restricting the hours, preferably to daytime meals (say up to 7pm) and possibly - exceptionally - 9 or 10pm as the worst effects of the night time economy are felt later; for the premises owners to adopt effective policies to manage noise, dispersal etc.

If the applicants offered to take these steps, I expect JAG would consider if they were sufficient.

yours faithfully,

Robin Fellgett
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 6

Dear Sir/ Madame

Objections to licensing application from A Filo, Unit 9, Block B, 6 Richmix Sq, E1 6LD.

Tower Hamlets Council acknowledges that “over the last decade, Brick Lane has developed into one of London’s major night time economies and it has the highest concentration of licensed premises in Tower Hamlets with more than 200 licensed premises”.

“The continued development and increasing number of restaurants, late night takeaways, off licences and bars, has the potential to lead to public disorder and anti-social behaviour in the area. This would place a considerable strain on police resources and of other responsible authorities e.g. council, fire service and health services. It could also have a debilitating effect on the quality of life for the people that live, work and visit the area”.

The Council has voted to introduce a Saturation Zone, introduced through the Licensing Act in 2003, as a response to crime, disorder and nuisance problems arising from the cumulative effect of having a number of licensed premises operating in close proximity to each other in the Brick Lane area.

New licenses within the Saturation Zone must first demonstrate that the grant of the application will not add to the existing problems, known as a ‘presumptive rebuttal’.

We believe that this license and its proposal to sell alcohol in a seated area on Rich Mix Square will have a debilitating effect on the quality of life for the people that live on Rich Mix Square, many of whom are families with young children living in Eddison Heights.

Throughout the week and on weekends Rich Mix Square is a hot spot for anti-social behaviour and street drinkers which the Council and other agencies have failed to remove. The addition of a restaurant with outside tables will exacerbate this problem. Many of the patrons will be hassled by the street beggars who also work in the area.

Having patrons drinking, smoking and congregating in Rich Mix Square will add to the noise nuisance in the area, particularly after midnight when the venue closes and as patrons leave the premises in this residential area.

Based on this, we believe that the prevention of crime and disorder and the prevention of public nuisance would not be promoted if this licence is granted and therefore members of the committee should refuse this application.

There is also no evidence from the proposed application that A Filo Ltd has met the requirement of a ‘presumptive rebuttal’ under the rules of our Saturation Zone policy.

Yours faithfully,

Cllr John Pierce and Cllr Abdul Mukit

Appendix 7

John McCrohan
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



Your ref:
Our ref:
15 August 2014

Dear Mr McCrohan

Re: Application for a Premises Licence
Unit 9, 6 Richmix Square, E1 6LD

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

The prevention of crime and disorder
The prevention of public nuisance

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

Sunday: 1000 - 2230
Monday - Thursday: 1000 - 2330
Friday - Saturday: 1000 - midnight

Late night refreshments reflect the above hours.

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

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

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

One more late night opening venue will only compound the problems at the top end of the CIZ. One more venue open until midnight will mean more people staying for longer within the CIZ. The continual build up of licensed premises is the reason why the CIZ was introduced.

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

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

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

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

The hours applied for on a Friday and Saturday falls into the above peak hours.

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

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

Table 1: London Ambulance Service call outs to binge drinking

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

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

Table 2: Alcohol Attributable Admission Rates 2011/2012

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

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

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

I am also concerned that the outside area may attract low level ASB in terms of raised voices even if in good spirits.

I therefore ask the committee to refuse this application as it falls within the CIZ.

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

In terms of hours, if the licence is to be granted I would ask the committee to consider the following hours

Alcohol

Sun: 1000 - 2200

Mon - Thur: 1000 - 2300

Fri - Sat: 1000 - 2330 (allows a half hour drinking up time)

Opening Hours: as per application

Conditions.

The committee may wish to consider limiting the numbers of smokers outside at one time after 2200

The outside area will only be used for licensable activities between the hours of 1000 - 2200 (all week)

Alan Cruickshank PC 189HT

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.

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.

