

LICENSING SUB COMMITTEE

Tuesday, 30 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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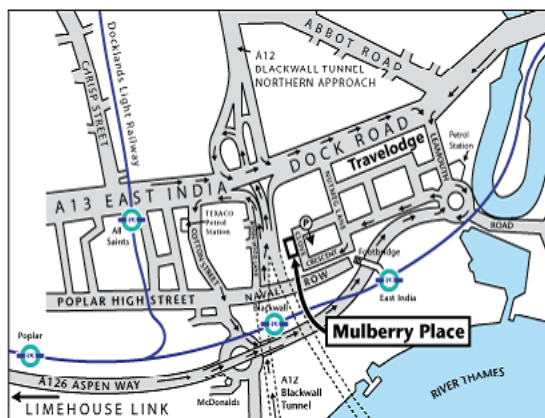
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APOLOGIES FOR ABSENCE

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.

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3 .1 Application for a New Premises Licence for City of Paris Limited - 74 Bonner Street, London, E2 0QP	21 - 72	Bethnal Green
3 .2 Application for Variation of a Premises Licence for Ottolenghi, 11 Artillery Passage, London, E1 7LJ	73 - 142	Spitalfields & Banglatown
3 .3 Application for a New Premises Licence for (Tesco), 571 Manchester Road, Isle of Dogs, London E14 3NX	143 - 212	Blackwall & Cubitt Town

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

3.2 Timescale for notice of hearings to be given

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

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

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

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

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

3.3 Persons who must be notified of a hearing

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

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

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

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

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4. Procedure at the Hearing

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

8. Notices

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

9. Appeals

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

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

APPENDIX A

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

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

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	30 September 14	Unclassified	LSC 33/145	

Report of: David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a New Premises Licence for City of Paris Limited – 74 Bonner Street, London, E2 0QP Ward affected: Bethnal Green
--	---

1.0 Summary

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

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

Objectors: **Local Residents**
Councillors

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew heron
020 7364 2665

3.0 **Background**

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

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

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

- the sale of alcohol
- regulated entertainment

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

Sale of Alcohol (on sales only)

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

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

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

Hours premises is open to the public:

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

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

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

4.0 **Licensing Policy and Government Advice**

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

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

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

5.0 Representations

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

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

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

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

5.11 The objections cover allegations of

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

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

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

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

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

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

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

7.0 Exemptions

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

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

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

- | | |
|--------------------|--|
| 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 Resident Mrs E Legon |
| Appendix 5 | Representations of Local residents – in the form of a petition headed by Mr J and Mrs K Bramley, but additionally representing 4 other parties, including Mrs Legon as above and additionally Mr M Burns, Mr and Mrs Burns and Miss L Morris |
| Appendix 6 | Representations of Councillor Amy Whitelock-Gibbs and Councillor Sirajul Islam |
| Appendix 7 | Licensing Officer comments on Anti-Social Behaviour on the Premises |
| 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 |

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Appendix 1



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

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

On-Line payments can be made at:

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

CITY OF PARIS LIMITED

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

Part 1 – Premises details

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

LBTH

TRADING STANDARDS

- 9 JUN 2014

LICENSING

Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £14,250.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

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

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

B) OTHER APPLICANTS

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

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

E-mail (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
2	1	0 7 2 0 1 4

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

Day	Month	Year

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

--

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

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

E

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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
			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)		

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	Y
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Tue	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Wed	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Thur	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Fri	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Sat	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Sun	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
			State any seasonal variations for playing recorded music (please read guidance note 4)		
			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)		

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	Y	
Day	Start	Finish		Off the premises		
Mon	12:30 PM 17:30 PM	14:30 PM 23:00 PM	Please give further details here (please read guidance note 4)	Both		
Tue	12:30 PM 17:30 PM	14:30 PM 23:00 PM				
Wed	12:30 PM 17:30 PM	14:30 PM 23:00 PM		State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE		
Thur	12:30 PM 17:30 PM	14:30 PM 23:00 PM				
Fri	12:30 PM 17:30 PM	14:30 PM 23:00 PM	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	12:30 PM 17:30 PM	14:30 PM 23:00 PM				
Sun	12:30 PM 17:30 PM	14:30 PM 23:00 PM	NONE			

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

Name

SAJUL ISLAM

Address

[REDACTED ADDRESS]

Personal Licence number(if known)

[REDACTED LICENCE NUMBER]

Issuing Licensing authority (if known)

LONDON BOROUGH OF TOWER HAMLETS

K

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

NONE

M

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

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

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

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

Part 4 – Signatures (please read guidance note 10)

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

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

Signature

[Redacted Signature]

Date

05/06/14

Capacity - APPLICANTS SOLICITOR

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)

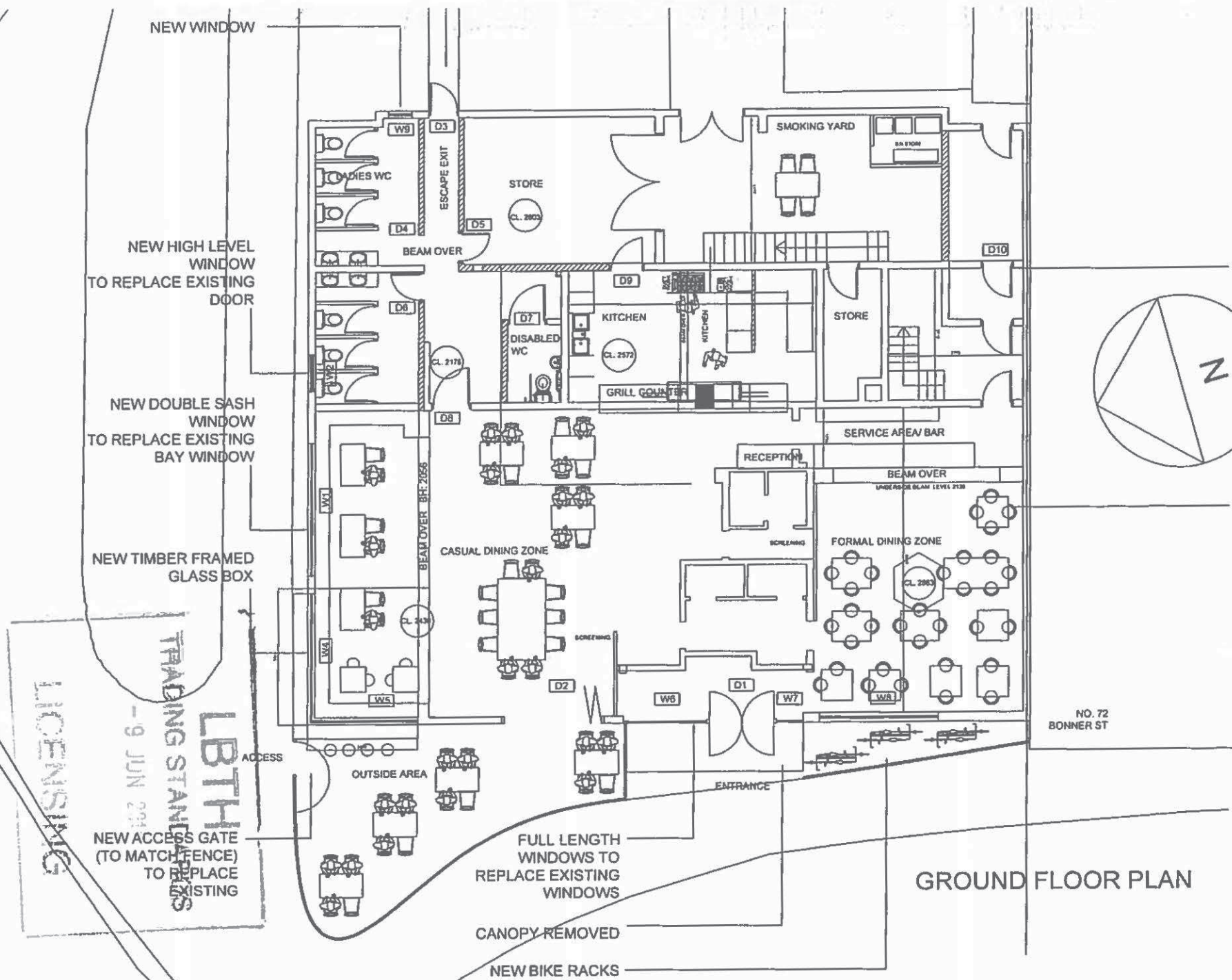
WATERFIELDS SOLICITORS
445 ROMAN ROAD

Post town LONDON

Post code E3 5LX

Telephone number (if any) – [Redacted]

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



LICENSING
 -9 JUN 2014
 TRADING STANDS
 LBTH

NO. 72
 BONNER ST

GROUND FLOOR PLAN

"PRESENT PLAN"

These drawings are for a full Regulatory submission, and if approved by the local authority, comply with the Building Regulations as set out in the Building Notice. It is the responsibility of the Contractor to ensure that the work is carried out in accordance with the Building Notice. If any of the drawings has been altered, it is the responsibility of the Contractor to ensure that the work is carried out in accordance with the altered drawings.

All setting out must be checked against any existing surveys. Any change of level and any other detail must be notified to the architect to be rectified.

PLANNING

Makespacearc

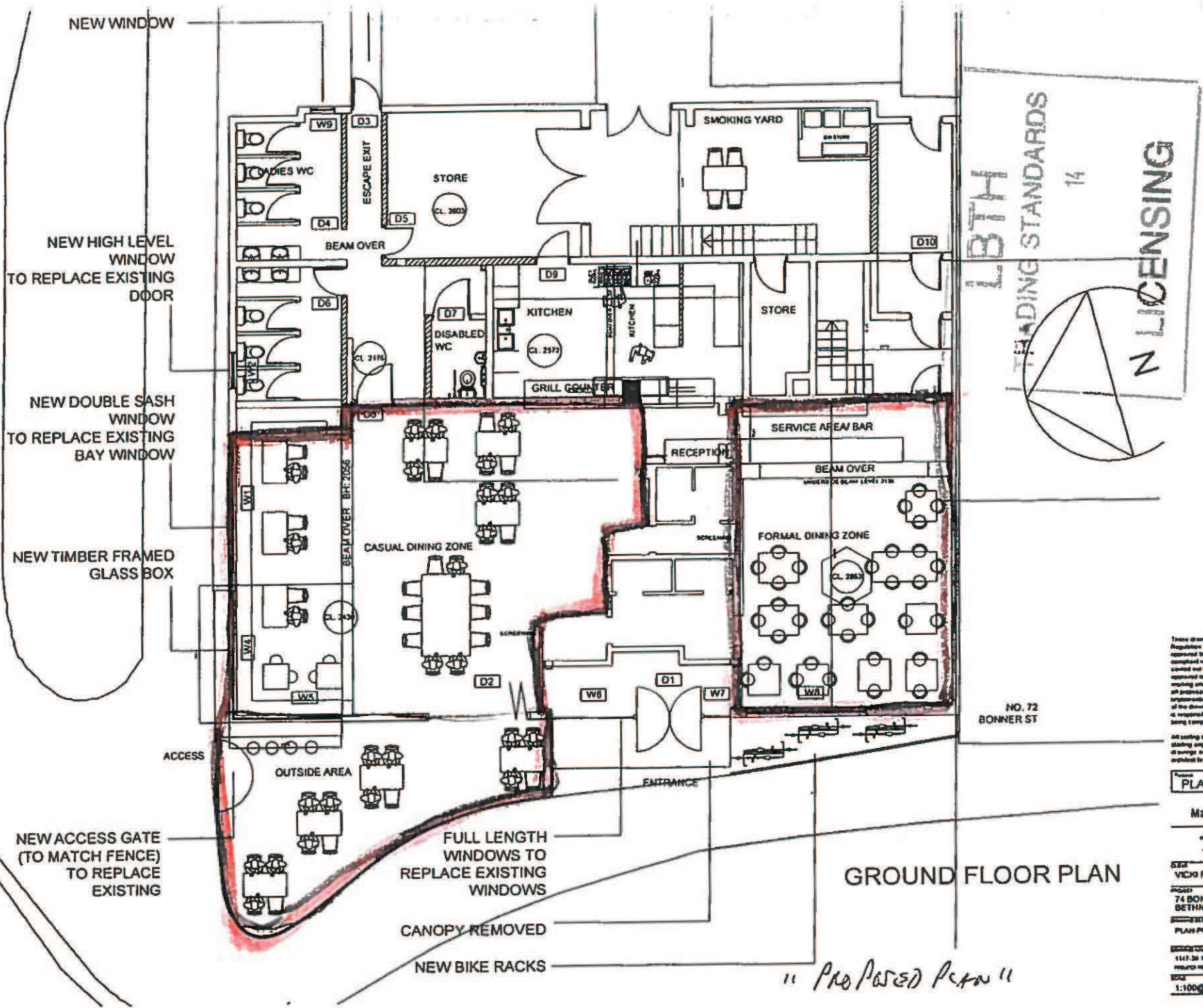
1141 St Dunstons Road
 1141 St Dunstons Road
 London E16 1AA

74 BONNER RD
 BETHNAL GREEN E

PLAN PROPOSED

1147 26 108

1:100@A3



NEW WINDOW

NEW HIGH LEVEL WINDOW TO REPLACE EXISTING DOOR

NEW DOUBLE SASH WINDOW TO REPLACE EXISTING BAY WINDOW

NEW TIMBER FRAMED GLASS BOX

NEW ACCESS GATE (TO MATCH FENCE) TO REPLACE EXISTING

FULL LENGTH WINDOWS TO REPLACE EXISTING WINDOWS

CANOPY REMOVED

NEW BIKE RACKS

L B T H
TRADING STANDARDS
14
N LICENSING

GROUND FLOOR PLAN

" PROPOSED PLAN "

These drawings are for a Planning submission and approved by the local authority. The drawings are not to be used for any other purpose without the written consent of the architect. It is the responsibility of the person using these drawings to ensure that they comply with all relevant regulations and standards.

