

LICENSING SUB COMMITTEE

Tuesday, 8 July 2014 at 2.00 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

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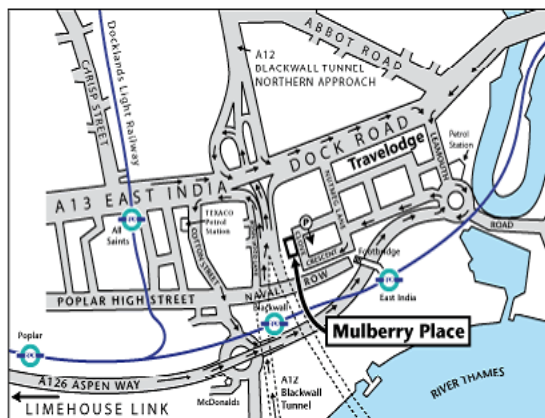
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APOLOGIES FOR ABSENCE

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 Spianata & Co - 41 Brushfield Street, London, E1 6AA	21 - 90	Spitalfields & Banglatown
3 .2	Application for a Time Limited Premises Licence for Ican Centres UK Limited, External Yard Area, 33-35 Monier Road, London E3 2PR	91 - 206	Bow West
3 .3	Application for a Variation to the Premises Licence for Ican Centres UK Limited, 35 Monier Road, London, E3 2PR.	207 - 282	Bow West
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 be deemed as determined by default.

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4. Procedure at the Hearing

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

8. Notices

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

9. Appeals

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

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

APPENDIX A

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

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

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	8 July 2014	Unclassified	LSC 03/145	

Report of: David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for a premises licence for Spianata & Co – 41 Brushfield Street, London, E1 6AA
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant: **Spianata & Company Limited (04474007)**
Name and Address of Premises: **Spianata & Co**
41 Brushfield Street
London
E1 6AA

Licence sought: **Licensing Act 2003 -**
The sale of alcohol

Objectors: **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 premises licence for Spianata & Co – 41 Brushfield Street, London, E1 6AA.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the nature of the application as follows:
- The sale of alcohol
- 3.3 **The hours that have been applied for are as follows:-**

Sale of Alcohol (on sales only)

- Monday to Sunday from 11:00hrs to 21:30hrs

Hours premises is open to the public:

- Monday to Friday from 07:30hrs to 22:00hrs
- Saturday to Sunday from 11:00hrs to 22:00hrs

- 3.4 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 the 8th December 2010.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Office has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It will also be available at the hearing. It was last revised in October 2012.
- 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 **Objections**

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by:
- The Metropolitan Police (**See Appendix 3**)

- 5.2 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
- 5.3 Essentially, the regulatory Authority opposes the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
- the prevention of crime and disorder
 - the prevention of public nuisance
- 5.4 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.
- 5.5 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 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 Members will find advice on the issues relating to conduct on the premises and egress as follows:

Appendix 4 Licensing Officer comments on Crime and Disorder on the Premises

Appendix 5 Licensing Officer comments on Crime and Disorder from Patrons Leaving the Premises

Appendix 6 Licensing Officer comments on Egress Problems

Appendix 7 Licensing Officer comments on the LBTH CIZ

7.0 Legal Comments

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

8.0 Finance Comments

8.1 There are no financial implications in this report.

9.0 Appendices

Appendix 1 A copy of the application

Appendix 2 Maps of the area

Appendix 3 Representations of the Metropolitan Police

Appendix 4 Licensing Officer comments on Crime and Disorder on the Premises

Appendix 5 Licensing Officer comments on Crime and Disorder from Patrons Leaving the Premises

Appendix 6 Licensing Officer comments on Egress Problems

Appendix 7 Licensing Officer comments on the Special Cumulative Impact Policy for the Brick Lane Area

Appendix 8 Supporting documents submitted on behalf of the Applicant

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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 1BY 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) Stefano Nicoli

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 <u>Spianata & Co.</u> <u>41 Brushfield St.</u> <u>LONDON</u>	
Post town <u>LONDON</u>	Post code <u>E1 6AA</u>

Telephone number at premises (if any) 020 7 655 44 11

Non-domestic rateable value of premises £ 33,250

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname **First names**

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname **First names**

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name	SPIANATA & COMPANY LIMITED
Address	Office Address: Coppergate House (403), 16 Brune St, E1 7NJ Registered Address: 34 Arlington Road, London NW1 7HU
Registered number (where applicable)	04474007
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number, if any	07887 - 941871
E-mail (optional)	S.Nicolai@spianata.com

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	06	2014

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 store has two entrances. One on Brushfield St and one on Market Street. There is a limited element of seating area inside the shop. There is some external seating area but all tables & chairs have to be removed outside trading hours. Inside the shop there is a counter with tills, coffee machine etc. and a display area for all our sandwiches, cold pasta salads and salads and drinks. Alcohol would be stored in the refrigerated display area and only sold with food.

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

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

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 2)	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur						
Fri						
Sat				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)		
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (Y) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>	
Day	Start	Finish		Off the premises		
Mon	11:00	21:30	Please give further details here (please read guidance note 7)	Both		
Tue	11:00	21:30				
Wed	11:00	21:30		State any seasonal variations for the supply of alcohol! (please read guidance note 4) NA		
Thur	11:00	21:30				
Fri	11:00	21:30				
Sat	11:00	21:30		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) NA		
Sun	11:00	21:30				

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

Name

Branislav Moravanski

Address

1A Addison Road
LONDON

Postcode E17 9LS

Personal Licence number(if known)

ZOYN 171 AAD / 1

Issuing licensing authority (if known)

WALTHAM FOREST

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)

NA

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	7:30	22:00	
Tue	7:30	22:00	
Wed	7:30	22:00	
Thur	7:30	22:00	
Fri	7:30	22:00	
Sat	11:00	22:00	
Sun	11:00	22:00	

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)

The shop will be maintained in order at all times and staff fully trained to promote the four licensing objectives.

b) The prevention of crime and disorder

Clear and legible notices indicating normal operating hours during which licensable activities are permitted.
Notices acting as warning of potential criminal activity such as theft.
Staff fully trained and alert to monitor customers and situations that may look suspicious and lead to criminal activity or disorder

c) Public safety

Staff fully trained
Shop maintained in good order at all times (electrical, heating, lighting etc)
logbook for recording inspections

d) The prevention of public nuisance

Notices alerting customers to respect the needs of nearby residents.
Deliveries carried out swiftly and efficiently (no noise)
Staff to conduct themselves in orderly manner at all times
No movement of bins etc. outside of the premises
Adequate waste bins provided.

e) The protection of children from harm

Ensure no children are allowed unaccompanied.
We will operate a challenge 21 policy.
Staff will be trained and records kept in the implementation of such policy.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee
Insert On-Line Payment reference here if applicable :
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

4/04/2014

Capacity

Managing Director Spianata & Co. Ltd

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)

Stefano Nicolai
Spianata & Co. Ltd
Coppergate House (Suite 403)
16 Brune St. LONDON

Post town

LONDON

Post code

E1 7NJ

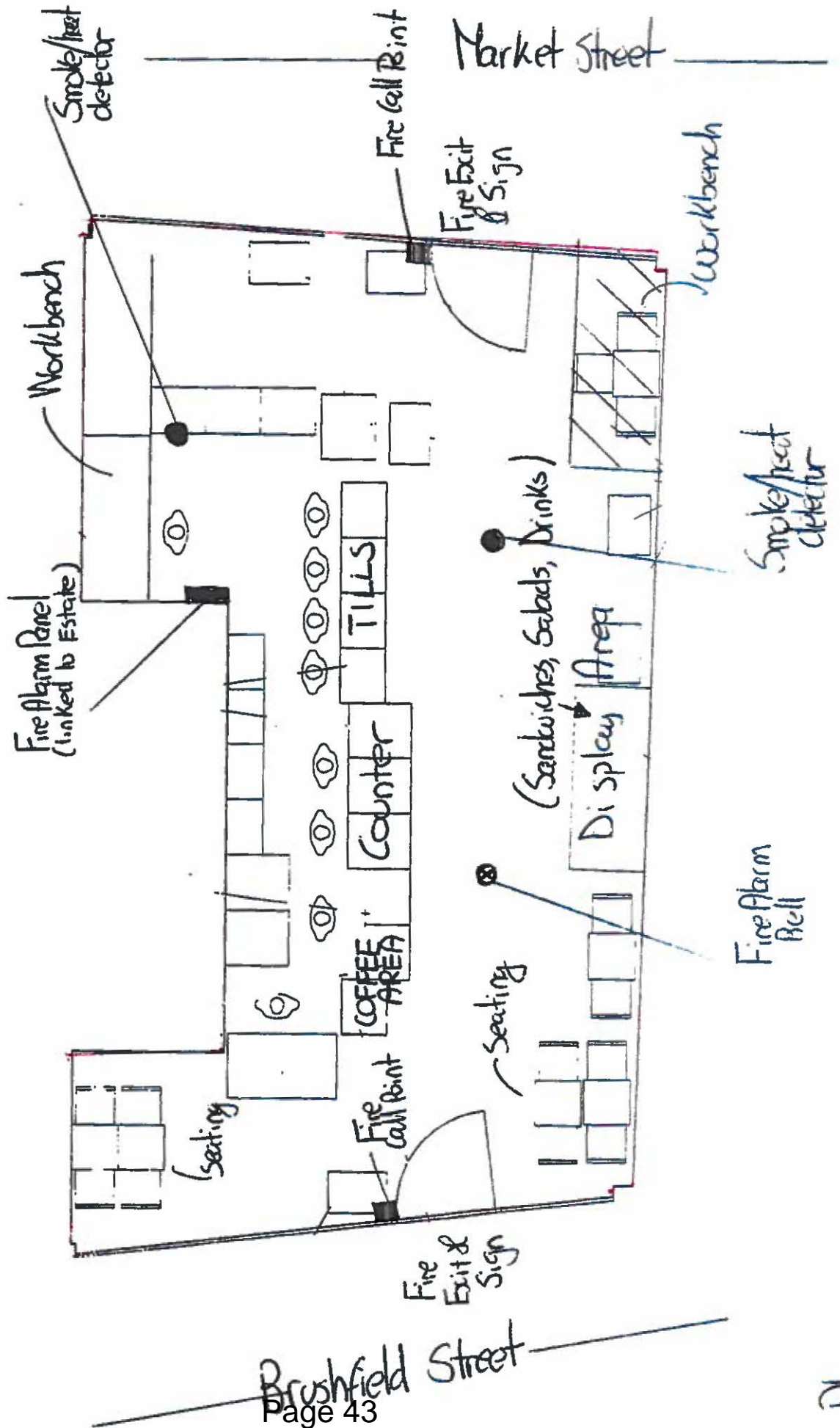
Telephone number (if any)

[Redacted Telephone Number]

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

[Redacted E-mail Address]

Spiantha & Co, 41 Brushfield St, London E16 6AA



**Lease Plan
SPITALFIELDS**

Plan 4

**41 Brushfield Street
Ground Floor**

--- Lease Demise

Notes:

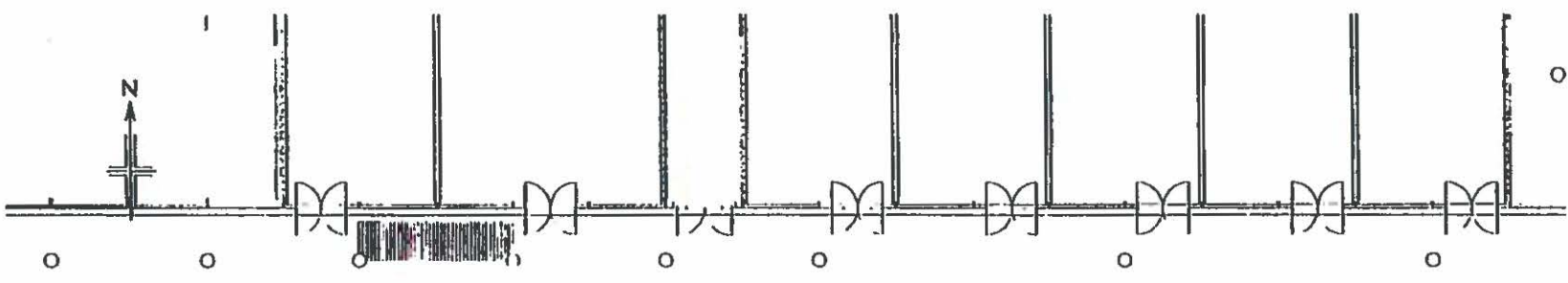
Due to the inherent instability of paper materials, drawings plotted on paper may be stretched and distorted. Dimensions scaled from paper plots should therefore be treated with caution.

This drawing is issued for lease registration purposes only and further copies should be printed under the appropriate licence.