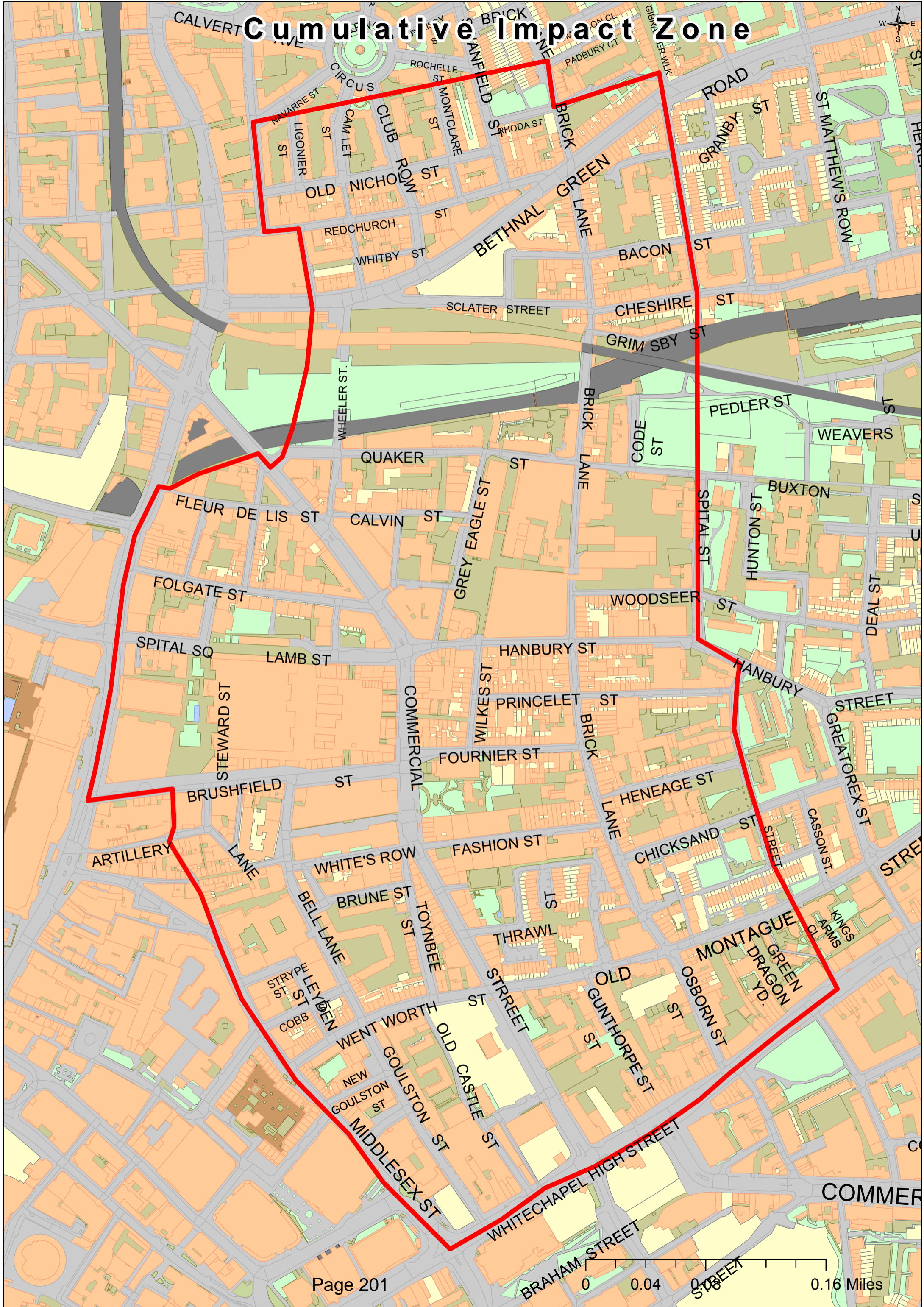
The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore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

The following map shows the outline of the LBTH CIZ.

Cumulative Impact Zone



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Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	16 September 2014	Unclassified	LSC 24/145	

Report of David Tolley Head of Consumer and Business Regulation Originating Officer: Alexander Lisowski, Licensing Officer.	Title: Licensing Act 2003 Temporary Event Notice for ICAN Studios, 33-35 Monier Road, London, E3 2PR. Ward affected: Bow East
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1.0 Summary

Applicant: **Philip Kirton**

Address of Premises: **ICAN Studios
33-35 Monier Road
London E3 2PR**

Objectors: **Environmental Health**

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 premises licence(**See Appendix 1**), and a copy of the application (**See Appendix 2**).
- 3.3 The applicant has described the nature of the application as follows:
The supply of alcohol
Regulated Entertainment
Late Night Refreshment
- 3.4 The premises that has been applied for is:

ICAN Studios
33-35 Monier Road
London E3 2PR
- 3.5 The dates and times that have been applied for are as follows:

Studio 2 at the venue, 21st September, 2014, 15.00pm to 06.00am the following day.
The courtyard at the venue, 21st September, 2014, 15.00pm to 21.00pm
- 3.6 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 Environmental Protection 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 premises licence
Appendix 2	A copy of the application
Appendix 3	Plans of the area around the venue
Appendix 4	Environmental Protection objection

Appendix 1

(A Class Above Events & Hospitality Ltd)
33-35 Monier Road
London
E3 2PR

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: 17th October 2013



Part A - Format of premises licence

Premises licence number

18182

Part 1 - Premises details

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

(A Class Above Events & Hospitality Ltd)
33-35 Monier Road

Post town

London

Post code

E3 2PR

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

The supply of alcohol (both on and off premises)

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

The provision of late night refreshment (both indoors and outdoors)

- Friday to Saturday from 23:00hrs to 00:00hrs

The provision of regulated entertainment in the form of films (indoors), Live Music (indoors), Recorded Music (indoors), Performances of Dance (indoors), Anything of a Similar Description (indoors); Provision of Facilities for Making Music (indoors), Provision of Facilities for Dancing (indoors) and Anything of a Similar Description (indoors)

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

Non-Standard Times

2) Fifty (50) non-standard hours of operation - from 10:00 to 06:00 am

The non-standard hours of operation require that:

A) - 10 working days prior to the event notice is given of their use to both Tower Hamlets Police Licensing, and to Tower Hamlets Environmental Health

B) - Both Tower Hamlets Police and Environmental Health have the right of veto of the use of non-standard hours.

The conditions of the license still apply when the non-standard hours are used.

The opening hours of the premises

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

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

A Class Above Events & Hospitality Ltd
35 Monier Road
Bow
London
E3 2PR

[REDACTED]
[REDACTED]

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

Registered Number: 08098228

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

Philip Kirton

[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

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

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

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows: If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction must be adhered. Otherwise the recommendation of the film classification body must be followed. Children means persons aged under 18 and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

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

Note: The conditions of the license still apply when the non-standard hours are used.

1. No nudity or semi nudity permitted;
2. Children will not be on the premises after 21.00 hours unless they are in the company of an adult/guardian;
3. The Acoustic Report (Report Reference: SA-2411, Report Date: 14.01.2013) forms part of the operating Schedule
4. The venue is to do all that is necessary and possible to ensure that the best possible standards of security are being met;

5. CCTV will be installed to Police satisfaction with the following conditions: The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period;

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member shall be able to download the images and present them immediately on request with the absolute minimum of delay when requested;

7. In addition to the requirements under condition (2) a monitor must be immediately viewable upon entering the premises showing real time footage so that patrons can clearly identify that they have been capture on CCTV as they enter the premises;

8. The CCTV Camera system and coverage thereof must cover both internal and external to the premises;

Entry and Search Policy

9. There shall be an ID Scanner in operation during every event at Ican Centers where there is regulated entertainment or the sale of alcohol. It is the duty of both the licensee or DPS and the duty manager to ensure that everyone that enters the premises has had their ID scanned; the I D Scanner shall be activated 7 pm each evening the premises is opened;

10. Operate the "Challenge 25" scheme and must always request valid photographic ID from anyone appearing to look under the age of 25 years;

11. SIA Door Staff are to carry out checks on bags and personal items that customers may be carrying with them. Checks are also to be made on customers' upon entry to the venue In the event of any weapons or of illegal substances and being discovered the individual should be detained, the item confiscated, the duty manager notified and the Police called immediately;

12. A drug safe log system will be employed at the premises to account for the seizure of drugs from customers. The premises management will liaise with the police for regular collection of seized drugs. All seized items will be placed in sealed bags the bags will be sealed, signed by the person seizing, taking the

drugs or confiscated items and date written and a quantity and description shall also be entered on the log;

13. Registered Door Supervisors employed at the venue must maintain a refusals log which should record a time, date, and place of the refusal, this will include a comprehensive description of the refusal subject including their dress;

Drugs Seizure Police

14. Premises to operate a zero tolerance policy to drugs and comply with the Tower Hamlets Council and Metropolitan Police "Venue Watch - Code of Practice";

15. Toilet areas of the premises are to be checked regularly by members of staff for unusual activity and no less frequent than 2 times each hour when regulated entertainment is in progress;

16. **Seizure:** If any substances are found they should be seized, placed into an evidence bag, sealed, signed counter signed, and placed into the drug box and transferred to the safe at the venue. **Any person found with suspected illegal drugs on them is to be detained and by security and the police called via the 999;**

17. **Collection:** A phone call is made to the Met Police's 101 number to arrange the collection of any confiscated drugs. Each drug bag is to be individually numbered and will need to be accounted for by the venue manager;