All settings out must be checked and works, and the drawings and site must be checked to be correct.

PLANNING

Makespace

74 BONNER RD
BETHNAL GREEN

VICKI PARK LTD

PLAN PROPOSED

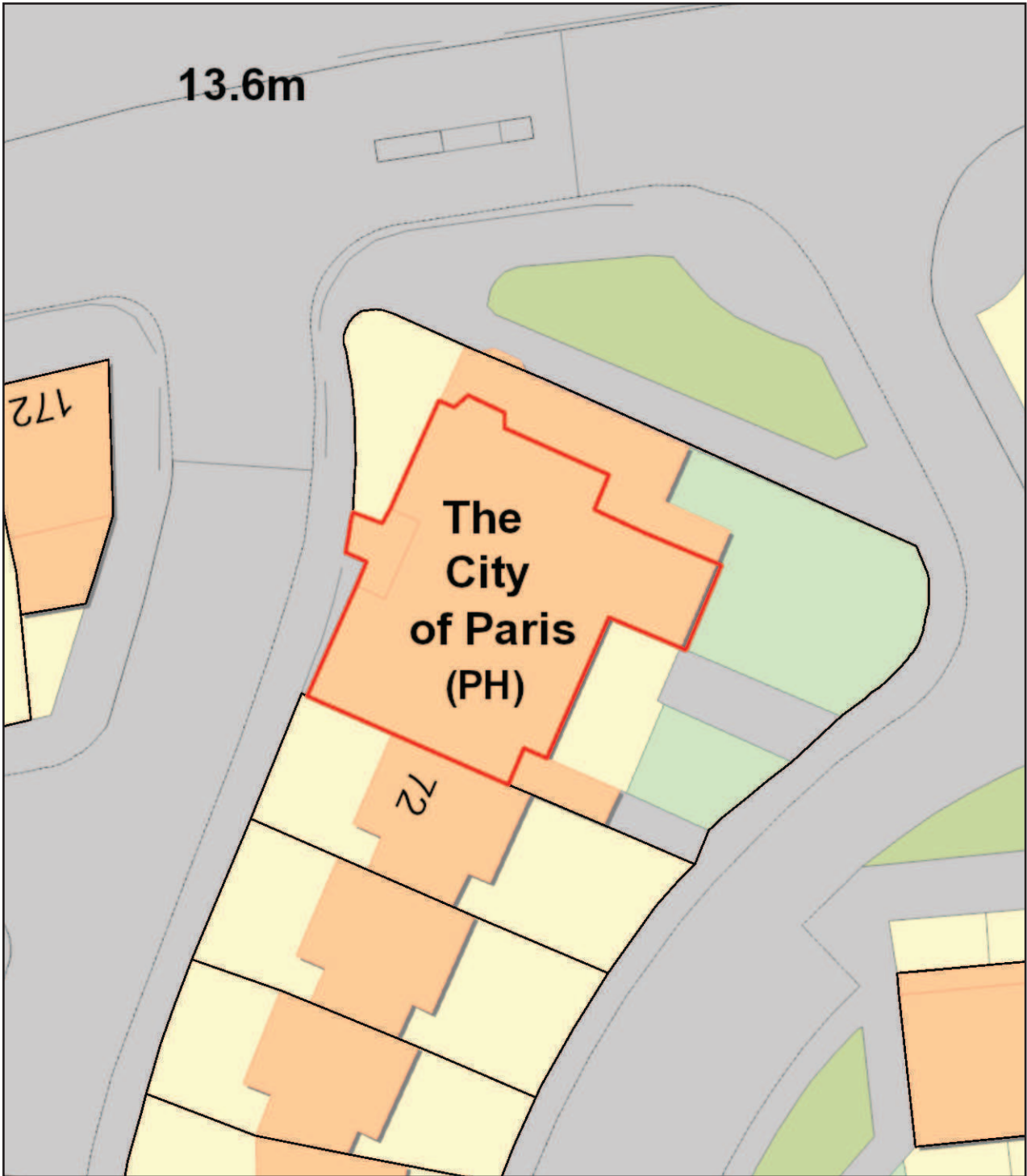
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Appendix 2

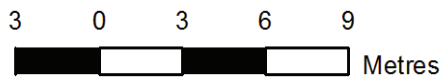


74 Bonner Street

Map 1



Scale 1:334



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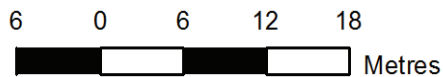


74 Bonner Street

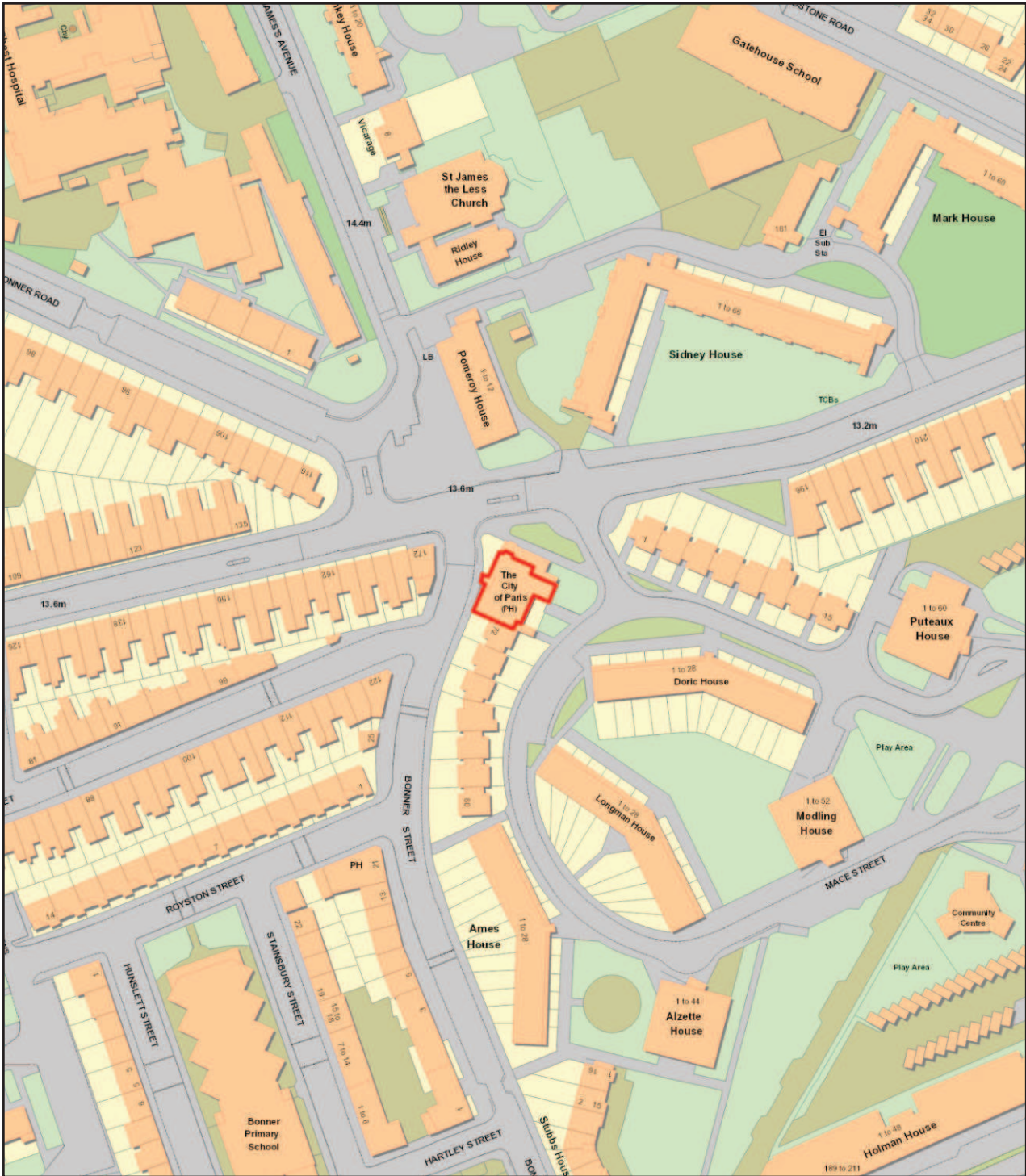
Map 2



Scale 1:668



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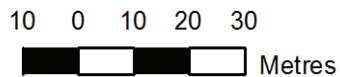


74 Bonner Street

Map 3



Scale 1:1669



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Appendix 3

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

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

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

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

Appendix 3

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

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

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

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

Appendix 4



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

19th June 2014

Dear Mr. McCrohan,

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

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

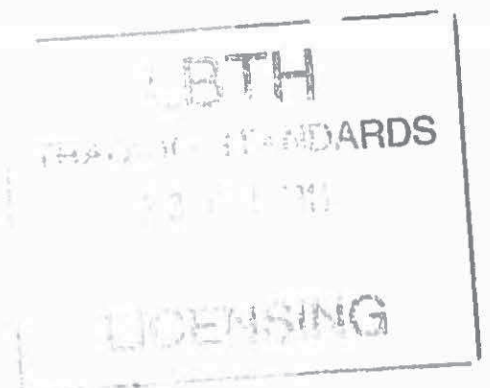
If the license is granted it would cause increased noise levels, I have had various items thrown or left in my front garden e.g. dirty underwear, vomit, etc. I have been frightened by the shouting and loud music playing. I will not be able to sleep or feel safe in my own.

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

Yours sincerely,

[REDACTED]

Mrs. Eileen Legon



Appendix 5



Mr J & Mrs K Bramley



23rd June 2014

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

Dear Ms Driver

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

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

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

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

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

We have suffered before with noise from these premises.

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

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

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

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

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

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

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

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

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

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

Meetings

Engagement Parties

Anniversary Parties

Birthday & Private Parties

Conference & Meetings

Venue for Hire separated into m3 Rooms

SEE ATTACHED PHOTO

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

I have attached the premises current advertisement in the window.

Yours Faithfully



Mr J & Mrs K Bramley

.....



Mr M Burns

.....



Mr & Mrs Burns

.....



MRS E WEGAN



MISS L. MORRIS

.....





Appendix 6

Andrew Heron

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

Importance: High

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

To whom it may concern

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

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

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

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

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

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

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

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

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

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

Kind regards

Cllr Amy Whitelock Gibbs & Cllr Sirajul Islam

Bethnal Green ward

Appendix 7

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 8

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 9

Noise while the Premise is in Use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19)

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

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

Other Legislation

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

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

Appendix 10

Access and Egress Problems

Such as:

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

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

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

Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	30 September 14	Unclassified	LSC 35/145	

Report of: David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for variation of a premises licence for Ottolenghi, 11 Artillery Passage, London, E1 7LJ Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Ottolenghi Limited**
Name and **Ottolenghi**
Address of Premises: **11 Artillery Passage**
London
E1 7LJ

Licence sought: **Licensing Act 2003 variation**
Extending the hours for the sale of alcohol
The removal of a condition

Objectors: **Local Residents**
The 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 Ottolenghi, 11 Artillery Passage, London, E1 7LJ.