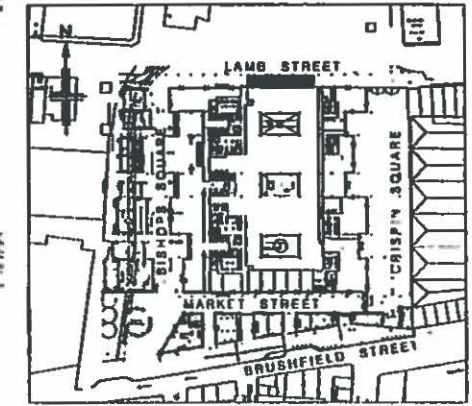
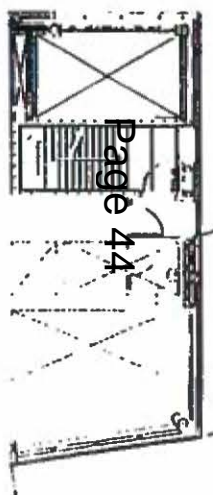
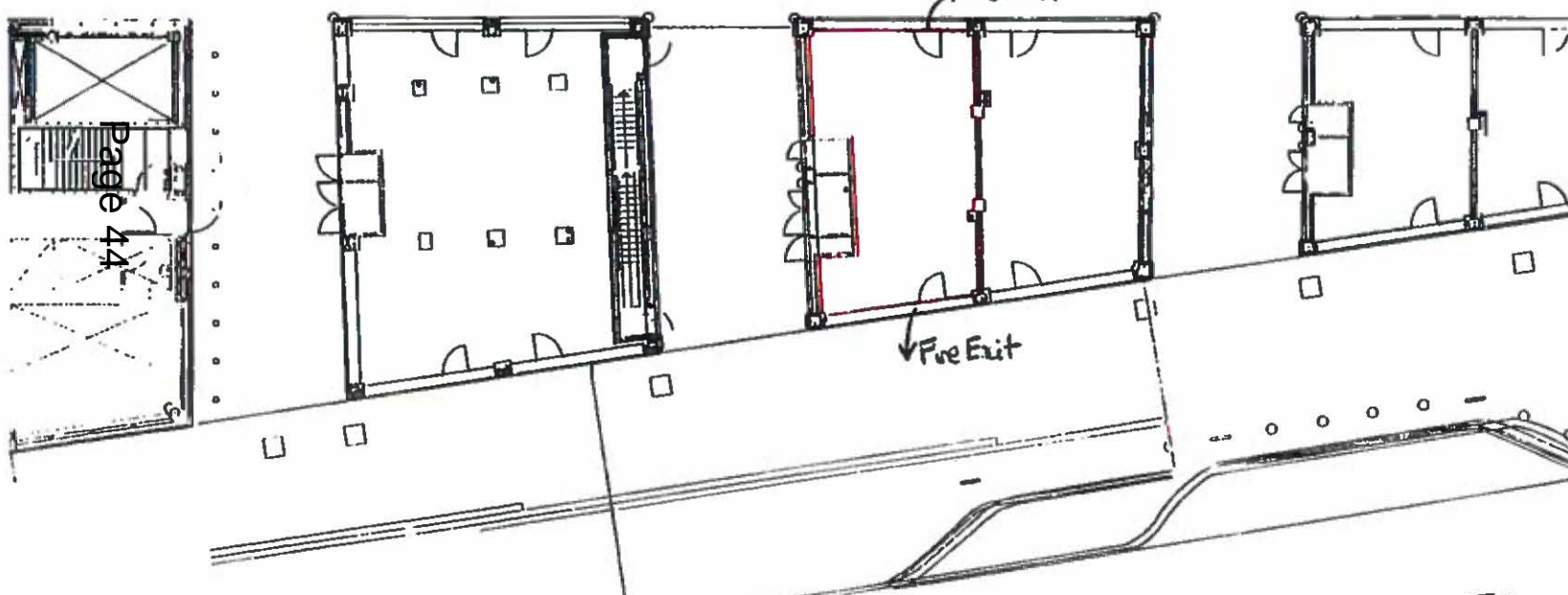
This lease plan is compiled from client supplied data.

Revisions:

- A - Final Issue
- B -
- C -
- D -
- E -
- F -



MARKET STREET



Location Plan

Scale 1:2500

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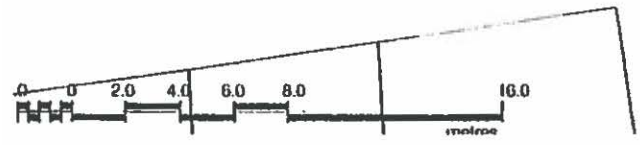
Issue A December 2006

Presentation Scale 1:200 @ A3

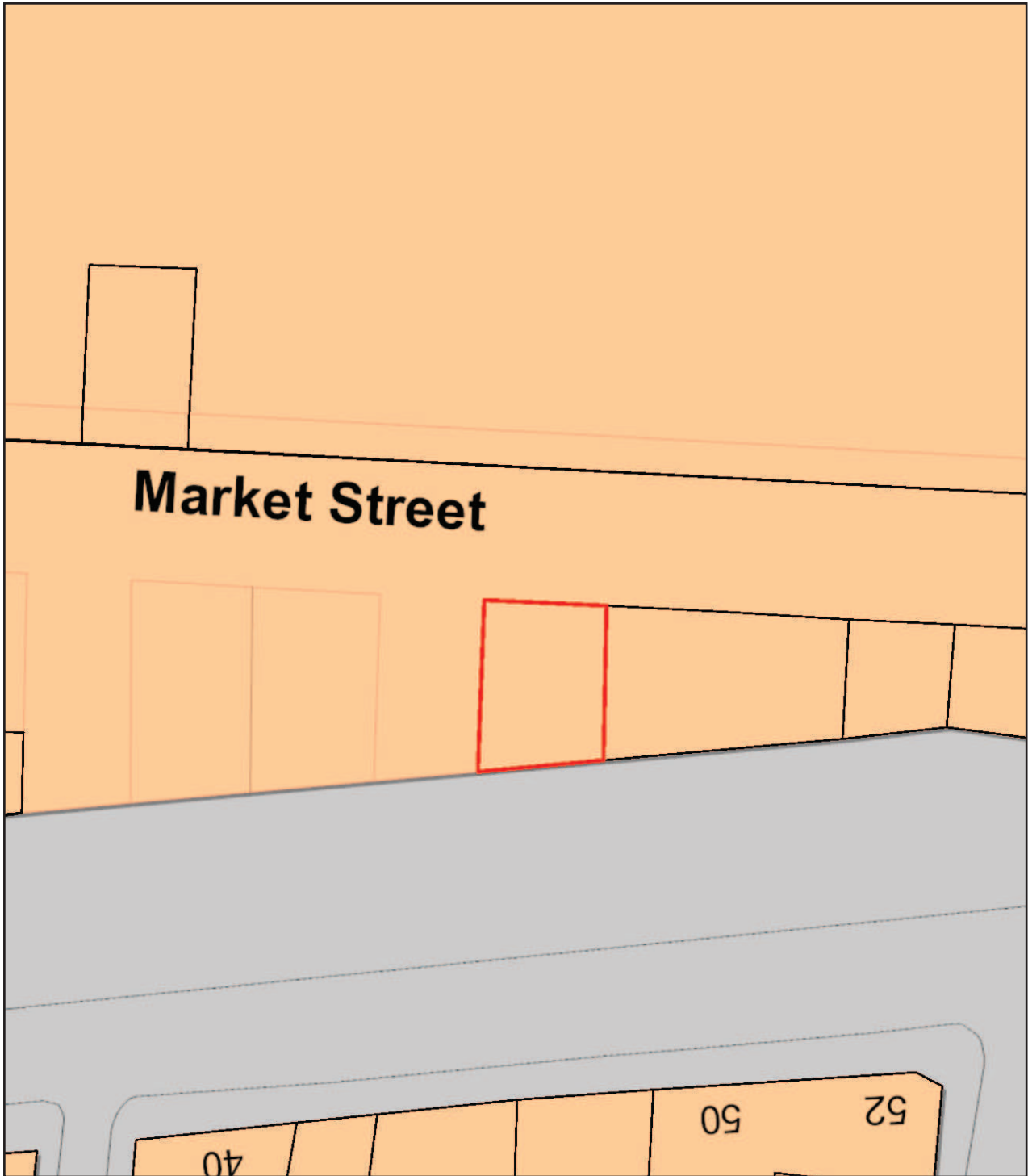
Plowman Craven PCA

+44(0)1582 765560 info@plowmancraven.co.uk

BRUSHFIELD STREET
LBTH
 TRADING STANDARDS
 - 8 APR 2014
LICENSING



Appendix 2

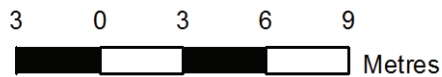


41 Brushfield Street

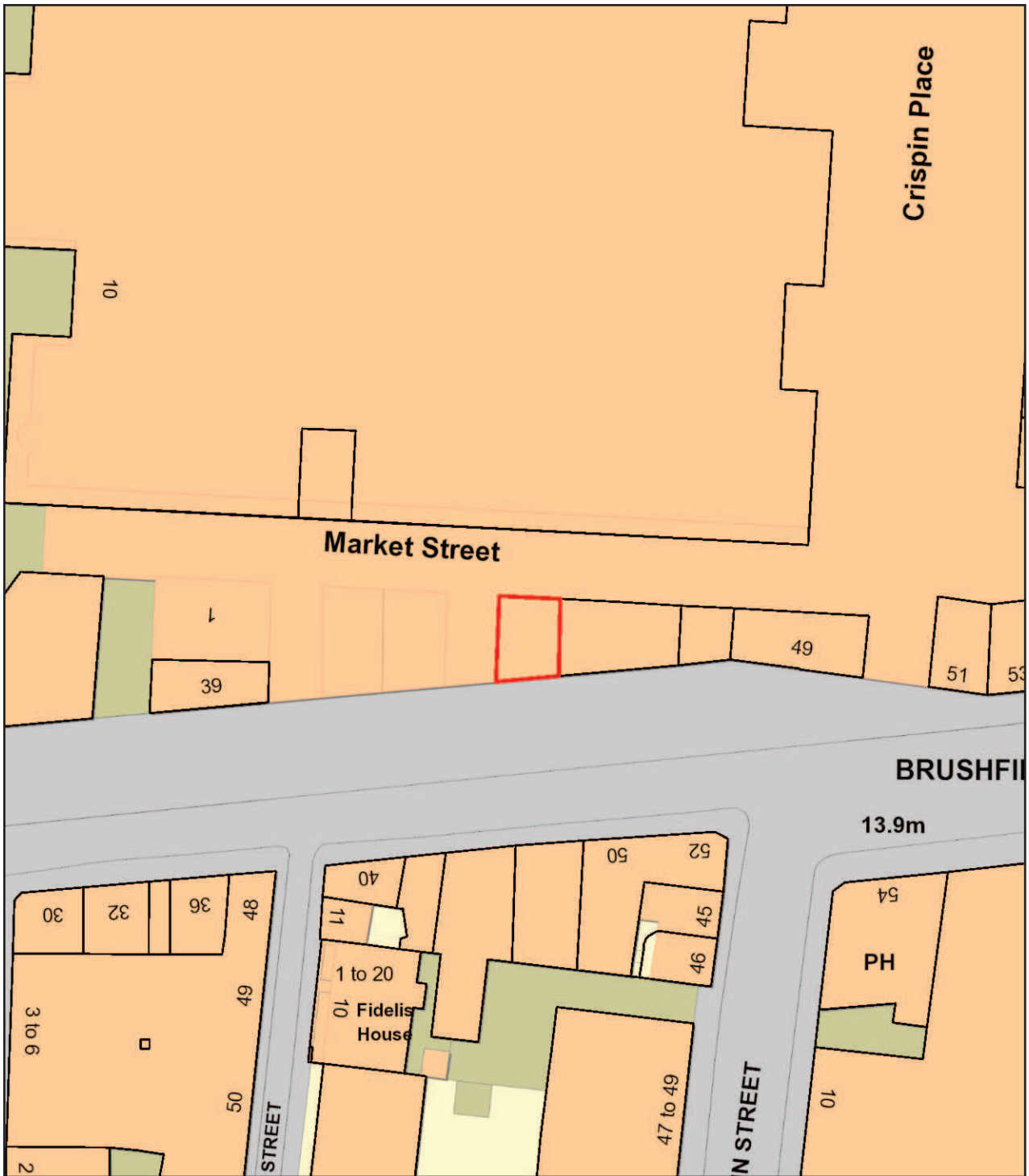
Map 1



Scale 1:334



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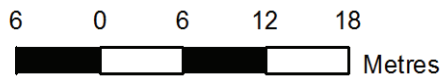


41 Brushfield Street

Map 2



Scale 1:668



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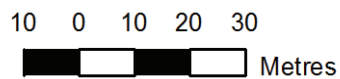


41 Brushfield Street

Map 3



Scale 1:1669



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Appendix 3

LBTH Licensing
Toby Club
Vawdrey Close
E1 4UA

HT - Tower Hamlets Borough
HH - Limehouse Police Station

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Facsimile:

Email:

[REDACTED]
www.met.police.uk

Your ref:

Our ref:

17 April 2014

Dear Mr McCrohan

Re: An application for a premises licence

Spianata&Co,41 Brushfield St, E1 6AA

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

With regards to this policy, the licensing authority will normally refuse any new

applications or any variation of these in the cumulative impact zone; unless the applicant

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

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?

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

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 however small or well run, will compound the problems in the CIZ

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

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

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

Install / maintain CCTV

1. CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail

maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority,

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

Alan Cruickshank PC 189HT

Appendix 4

Appendix 4

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 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 5

Appendix 5

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 Poll 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 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 on, or 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).

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

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 (1.19).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.22) but it is essential that conditions are focused on measures within the direct control of the licence holder (1.6). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified.

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 6

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

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

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 (2.24).

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.

Appendix 7

Appendix 7

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.