18. Notices at the entrance and around the building and on promotional literature notifying customers that **"We do not permit entry to those who are found with any controlled substance. Any person found with suspected illegal drugs on them is to be detained and by security and the police called via the 999"**;

19. **Retention:** A written record will be made in the venue in the incident book/drug seizure form. This will include the date, time, signature of the finder, a brief description of the suspect (or a picture from CCTV), and if then placed in the venue safe, the venue manager will also sign. The written record will also include the name of the person who was searched;

20. An elected member of the door team must carry out a head count in the venue using a mechanical 'clicker' and use this to continue counting customers in and out of the venue during the course of the shift. This member of door staff must ensure that there are **no more people on the premises than is allowed;**

21. SIA Staff are to wear "high visibility" reflective jackets clearly identifying them as security, with SIA badges on display at all times;

22. Registered Door Supervisors will be responsible for searching every customer as they enter the venue and the search is to be conducted only in areas covered CCTV;

23. The premises shall engage with the Metropolitan Police regarding noise and drugs issues in the immediate surrounding area of Monier Road, Remus Road and Smeed Road;

Theft on the premises

24. The I Can Studios will actively discourage and monitor theft activities on its premises;

Before Entry

25. **Security Briefing** – Managers will endeavour to make the Security Team aware of any specific issues of theft and pick pocketing associated with any particular promoted event during the security briefing before doors open;

26. **Profiling:** Are they typical customers, have they been to the venue before, where did they hear about the event etc. – identifying any potentially suspicious behaviour from people at the point of entry;

27. **Dress Code issues** – identify any potential risks such as girls with large handbags with suspiciously few belongings in them, or guests wearing tracksuit bottoms over additional bottoms;

28. **Talk to everyone:** To detect accents, knowledge of the event. etc. – ensuring that anyone associated with a group that has been identified as potentially suspicious can be detected as early as possible;

29. **Communicate with high-risk guests** – ensure they are specifically told of what they can do to minimize the risk of being targeted (use the cloakroom, watch out for your phones, keep your handbag in front of you, don't dance around handbags and check them in instead);

30. **Ticketing issues:** Names on tickets – fake names, repeated names – adhering to a strict ticketing policy that prevents entry to anyone who cannot verifiably confirm the provenance of their ticket.

31. **Assessing large groups and people on their own:** Do they stand out? If so, go through questions and checks to confirm that they have a valid reason for attending the event. Do they know the name of the act, the names of the acts member(s);

32. **Extra signage:** as part of security checks, the Security Team should ensure that there is sufficient signage around the premises ahead of doors opening warning people to look out for their belongings and to report any suspected thefts

as quickly as possible. The Security Team and the Manager will work closely together on ensuring communications to the public in that respect are as clear as possible;

During the Event

33. Informing all Staff & Security – in the event of alleged theft, make sure that all managers, Security Team and all other staff are aware of the issue and actively monitoring & reporting any suspicious activity;

34. Directing Theft Allegations – ensuring there is a procedure to distinguish lost property issues (to be directed to the cloakroom) from alleged theft issues, which all need to be reported to the Head of Security and suitably documented as relevant;

35. Response to Allegations – when instructed to do so by the Manager (or head of Security) and wherever possible, ensure the Security Team re-direct their attentions and efforts towards identifying and catching any persons suspected of theft;

36. Security Checks on the Way Out – random bag & coat checks on the way out to help identify anyone who may be concealing additional possible stolen items;

37. Stop & Search procedure – Identify any guests who have had allegations made against them (from guests, staff or security team) – Firstly call the police and report your suspicions. Security must keep watching the suspected person;

38. Documenting all incidents – Security Team to ensure relevant lost property /theft forms after each reported incident are filled in and documented;

39. Communications with police – Security Team to be aware of the correct procedure in terms of involving the police for any serious reports or incidents. Any questions please contact Pc Mark Perry or the Tower Hamlets Licensing Unit or if not available Met Police's 101 crime number;

40. Refusal of Sale of Alcohol - Any refusal of the sale of alcohol to a guest is to be recorded in the refusal log;

Closing down procedure

41. All patrons waiting for a minicab/taxi will be encouraged to wait within the premises;

42. Cab operators shall be informed of the need to keep noise to a minimum and switch their vehicles' engines off whilst waiting for clients;