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

The current hours are as follows:

The sale by retail of alcohol

- Monday to Saturday from 11:00hrs to 00:00hrs (midnight)
- Sunday from 12:00hrs (midday) to 23:30hrs
- Christmas Day from 12:00hrs (midday) to 23:30 hrs
- New Year's Eve, except on a Sunday, 11:00hrs to 00:00hrs (midnight)
- On New Year's Eve on a Sunday, 12:00hrs (midday) to 23:30hrs

The provision of late night refreshment

- Monday to Saturday from 23:00hrs to 00:00hrs (midnight)
- Sunday from 23:00hrs to 23:30hrs
- Christmas Day from 23:00hrs to 23:30hrs
- New Year's Eve, except on a Sunday, 23:00hrs to 00:00hrs (midnight)
- On New Year's Eve on a Sunday, 23:00hrs to 23:30hrs

The provision of regulated entertainment in the form of Live Music, Recorded Music and Dancing

- Monday to Friday 23:00hrs to 01:00hrs (the following day)
- Saturday, from 11:00hrs to 23:00hrs
- Sunday, from 11:00hrs to 22:30hrs

Non-Standard Timings

- On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The opening hours of the premises

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

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

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

- Extending the hours for the sale of alcohol, including off sales
- Removal of a condition

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

Sale of Alcohol (on and off sales)

- Monday to Saturday from 08:00hrs to 00:00hrs (midnight)
- Sunday from 08:00hrs to 23:30hrs

- The Hours for the provision of regulated entertainment and late night refreshment are to remain unchanged.
- The opening hours are to remain unchanged
- The non-standard hours are to remain unchanged.

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

3.7 The application has been amended upon agreement between the applicant's agent and the Metropolitan Police. Please see **Appendix 4** for a copy of the email. The conditions are as follows:

To amend the condition in Annex 1 (of the application) – Mandatory Conditions:

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises in all parts of the premises where intoxicating liquor is sold or supplied. The licence is granted for premises structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises, and the licence is subject to the condition that in the area hatched green on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

To add the following two conditions

1. In the retail area outlined green on the deposited plan, alcohol shall only be sold as an off sale in sealed containers for consumption off the premises between the hours of 0900 – 2300.
2. CCTV -The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 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
- The Metropolitan Police

See Appendices 6, 7 and 9

5.9 The representation from Mr and Mrs Richards (Appendix 7) came with addition signatures. These signatures may not necessarily be accepted by Members as a petition. In **Appendix 8** please find a copy of a letter to Mr and Mrs Richards in relation to the quality of the petition. Members may wish to consider the validity of the additional signatories.

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

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

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

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

5.12 The objections cover allegations of

- Anti-social behaviour from patrons leaving the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Close proximity to residential properties
- The LBTH Cumulative Impact Zone

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

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

consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ 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 10-14** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.
- 7.0 Exemptions**
- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.

- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08:00hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy the existing licence
- Appendix 2** A copy of the application for variation
- Appendix 3** Copy of email dated 28/08/2014 in relation to additional conditions agreed with the Met Police
- Appendix 4** Maps of the area
- Appendix 5** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 6** Representations of Robin Moore of Finlagen Property Company Ltd. – the freeholder of surrounding premises and follow up email dated 19/08/2014
- Appendix 7** Representations of Local residents Mr and Mrs Richards – including a petition
- Appendix 8** Copy of letter to Mr and Mrs Richards in relation to issues with the presentation of the petition
- Appendix 9** Representations of the Metropolitan Police – PC Alan Cruickshank
- Appendix 10** Licensing Officer comments on: Anti-Social Behaviour from Patrons Leaving the Premises
- Appendix 11** Licensing Officer comments on: Noise while the Premise is in Use
- Appendix 12** Licensing Officer comments on: Access and Egress Problems
- Appendix 13** Licensing Officer comments on: Licensing Policy Relating to Hours of Trading
- Appendix 14** Licensing Officer comments on: the LBTH Cumulative Impact Zone

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Appendix 1


(Ottolenghi)
11 Artillery Passage
London
E1 7LJ

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: 3rd August 2005
Variation :6th June 2014



Part A - Format of premises licence

Premises licence number

18091

Part 1 - Premises details

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

(Ottolenghi)
11 Artillery Passage

Post town

London

Post code

E1 7LJ

Telephone number

N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Saturday, 11:00 hours to 00:00 hours
- Sunday, from 12:00 hours to 23:30 hours
- Christmas Day from 12:00 hours to 23:30 hours
- New Year's Eve, except on a Sunday, 11:00 hours to 00:00 hours
- On New Year's Eve on a Sunday, 12 hours to 23:30 hours

The provision of late night refreshment

- Monday to Saturday, 23:00 hours to 00:00 hours
- Sunday, from 23:00 hours to 23:30 hours
- Christmas Day from 23:00 hours to 23:30 hours
- New Year's Eve, except on a Sunday, 23:00 hours to 00:00 hours
- On New Year's Eve on a Sunday, 23:00 hours to 23:30 hours

For conditions relating to times for restaurants see Mandatory Conditions

The provision of regulated entertainment

Live Music, Recorded Music and Dancing

- Monday to Friday 23:00 hours to 01:00 hours the following day
- Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 11:00 hours to 22:30 hours

Non-Standard Timings

- On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The opening hours of the premises

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

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

On sales only

Part 2

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

Ottolenghi Ltd
64 New Cavendish Street
London
W1G 8TB

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

04393165

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

Barbara Murphy

[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

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

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

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

The licence is granted for premises structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises and

The licence is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

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. Maximum capacity shall be 80
2. Entertainment is restricted to the Bar Area
3. Regulated entertainment shall not be audible inside any residential property so as to cause a nuisance

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:

9th May 2014 - Ground Floor/1071/PL/110/ 9th May 2014
First Floor/1071/PL/111/ 9th May 2014
Second Floor/1071/PL/112/ 9th May 2014
Cellar/1071/PL/109/9th May 2014



Part B - Premises licence summary

Premises licence number

18091

Premises details

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

(Ottolenghi)
11 Artillery Passage

Post town

London

Post code

E1 7LJ

Telephone number

N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Saturday, 11:00 hours to 00:00 hours
- Sunday, from 12:00 hours to 23:30 hours
- Christmas Day from 12:00 hours to 23:30 hours
- New Year's Eve, except on a Sunday, 11:00 hours to 00:00 hours
- On New Year's Eve on a Sunday, 12 hours to 23:30 hours

The provision of late night refreshment

- Monday to Saturday, 23:00 hours to 00:00 hours
- Sunday, from 23:00 hours to 23:30 hours
- Christmas Day from 23:00 hours to 23:30 hours
- New Year's Eve, except on a Sunday, 23:00 hours to 00:00 hours
- On New Year's Eve on a Sunday, 23:00 hours to 23:30 hours

The provision of regulated entertainment

Live Music, Recorded Music and Dancing

- Monday to Friday 23:00 hours to 01:00 hours the following day
- Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 11:00 hours to 22:30 hours

Non-Standard Timings

- On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The opening hours of the premises

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

Name, (registered) address of holder of premises licence

Ottolenghi Ltd
64 New Cavendish Street
London W1G 8TB

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

On sales only

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

Not applicable

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

Barbara Murphy

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

No restrictions

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Ottolenghi Limited

(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 18091

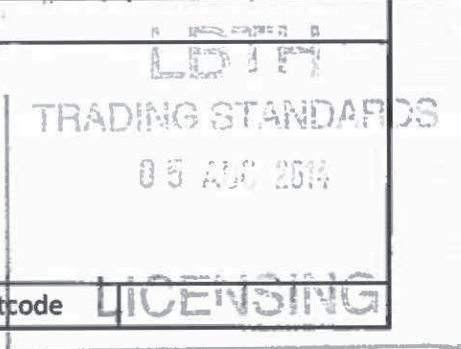
Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Ottolenghi 11 Artillery Passage			
Post town	London	Postcode	E1 7LF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£66,500

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

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

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

DD	MM	YYYY
_	_	_ _ _

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
The premises will operate as a restaurant and an attached specialist delicatessen. The applicant operates various delis and restaurants in Central London and is known for its fine food; see www.ottolenghi.co.uk/.

The premises are (just) situate within the Brick Lane special policy area. The applicant acknowledges and recognises that there is a presumption to refuse new or varied premises licence applications. However, the limited scope of the application is to "amend" the licence so as to:

- 1) to allow the sale of alcohol off the premises in the shop area outlined green on the deposited plan. The area in question was until recently licensed for on-sales and the current proposal is still effectively a reduction of the original on-sales area. (Off-sales of alcohol to commence at 08:00; the hours for on-sales to remain unchanged).
- 2) to allow the sale of alcohol without a table meal in a small bar area as shown on the plan subject to substantial food being available at all times.

NB. the plans currently attached to the licence, other than the ground floor, remain unchanged. No change to the other terms of the licence.

The applicant submits that there is a de minimus impact upon the local amenity and indeed a potential positive impact. The applicant therefore believes that the licensing objectives engaged have not been undermined and the application is not contrary to the intentions and underlying reasons of the council's special policy.

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 all that apply

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

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

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings* (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 6)	On the premises	<input type="checkbox"/>
			<i>*NB. the permitted hours for on-sales of alcohol remain unchanged.</i>	Off the premises	<input type="checkbox"/>
			<i>The hours on the left are those proposed for off-sales in the delicatessen.</i>	Both*	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	08:00*	00:00			
Tue	08:00*	00:00			
Wed	08:00*	00:00			
Thur	08:00*	00:00			
Fri	08:00*	00:00			
Sat	08:00*	00:00			
Sun	08:00*	23:30			

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	no	change	
Tue	-"-	-"-	
Wed	-"-	-"-	
Thur	-"-	-"-	
Fri	-"-	-"-	
Sat	-"-	-"-	
Sun	-"-	-"-	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) no change

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.

removal of duplicate condition in annex 1 - see attached schedule

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

UPDATED LICENCE HAS NOT BEEN RECEIVED FOLLOWING RECENT APPLICATION TO VARY THE DPS.

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Amend conditions in Annex 1 and add conditions as per attached schedule. The remaining conditions currently endorsed on the licence to remain unchanged.

b) The prevention of crime and disorder

See attached schedule and conditions currently endorsed on the licence

c) Public safety

See attached schedule and conditions currently endorsed on the licence

d) The prevention of public nuisance

See attached schedule and conditions currently endorsed on the licence

e) The protection of children from harm

See attached schedule and conditions currently endorsed on the licence

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	[REDACTED]
Date	5 th August 2014
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant

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 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)			
AT/TB/OTT.1.1			
Thomas & Thomas Partners LLP			
38a Monmouth Street			
Post town	London	Post code	WC2H 9EP
Telephone number (If any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

OTTOLENGHI, 11 ARTILLERY LANE E1 7UF

APPLICATION FOR VARIATION OF PREMISES LICENCE

PROPOSED AMENDMENTS TO CONDITION

Amend the following conditions in *Annex 1 – Mandatory Conditions*:

...

Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises in all parts of the premises where intoxicating liquor is sold or supplied.

The licence is granted for premises structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises, and

The licence is subject to the condition that in the area hatched green on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

~~Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.~~

Add the following condition in respect of off-sales:

In the retail area outlined green on the deposited plan, alcohol shall only be sold as an off-sale in sealed containers for consumption off the premises.

DESIGN NOTES
 1. THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.
 2. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AND DOES NOT EXTEND TO ANY OTHER MATTER.
 3. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AND DOES NOT EXTEND TO ANY OTHER MATTER.