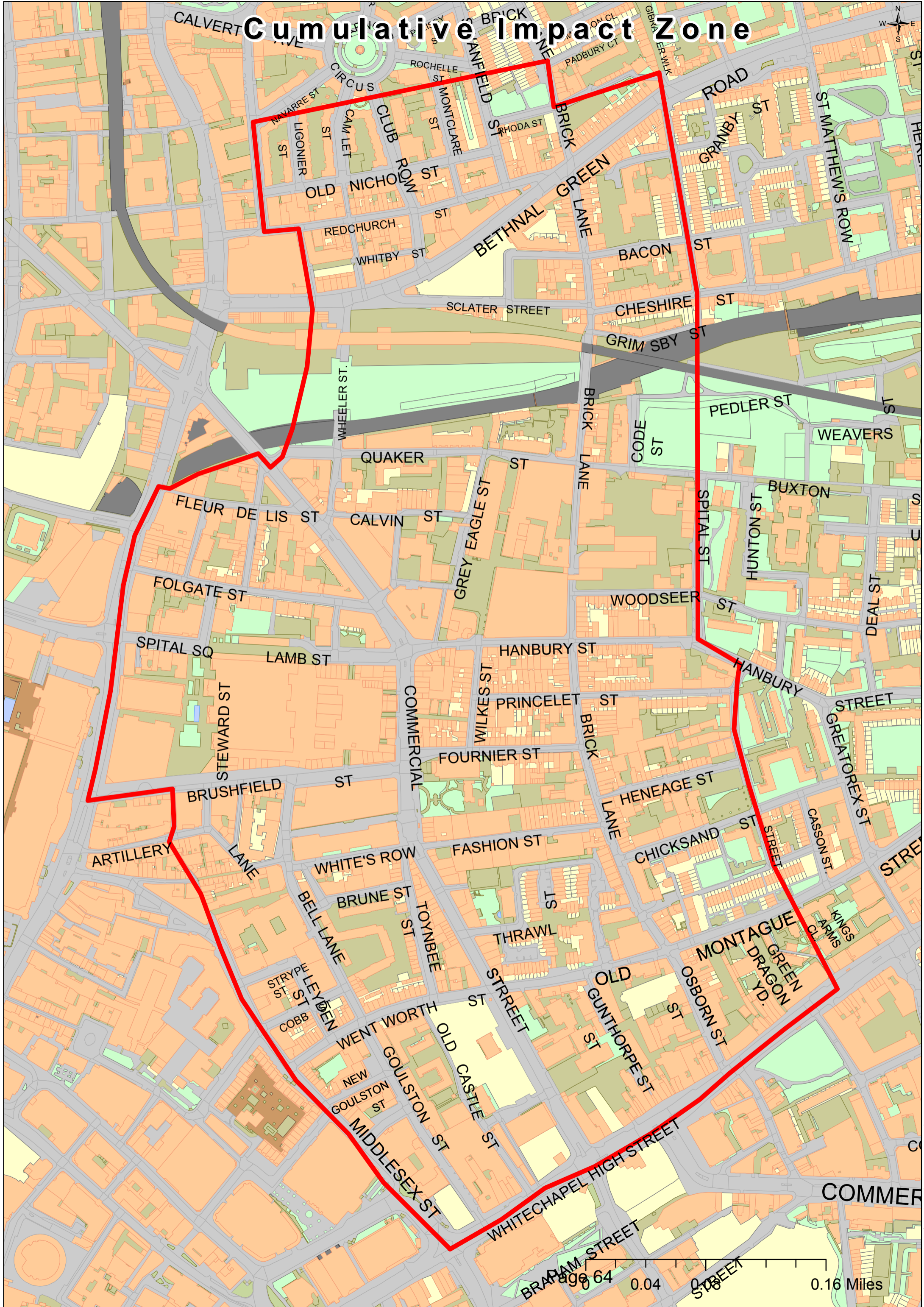
The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore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



Simmi Yesmin

From: Jack Spiegler [REDACTED]
Sent: 26 June 2014 16:15
To: Simmi Yesmin
Cc: [REDACTED]
Subject: RE: Spianata LSC Hearing 8 July 2014
Attachments: Spianata Conditions.docx; Landlords Presentation (June 14).pdf; MENU.pdf; photo 1.JPG; photo 2.JPG; photo.JPG

Dear Simmi

Further to my email below, please see attached:

1. Proposed conditions.
2. Presentation pack.
3. Menu.
4. Photographs.

I would be grateful if you could please distribute copies of the documents (or include in the report if not too late) to Members of the Licensing Sub-Committee. Please let me know if you'd like me to submit hard copies by post.

I have copied in PC Cruickshank for his reference.

Many thanks and kind regards

Jack

Jack Spiegler
Associate

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

M: 07720 975272
D: 020 7042 0413
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F: 020 7379 6618
E: jspiegler@tandtp.com
W: www.tandtp.com



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Spianata& Co 41 Brushfield Street London E1 6AA

Application for a Premises Licence

Proposed Conditions

1. Substantial food and suitable beverages other than alcohol, including drinking water, shall be equally available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
2. The sale of alcohol shall be ancillary to food.
3. 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 5 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 [NB. *agreed Police condition*].
4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police.
5. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
6. No deliveries or collections of waste/recycling/bottles during the hours of 20:00 hours to 07:00 hours.
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas at times which will cause a nuisance.
8. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
9. All staff will be trained in respect of the promotion of all four licensing objectives under the Licensing Act 2003.
10. Notices will be displayed warning customers in respect of theft and crime.



Landlords' Presentation
2014

www.spianata.com



The Offering

Spianata&co® is a **Roman bakery and sandwich bar** with **six stores** in central London. Open for breakfast, lunch and afternoon coffees (in its current locations), its mission is to provide a high quality and authentic Italian alternative to customers with a passion for fresh, healthy and fine foods in a modern retail environment. **(Watch our short film at www.spianata.com)**

Spianata® bread, or to give it its Italian name, *Pizza Bianca Romana*, is the focus of attention. Baked flat, typically about two metres long and 30 cm wide, Spianata® bread is **prepared from scratch** every morning in-house. Low in fat and rich in flavour, **handmade, stone-baked, this Roman bread is light, airy and crisp in texture with a distinctive golden crust**. It is filled with a wide selection of high quality, Mediterranean products (cured meats, speciality cheeses, fresh vegetables, fish, etc.) to create delicious Spianata® sandwiches. Spianata&co® serves fresh (not refrigerated) sandwiches prepared every day just in time for lunch. These are then packaged in elegant, branded individual boxes and available off the shelves.

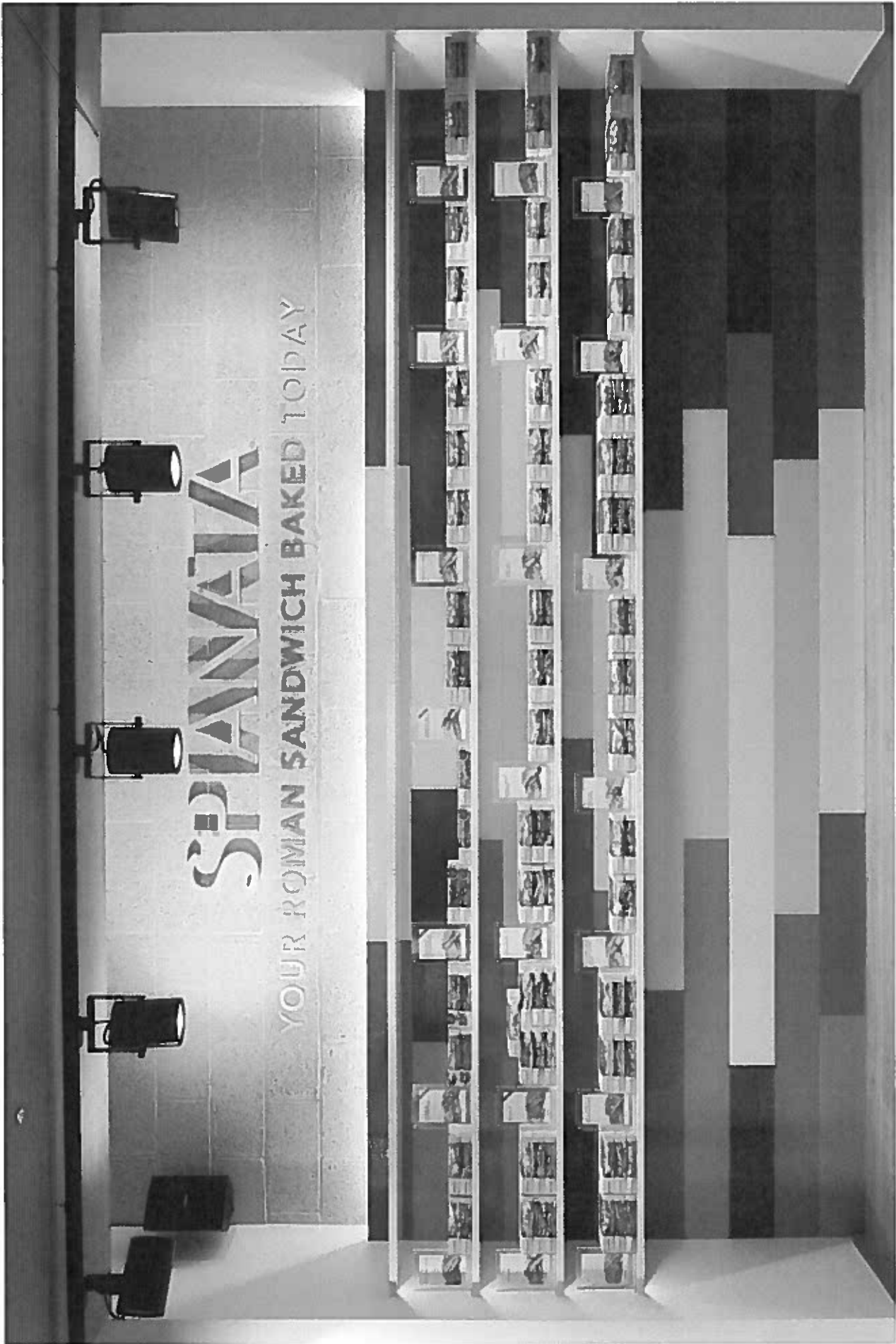
Spianata & Co® also serves freshly made **salads, pasta salads and hot dishes** – aubergine parmigianas, lasagnas and soups. Delicious range of **cakes and desserts**, made in house following family recipes, such as Tiramisu and Ciambellotto al Limone and **authentic Roman coffees**. Great selection of iconic Italian products (Mulino Bianco biscuits and Baci Perugina chocolates) and branded drinks (Santal juices, Chinotto, Tassoni cedrata-lime drink, Gazzosa).

Locations & Awards

- **73a Watling Street, EC4M 9BJ (off Bow Lane)**
- **41 Brushfield Street, E1 6AA (new Spitalfields Market)**
- **17 Blomfield Street, EC2M 7AJ**
- **7 More London Place, SE1 2RT (Tower Bridge)**
- **3 Hay Hill, W1J 6AS (Mayfair)**
- **20 Holborn Viaduct, EC1A 2AT (Shop & Central Production Unit)**

AWARDS:

The only platinum winner of the 2012 *'Best Independent Sandwich Bar of the Year'* from the British Sandwich Association. Gold winner in the Great Taste Awards for its own-baked Spianata® bread. Quoted by Harden's guide as *'panini heaven using awesome own-baked bread'*.



• Our Spianata® Sandwich display

//spianata





• Spianata&co product display wall

//spianata



//spianata

• Our Spianata® Sandwiches



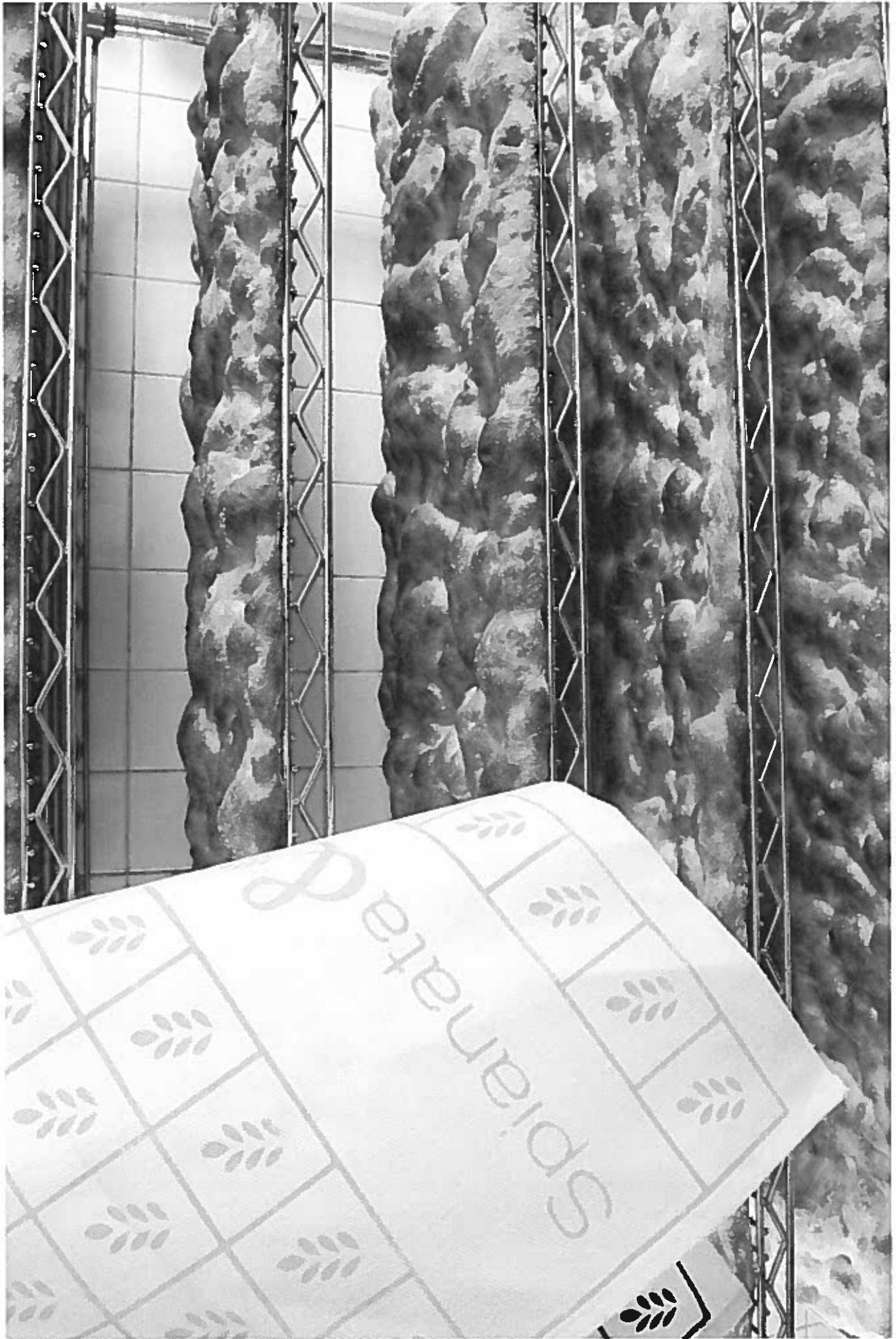
• Detail of the Spianata® Sandwich Label

//spianata



• Spianata® bread, freshly baked from scratch everyday in our City bakery

//spianata



//spianata

• Spianata® bread



• A Classic Spianata® Sandwich with Bresaola, Rocket & Parmesan Cheese

//spianata



• Spianata® Sandwich & Gazzosa lemonade

//spianata



• From our bakery

//spianata



• Spianata Coffee 80/20

//spianata



• Spianata Coffee 80/20

//spianata



• Spianata® team busy at work

//spianata

What they say about us...