43. All minicab/taxi firms used shall be requested to instruct their drivers not to block Monier Road or the entrance of the premises (Remus Road) or roads in the immediate vicinity of the premises at any time, all minicabs/taxi firm shall not be permitted to blow their car horns or wait with their engines running whilst outside the premises. [To prevent noise disturbance and in the interest of public safety];

44. Large street signage to deter taxi touting to be displayed during opening hours;

45. Prominent and clearly legible notices shall be displayed in all egress areas of Remus Road and Smeed Road requesting patrons to respect the needs of local residents and to leave the premises and area quietly;

46. A nominated person from the premises to engage with the Metropolitan Police and Transport to assist with illegal taxis not assigned to the premises;

47. Last orders for alcoholic beverages will be 30 minutes before the closure of the premises;

48. After the last song has finished the house lights will be turned on by the duty manager – operating schedule;

49. Please wait fifteen minutes after the lights being turned on before asking customers to leave. This will stagger the egress and help ease the cloakroom;

50. Management should be actively involved with seeing customers off the premises, wishing them goodnight and to also be considerate to the neighbours as they leave;

51. The SIA staff is to be deployed in numbers and a pattern agreed by the Police;

52. Registered Door Supervisor (SIA) will be employed (1) SIA per one hundred (100) customers or part thereof. On other occasions security is to be considered on a continual basis. All details (full name, DOB, Address, SIA badge number, company and Booking on - off times) to be recorded and to be made available to police immediately;

53. DPS / Premises Licence Holder will ensure that customers shall not be permitted to take any drinks outside/including the car park and smoking area of the premises;

54. Patrons permitted to temporarily leaving the premises (for smoking) and then re-enter the premises shall be monitored by an SIA member of staff;

55. Person's re-entering the premises (from the smoking area) shall be searched by a registered door supervisor (SIA);

56. A register of all Registered Door Supervisors to be maintained. [This shall include name, badge number on prominent display, the employer agency (if any) and the time of starting and finishing work];

57. Sale/Supply of alcohol under the Premises Licence must be made or authorize by a person who hold a personal licence;

58. There shall be a Designated Premises Supervisor or Personal licence holder on duty on the premises at all times when the premises when opened to the public;

59. The premises shall not take part or carry out arrange or participate in any irresponsible promotions in relation to the premises. [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];

60. The premises to have in place a waste Management Plan to include the public highway areas of Monier Road and Smeed Road;

61. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00hrs and 08:00hrs;

62. No rubbish shall be left on the pavement outside the premises at any time;

63. An incident log shall be maintained at the premises, and made available on request to an authorised officer of the Council or the Police, recordable offences will include allegations of criminal offence and 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;
- h) any visit by a relevant authority or emergency service;

64. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of

staff who refused the sale. The log shall be available for inspection by the police or an authorised officer of the Council at all times;

65. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale;

Additional Conditions:

66. All events with regulated entertainment to be risk assessed and a 696 form completed and submitted to SCD9ProactiveLicensingIntelligence@met.police.uk at least 3 weeks prior to the event;

67. While the premises is open to the public and selling alcohol there shall be a manager who is a personal license holder;

Prevention of Public Nuisance

68. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service;

69. Loudspeakers shall not be located in the entrance lobby or outside the curtilage of the building;

70. All windows and external doors shall be kept closed after 19:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons;

71. A lobby entrance arrangement to be installed and maintained at the entrance of the premises;

Prevention of Noise Pollution and Public Disturbance

72. Music levels are not to exceed acceptable levels even at peak times. These Levels are to be mutually agreed upon by the DPS, Local Authorities Environment Department and local residents (if necessary);

73. As relevant, the noise limiter should be set to ensure that both a level of music and patron noise is achieved at least -10 dB below the lowest recorded background noise level or not audible at either 1.0m outside any affected residential façade or within any affected habitable rooms with the windows open;

74. For all events that finish past Tower Hamlets framework hours, Quiet Marshalls in high visibility tabards are to operate outside the premises to make sure that customers are leaving the area quietly;

75. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly;

76. Customers arriving and leaving the premises will be advised that there shall be no parking towards Iron Works or Omega Works [To prevent the likelihood of noise disturbance to local residents]. This shall be supervised by authorized staff members dressed in “high visibility vests”;

77. At least **2** SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business from **21:00 hours**;

78. A direct telephone number for the manager at the premises shall be publicly available, the telephone number shall be made available to residents in the vicinity;

79. Designated Premises Supervisor or Personal Licence Holder (nominated /responsible member of staff who holds a Personal Licence) to be present when trading after **21:00 hours**. [Allowing close supervision of staff and a single point of contact for the police and other agencies when attending the location];