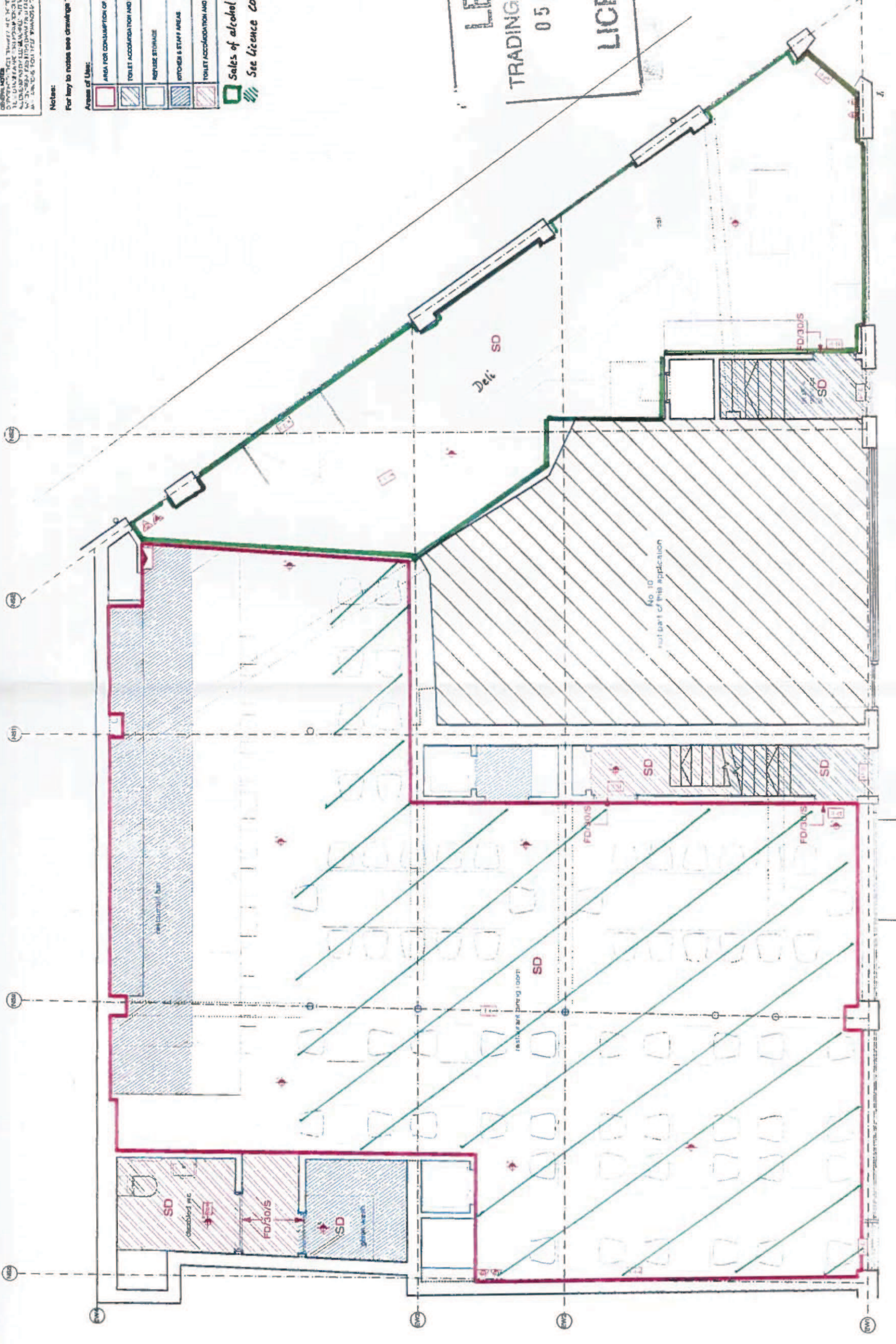
Notes:
 For key to notes see drawings 1071/PL/100.

Areas of Use:

[Red outline]	AREA FOR CONSUMPTION OF ALCOHOL ON THE PREMISES
[Blue hatched]	TOILET ACCOMMODATION AND CIRCULATION STAFF
[White]	REFUSE STORAGE
[Blue hatched]	KITCHENS & STAFF AREAS
[Red hatched]	TOILET ACCOMMODATION AND CIRCULATION CUSTOMERS

Sales of alcohol off the premises
 See licence conditions

LBTH
 TRADING STANDARDS
 05 AUG 2014
LICENSING



milk
 Ground Floor Licensing Plan
 Artery Passage
 1071
 15089A2
 30 April 2014
 1071/PL/110
 www.milk.co.uk

Scale 1:500 (A4)

 1:500
 1:200
 1:100
 1:50
 1:25
 1:10
 1:5
 1:2
 1:1

Appendix 3

Andrew Heron

From: Tilly Burton [REDACTED]
Sent: 28 August 2014 12:49
To: 'Alan.D.Cruickshank [REDACTED]
Cc: Licensing; Alun Thomas
Subject: RE: Ottilenghi , 11 Artillery Passage
Attachments: CONDITIONS - amended (police) 27 08 14.docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Alan

I am instructed that your proposed hours for off-sales and CCTV condition are acceptable and accordingly I confirm that our operating schedule is amended as per the attached.

Kind regards
Tilly

Tilly Burton
Thomas & Thomas Partners LLP
38a Monmouth Street, London WC2H 9EP
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 24 August 2014 21:52
To: Tilly Burton
Cc: [REDACTED]
Subject: Ottilenghi , 11 Artillery Passage

Dear all

Please find my representation re: the above variation application.

Regards

Alan Cruickshank PC 189HT

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

Consider our environment - please do not print this email unless absolutely necessary.

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APPLICATION FOR VARIATION OF PREMISES LICENCE

PROPOSED AMENDMENTS TO CONDITION

Amend the following conditions in Annex 1 – Mandatory Conditions:

...

Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be equally available ~~with or otherwise as an ancillary to meals served in the licensed premises~~ in all parts of the premises where intoxicating liquor is sold or supplied.

The licence is granted for premises structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises, and

The licence is subject to the condition that in the area hatched green on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

~~Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.~~

Add the following condition in respect of off-sales:

In the retail area outlined green on the deposited plan, alcohol shall only be sold as an off-sale in sealed containers for consumption off the premises between the hours of 0900 – 2300.

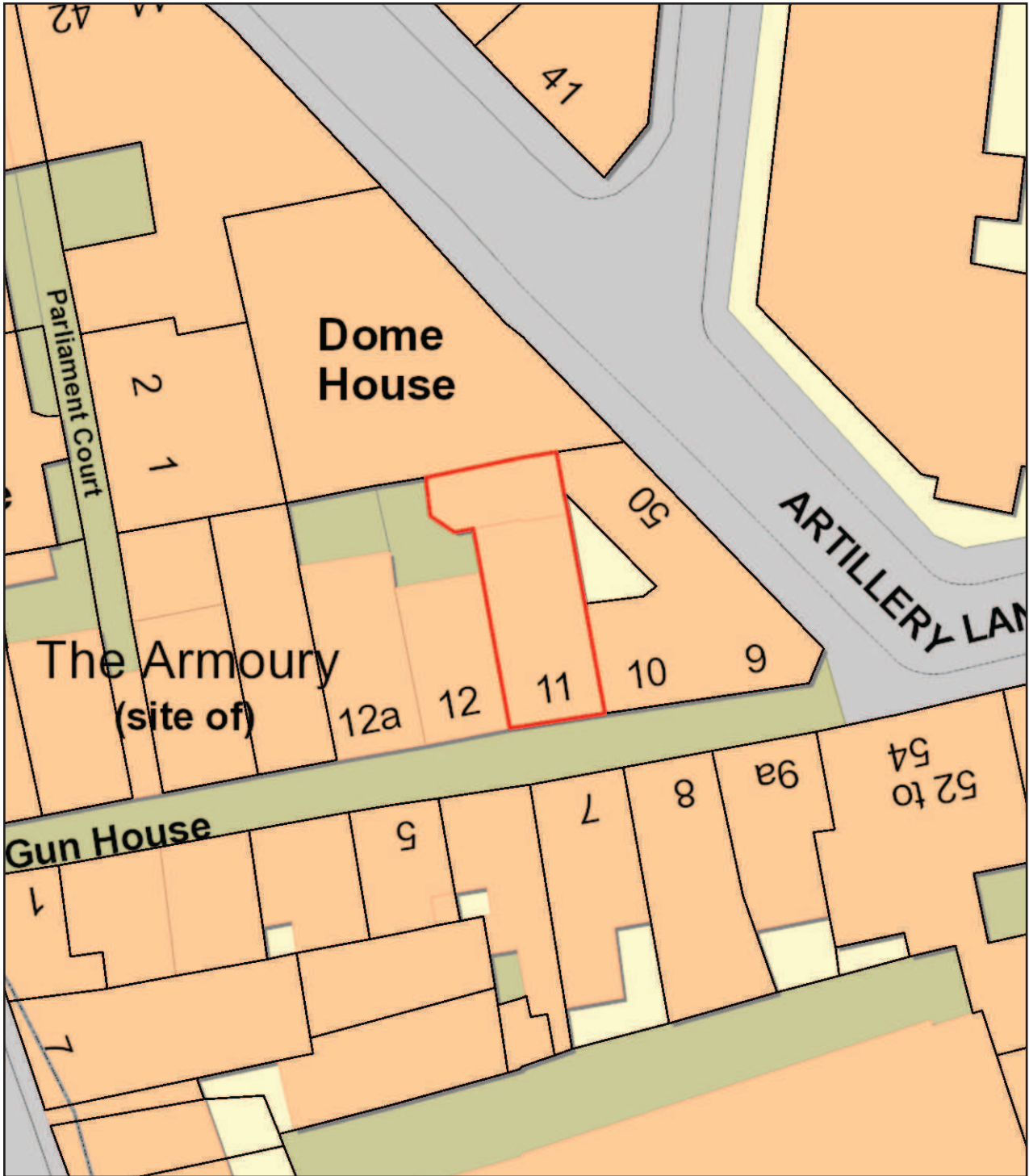
CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

Thomas & Thomas
27.08.2014

Appendix 4



11 Artillery Passage

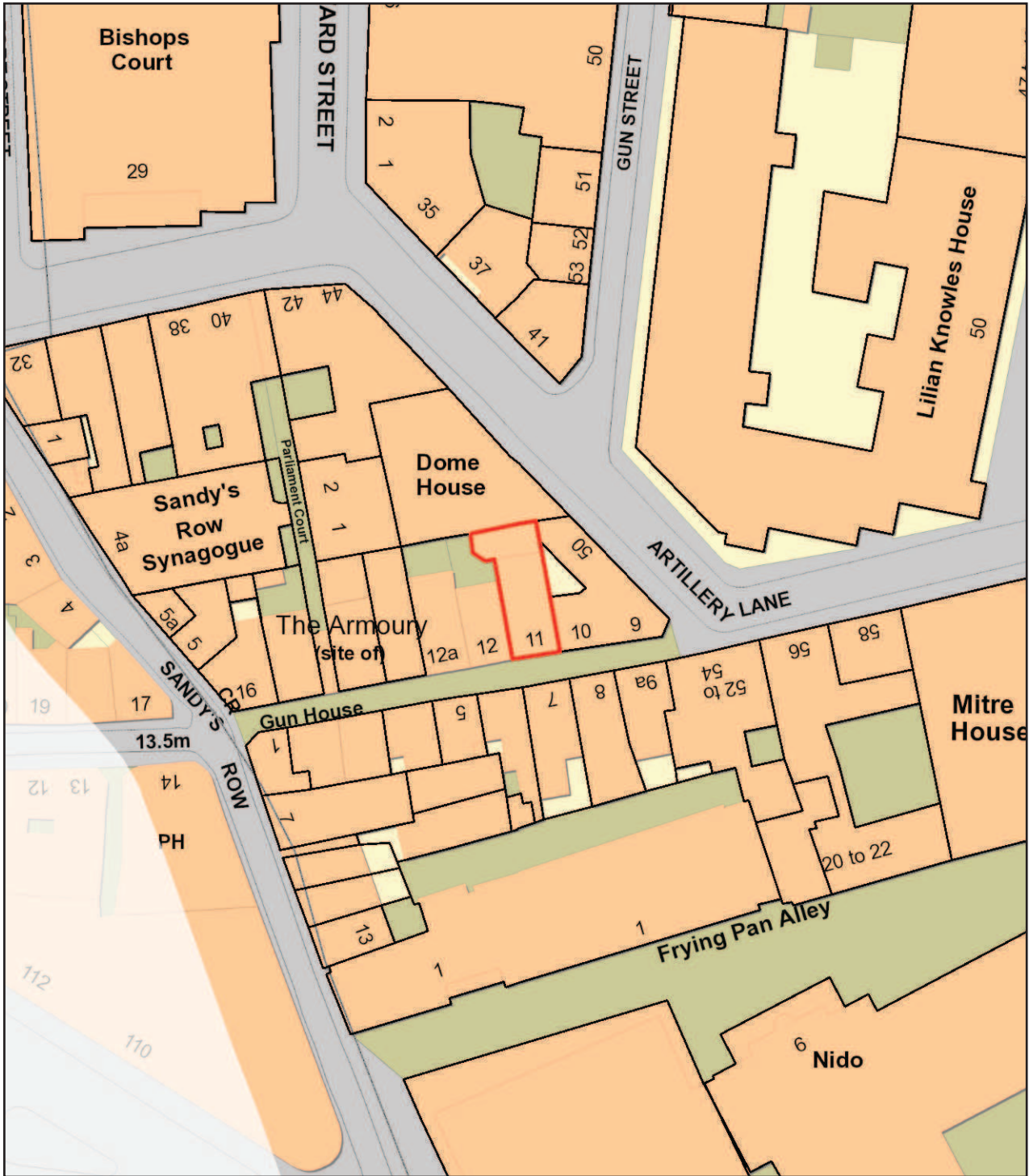
Map 1



Scale 1:334



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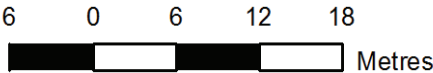