- <http://www.foodepedia.co.uk/articles/2012/sep/spianata.htm>
- <http://www.caterersearch.com/Articles/15/08/2011/339822/Better-Business-Spianata-London.htm>
- <http://andyskitchen.co.uk/blogs////blog1.php/the-latest-news-from-our-sites/spianata-co-r-shines-at>
- <http://www.thehandbook.com/blog/spianata-co>
- <http://www.bighospitality.co.uk/Trends-Reports/Move-over-hotdogs-the-premium-sandwich-is-here>
- <http://kandabites.com/spianata-branches-out-into-mayfair/>
- <http://www.foodytraveller.com/regualars/simply-the-best/151-spianata-co>
- <http://omotg.com/reviews/london/727/spianata-mayfair/>

...

Spianata (or to give it its Italian name, **Pizza Bianca Romana**) is a long, flat and golden Roman bread. Handmade, stone-baked it is light, airy and crisp in texture with a distinctive golden crust, achieved with a few brushstrokes of extra virgin olive oil.

At Spianata & Co, we are careful to follow the time-honoured methods of the **Maestri Fornai** (Master Bakers) of Rome to create the authentic Spianata bread: the secret behind our sandwiches tasting so good!

3 Hay Hill W1 • 73A Watling St EC4 • 41 Brushfield St E1 • 20 Holborn Viaduct EC1 • 17 Blomfield St EC2 • 7 More London Place SE1

SPIANATA® SANDWICHES

Salami & Gruyere Sliced Salami & Gruyere Cheese	T/A £4.95
Caprese Mozzarella, Slice Tomatoes, Fresh Basil & Olive Oil	T/A £4.95
Gorgonzola, Speck & Pear Chopped Pear, Gorgonzola Cheese with Sliced Mountain Ham and Pecorino	T/A £4.95
Bresaola, Rocket & Parmesan Bresaola, Rocket, Parmesan, Extra Virgin Olive Oil, Pine Nuts & Wild Rocket	T/A £4.95
Parma Ham & Mozzarella Lined with Parma Ham & Mozzarella	T/A £4.95
Classic Chicken Chicken Breast, Sautéed Tomatoes, Baby Spinach & Pasta	T/A £4.95
Parma Ham & Artichokes Parma Ham, Marinated Artichoke Hearts, Pineapple & Wild Rocket	T/A £4.95
Goat's Cheese & Pesto Sliced Goat's Cheese, Homemade Pesto, Bell Peppers, Tomatoes and Roasted Lentils	T/A £4.95
Spianata Club Penne, Chicken Liver, Chicken Breast, Pineapple, Sautéed Tomatoes, Pesto, Avocado & Salad	T/A £4.95
Mortadella Mortadella, Pineapple, Fragrant and Nutty Breadcrumbs, Sautéed Tomatoes	T/A £4.95
Classic Ham & Cheese Cooked Sliced Ham with Swiss Cheese and a hint of spicy sauce	T/A £4.95
Cacciatore Chicken Chicken, mushrooms in Red Pepper Sauce, Pine Tomatoes, Olives, Sautéed Tomatoes & Lentils	T/A £4.95
Coppa (Gran Riserva), Provone Piccante & Radicchio Sweet Coppa Salami from Parma, Coppa, Spicy Aged Cheese from Southern Italy	T/A £4.95
Spicy Salami Spicy Salami, Salami & Gruyere Cheese	T/A £4.95
BLT Sliced Bacon, Tomato, Sautéed Lentils, Vine Tomatoes & Mayo	T/A £4.95
Tuna & Mayo Tuna Mayo with Red Onions and Sweet Pickles	T/A £4.95

SPIANATA® MONTHLY SPECIALS

LA SPIANATA® DEL MESE

We offer a different Spianata® Sandwich every month. Example dishes:

Porchetta & Provoche Piccante Tuscan Pork, Sliced Provoche Piccante, & Provoche Piccante Cheese	T/A £4.95
Parma Ham & Figs Parma Ham, Figs, Provoche	T/A £4.95
Mixed Grilled Vegetables Mixed Vegetables, Roasted with Garlic, Pineapple & Olive Oil with Soft Cheese	T/A £4.95
Mozzarella & Avocado Mozzarella Cheese with Avocado, Black Olive Tapenade & Roasted Salami	T/A £4.95

Please check our shop menu board for the Special of the Month

MULTISEED SPIANATA®

Houmous Homemade Red Fava Beans & Mixed Spices, mixed	T/A £3.95
Caprese with Pesto Mozzarella, Slice Tomatoes, Extra Virgin Olive Oil, Pine Nuts & Fresh Homemade Green Pesto	T/A £4.45
Roast Salmon & Baby Spinach Roast Salmon & Baby Spinach with hint of Garlic	T/A £4.55

SPIANATA® ROSSA

PIZZA ROSSA ROMANA T/A: £1.50

The Classic Roman Sandwich with Tomato Sauce & Extra Virgin Olive Oil

Freshly baked for lunch

SOUPS

ZUPPE LARGE: £3.90 SMALL: £3.10

Handmade using only the finest ingredients. You will taste the difference in our soup! They yearn for us with a delicious piece of our freshly baked Spianata bread.

Examples of soups include:

Leek, Potato & Blue Cheese	V D
Sweet Potato & Carrot	V ND
Pasta & Fagioli	V ND
Courgette, Feta and Dill	V D
Minestrone	V ND
Lentil and Orange	V ND
Roasted Mediterranean Vegetables	V ND
Red Lentil and Tomato	V ND
Roasted Pepper and Fennel	V ND
Roasted Root Vegetables	V ND

• Plus many more • Soup from a 'Pasta' dish • £1.50 (small) • £3.90 (large) • V = Vegetarian • D = Dairy • ND = Non Dairy

SALADS

INSALATE

All salads are prepared daily in our kitchen to ensure maximum freshness and quality. Salads come with a complimentary piece of Spianata bread.

Bresaola Salad Thin Slices of Bresaola, Provoche Piccante, Wild Rocket & Parmesan Dressing, with Lemon Wedge & Extra Virgin Olive Oil	T/A £4.90
Chicken Salad Chicken Breast in Red Pepper Sauce, Mixed Lettuce, Sautéed Tomatoes, Pineapple, Check Pasta, Sautéed Tomatoes	T/A £4.95
Roast Smoked Salmon Salad Wild Rocket, Roast Smoked Salmon, Artichoke Hearts, Olive Oil, Lemon Wedge & Lemon Dressing	T/A £4.95
Gorgonzola Salad Rocket, Gorgonzola Cheese, Sautéed Tomatoes, Honey & Balsamic Dressing	T/A £3.90
Orzovette with Pesto Orzovette Pasta with Pineapple, Mixed Peas, Mozzarella Balls, Black Olive, Sautéed Tomatoes & Basil	T/A £4.95
Side Salad Mixed Lettuce, Sautéed Cherry Tomatoes, Black Olive & Mozzarella	T/A £3.10

Please check our shop menu board for the Special of the Month

DELIVERY

FREE OF CHARGE

Delivery to anywhere in Greater London & the South East. We offer a free delivery service to our customers in Greater London and the South East.

Our only delivery to the City of London (for 1500) is by our own delivery van. Delivery to other parts of Greater London and the South East is by our own delivery van or by a third party courier. Delivery to other parts of Greater London and the South East is by our own delivery van or by a third party courier.



"PRIMI PIATTI"

Our delicious first courses include:

Parmigiana di Melanzane Layers of Aubergines, Tomato Sauce, Basil, Parmesan Cheese, Mozzarella Cheese	T/A (RMS) £5.95
Lasagna Layers of Fresh Pasta, Beef Ragù, Sauce & Parmesan	T/A (RMS) £5.95

OTHERS

ALTRI PRODOTTI

We also have a number of other items available including:

Diavoli Mulino Bianco T/A £3.75	Clampellina al Vino T/A £3.50
Baci T/A £0.55 (or 3 for £1.50)	Snack Wafers (Balocco) T/A £2.90
Gods Organic Chocolate Bar T/A £1.20	

BREAKFAST

COLAZIONE

Our delicious breakfast range includes Breakfast Sandwiches, Breakfast Salads & Breakfast Breads. All items are freshly baked for you.

• To accompany our authenticity Italian coffee • 150ml

DRINKS

BIBITE

Water Still & Sparkling Water	T/A £1.10	San Pellegrino Cans All Flavours	T/A £1.15
Ferrarelle Water Sparkling Water	T/A £1.00	Santal Fruit Nectars All Flavours	T/A £1.85
Coke/Diet Coke	T/A £2.95	Cedrata Tassoni	T/A £2.95
Orange Juice	T/A £1.75	Gezzosola	T/A £2.20

COFFEE

CAFFE

We only use the best coffee beans.

Espresso	£1.45	Mocha	£2.30
Espresso Doppio	£1.95	Americano	£1.80
Cappuccino	£2.95	Ciccolata Calda (Hot Chocolate)	£2.10
Caffe Latte	£2.15	The! (Selection of TEAPOS teas)	£1.95

DESSERTS

DOCCIA

Lemon Ciambellotto (Lemon Cake)	T/A £1.80
Clambellotto Chocolate (Chocolate Cake)	T/A £2.30
Organic Chocolate Tuffe Brownie	T/A £1.75
Our Tiramisu! (Chocolate Free)	T/A £3.90
Fruit Salad Watermelon, Mango, Pineapple & Apple Slices	T/A £2.95
Strawberries & Yoghurt Strawberries & Yoghurt	T/A £2.95
Chocolate Mousse	T/A £1.90
Bircher Muesli	T/A £1.90
Yogurt & Strawberry Coulis	T/A £1.85
Fruit (Apple, Banana)	T/A £0.70
Breakfast Boost	T/A £2.00

• We have a special selection of our own baked breads for you.

• "Panni heaven" spianata, Roman style - using "awesome oven baked bread", with "great quality ingredients and combos" - are the highlight at these "grab-and-go" pit stops.

@Harden's Guide 2012



Spianata (or to give it its Italian name, **Pizza Bianca Romana**) is a long, flat and golden Roman bread. Handmade, stone-baked it is light, airy and crisp in texture with a distinctive golden crust, achieved with a few brushstrokes of extra virgin olive oil.

At Spianata & Co, we are careful to follow the time-honoured methods of the **Maestri Forna** (Master Bakers) of Rome to create the authentic Spianata[®] bread, the secret behind our sandwiches tasting so good!

3 Hay Hill W1 • 73A Watling St EC4 • 41 Brushfield St E1 • 20 Holborn Viaduct EC1 • 17 Blomfield St EC2 • 7 More London Place SE1



SPIANATA YOUR ROMAN SANDWICH BAKED TODAY

MAKING THE PERFECT SPIANATA[®] SANDWICH

uno, due e tre...! 1,2,3...



UNO

SPIANATA[®] BREAD, BAKED FROM SCRATCH EVERY DAY 1

Why settle for factory produced or bake-off frozen bread?

Our bakers arrive in our City bakeries at dawn every day to prepare our Spianata[®] bread, using the same traditional and time-honoured methods and techniques of the Master Bakers of Rome! **Ten times more effort for us...ten times more taste for your lunch!**

Crucially Spianata[®] bread is characteristically low in fat and rich in flavour, which is why, after generations, it still remains the backbone of the Mediterranean diet of the residents of Rome.



DUE

CLASSIC & SIMPLE RECIPES 2

Classic combinations are "classic" for a reason. **Often the right combination and balance of just 2 or 3 carefully sourced ingredients is sufficient to create culinary perfection. This is our approach!**

Ordinary fillings, often accompanied by lots of sauces and mayonnaise, are unfortunately all too common in our industry. **One more reason for us to try and be different!**



E TRE!

FRESH FOR LUNCH 3

You will not find our Spianata[®] sandwiches ready on our shelves at 7am... (our bakers are still busy preparing the Spianata[®] dough then stretching and proofing it)

...a small price to pay for a fresher, more fragrant and healthier lunch!

Spianata & Co



Spianata is an Italian bread called Pizza Bianca. Roma makes one of Rome's favourite lunchtime sandwiches. At Spianata & Co. we use anti-time honoured methods and the finest ingredients. Extra virgin olive oil. Tipo '00' flour. Our secret recipe, our traditional, characteristically low in fat, rich in flavour. Throughout all our breads are handmade and stone-baked in our ovens in the shadow of St. Peter's Basilica. They are the result of our passion and care with carefully sourced ingredients to create our fresh sandwiches. Buon Appetito.