80. A cloakroom attendant shall be on duty in the cloakroom when the premises is open to the public;

81. The premises shall prominently display signage informing customers: -
a. To leave quietly and to respect your neighbours;
b. CCTV is in operation and police have instant access to the footage;
c. Searching of customers prior to entry is a requirement of entry. No search – No entry policy is operated on the premises;

Public safety

82. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear “high visibility” reflective jackets clearly identifying them as members of staff;

83. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by SIA door supervisors so as to ensure that there is no public nuisance or obstruction to the public highway;

84. The attending manager or designated responsible staff member of the premises shall remain on the premises until it is fully cleared of all customers;

85. Smoke detectors and a fire alarm system shall be installed within the premises and be maintained in working order at all times;

86. Adequate facilities shall be maintained for disabled visitors and arrangements shall be in place to enable the safe evacuation of disabled visitors in the event of an emergency and that disabled visitors are made aware of these arrangements;

87. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device;

Protection of Children from harm

88. The venue shall prominently display notices advising customers of The “Challenge 25 Policy” the acceptable proof of age such evidence may include a UK photo driving licence or passport and proof of age cards bearing the PASS hologram symbol.

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

Not applicable.

Annex 4 - Plans

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

- Ground Floor Plan - Drawing Number: 302(00)100.16 and 302(00)100.02.
- First Floor Plan – Drawing Number: 302(00)100.18.
- Project Number: 302.G.1212.01.



Part B - Premises licence summary

Premises licence number

18182

Premises details

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

(A Class Above Events & Hospitality Ltd)
33-35 Monier Road

Post town

London

Post code

E3 2PR

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

The supply of alcohol (both on and off premises)

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

The provision of late night refreshment (both indoors and outdoors)

- Friday to Saturday from 23:00hrs to 00:00hrs

The provision of regulated entertainment in the form of films (indoors), Live Music (indoors), Recorded Music (indoors), Performances of Dance (indoors), Anything of a Similar Description (indoors); Provision of Facilities for Making Music (indoors), Provision of Facilities for Dancing (indoors) and Anything of a Similar Description (indoors)

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

Non-Standard Times

Fifty (50) non-standard hours of operation - from 10:00hrs to 06:00hrs the following day.

The non-standard hours of operation require that:

- a) - 10 working days prior to the event notice is given of their use to both Tower Hamlets Police Licensing, and to Tower Hamlets Environmental Health;
- b) - Both Tower Hamlets Police and Environmental Health have the right of veto of the use of non-standard hours.

The conditions of the full license still apply when the non-standard hours are used.

The opening hours

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

Name, (registered) address of holder of premises licence

A Class Above Events &
Hospitality Ltd
35 Monier Road
Bow
London
E3 2PR

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)

Registered Number: 08098228

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

Philip Kirton

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

Children will not be on the premises after 21.00 hours unless they are in the company of an adult/guardian.

Appendix 2



Fee:
Receipt No:

LONDON BOROUGH OF TOWER HAMLETS Temporary Event Notice

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

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

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

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Kirton		
Forenames	Philip		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day <input type="text"/>	Month <input type="text"/> Year <input type="text"/>
4. Your place of birth		<input type="text"/>	
5. National Insurance Number		<input type="text"/>	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
ICAN studios 35 Monier Rd			
Post town London		Post code E3 2PR	
7. Other contact details			
Telephone numbers Daytime	<input type="text"/>		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)	<input type="text"/>		

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
I Can Studios 35, Monier rd E3 2PR	
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	17669
Club premises certificate number	N/A
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)	
Studio 2 and courtyard	
Please describe the nature of the premises below. (Please read note 4)	
Multi-purpose venue	
Please describe the nature of the event below. (Please read note 5)	
Discoteque	

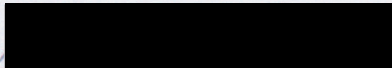
5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	18	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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