11 Artillery Passage

Map 2



Scale 1:668



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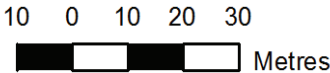


11 Artillery Passage

Map 3



Scale 1:1669



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Appendix 5

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 6

Finlagen Property Company Ltd

51 Gun Street
London
E1 6AH



August 15, 2014

Kathy Driver
The Licensing Section
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 2BG

RE: Licensing Act 2003, Ottolenghi, 11 Artillery Passage, E1 7JU

Dear Kathy Driver:

Regarding your letter dated 5th August, I object to the license application. I represent the six residents who reside in flats 1-6 at 52 Gun Street. Due to the quiet nature of this street, our residents already experience problems from passersby urinating and defecating on the doorstep of the residential block at 52 Gun Street. Having a license that permits sale of alcohol past 23.00 hrs will significantly increase the number of disturbances to those residents in addition to disrupting their sleeping patterns. I realize that this letter will become a public document and ask you to keep me informed of any further news on this matter.

Sincerely,



Robin Moore



Directors: RD Moore BA ACII DA Moore BA
Registered in England No. 2540654
Registered Office: 51 Gun Street, London E1 6AH
Vat No. 701941264

Andrew Heron

From: Robin Moore <[REDACTED]>
Sent: 19 August 2014 13:17
To: Andrew Heron
Cc: Marie Wade
Subject: Ottolenghi - 11 Artillery Passage

Dear Mr Heron,

Thank you for your swift email following our letter. Finlagen Property Company Ltd own the freehold of the 6 apartments at 52 Gun Street, and as landlords we act with the best interests of our tenants who all hold Assured Short Hold tenancy agreements with our company. Our main issue is that Gun Street is used as a cut through to Brushfield Street and the Spitalfields Market/Bishopsgate. Because Gun street is a secluded street, we are polluted with people who take the opportunity to Urinate & Defecate & even fornicate in the region of our building @ number 52 and this causes stress to our tenants who are disturbed by these anti-social activities during a typical evening. By creating a late night licensed premise around the corner, the anti-social behaviour will continue into the early hours of the morning and cause added distress to our tenants ability to seek a "good night's sleep. It will also cause us as Landlords who occupy the office at number 51 Gun Street further inconvenience as we are tasked with cleaning up the mess.

I hope this clarifies our position? Please don't hesitate to contact me directly with any further questions.

Yours sincerely,

Robin Moore

Finlagen Property Company Limited

51 Gun Street
London
E1 6AH

This e-mail and any attachment are intended for the named addressee only.
This e-mail and any attachment may contain information which is confidential and unless you are the named addressee, please do not copy, use, or disclose this e-mail nor any attachment, to anyone else and, please delete this e-mail and any attachment from your system. If you have received this e-mail in error, we would be grateful if you would notify us immediately by return. If you need assistance, please phone (020) 7377 0884. We thank you for your co-operation.

From: Andrew Heron [REDACTED]
Sent: 19 August 2014 11:30
To: MooreRobinson Info
Subject: Ottolenghi - 11 Artillery Passage

Dear Mr Moore,

I am in receipt of your letter of representation in relation to the above premises application.

Unfortunately at this time I cannot accept this as a valid representation. You state in the correspondence that you represent 6 properties; however you have not formally stated how you represent them, or how the occupants residing at those addresses have given permission for you to communicate an objection on their behalf.

Please respond to this this email with more information as to your connections with the properties.

I look forward to hearing from you.

Regards,

Andrew Heron
Licensing Officer

Licensing Section
London Borough of Tower Hamlets
Mulberry Place (TC)
6th Floor Mulberry Place
5 Clove Crescent
London, E14 2BG

██████████
██████████
████████████████████

Appendix 7



The Licencing Section
London Borough of Tower Hamlets
Town Hall (6th Floor)
Mulberry Place
5 Clove Crescent
London E14 1BY

2 September 2014

Re: Ottolenghi, licence application at 11 Artillery Passage E1 7JU

Your ref: TSS/LIC/077425

Dear Sirs,

We are writing to appeal against a variation of licence No. 18091 to allow the sale of alcohol after 11.00pm, especially since such sales will be served without the need to purchase a meal. We also note that this application includes the provision of a large bar area which will mean that this establishment will become an after-hours drinking place, something which we vigorously oppose.

Prior to the closing of the Eat and Drink restaurant we experience considerable nuisance with late-night drinkers. Because the restaurant had an after-hours drinking licence, people would arrive, often in a highly inebriated state, having left other places that closed at 11.00pm to continue drinking for as long as they could. This was exacerbated by the smoking ban which meant patrons had to leave the premises to smoke outside thus creating a further noise nuisance, and all of this would continue well past midnight during week days. We had planned to send a letter of complaint to Tower Hamlets and had obtained signatures from local residents to support our protest.

When we were informed that the new owners would be Ottolenghi, a high class operation with middle-eastern cuisine we were delighted. They applied for an alcohol licence allowing them to serve drinks to their patrons up until 11.00 p.m. which is in line with all of the other eating establishments in the passage; Davy's wine bar; Olive and Figs; Mud Mee and Enotec Super Tuscan. Our only concern was that they would not be allowed to have Karaoke entertainment or to extend their licence beyond 11.00pm. Ottolenghi have three other delicatessen/restaurants but none is open after 10.00pm, so we felt assured that this would not occur. We were also informed that they had given an undertaking to the Council that there would not be a nuisance with the entertainment.

Ottolenghi have now applied for a substantial area of their premises to have a bar where they can serve patrons who are not obliged to purchase food (i.e. a pub) and for this bar to be licensed until beyond 11.00pm with regulated entertainment! If this application were to be approved we anticipate a return to the bad old days when the passage was home to late night drunkenness and singing beyond midnight and this is a real problem for residents who need to get up for work the next day.

We would argue that if Ottolenghi are a quality operation serving excellent cuisine, as they have suggested, then they will be capable of running a good business in normal hours, similar to their competitors within the passageway, without the need to operate an out of hours drinking bar.

Similarly, the application to have a delicatessen open until midnight, whilst all other premises in the area are closed at that hour is difficult to understand.

We therefore appeal to the Council to reject this application.

Yours sincerely,

A large black rectangular redaction box covering the signature of the sender.

Jean and David Richards

We also attach a list of other Artillery Passage residents who have joined us in this appeal.

Tenant Name

Address

Signature

Telephone/email

JESUS BURGOS

SHYAM GHAZIAL

Owen Grangees

ANDRZEJ JASZCZYK

Magala Jssmer

Appendix 8

Communities, Localities & Culture
Safer Communities

Mr and Mrs Richards
[REDACTED]

Head of Consumer and Business Regulations
David Tolley

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

2nd September 2014

My reference: TSS/LIC/: 77148
Your reference:

[REDACTED]
www.towerhamlets.gov.uk

Dear Mr and Mrs Richards,

Licensing Act 2003
Re: Ottolenghi – 11 Artillery Passage – Variation Application

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

I accept that this is a valid representation on your behalf; however, I have some concerns in relation to the addition of surrounding names and addresses. You can submit a petition, but for it to be legally acceptable it needs to:

- Contain a header outlining the premises name and address, the fact that it is a representation, and the reasons for the representation at the top of every page
- Give the name and address of each signatory
- Nominate a spokesperson to receive details about the hearings etc. from the licensing authority and who may be willing to speak on behalf of the petitioners at the hearing.

Whilst I accept that you are the spokesperson for the additional signatories, the page that contains the signatures, names and addresses unfortunately makes no reference to the covering letter itself. In essence, the applicant could argue that the signatories did not know what they were signing.

However, I will add this as a petition to the final report and allow Members of the Licensing Sub Committee to decide whether or not the additional signatories are acceptable.

In relation to your letter, please note that the applicant is entitled to a full, un-redacted copy of your representation. They may wish to contact you to mediate an amendment of their application, in order to address your concerns; with a view to you potentially withdrawing your objection. Should you wish to withdraw, please advise in writing to the email address listed above.

Alternatively, as previously stated, your representation will be added to the final Licensing Sub Committee report and you will be written to by Democratic Services to be advised as to the time and date of the Hearing, which you will be invited to attend. If you do not attend the Hearing, the decision may still be made in your absence. Should you wish to make additional comments to the Committee in your absence, please advise Democratic Services directly.

Yours sincerely,



Andrew Heron
Licensing Officer

Appendix 9

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:
24 August 2014

Dear Mr McCrohan

Re: application to vary a premises licence

Ottolenghi, 11 Artillery Passage, E1 7LF

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

The prevention of crime and disorder

The prevention of public nuisance

LBTH has adopted a Saturation Policy / Cumulative Impact Policy which includes Artillery Passage St and nearby streets. I accept it is on the fringe of the CIZ. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

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

This passage can be very busy, as it provides a cut through to Liverpool St Station. This objection is not a reflection on the applicant but a response to the Saturation Policy. Since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises or variations however small or well run, will only compound the problems in the CIZ

It is yet another premise that will have the ability to sell alcohol in the area which is already “saturated” Although it will be using the original licence, the off sales does raise concerns.

I accept that it will not attract street drinkers etc, but the early hours requested offers another opportunity for someone to top up their alcohol intake.

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

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

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

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

1. Off sales hours (all week): 0900 - 2300

2. CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority,

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

Alan Cruickshank PC 189HT

Appendix 10

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 11

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 12

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 13

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(See 12.8 of the licensing policy)

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

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

Appendix 14

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.