Spianata & Co





Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	8 July 2014	Unclassified	LSC 04/145	

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 Time Limited Premises Licence for Ican Centres UK Limited, External Yard Area, 33-35 Monier Road, London E3 2PR Ward affected: Bow West
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1.0 Summary

Applicant: **Ican Centres UK Limited**

Name and Address of Premises: **External Yard Area**
33 - 35 Monier Yard
London
E3 2PR

Licence sought: **Licensing Act 2003**

- The sale by retail of alcohol
- The provision regulated entertainment

Representation: **Met Police**
A Local Resident
A local business

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 Time Limited Premises Licence for Ican Centres UK Limited, External Yard Area, 33-35 Monier Road, London E3 2PR. The internal building already has a premises licence which has been varied by a separate application and both applications will be heard on the same date.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The dates and timings that have been applied for are as follows:-

Dates: As soon as possible to 1st October 2014

The sale by retail of alcohol - On sales only

- Monday to Thursday, from 10:00 hours to 21:00 hours
- Friday to Sunday, from 10:00 hours to 21:30 hours

The provision of regulated entertainment – Outdoors
Films and Recorded Music

- Monday to Thursday, from 10:00 hours to 21:00 hours
- Friday to Sunday, from 10:00 hours to 21:30 hours

Hours open to the public

- Monday to Thursday, from 10:00 hours to 22:00 hours
- Friday to Sunday, from 10:00 hours to 22:30 hours

- 3.4 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.
- 3.5 A map showing the relevant premises is included as **Appendix 2**.

4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.

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

5.0 Representations

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

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

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

5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

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

5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.

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

5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Met police and local resident and a local business.

5.9 Please see **Appendix 4** for the representation of Met police.

5.10 Please see **Appendix 5** for the representation of Tina Johnston who is a local resident.

5.11 Please see **Appendix 6** for the representation of Mr Y Feldman from Kedassia Poultry Ltd, a local business.

- 5.12 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
- 5.13 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
- 5.14 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.
- 5.15 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.0 Licensing Officer Comments

- 6.1 The following is intended 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 7 - 12** 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 Guidance by the Home Office
Appendix 4	Representation of Met police
Appendix 5	Representation of Tina Johnston
Appendix 6	Representation of Mr Y Feldman
Appendix 7	Licensing Officer comments on noise while the premise is in use
Appendix 8	Licensing Officer comments on access/egress problems
Appendix 9	Licensing Officer comments on crime and disorder on the premises
Appendix 10	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 11	Planning
Appendix 12	Licensing Policy relating to hours of trading

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Appendix 1

LONDON BOROUGH OF TOWER HAMLETS, LICENSING ACT 2003, NOTICE OF APPLICATION FOR A PREMISES LICENCE.

**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 Ican Centres UK Limited
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and 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 Ican Centres UK Limited External Yard Area 33 - 35 Monier Road			
Post town	London	Postcode	E3 2PR

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£55,500.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |

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

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Ican Centres UK Limited
Address 35 Monier Road Bow London E3 2PR
Registered number (where applicable) 07564413
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	4	04 2014

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

DD	MM	YYYY
01	10	2014

Please give a general description of the premises (please read guidance note 1)
Outdoor yard area situated to the rear of the Ican Centres, the area is bounded on three sides by anti climb security fencing backed with concrete slab walls and the building on the fourth side.

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

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

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

Provision of regulated entertainment

Please tick any 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)

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	21:00			
Tue	10:00	21:00			
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed	10:00	21:00			
Thur	10:00	21:00			
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	21:30			
Sat	10:00	21:30			
Sun	10:00	21:30			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10:00	21:00			
Tue	10:00	21:00			
Wed	10:00	21:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	10:00	21:00			
Fri	10:00	21:30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10:00	21:30			
Sun	10:00	21:30			

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (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 (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	10:00	21:00						
Tue	10:00	21:00						
Wed	10:00	21:00						
Thur	10:00	21:00						
Fri	10:00	21:30						
Sat	10:00	21:30						
Sun	10:00	21:30						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

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

Name Philip Glen Kirton	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

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

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

Proposed conditions for The Ican yard summer project

The following conditions suggested for each of the four licensing objectives are consistent with the current licence granted at Ican Centres and have been amended to allow for the fact that this space is outdoors only, amendment points have been left in to allow easy cross checking

Annex 1 - Mandatory conditions

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

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

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

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

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or in respect of premises in relation to- any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

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

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows: If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction must be adhered. Otherwise the recommendation of the film classification body must be followed. Children means persons aged under 18 and “film classification body” means the person or persons designated as the authority under section

4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

1.

(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is

unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

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

b) The prevention of crime and disorder

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

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

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

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

Entry and Search Policy

9. There shall be an ID Scanner in operation during every event at Ican Centers where there is regulated entertainment or the sale of alcohol. It is the duty of both the licensee or DPS and the duty manager to ensure that everyone that enters the premises has had their ID scanned; the I D Scanner shall be activated 7 pm each evening the premises is opened; unless only the café/pizzeria is trading in which case the id scanner will not be required.

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

11. Whenever they are on duty, Registered Door Supervisors will be responsible for searching every customer as they enter the venue, they are to carry out checks on bags and personal items that customers may be carrying with them. In the event of any weapons or of illegal substances being discovered, the individual should be detained, the item confiscated, the duty manager notified and the Police called immediately; the search is to be conducted only in areas covered by CCTV; SIA door staff will not be required when only the café/pizzeria is trading.

12. A drug safe log system will be employed at the premises to account for the seizure of drugs from customers. The premises management will liaise with the police for regular collection of seized drugs. All seized items will be placed in sealed bags the bags will be sealed, signed by the person seizing, taking the drugs or confiscated items and date written and a quantity and description shall also be entered on the log;

13. Registered Door Supervisors employed at the venue must maintain a refusals log which should record a time, date, and place of the refusal, this will include a

comprehensive description of the refusal subject including their dress;

Drugs Seizure Police

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

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

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

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

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

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

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

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

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

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

Theft on the premises

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

Before Entry

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

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

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

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

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

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

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

32. Extra signage: as part of security checks, the Security Team should ensure that there is sufficient signage around the premises ahead of doors opening warning people to look out for their belongings and to report any suspected thefts as quickly as possible. The Security Team and the Manager will work closely together on ensuring communications to the public in that respect are as clear as possible;

During the Event

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

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

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

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

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

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

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

40. deleted and replaced with condition 64

Closing down procedure

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

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

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

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

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

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

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

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

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

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

51. The SIA staff is to be deployed in numbers and a pattern agreed by the Police;
52. Registered Door Supervisor (SIA) will be employed (1) SIA per one hundred (100) customers or part thereof. On other occasions security is to be considered on a continual basis. All details (full name, DOB, Address, SIA badge number, company and Booking on - off times) to be recorded and to be made available to police immediately; [This shall include name, badge number on prominent display, the employer agency (if any) and the time of starting and finishing work];
53. DPS / Premises Licence Holder will ensure that customers shall not be permitted to take any drinks outside/including the car park and smoking area of the premises;
54. Patrons permitted to temporarily leaving the premises (for smoking) and then re-enter the premises shall be monitored by an SIA member of staff;
55. deleted, no longer relevant as smiking will be throughout the yard as it is outside
56. Deleted and replaced with condition 52
57. Deleted and replaced with mandatory condition third paragraph annex 1
58. Deleted and replaced with condition 79
59. deleted and replaced with mandatory condition 1.2 annex 1
60. The premises to have in place a waste Management Plan to include the public highway areas of Monier Road and Smeed Road;
61. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00hrs and 08:00hrs;
62. No rubbish shall be left on the pavement outside the premises at any time;
63. An incident log shall be maintained at the premises, and made available on request to an authorised officer of the Council or the Police, recordable offences will include allegations of criminal offence and which will record the following:
- a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received;
 - d) any incidents of disorder;
 - e) seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system or searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service;
64. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection by the police or an

authorised officer of the Council at all times;

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

Additional Conditions:

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

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

c) Public safety

Public safety

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

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

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

85. Deleted, no longer relevant as the space is outdoors

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

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

d) The prevention of public nuisance

Prevention of Public Nuisance

68. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person.

The limiter shall not be altered without prior agreement with the Environmental Health Service;

69. Deleted, no longer relevant as the space is outdoors

70. Deleted, no longer relevant as the space is outdoors

71. Deleted, no longer relevant as the space is outdoors

Prevention of Noise Pollution and Public Disturbance

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

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

74. Deleted as no events will finish past framework hours

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

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

77. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business from 21:00 hours; with the exception of times when only the Café/pizzeria is trading.

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

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

80. A cloakroom attendant shall be on duty in the cloakroom when the premises is open to the public; with the exception of times when only the Café/pizzeria is trading.

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

search – No entry policy is operated on the premises;

e) The protection of children from harm

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

Checklist:

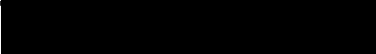
Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	13-03-2018
Capacity	LICENSING CONSULTANT / AGENT

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

Notes for Guidance

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



Summer Beach Project

EVENT Manual

Ican Studios

35 Monier Road, Hackney Wick. London. E3 2PR

Event Vision/Description

Food:	Provided by Café/pizzeria
Event live time	10am-9/9.30pm
Get-in:	Determined by individual event production plan
Get-out:	Determined by individual event production plan
Venue:	Ican Studios/Yard Area
Vision:	

Ican Studios presents the ***Summer Beach***
... Relax... Refresh...Recharge!

A stone's throw to the Olympic Stadium and at the heart of Tower Hamlet's new East End on Fish Island. The Summer Beach will be London's best value for money entertainment offer.

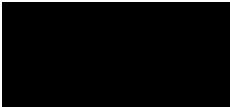
Concept:

iCan Studios will host a number of Summer Beach events, consisting of innovative party concepts produced by independent external promoters and supported by an internal event management and security function.

Tone: Calm to excitable, however contained
Content: Various:- music, games, licensed bar
Capacity: as agreed with LFB

Ican Studios Contact/s in case of emergency /enquiries:

Project Director Philip Glen Kirton
Project Manager Stefano Del Core
Project manager Alessandro Avanzato



This does not replace the need for contacting the Emergency Services for all major incidents and emergencies on the day. In such cases, please call 999.

Target Audience Profile

Type: Young Adults
Age: 20 to 50
Gender specific: Mixed – undefined
Purpose (At work / Leisure): Entertainment local area cultural offer

Safety Policy

Policy Statement

Ican Studios & its partners will be producing **Summer Beach**. The event organisation including the Event Safety Policy has been co-ordinated by Ican Studios and is not transferable.

Ican Studios will ensure, so far as is reasonably practical, to take appropriate measures to maintain the health, safety and welfare of its employees and others during the party nites.

Ican Studios recognises its duty to comply with the requirements of the Health and Safety at Work etc Act 1974 and any legislation made under it, in particular the management of Health & Safety at Work Regulations 1999.

Ican Studios will strive to ensure that its partners, contractors and suppliers compile with our Health & Safety Policy. This policy refers to the activities and operations of Ican Studios only. All third parties must ensure that they have adequate insurance, Health & Safety documentation and procedures to cover their respective areas of responsibility, including but not exclusive; Public and Employee Liability Insurance;

Equipment loss, theft, damage and replacement Insurance; Loss of Earnings, Event specific Risks Assessments and any other procedure, process and/or insurance cover.

Ican Studios will not be liable for any loss, damage, theft or non-operation of any Third Party provided equipment.

Our policy is to comply with and where possible exceed the minimum requirements of the law, and will provide suitable resources as may be required to meet this commitment. Health and safety management will involve effective planning and organisation to develop and implement systems that will enable the control, maintenance and improvement of safety performance.

Ican Studios as far as is reasonably practicable,

- Provide and maintain equipment and systems of work that are safe and without risks to health, that is a safe place of work, and a safe system of work
- Ensure the safety and absence of risk to health in connection with the use, handling, storage or transportation of articles and substances
- Provide such information, instruction and training and supervision as may be necessary to ensure the Health and Safety at work of its employees
- Take appropriate preventative and protective measures
- Provide employees with health surveillance where necessary
- Appoint competent personnel to secure compliance with statutory duties

This policy will be regularly monitored to ensure that it is being implemented. It will be reviewed regularly or as may be required by changing circumstances, and revised as necessary.

Ican Studios

Key Job Descriptions

Event Producer: - Phillip Kirton on behalf of A Class Above Events

The Event Producer will take overall responsibility for the event and will oversee all staff, suppliers and performances. The Event Producers will make all final decisions relating to the event, in conjunction with the stakeholders and will be available throughout the day via radio communications and/or mobile phone.

Promoter Liaison & Event Manager:- Alessandro Avanzato

Will manage the Fish Island Party Night programme, including, but not exclusive to, designing and delivery of events, production/venue staff management, promoter liaison, pre-post production cleansing of site and post event reporting to iCan Studios Management Team.

iCan Studios Production Adviser:- Stefano Del Core

The Producer Adviser Manager will provide advisory support for the events and ensure that the H&S integrity of the event is monitored. He will ensure that security, stewards and volunteers are aware of the all the relevant H&S protocols and assist A Class Above Events deliver the programme. He will report directly to the Event Producer and advise as to the development of the events

Security:- SMS Security

The Security function is responsible for securing the venue, monitoring the audience, protecting patrons, and managing the safe crowd control and if need be evacuation of the complex. They will provide A Security Plan and provide SIA Door Supervisors.