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

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

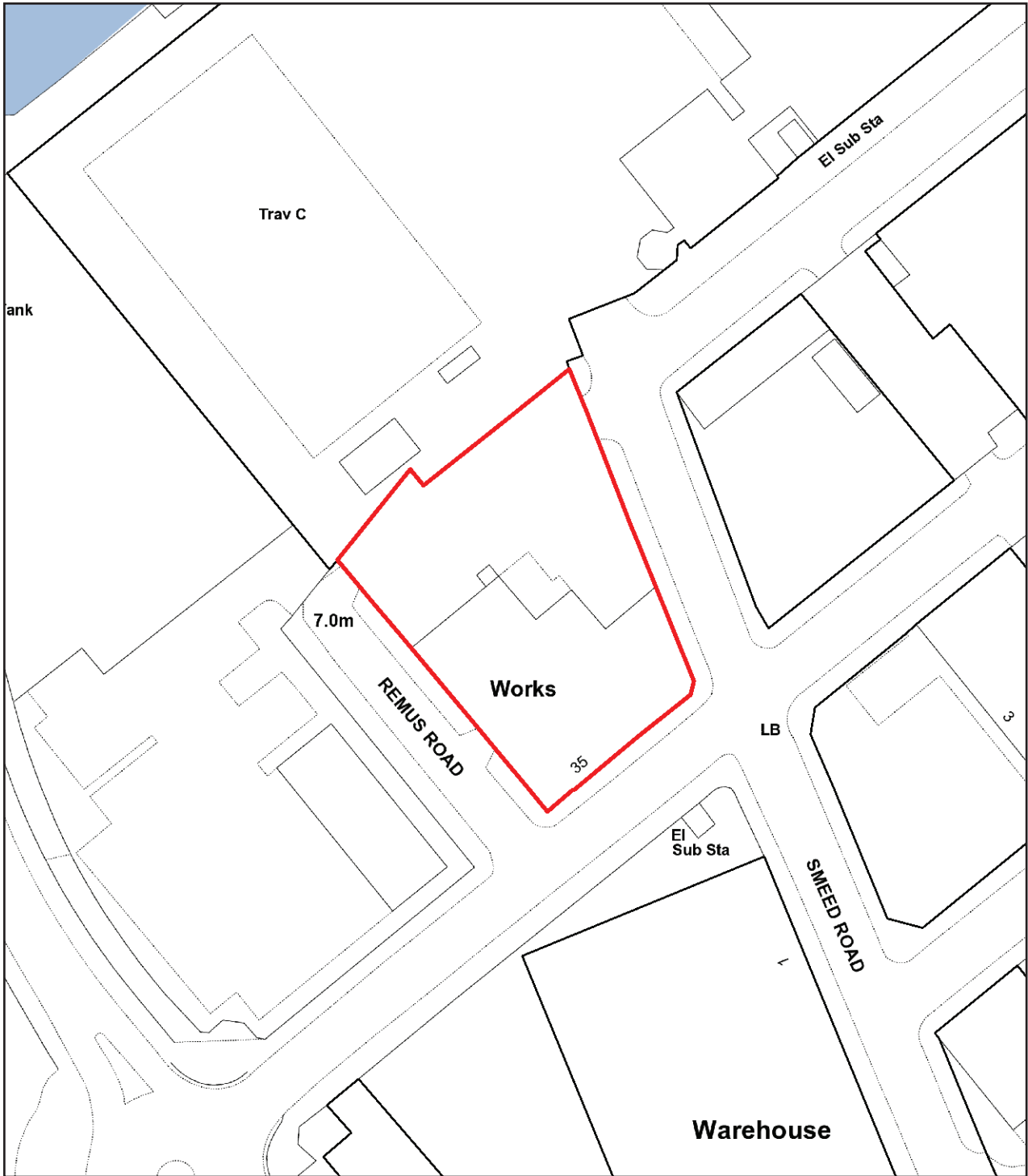
<p>8. Condition (Please read note 16)</p> <p>It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.</p>
--

<p>9. Declarations (Please read note 17)</p> <p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>I understand that it is an offence:</p> <p>(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</p> <p>(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.</p>	
Signature	
Date	29.08.2014
Name of Person signing	DHALIP KIRTON