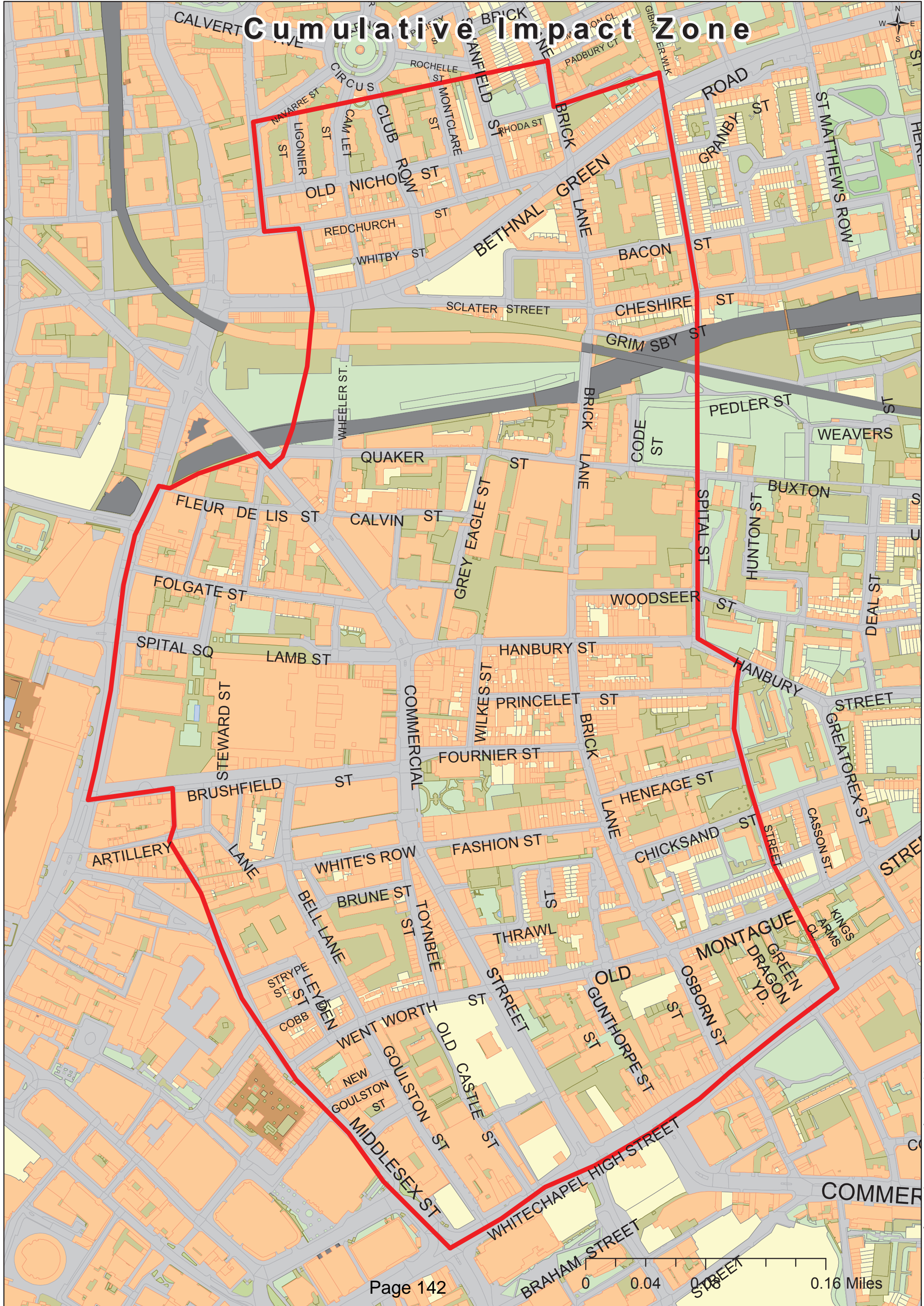
The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore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



Agenda Item 3.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	30 September 14	Unclassified	LSC 34/145	

Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Tesco), 571 Manchester Road, Isle of Dogs, London E14 3NX Ward affected: Blackwall and Cubitt Town
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1.0 Summary

Applicant: **Tesco Stores Limited**

Name and Address: **Tesco**

Address of Premises: **571 Manchester Road
Isle of Dogs
London
E14 3NX**

Licence sought: **Licensing Act 2003**
•The sale by retail of alcohol

Representation: **Ward Councillor
Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Tesco), 571 Manchester Road, Isle of Dogs, London E14 3NX.

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

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

The sale by retail of alcohol (Off sales only)

- Monday to Sunday, from 06:00 hours to 23:00 hours

Hours open to the public

- Monday to Sunday, from 06:00 hours to 23:00 hours

3.4 Following the representations from the Met Police, the applicant has offered the conditions enclosed in **Appendix 2** and the Police then withdrew their representation.

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

4.0 **Licensing Policy and Government Advice**

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

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

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

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

5.0 **Representations**

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

- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by a Ward Councillor and local residents.
- 5.9 Please see **Appendix 5** for the representation of Councillor Candida Ronald.
- 5.10 Please see **Appendix 6** for the representation of Nadia Mahmood, a local resident.
- 5.11 Please see **Appendix 7** for the representation of Brian Bells, a local resident.
- 5.12 Please see **Appendix 8** for the representation of Terry Mansfield, a local resident.
- 5.13 Please see **Appendix 9** for the petition of Mohammed Jahidul Hoque, a local resident.
- 5.14 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)

- Trading Standards
- Child Protection
- Public Health

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

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

5.16 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the prevention of public nuisance and the prevention of crime and disorder.

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

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

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).

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

concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 10 - 15** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Applicant offered conditions
Appendix 3	Maps of the area
Appendix 4	Section 182 Guidance by the Home Office
Appendix 5	representation of Councillor Candida Ronald
Appendix 6	Representation of Nadia Mahmood
Appendix 7	Representation of Brian Bells
Appendix 8	Representation of Terry Mansfield
Appendix 9	The petition of Mohammed Jahidul Hoque
Appendix 10	Licensing Officer comments on noise while the premise is in use
Appendix 11	Licensing Officer comments on access/egress problems
Appendix 12	Licensing Officer comments on crime and disorder on the premises
Appendix 13	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 14	Planning
Appendix 15	Licensing Policy relating to hours of trading

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Appendix 1

Section 1 of 19

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

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

Applicant Business

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

* Registration number

* Business name

* VAT number

* Legal status

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 19

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Contact Details

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

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

Retail Premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan.

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

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

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

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

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Section 15 of 19**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

 Yes No**Standard Days And Timings**

MONDAY

Start End Start End

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

TUESDAY

Start End Start End

WEDNESDAY

Start End Start End

THURSDAY

Start End Start End

FRIDAY

Start End Start End

SATURDAY

Start End Start End

SUNDAY

Start End Start End

Will the sale of alcohol be for consumption:

 On the premises Off the premises Both

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

State any seasonal variations

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

Continued from previous page...

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

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

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Continued from previous page...

Section 16 of 19

ADULT ENTERTAINMENT

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

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

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

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

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

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

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. All stores currently comply with our 'Think 25' policy, this is brought to customer's attention through point of sale material within the store. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine, should we be successful with our application. Images will be retained for a minimum of 21 days and made available on enforcement request. Ordinarily, a member of the Management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open

c) Public safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community.
We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

Continued from previous page...

e) The protection of children from harm

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.

A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.

The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

Section 19 of 19

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

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

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

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

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

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

Appendix 2

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 10 September 2014 13:18
To: Mohshin Ali
Subject: FW: Tesco Premise Licence Manchester Rd

From: MARK.J.Perry@met.pnn.police.uk [mailto:MARK.J.Perry@met.pnn.police.uk]
Sent: 10 September 2014 09:37
To: [REDACTED]
Cc: Licensing
Subject: RE: Tesco Premise Licence Manchester Rd

Hi Greg,

Thanks for this, with these conditions added to the license I am happy for Tower Hamlets Police to withdraw their objection.

Regards

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

From: Bartley, Greg [REDACTED]
Sent: 09 September 2014 15:26
To: Perry MARK J - HT; Askew, Feri
Cc: Licensing@towerhamlets.gov.uk
Subject: Tesco Premise Licence Manchester Rd

To address the concerns of the Police regarding our Premises Licence application for our proposed store at 571 Manchester Road we would request the following conditions be placed on the licence, if granted.

- No sale of Beer or Cider with an ABV of above 5.5% unless this is "Craft Beer or Cider
- Operate the "Challenge 25" scheme. All staff will be trained to request valid photographic ID from anyone who they believe to appear to look under the age of 25 years, when buying alcohol.
- The following CCTV condition:
 - A CCTV camera system covering many areas of the premise is to be installed. The areas shall include entrance/exit, Checkouts and main alcohol display area
 - The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
 - At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority.

We do not sell cans of beer, cider and lager in a pack of less than 4. We do sell premium bottles of lager and beer in single bottles.

Kind regards

Greg

Greg Bartley | Licensing Manager | Group Legal

[REDACTED]

From: MARK.J.Perry@met.pnn.police.uk [<mailto:MARK.J.Perry@met.pnn.police.uk>]

Sent: 08 September 2014 18:06

To: Licensing@towerhamlets.gov.uk; Team, Licensing

Subject: Objection Tesco - 571 Manchester Road

Dear Tower Hamlets Licensing, and Tesco Licensing Team,

Tower Hamlets Police object to the premises license application from Tesco's Manchester Road on the grounds of Crime and Disorder and Public Nuisance.

Tower Hamlets Police will be providing additional supporting statements to this application before any hearing.

Regards

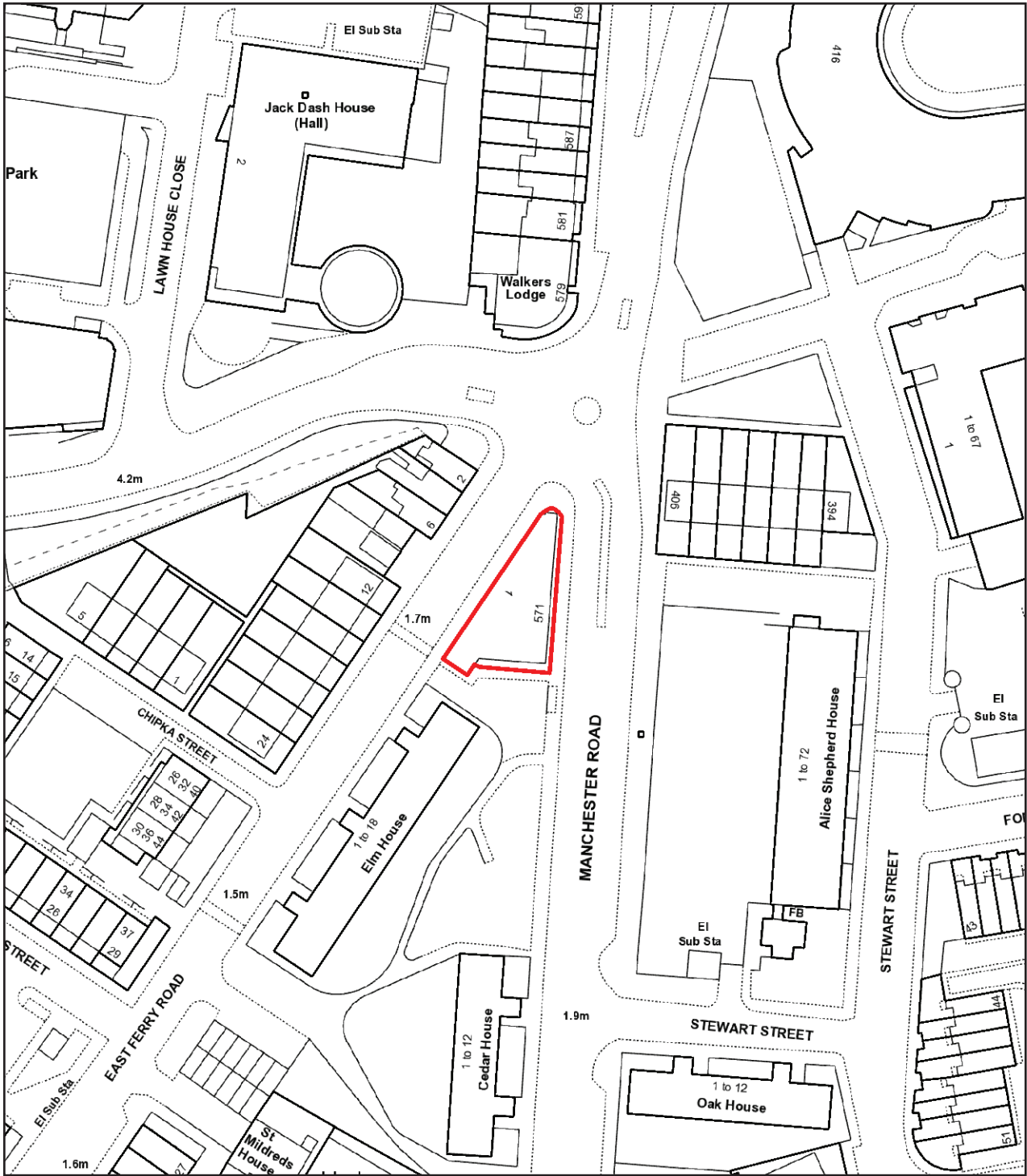
Pc Mark Perry
Licensing Officer
Tower Hamlets Borough
Toby Club
Vawdry Close
E1 4UA

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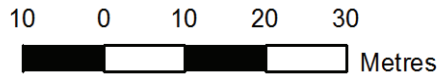
Appendix 3



571 Manchester Road



Scale 1:1143



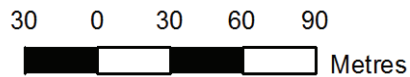
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571 Manchester Road



Scale 1:3812



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Appendix 4

Section 182 Advice by the Home Office

Updated June 2014

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

Submission in support of petition objecting to the granting of a licence for a new Tesco store at 571 Manchester Road, E14. The petition has been organised by Mohammed Jahidul Hoque of [REDACTED] who is leading this matter on behalf of local residents.