Event Termination

The final decision to terminate the event will be taken by the Event Producer and event manager in consultation with the iCan Studios Management Team. In an event of public disorder, the Met will assume operational control of the event and coordinate efforts to ensure safe crowd dispersal and event shut down.

Restricted Access

Access to all parts of the production will be managed by colored wrist bands. Samples will be given to security and met police (if required) before the events.

RED AAA

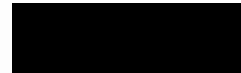
Event Management Team Contact List:

iCan Studios

Project Exc. Director Producer: Philip Kirton



Event Manager
Production Adviser: Alessandro Avanzato
Stefano Del Core



A Class Above Events

Director: Philip Kirton



SMS Security

SIA First Aider: Anton Vidal



'The Summer Beach Night'

Site Safety Plan

All persons entering the site during the event must comply with the following rules.

Site Safety Rules

All contractor staff must read and understand these rules before being allowed to work on site as well as undertake local police screeches. (As per schedule)

1. Only authorised persons are to be allowed to work on the production site.
2. There is no risk from moving vehicles and plant. Site speed limit is **5MPH**. All vehicles attempting to reverse or carry out any other difficult manoeuvres must be assisted by a banksman.
3. Plant and work equipment is to be operated **ONLY** by competent personnel. Licences must be presented to the Technical/Production Manager for checking, and a copy kept on site, before any operator can use plant.
4. All work equipment brought onto site must be fit for purpose and safe. Documentation to support statutory inspections and maintenance will be required for inspection on site.
5. Consumption of intoxicating substances or other substances that may impair judgement is strictly prohibited by workers on site.
6. Any contractor performing tasks that may affect the safety of others is required to document the hazards and controls and inform all other contractors likely to be affected of the risks before carrying out the work.
7. No hazardous substances may be brought onto the site until a COSHH assessment has been carried out and required controls put in place.
8. All contractors are responsible for providing PPE and ensuring that their staff, whether full time or self employed, wear or use the PPE as required and are trained in its use. PPE is only to be used as a last resort protective measure.
9. All trip hazards are to be removed or protected. This includes all electrical cables.
10. All accidents and incidents (however small) must be reported and recorded in the Accident Report Book.
11. No electrical supply is to be connected to without consulting the provider first.

Communications

Radio Channels

EMERGENCY ONLY:- Independent Channel	Channel (Security)
Operations	Channel 1 (dedicated)

Radio Operation

Radios are crucial to the operation of the event. Radios will be used as follows:-

1. To prevent incidents / emergencies
2. To deal with incidents / emergencies as they arise
3. To communicate information
4. To coordinator backstage activity

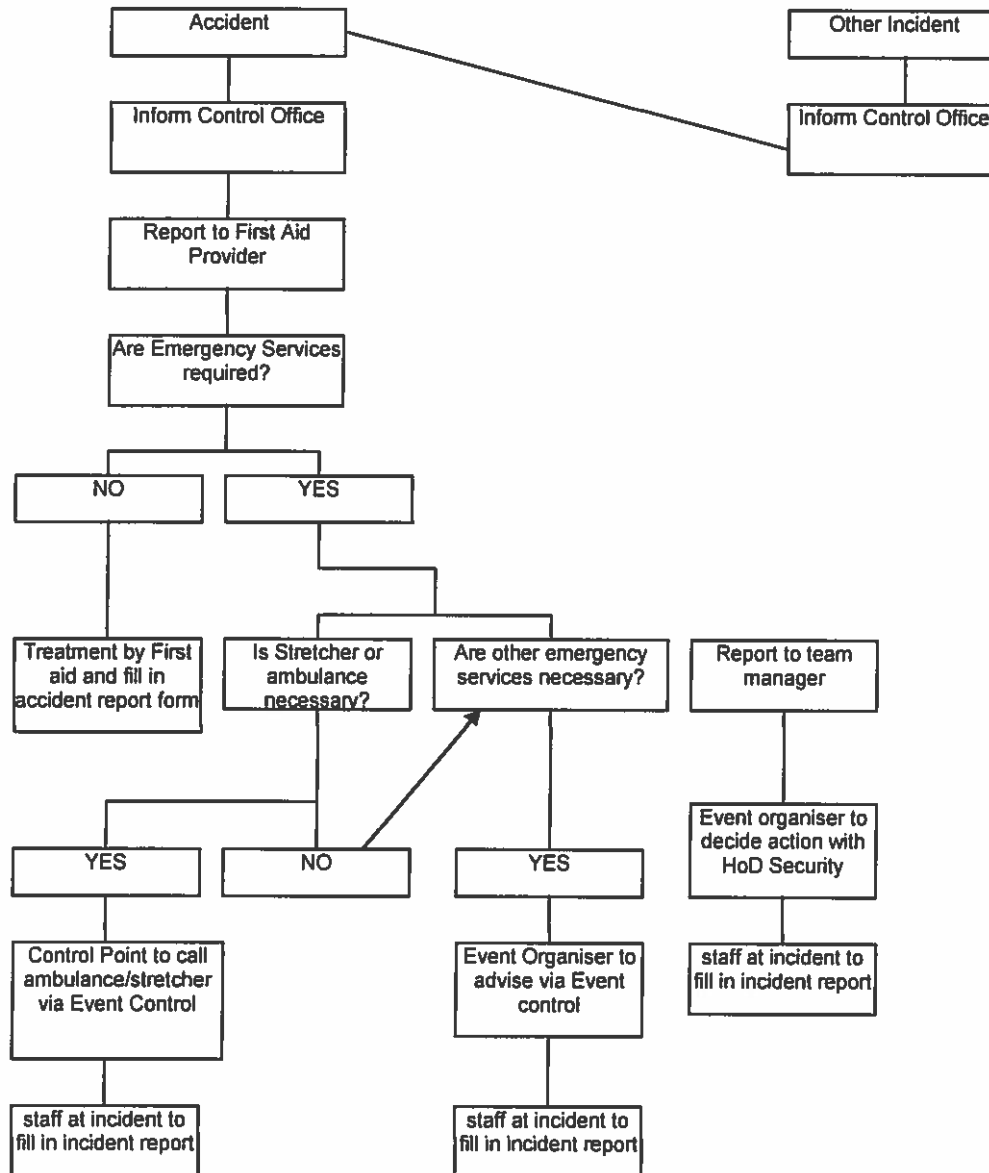
Radio Location

Static:

Yard
Studio 1
Studio 2
Gate
Control

Static Radio positions will be supported by mobile radios held by key members of Event Management Team and a member of iCan Studios Management Team. This will vary depending on type of event and security requirements.

Incident Report Procedure



Emergency Plan & Procedures

Any incident that cannot be controlled or contained by the immediate attendance of a steward or member of event staff should be reported to the Event Manager. The Event Manager will decide upon the appropriate response required in conjunction with iCan Studios Management Team (Duty Manager) and will deploy adequate resources to manage the emergency.

Summer Beach Operating Times

Monday - Thursday 10:00 - 22:00

Friday - Sunday 10:00 - 22:30

Production & Site Control

- The production comprises of 3 distinct areas, identified below.

AREA 1	Studio 1 Event Space
AREA 2	Studio 2 Event Space
AREA 3	Court Yard (Beach)

- Regular status updates relating to security, major & minor incidents and accident risks will be communicated by the Event Manager to all staff
- Alerts will be communicated by radio, code words and gestures.

Alerts are graded as follows:-

GREEN	FREE MOVEMENT OF PEOPLE
AMBER	POTENTIAL CROWD PROBLEM
RED	SERIOUS CROWD PROBLEM

The event should open with all areas at GREEN communicated by Event Manager to iCan Studios Management Team (Duty Manager).

Major Incidents - Suspicious Packages, Fire and Mass Evacuation (RED ALERTS)

- a. Stewards to report emergency to the Event Manager, immediately.
- b. Emergency Services to be notified, immediately
- c. Site control procedures to be followed and site to be evacuated on the instruction of the Emergency Services and/or Event Manager, iCan Studios/Bishop Wayne Malcolm, must be informed immediately
- d. Await further instruction from the Emergency Services. Under no circumstances should staff, contractors of the public re-enter the site until advised to do so and site awarded a Green grade.

A fire in an area would immediately put that area on RED At RED an evacuation of the area would be instigated.

Serious and Minor incidents

*If there is then a potential crowd problem:
(e.g. crowd build up in the yard)*

- a. The area would be given the AMBER grade.
- b. Security and Stewards would be sent to alleviate the pressure. Use of loud hailer if necessary
- c. Upon successful action, the area would revert back to GREEN.
- d. Alternatively, if crowd pressure has NOT been reduced and/or a serious crushing incident or pinch-point is occurring the area would be granted the RED grade.
- e. Consequently, surrounding areas which have been affected by the crowd build-up, will go to AMBER grade in an attempt to deal with the overflow problems. E.g. entry into the site via the main gate.

If there is a breach of security: (attempted storming of the gate)

- a. The area would be given the AMBER grade, until instructed by Security
- b. Artists and crew would be informed using radio communication and police notified as required causing as little disruption to the public as possible.
- c. Upon successful Security action, the area would revert back to GREEN.
- d. Alternatively, the area would be granted the RED grade.

- e. Consequently, surrounding areas which have been affected by the crowd build-up, will go to **AMBER** grade in an attempt to deal with the overflow problems.

Specific Actions to be taken by Security/Stewards

1. FINDING A SUSPECT PACKAGE.

- A. IDENTIFY THE OWNER IF POSSIBLE.
- B. INFORM EVENT PRODUCER (contact police, bomb squad)
- C. AWAIT FURTHER INSTRUCTIONS FROM EVENT PRODUCER.
- D. DOCUMENT INCIDENT IN INCIDENT LOG.
- E. DO NOT USE RADIO COMMS. WITHIN 200 METRES OF SUSPECTED PACKAGE
- F. USE SIA STEWARDS TO SET UP CORDEN, UNTIL MET.POLICE ARRIVE ON SCENE

2. DISCOVER OR ARE INFORMED OF A FIRE.

- A. INFORM EVENT PRODUCER (Notify Emergency Services and Met. Police)
- B. IF SAFE, COMPLEX STAFF WILL ATTEMPT TO PUT FIRE OUT WITH AVAILABLE FIRE FIGHTING EQUIPMENT FOLLOWING FULL EVACUATION OF THE IMMEDIATE AREA.
- C. KEEP EVENT POLICE AND PRODUCER INFORMED OF THE SITUATION AND WAIT FOR FIRE SERVICE.
- D. DOCUMENT INCIDENT IN INCIDENT LOG.

3. CROWD PRESSURE PROBLEM.

- E. INFORM EVENT PRODUCER
- F. TRY TO EASE PRESSURE I.E. BY DISPERSING CROWD
- G. WAIT FOR FURTHER INSTRUCTIONS.

Call signs

The following announcements will be made over the PA to identify to staff incidents that are occurring.

- IN THE CASE OF A FIRE:-

"Would MR ASH please report to the ZONE n"

When the incident is over the following announcement will be made:-

"MR ASH Is no longer required in the ZONE n"

- IN THE CASE OF A SUSPECT PACKAGE:-

"Would MR ODDITY please report to the YARD"

When the incident is over the following announcement will be made:-

"MR ODDITY is no longer required In the YARD"

- **IN THE CASE OF A CROWD MANAGEMENT PROBLEM:-**

"Would MR DENSE please report to the GATE"

When the incident is over the following announcement will be made:-

"MR DENSE is no longer required In the GATE"

GENERAL SAFETY PROVISIONS

Security/Stewarding

SMS Security will be providing SIA Door Security, throughout the Summer Beach programme

For event days an initial requirement of x3 Security will be retained. Their times will be staggered across the opening hours, this will be adjusted by risk assessment per event

Promoter Management

A Class Above Events will be responsible for promoter management and liaison. They are responsible to implementing any relevant Event H&S Management protocols and reporting any issues relating to the programme to iCan Studios Management Team

Licence

The Complex is cover by a B1 Film Studios Licence, and has a full alcohol licence for studios 1 & 2, this licence has recently been applied to vary to allow the addition of an outdoor Café pizzeria and is supported by a second time limited licence application to allow the use of the Yard/Beach for licensable activities. iCan Studios reserves to right to apply for its own TENs to cover the operation of a full alcohol TENs Licence in alternative location in the complex

Insurance (Public Liability)

Every event at iCan Studio has Public & Employee Liability Insurance cover of £5million. in addition, all external partners will be asked to provide copies of their insurance cover and other relevant documentations

Control Point

A control point if required will be place in an appropriate location on the complex

Noise Strategy

During the events we will monitor the sound direction and audience numbers and ensure that music is kept within levels and limits as agreed. Instructions from Police and/or LB Tower Hamlets Environmental Officers will be implemented immediately and reviewed.

Crowd control

Subject to pre-production due diligence exercise, SMS Security will be managing Crowd Control, Access & Egress from the venue throughout the Summer Beach programme

Media Strategy

n/a. Referrals only

Emergency Response Plan

Access to the site will be tightly regulated. In order to establish and maintain capacities, Security Staff will count people in and out of the Yard and Complex.

Site (Evacuation Protocol):

1. The site will comprises of the following areas:
Area 1 **STUDIO 1**
Area 2 **STDUIO 2**
Area 3 **YARD**

The site will treated as one area in the case of an evacuation.

2. In the event of an emergency and depending on its nature and severity, the Event Manager will assess the situation, in consultation with SMS Security. If deemed necessary, the Event Manager will contact the relevant emergency services immediately by calling 999. If the incident is of a medical nature, the First Aider will take what action they can and, if necessary, inform the nearest hospital according to its normal emergency procedures.
3. If the Event Manager believes it necessary, to evacuate the event site the following action will be taken:
 - a. The Event will cease, bars will close and music will be turned off.
 - b. Announcements will continue to be made via the PA and/or loudhailers, until the whole complex is evacuated or asked to leave the site by the blue light services.