For completion by the licensing authority

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

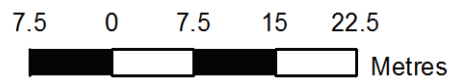
Appendix 3



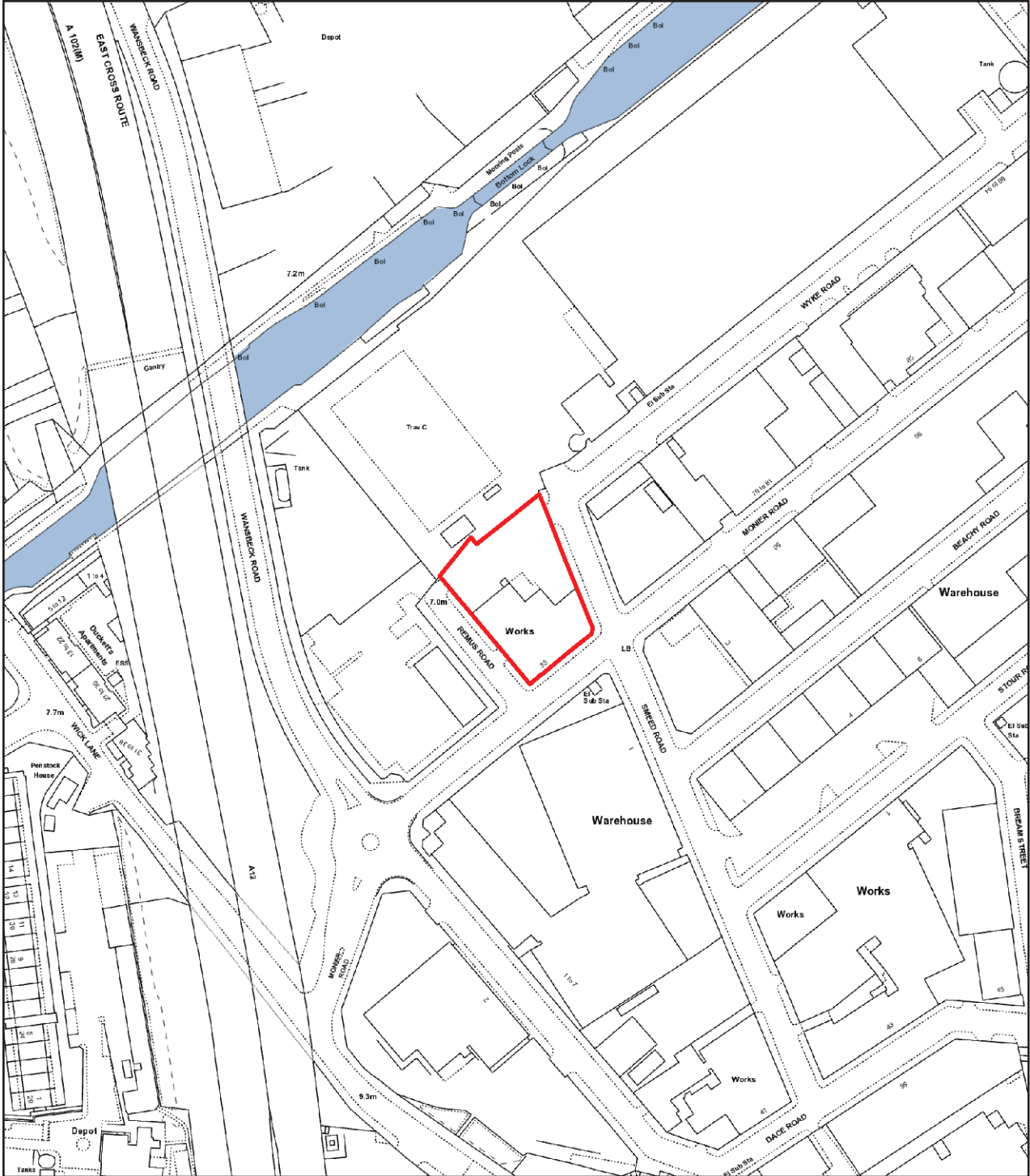
35 Monier Road



Scale 1:850



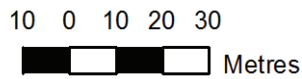
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35 Monier Road



Scale 1:1983



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Appendix 4

Alex Lisowski

From: Ian Wareing
Sent: 02 September 2014 15:18
To: Licensing; ican studios [REDACTED]
Cc: MARK.J.Perry@met.police.uk
Subject: TEN

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam, please consider this email as a representation against the TEN applied for at iCan Studios on the 21st September 2014.

EH have concerns over the use of the outside area for loud amplified music up until 21.00.

EH have previously objected to TEN's for the same address and same use, which have been rejected by Licensing Sub-Committee. Local residents have contacted our department on numerous occasions and reported their annoyance of having loud music disturbing their peaceful enjoyment of their property during the weekend.

The application does not set out how this event will be any different and how the applicants intend to minimise noise disruption. As you may be aware the courtyard does not have a Premises Licence, so therefore conditions cannot be imposed. This leaves this department in a very difficult position with regards to these applications. It may be acceptable if the event was to be held inside the premises only.

I met Marlow on Thursday night 28th whilst patrolling the 'Fish Island' area. He mentioned that he was considering submitting a TEN in the future but wanted to speak to me first. I said that would be fine and left it for him to get in touch. I have not been contacted prior to receiving this application.

Regards

Ian

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

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

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