The premises in question at 571 Manchester Road were originally designated for restaurant use. The property is situated at the intersection of Manchester Road and East Ferry Road next to a roundabout on one of the main thoroughfares onto the Isle of Dogs, at the strategically important junction between Marsh Wall, Prestons Road and Manchester Road. On Manchester Road directly south of the roundabout is a zebra crossing and south of that a bus stop. East Ferry Road is relatively narrow with parked cars on either side.

I support the petition on two grounds:

1. Potential crime & disorder – the residents of Elm House are concerned that outdoor drinkers will congregate on a small green space behind the proposed shop, which backs directly onto their properties. There is already a group of drinkers in the area who currently tend to congregate slightly further to the south of this site, drifting between the Nisa store on Manchester Road, St John's Park and Castalia Square. They are known to local shopkeepers who take measures to restrict their access to alcohol. One of the reasons that there are no benches in Castalia Square is to prevent them from congregating here.

The residents of Elm House believe there is a significant possibility that this group (and possibly others) will relocate to the proposed Tesco store, making use of the low wall which bisects the green and causing aggravation and disturbance in the area. This space would therefore become unsafe and unusable for the residents with a marked increase in anti-social behaviour. The ground floor properties of Elm House include several vulnerable residents including disabled people, elderly people with dementia and young families, all of whom need a certain level of peace and quiet.

2. Unacceptable noise from deliveries – the proposed premises have no loading bay and parking for large delivery lorries will be very difficult. The closest legitimate parking on Manchester Road is south of the bus-stop, meaning that deliveries would need to be wheeled up the road, causing potential unacceptable noise and disturbance to residents. Deliveries via East Ferry Road have the potential to block the road leading to an increase in traffic noise in the area.

I would therefore like to register my support for the petition and my objection to the granting of an unconditional licence for a Tesco store at these premises.

Also included with the submission are some photographs to help clarify some of the issues as follows:

1. Manchester Road roundabout showing location of proposed store
2. Zebra crossing in Manchester Road and side view of store
3. Bus shop in Manchester Road, back of the store and green space
4. First available potential parking for deliveries in Manchester Road
5. East Ferry Road
6. Low wall behind Elm House
7. Rear of the store, proximity to Elm House, green space with wall
8. Castalia Square – no seats

Any questions regarding this matter should be directed to Mr Mohammed Jahidul Hoque and copied to me.

Councillor Candida Ronald
Blackwall & Cubitt Town
Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG



5 September 2014

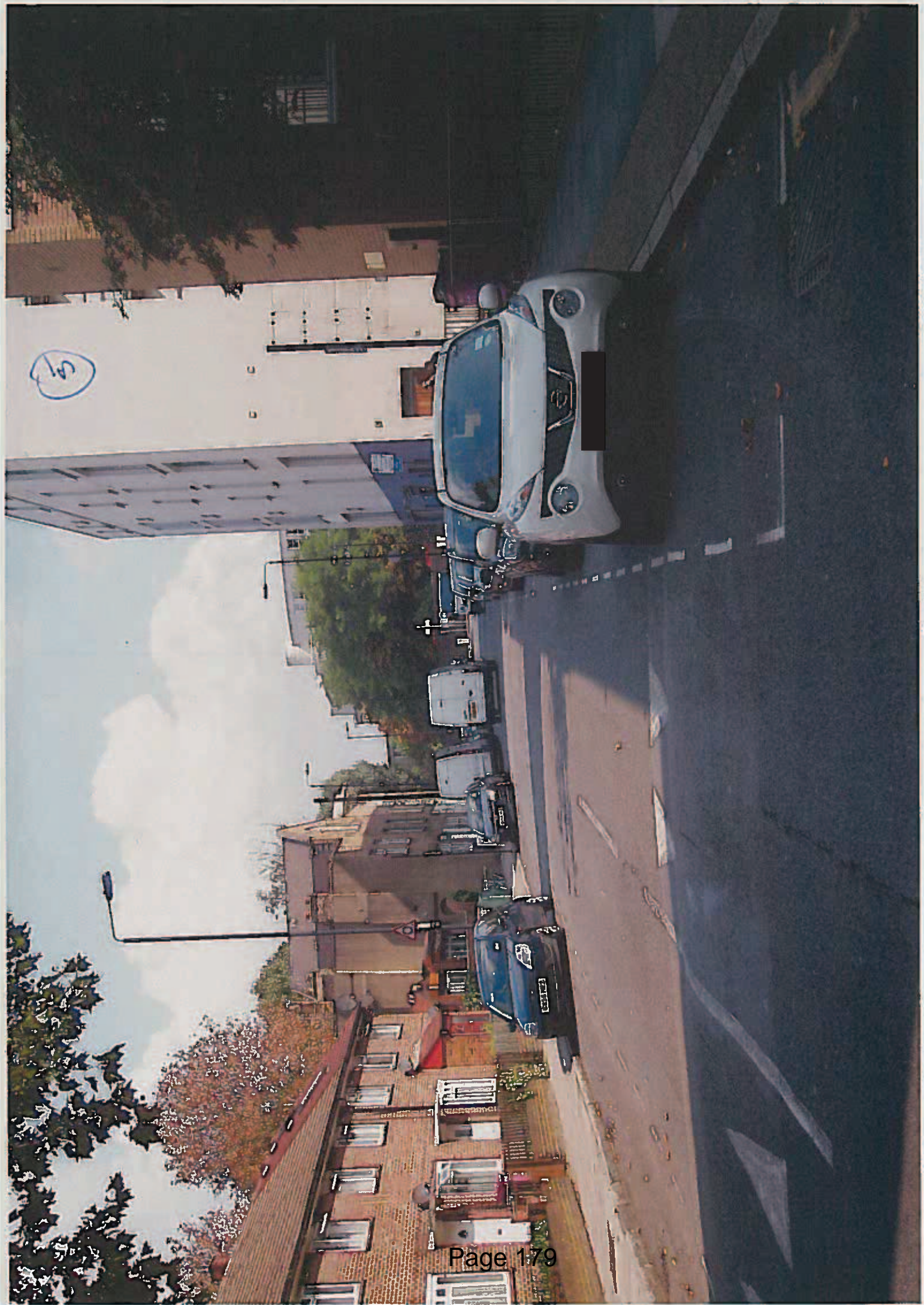






4









7



Appendix 6

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 01 September 2014 15:54
To: Mohshin Ali
Subject: FW: Tesco Stores application for new premises on 571 Manchester Road, Manchester Road, Isle of Dogs, London E14 3NX
Attachments: Objection letter reTesco.docx
Follow Up Flag: Follow up
Flag Status: Flagged

From: Nadia Mahmood [REDACTED]
Sent: 01 September 2014 15:31
To: Licensing
Cc: [REDACTED]
Subject: Re: Tesco Stores application for new premises on 571 Manchester Road, Manchester Road, Isle of Dogs, London E14 3NX

Dear Sir/Madam,

Please find my letter in relations to the above. I believe this needs to be submitted by the 6th September.

Kind regards
Nadia Mahmood

Miss Nadia Mahmood

Monday 1st September 20014

The Licensing Authority
Licensing Section
Mulberry Place (AH)
PO BOX 55739
5 Clove Crescent
London E14 1BY

Dear Sir/Madam,

Re: Tesco Stores application for new premises on 571 Manchester Road, Manchester Road, Isle of Dogs, London E14 3NX

I am writing in connection with the above planning application. I have examined the plans and I know the site very well. I wish to **object strongly** to the development of Tesco's Stores application for new premises on 571 Manchester Road, Manchester Road, Isle of Dogs, London E14 3NX. I will be directly affected by these new premises as I live right opposite the road from the proposed site.

I object on the following grounds,

Current Tesco's expresses and metros

There are **four Tesco expresses** within walking distance and **one Tesco Metro** nearby, I have also noted the distance and time it would take to walk to these existing premises from my flat,

1. South Plaza Isle of dogs Express London E14 9SH- **Distance 0.4 miles, 8 minutes**
2. Tesco Express, Westward Parade London E14 9RB- - **Distance 0.4 miles, 8 minutes**
3. Tesco Express, Isle of Dogs Express , 41 Millharbour, London, E14 9NA-- **Distance 0.6 miles, 12 minutes**
4. Tesco Metro, 15 Cabot Square, Canary Wharf, London E14 4QT-- **Distance 0.9 miles, 19 minutes**
5. Marshwall Express, Landmark Tower, Westferry Road London, E14 9AB- **Distance 0.9 miles, 18 minutes**

Local community and local shops

This is not just about convince as we also have a Asda on the Isle of dogs and Nisa Local on Manchester Road and also many local convenient shops in Castalia Square, which have served the local community over many years. My concern is also how this will impact our local community and our local shops; this will put these families out of business that will greatly impact the community as this is a centre hub for all.

Traffic, congestion, noise, pollution and parking

This is a heavy residential area and these new proposed premises will be right on the corner of a very busy and already congestion around about junction. This will propose many dangers and hazards for drivers and pedestrians as naturally traffic congestion will increase.

This will also highly contribute to the noise pollutions overall and also from both Tesco, with their possible delivery vans and potential customers and well as cause litter pollutions.

There is also a major issue around parking, as this is already a heavy residential area there is little or no additional parking for potential customers and for loading bays.

In general I shop at both local shops and also Tesco's but this is very excessive. There is no need or demand for some many Teco express or metro in one area, i.e. Isle of dogs.

I have also written to my local MP and hope you take these objections into considerations. I look forward to hearing from you shortly.

Your sincerely

Nadia Mahmood

Appendix 7

Brian Pells



2 September 2014

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

Dear Sir/Madam

I am writing to register my objection to the licence application by Tesco for 571 Manchester Road, London E14.

I am concerned that off-sales will lead to people drinking in the green space directly behind my home and will give rise to anti-social behaviour. I live with my two elderly parents, Annie & Ernest, and am worried that their peace will be disturbed by this.

I am also worried about the possibility of late night and early morning deliveries leading to noise and nuisance. The proposed premises are on a roundabout with limited parking in the vicinity. There are no loading bays where large lorries could park and deliveries being wheeled down the road have the potential to cause unacceptable disruption and noise.

Yours faithfully

Brian Pells



Appendix 8

Terry Mansfield



2 September 2014

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

I want to object to the licence application by Tesco at 571 Manchester Road, London E14.

I live in a ground floor flat in Elm House which is next to the proposed premises and backs onto a little green space directly behind the shop. I am 70 years old, have had a bypass operation and live with my disabled daughter. I am concerned that this Tesco will attract anti-social drinkers to the area who will congregate in the green space outside my home. This would make it impossible for residents to use the space and the path between Manchester Road and East Ferry Road. Other undesirables such as drug dealers who currently operate between St John's Park and Castalia Square could also be drawn to our area. I am also worried about potential noise directly outside our bedrooms.

I am afraid that the granting of this licence with no restrictions will lead to increased crime and disorder and ask you to refuse it.

Thank you.



Terry Mansfield

Appendix 9

No thanks Tesco

<p>Petition summary and background</p>	<p>Petition to prevent the opening of a new Tesco at 571 Manchester Road E14. The premises (previously for restaurant use) are not suitable for a supermarket; parking is severely restricted and deliveries will cause significant public nuisance through increased noise and potential traffic problems. There is also a danger that the new shop will lead to an increase in outdoor drinking fuelling an increase in crime and disorder.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned citizens who object to the proposal for a new Tesco store at 571 Manchester Road and call upon the council to refuse a licence for the premises on the grounds of public nuisance and disorder.</p>

Printed Name	Signature	Address	Comment	Date
CAN BANANI FABLOVA	[Redacted]	[Redacted]	OAB TESCO	3/10/14
2 Mohammed	[Redacted]	[Redacted]	NO TESCO	3/10/14
Mehdi	[Redacted]	[Redacted]	NO TESCO	3/10/14
Habib	[Redacted]	[Redacted]	NO TESCO	3/3/09 14
BASIM	[Redacted]	[Redacted]	Too noisy	3/3/14
Hussip	[Redacted]	[Redacted]	NO TESCO	2/2/14
Sammy	[Redacted]	[Redacted]	PLEASE NO TESCO	02/09/14
Brad	[Redacted]	[Redacted]	NO TESCO	3/9/14
Nicks	[Redacted]	[Redacted]		3/9/14
Kate	[Redacted]	[Redacted]	NO TESCO	3/9/14

Petition ORGANISER MR HOQUE



No thanks Tesco

Petition summary and background	Petition to prevent the opening of a new Tesco at 571 Manchester Road E14. The premises (previously for restaurant use) are not suitable for a supermarket; parking is severely restricted and deliveries will cause significant public nuisance through increased noise and potential traffic problems. There is also a danger that the new shop will lead to an increase in outdoor drinking fuelling an increase in crime and disorder.
Action petitioned for	We, the undersigned, are concerned citizens who object to the proposal for a new Tesco store at 571 Manchester Road and call upon the council to refuse a licence for the premises on the grounds of public nuisance and disorder.