'Ladies and Gentlemen, due to circumstances beyond our control, we regret to inform you that we are unable to continue with today's Event. Can you please leave the Complex immediately via the nearest exit.'

In the event of a power failure, a loudhailer will be used.

Evacuation Plan

A full evacuation would involve a complete complex clearance. As the complex is contained, any evacuation will be full. Evacuation from the building complex will be determined by the location of the incident within the building. A Yard evacuation will be via the gate. The AVP Point will be on the opposite side of Monier Road at the junction of Monier & Smeed Roads

ALL AREAS

On the decision that an evacuation is needed, the following sequence will apply.

1. Music will cease immediately and artists & crew will leave the performance area in a calm manner via all exits from the complex
2. They will await instructions to disperse at the AVP point where a full role call will take place
3. Evacuation announcements will be made on the PA system or loudhailers.
4. Security will evacuate the designated area away from the incident.
5. Stewards will work in conjunction with the emergency services and until the incident is at a level that their services are no longer required.

First Aid

First Aid will be provided by SMS, who will be supplying a SIA First Aider. Throughout the programme up to x2 first aiders will be available to assist potential incidents.

Fire Safety

There are suitability located fire points throughout the building. In addition, iCan Studios will ensure that the Event Manager takes additional measures depending on the nature of the programme

All contractors will provide Method Statements, H&S documentation, PAT Testing Certificates, Indemnity Insurance and Fire Risk Assessment, which will be available for inspection on the day by iCan Studios Management Team.

Lost Property

Stewards will be briefed to hand any lost property over to the Event Manager who will arrange for its safekeeping in the office. Any items of value that are unclaimed will be handed over to the police or discarded.

Water Provision

Water will be available throughout the day, throughout the complex and available to purchase

Waste Management Plan

There are x6 1100's bins on site. A local waste management company, McGrath, has been contracted by the Management to collect those bins at regular intervals.

Close Down and Dispersion of the Public

The Complex will operate and then close down, no later than the licensable times each day. Members of the audience will be asked to leave the complex.

END.

ICAN CENTRES YARD/BEACH PROJECT 2014

PROBABILITY	SEVERITY RATING				
	MULTIPLE DEATH 10	SINGLE DEATH 8	MAJOR INJURY 6	3 DAY INJURY 4	MINOR INJURY 2
CERTAIN 10	100	80	60	40	20
VERY LIKELY 8	80	64	48	32	16
PROBABLE 6	60	48	36	24	12
POSSIBLE 4	40	32	24	16	8
UNLIKELY 2	20	16	12	8	4
VERY UNLIKELY 1	10	8	6	4	2

The probability and severity rating associated with each individual hazard, is calculated before the controls are put into place. Once the controls are in place, the hazard and its severity may not change, but the probability will be reduced to a maximum of 'Unlikely'.

COMPLETELY UNACCEPTABLE RISK

REASSESS THE RISK AND IMPLEMENT STRICTER CONTROLS

PROCEED WITH CAUTION WITH A HIGH LEVEL OF MONITORING

PROCEED WITH CAUTION

TASK OR ACTIVITY COVERED BY THIS ASSESSMENT

ACTIVITIES

IDENTIFICATION OF SIGNIFICANT HAZARDS AND ASSOCIATED RISKS FOR THE TASK / ACTIVITY (e.g. fire, electric shock, violence, fall from height etc.):

FIRE

SLIPS, TRIPS and FALLS

WELFARE

FIRST AID

IDENTIFICATION OF THOSE AT RISK

A Class Above Events STAFF

EXTERNAL PROMOTORS

PARTICIPANTS AND AUDIENCE

SECURITY STAFF

CONTRACTORS

PLEASE REMEMBER – HAVING THE CORRECT & APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PERSON.

Area	Hazard	Risk	S	P	Risk Rating	Control	Notes
Load in / Out	Movement of equipment	Manual Handling Resulting in Injury Obstruction	4 4	2 2	8 8	<ul style="list-style-type: none"> All Contractors to supply risk assessments and method statements Only Core Staff and delegated associates to move any equipment relating to the event Load/unload to be supervised by competent person. All crew to be competent and able in the task to be undertaken. All gangways, emergency route and fire exits to be kept clear at all times. Personal protective equipment to be used where required. Technical areas to be isolated from the venue staff and staff not required for the load in operation. Designated pathways to be used at all times. Heavy goods are lifted through the knees 	Technical staff to be advised where necessary. EM to allocate the distribution to the movement of equipment.
Power distribution & Electrical Equipment	Connecting to internal power supply	Electric Shock Burns	8 2	2 2	16 4	<ul style="list-style-type: none"> Internal electrical supply. All power supplies are to be measured with reference to appropriate earth / neutral connections. Power is to be turned off and tested SAFE while wiring in tails. All equipment is PAT tested Equipment to be kept at a safe distance from the public and general staff 	Managed by EM

Party Time	Working during event	Falling Tripping	4 2	2 2	8 4	<ul style="list-style-type: none"> All walkways to be clearly defined. All access to/from the event to be kept clear at all times. All event activity to be overseen by competent EM at all times. Health & Safety briefing to all staff and promotor (paid & volunteers) to be conducted prior to public access Access onto the site to be authorized by Core Event Team 	A Health and Safety briefing will be given about the EMP & Site public.
Party Time	General	Crushing Hysteria	4 4	2 2	8 8	<ul style="list-style-type: none"> Banners, flags, directional signs, announcements and stewards will assist in crowd management Adequate numbers of staff to be on hand to remove distressed members of the public Audience to be monitored at all times. Gates & gangways will be kept clear at all times 	Refer to Evac. Management Plan
Party Time	General	Falling and Tripping	4 2	2 2	8 4	<ul style="list-style-type: none"> All walkways to be clearly defined. Stewards will escort anyone onto and off the site Anyone behaving in an unsuitable/unsafe way will be asked to leave the site. 	

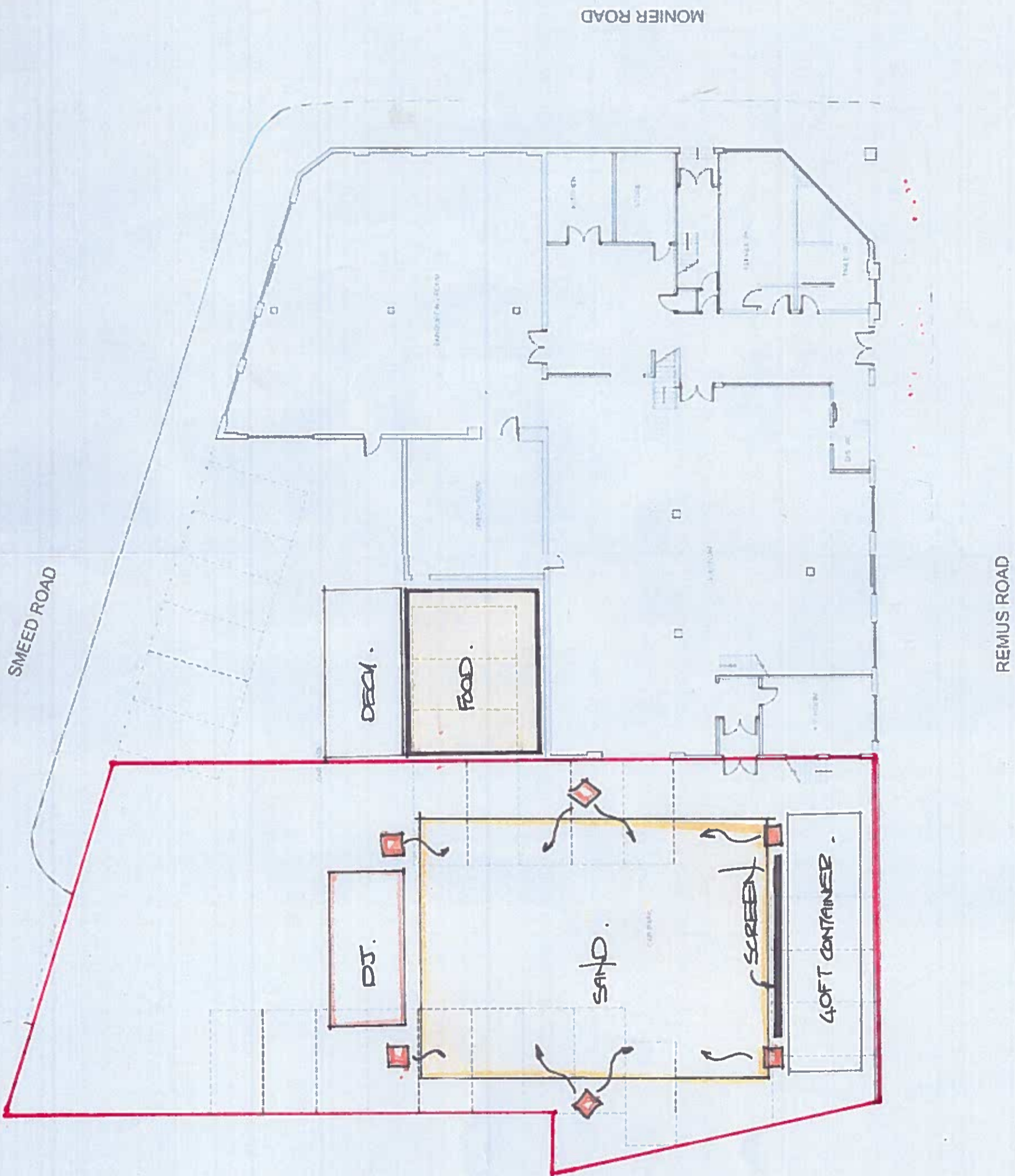
Main Event Production	Infrastructure	Unstable structures Strains Trapping Falling objects Obstruction	10	2	20	<ul style="list-style-type: none"> • Manual handling procedures to be implemented. • All handling/movement of equipment to be undertaken by suitable numbers of crew to avoid strain. • All crew to be competent and able in the task they are to undertake and all work to be supervised by a competent person. • All computer equipment & stands to be positioned in a way that will not obstruct gangways, emergency routes or fire exits and will not endanger the health and safety of others. • Electrical wiring to be safely secured and masked to floor 	
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Guest Areas	Large numbers of people in a confined space.	Crushing Tripping Public order Crime	4 4 4 4	2 2 2 2	8 8 8 8	<ul style="list-style-type: none"> • Suitable and adequate emergency egress routes to be identified and maintained. • Suitable and adequate number of crowd management and stewards to be allocated to all areas. • All stewards to be familiar with the layout at the site, be competent in the task they are to perform and be aware of their responsibilities. • Crowd movement and condition to be monitored at all times from suitable vantage points. • All trip hazards to be isolated. • All stewards to be briefed on suitable and sufficient catering, toilet and hygiene facilities to be available. • Guests will be advised that valuables are their responsibility • Programming dispersed throughout the day to avoid over-crowding. • Situation to be monitored on regular basis and announcements to be made. • We will establish Clearly defined access routes for wheel-chair users.
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Guests Emergency Egress	Movement of large numbers of people under duress.	Crushing Tripping Public disorder	6 6 6	4 4 2	24 24 12	<ul style="list-style-type: none"> • Emergency evacuation procedure to be put into action • All crew and production staff to be aware of such procedures and briefed by on site operations team. • Adequate and suitable emergency exits to be available throughout the site. • Movement of crowd to be monitored and managed by Stewards and EMT. • All evacuation routes & gates to be manned and kept clear at all time. • Suitable audience lighting to be made available and activated to assist with evacuation of areas during periods of darkness. • Walkie Talkies/mobile phones provided to Key positions staff situated on the event 	A current evacuation plan to be delivered on site and features in the Event EMP
Site and Environment	Guests	Slips/trips/falls Fires Children wandering off	4 4 4 4	4 4 4 4	16 16 16 16	<ul style="list-style-type: none"> • First aider available • Clear boundaries of behavior set before people enter the Event Site • Stewards to be briefed as to potential hazards, particularly upon entering/participating in activities • Flammable materials and rubbish are not allowed to accumulate • Regular cleaning of areas and emptying of bins • Regular head counts 	

PA System	Amplified sound	Damage to hearing	6	2	12	<ul style="list-style-type: none"> • Sounds levels will be set by the Centre and monitored by Event Manager • All conditions of Centre license to be adhered to. • Ear protection to be available and used at all times by persons working in immediate vicinity of speakers. • Warning signs to be posted in high-risk areas. 	
Party Time Activities	Site & Guests	Slips, falls and trips Musculoskeletal Disorders. Possible injuries during classes.	6	2	12	<ul style="list-style-type: none"> • Workplace inspection by Event Management. • Uneven surfaces to be checked • All cables to be taped securely to ground. • Performance area to be inspected for hazards prior to open doors. • Public Liability & Employee Liability insurance will be provided by Promoters 	
All Zones	Site	Criminal/terrorist activity	10	2	20	<ul style="list-style-type: none"> • Safety /security plans to be made available to Centre for inspection and comments • The Blue Light Services will be informed of the events via the licensing process • All areas to be checked for suspicious items prior to doors. • All crowd activity to be monitored at all times. • All unacceptable behavior by members of the public to be dealt with accordingly. • iCan Studios are not responsible for personal items that are stolen. 	Criminal activity to be dealt with by Police. Unruly behavior in crowd to be dealt with in first instance by Security Team then by Police upon request.
All Areas	Site	Personal injury	6	4	24	<ul style="list-style-type: none"> • Suitable and adequate first aid facilities to be available in both public and production areas throughout build up, show and de-rig periods. • A first aider will be on site and there will be a treatment room which will be the First Aid Room as provided by the Centre 	Any incident involving Health & Safety (including non-consensual acts of physical violence on the premises) must be logged whether the person has received first aid or not.