Printed Name	Signature	Address	Comment	Date
Kevin Smith	[Redacted]	[Redacted]	NO TESCO	02/09/14
Tyler Lambert	[Redacted]	[Redacted]	NO TESCO!	02/09/14
SARAH	[Redacted]	[Redacted]	NO TESCO THANK	03/09/14
James .Pert	[Redacted]	[Redacted]	NO Tesco	03/09/14
Foyzad Muneed	[Redacted]	[Redacted]	WE DON'T NEED A TESCO	03/09/14
Anisha Begum	[Redacted]	[Redacted]	NO COMMENT	03.09.14
R. Armesy	[Redacted]	[Redacted]	No. Tesco.	3/09/14
Sara	[Redacted]	[Redacted]	No Tesco, not many small businesses around	03/9/14
Omer	[Redacted]	[Redacted]	NO TESCO. NO NEED!	03/9/14
Faiz Khan	[Redacted]	[Redacted]	NO TESCO.	03/9/14

PETITION ORGANISER: MR HOQUE,



No thanks Tesco

Petition summary and background	Petition to prevent the opening of a new Tesco at 571 Manchester Road E14. The premises (previously for restaurant use) are not suitable for a supermarket; parking is severely restricted and deliveries will cause significant public nuisance through increased noise and potential traffic problems. There is also a danger that the new shop will lead to an increase in outdoor drinking fuelling an increase in crime and disorder.
Action petitioned for	We, the undersigned, are concerned citizens who object to the proposal for a new Tesco store at 571 Manchester Road and call upon the council to refuse a licence for the premises on the grounds of public nuisance and disorder.

Printed Name	Signature	Address	Comment	Date
J North	[Redacted]	[Redacted]		30/8/14
David L	[Redacted]	[Redacted]		
Shraf. H	[Redacted]	[Redacted]		
SHAHEED AHMED	[Redacted]	[Redacted]		30/8/14
Hether Ahmed	[Redacted]	[Redacted]		
CHRIS ESCHMERE	[Redacted]	[Redacted]	TOO MANY TESCO'S AND THERE TO DEAN	30/8/14
Jerome ROBINSON	[Redacted]	[Redacted]		30/8/14
SUBSINA	[Redacted]	[Redacted]	TO MANY SUPERMARKETS	30/8/14
Wangym	[Redacted]	[Redacted]	TO MANY TESCO'S	30/08/14
S SMITH	[Redacted]	[Redacted]		
H Speckle	[Redacted]	[Redacted]	2 MANY TESCO'S	30/8/14

PETITION ORGANISER:

HO- HOQUE [Redacted]

No thanks Tesco

Petition summary and background	Petition to prevent the opening of a new Tesco at 571 Manchester Road E14. The premises (previously for restaurant use) are not suitable for a supermarket; parking is severely restricted and deliveries will cause significant public nuisance through increased noise and potential traffic problems. There is also a danger that the new shop will lead to an increase in outdoor drinking fuelling an increase in crime and disorder.
Action petitioned for	We, the undersigned, are concerned citizens who object to the proposal for a new Tesco store at 571 Manchester Road and call upon the council to refuse a licence for the premises on the grounds of public nuisance and disorder.

Printed Name	Signature	Address	Comment	Date
GEOFFREY GEORGE	[Redacted]	CHIPP E14	NO TESCO	30/08/14
FRAN MORGAN	[Redacted]	E14	NO TESCO	30/08/14
Abim Miah	[Redacted]	E14	No Tesco	30/08/14
Arif Ahmed	[Redacted]	E14	No Tesco	30/08/14
SARAH MCCARTHY	[Redacted]	E14	NO TESCO	30/08/14
ABDUS SAMI	[Redacted]	E14	NO TESCO	30/08/14
TRACEY CROSS	[Redacted]	E14	NO TESCO	30/08/14
N SMITH	[Redacted]	E14	NO TESCO	30/08/14
S. COLLINS	[Redacted]	E16	way too many already	30/08/14
D. GIDKING	[Redacted]	E14	NO TESCO	30/08/14
Bridie Muddock	[Redacted]	E14	NO TESCO	31/08/14

petition ORGANISER: MR HEQUE, [Redacted]

No thanks Tesco

Petition summary and background	Petition to prevent the opening of a new Tesco at 571 Manchester Road E14. The premises (previously for restaurant use) are not suitable for a supermarket; parking is severely restricted and deliveries will cause significant public nuisance through increased noise and potential traffic problems. There is also a danger that the new shop will lead to an increase in outdoor drinking fuelling an increase in crime and disorder.
Action petitioned for	We, the undersigned, are concerned citizens who object to the proposal for a new Tesco store at 571 Manchester Road and call upon the council to refuse a licence for the premises on the grounds of public nuisance and disorder.

Printed Name	Signature	Address	Comment	Date
VENDOR CLARKSON	[Redacted]	[Redacted]	Enough Tesco on island	30/8/14
Ayse Gokkaya	[Redacted]	[Redacted]	Enough no more	30.8.14
DAVIS JOE	[Redacted]	[Redacted]	TOO MANY ALREADY	30.8.14
YASMIN OGUN.	[Redacted]	[Redacted]	im disappointed food up the food enough no	30/8/14
Fozz Akdeniz	[Redacted]	[Redacted]	No Tesco too many	30/8/14
Mega Islam	[Redacted]	[Redacted]	TO many	30/8/14
Billey Walker	[Redacted]	[Redacted]	TOO MANY	30/8/14
Ashley Hawkins	[Redacted]	[Redacted]	TESCO'S IS bring want more variety	30/8/14
Beth. Johnston	[Redacted]	[Redacted]	Fed up with Tesco's	30/8/14
Pat Solbins	[Redacted]	[Redacted]		

PETITION ORGANISER: HA HOOPER,



No thanks Tesco

<p>Petition summary and background</p>	<p>Petition to prevent the opening of a new Tesco at 571 Manchester Road E14. The premises (previously for restaurant use) are not suitable for a supermarket; parking is severely restricted and deliveries will cause significant public nuisance through increased noise and potential traffic problems. There is also a danger that the new shop will lead to an increase in outdoor drinking fuelling an increase in crime and disorder.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned citizens who object to the proposal for a new Tesco store at 571 Manchester Road and call upon the council to refuse a licence for the premises on the grounds of public nuisance and disorder.</p>

Printed Name	Signature	Address	Comment	Date
MORIMA	[Redacted]	[Redacted]	WE DONT WANT A BUSY TESCO	03/08/14
J HOQUE	[Redacted]	[Redacted]	NUISANCE 10 min door open.	31/08/14.
T. MANSFIELD	[Redacted]	[Redacted]	DONT WANT RESO HERE	30/8/14
Rofel GARDNER	[Redacted]	[Redacted]	DONT WANT	30/8/14
BAIRN PELS	[Redacted]	[Redacted]	[Redacted]	30/8/14
Kunal Aman	[Redacted]	[Redacted]	[Redacted]	30/8/14
Sarah Logie	[Redacted]	[Redacted]	Nuisance	30/8/14
Arande Johnson	[Redacted]	[Redacted]	[Redacted]	30/8/14

PETITION ORGANISER: MR HOQUE

No thanks Tesco

<p>Petition summary and background</p>	<p>Petition to prevent the opening of a new Tesco at 571 Manchester Road E14. The premises (previously for restaurant use) are not suitable for a supermarket; parking is severely restricted and deliveries will cause significant public nuisance through increased noise and potential traffic problems. There is also a danger that the new shop will lead to an increase in outdoor drinking fuelling an increase in crime and disorder.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned citizens who object to the proposal for a new Tesco store at 571 Manchester Road and call upon the council to refuse a licence for the premises on the grounds of public nuisance and disorder.</p>

Printed Name	Signature	Address	Comment	Date
MATT BUCK	[Redacted]	[Redacted]		30/10/15
D Bland				30-08-14
C. Teallin				30-08-14
S. Teallin				30-08-14

~~By~~ PETITION ORGANISER: HE HOUST



No thanks Tesco

<p>Petition summary and background</p>	<p>Petition to prevent the opening of a new Tesco at 571 Manchester Road E14. The premises (previously for restaurant use) are not suitable for a supermarket; parking is severely restricted and deliveries will cause significant public nuisance through increased noise and potential traffic problems. There is also a danger that the new shop will lead to an increase in outdoor drinking fuelling an increase in crime and disorder.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned citizens who object to the proposal for a new Tesco store at 571 Manchester Road and call upon the council to refuse a licence for the premises on the grounds of public nuisance and disorder.</p>

Printed Name	Signature	Address	Comment	Date
RAY	[Redacted]	[Redacted]		31/8/14
STACY BRUNS	[Redacted]	[Redacted]		31/8/14
THOMAS	[Redacted]	[Redacted]		31/8/14
A DENWEE	[Redacted]	[Redacted]		31.8.14
D. FERRY	[Redacted]	[Redacted]		31.8.14
P. Toulbar	[Redacted]	[Redacted]		31.8.14
K. JONES	[Redacted]	[Redacted]		31.8.14
ROSS. A. RUMSTED	[Redacted]	[Redacted]		31.8.14
K. DAVEY	[Redacted]	[Redacted]		31.8.14
S. STACEY	[Redacted]	[Redacted]		31.8.14
K. THOMAS	[Redacted]	[Redacted]		31.8.14
PSHOFFORD	[Redacted]	[Redacted]	To many in area	1.9.14

PETITION ORGANISER: MR HOQUE

No thanks Tesco

<p>Petition summary and background</p>	<p>Petition to prevent the opening of a new Tesco at 571 Manchester Road E14. The premises (previously for restaurant use) are not suitable for a supermarket; parking is severely restricted and deliveries will cause significant public nuisance through increased noise and potential traffic problems. There is also a danger that the new shop will lead to an increase in outdoor drinking fuelling an increase in crime and disorder.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned citizens who object to the proposal for a new Tesco store at 571 Manchester Road and call upon the council to refuse a licence for the premises on the grounds of public nuisance and disorder.</p>

Printed Name	Signature	Address	Comment	Date
JACIE CAMPBELL	[Redacted]	[Redacted]	CAUSE TRAFFIC CHAS	31/8/14
M P GERRY	[Redacted]	[Redacted]	To many Tesco's in area	31/8/14
E COBBAN	[Redacted]	[Redacted]	TOO MANY ALCOHOL	31/8/2014
C. Williams	[Redacted]	[Redacted]	TOO MANY TESCO	31/8/14
M. Dewey.	[Redacted]	[Redacted]	Too many already	31.8.2014
H. WHITE	[Redacted]	[Redacted]	To Many OUTLET	31.8.2014
D. WHITE	[Redacted]	[Redacted]	To Many OUTLET	31.8.2014
E BROWN	[Redacted]	[Redacted]	TO MANY TESCO	31.8.14.
A. Mallett	[Redacted]	[Redacted]	TO MANY around.	31/8/14
Jon Jay	[Redacted]	[Redacted]	Too many in area	31/8/14
W GELHARD	[Redacted]	[Redacted]	TO MANY ON ROAD.	31/8/14
L. HOARE	[Redacted]	[Redacted]	1-9-14

THE PETITION ORGANISER: MR HOARE

Appendix 10

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

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

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

Appendix 11

Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.17).

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

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

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

Appendix 12

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 13

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 14

Planning

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

Appendix 15

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

(see 12.9 of the licensing policy)

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