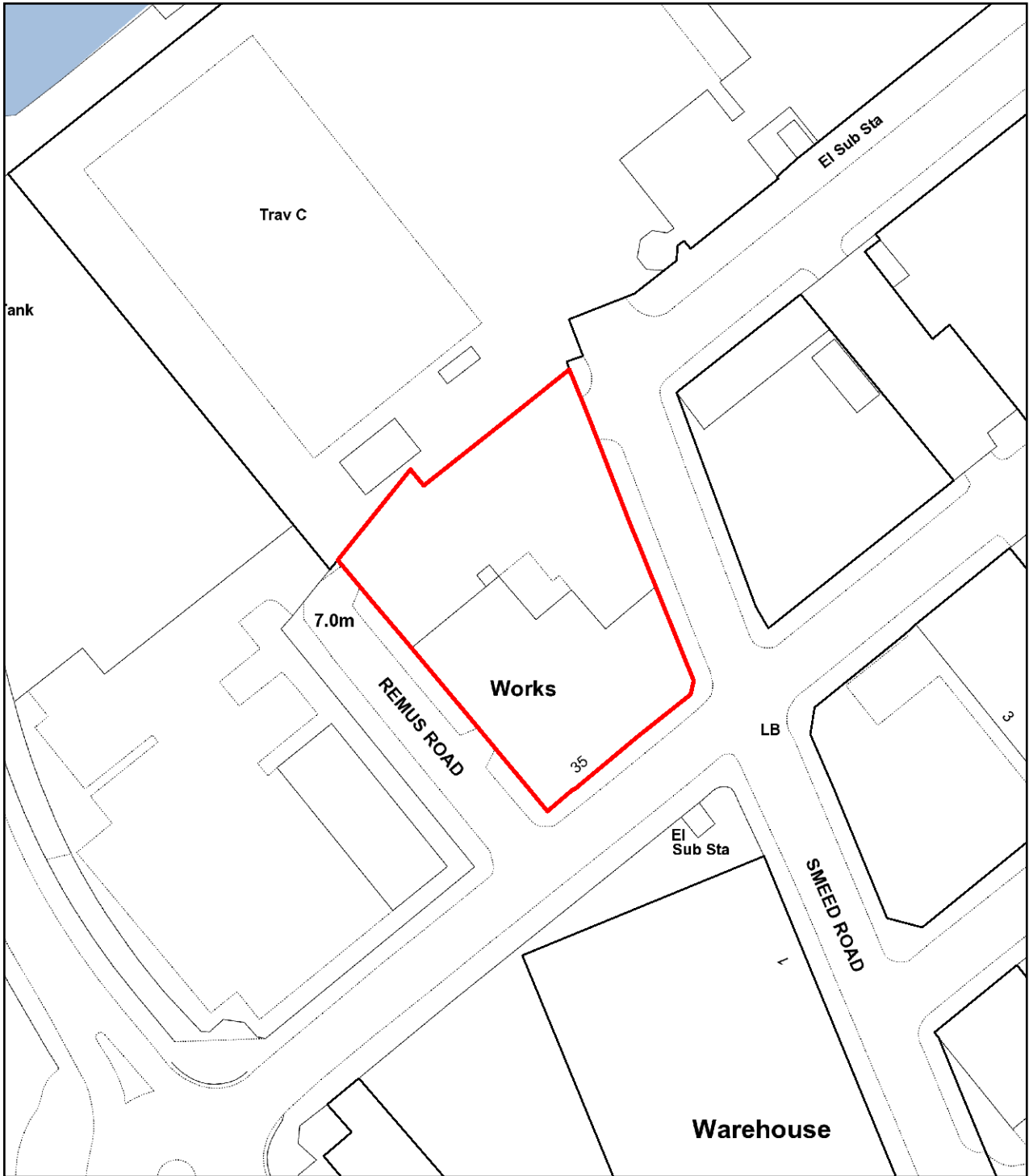
All Areas	Site	Fire	8	2	16	<ul style="list-style-type: none"> • Suitable and adequate fire fighting facilities to be available in both public and production areas throughout build up, party and de-rig periods and supplied by the Venue and Event Manager • iCan Studios will provide all Fire equipment and the organisers will adhere to evacuation procedures as dictated by iCan Studios 	
Main Entrance (s)	Site	Crushing Disorder	6	2	12	<ul style="list-style-type: none"> • Queuing systems to be prepared by NSC, within their Security Plan Proposals, provided to iCan Studios and then the Event Manager available for scrutiny to the Blue Light Services and Licensing Authorities. • Clear signage to be erected • Sufficient & approved numbers of stewards to be Present 	



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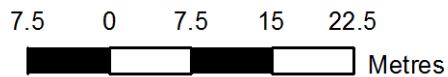
Appendix 2



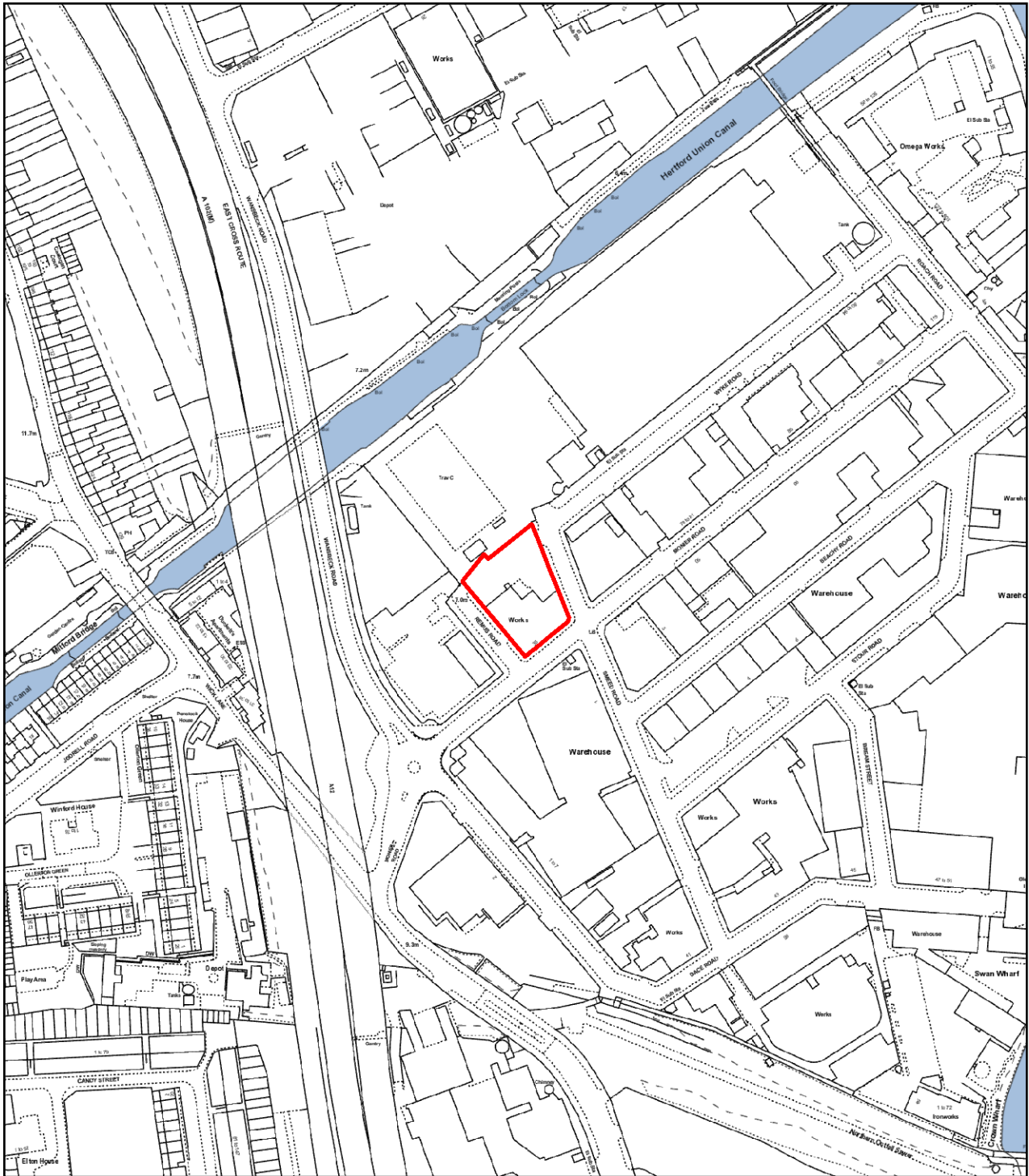
33-35 Monier Road



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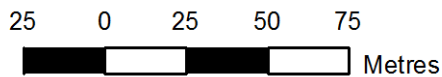
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33-35 Monier Road



Scale 1:2837



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Appendix 3

Section 182 Advice by the Home Office

Updated June 2013

Relevant, vexatious and frivolous representations

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

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

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

Appendix 4

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 09 April 2014 17:17
To: Mohshin Ali
Subject: FW: Objection Ican time limited license
Attachments: Objection Ican outside event 2014.doc

From: MARK.J.Perry@met.pnn.police.uk [<mailto:MARK.J.Perry@met.pnn.police.uk>]
Sent: 09 April 2014 14:29
To: Licensing; [REDACTED] Ian Wareing; Alkesh Solanki
Subject: Objection Ican time limited license

Dear all,

Please see attached the objection to the Time Limited License on the grounds of Crime and Disorder and Public Nuisance.

Regards

Pc Mark Perry
Licensing Officer
Tower Hamlets Borough
Limehouse Police Station
27 West India Dock Road
0207 275 4950

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

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LBTH Licensing

Toby Club,
2 Vawdrey Close,
E1 4UA

HT - Tower Hamlets Borough

Licensing Office
Limehouse Police Station,
27 West India Dock Road,
E14 8EZ

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

Your ref:

Our ref:

9th April 2014

Dear Licensing,

Re: Application for Time Limited License for Ican Centres Limited

External Yard Area. 33 - 35 Monier Road

From 14th April 2014 to 1st October 2014

I write with reference to the above application for the above premises.

Police object to the application for a Time Limited License on the grounds of Crime and Disorder and Prevention of Public Nuisance.

ICan Centre already has a premises license for the main buildings that allows it to sell alcohol and play music until 06:00am up to 50 times a year (not including temporary event notices). They have also applied to have a Pizza restaurant open in their yard.

This application will allow the premises to play music and movies and sell alcohol over a six month period. In essence this will allow it to be turned into a mini festival or outdoor event space. With the ability to then transfer any event inside and carry on until 06:00 am.

With a premises that can sell alcohol from 10:00 in the morning until 9:00pm at night we need to make sure that we are happy that the premises has sufficient plans in place to prevent crime and disorder and public nuisance.

At present we do not know what events Ican centres has planned, therefore it is impossible to know what security measures are required, or what the event management plan should contain, or how customers will be dispersed.

I have asked for a diary of the events they have planned, and a detailed event management plan, but as yet have not received them.

There could be anything from day time Raves, such as "Secret Sundays" events, it could be a base for festivals such as "Hackney Wicked", we simply do not know, therefore cannot judge the risk.

.

Therefore Tower Hamlets Police ask for this application to be rejected.

Appendix 5

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 03 April 2014 12:43
To: Alex Lisowski
Cc: Mohshin Ali
Subject: FW: I CAN OBJECTION (licensing@towerhamlets.gov.uk)

From: tina johnston (Google Drive) [REDACTED]
Sent: 03 April 2014 10:50
To: Licensing
Cc: [REDACTED]
Subject: I CAN OBJECTION (licensing@towerhamlets.gov.uk)

I CAN OBJECTION

dear Sirs

Please find attached my objection to the extension of the license for ICAN in Monier Road E3.

I can be contacted on [REDACTED] or via email [REDACTED], or via mail

Snapshot of the item below:

Objection to Extension of Licensable Property and Opening of Pizzeria ICAN Studios, Monier Road, E3

2nd April 2014

I am a resident of Omega Works, which lies at the opposite end of Wyke Road to the proposed Pizzeria, and would like to lodge an objection to the extension of the alcohol license, and change of use.

When the license was granted for a Alcohol and Entertainment was initially granted, we were not, as local residents, informed of the application by LBTH.

Since the property has been operating as a Nightclub/ Music venue, there has been some noise disruption, but not excessive. This is mainly due to the fact that during the winter months doors and windows have been closed in the local homes, and also the use of their outdoor space, would have been limited due to the weather, with the exception of the outdoor space for portaloos. I believe strongly that during the coming warmer weather, and lighter nights and mornings, more use will be made of the existing outdoor space, and local residents will have doors and windows open on their homes, noise disruption to the local residents will be increased.

Whilst noise disruption has not been a big problem *so far*, from the outset, increased litter around the area has increased greatly, specifically in the days after they have been open as nightclub at the weekend. Predominantly this is in the form of empty alcohol bottles, plastic cups, vomit, food wrappers and containers and promotional flyers for other club nights, both as loose sheets and in pre wrapped packets. I have also seen men urinating in the streets on nights when the club is open. The area of increased litter normally is spread from the area of the bus stops on Wansbeck Road down to Roach Road and along Monier Road.

On Monday I saw a piece of paper, with distinct fold marks in, and whilst not a taker of drugs myself, I am aware that this is very likely to be a wrapper normally used to package and distribute cocaine in, and butts of what looked like spliffs. This was at the corner of Remus Road and Monier road, outside ICAN. I have attached some photo's of recent debris left from the Nightclub, and whilst it cannot be attributed to the owners/management of ICAN directly, the location of this litter and debris does radiate from the entry of

ICAN on Remus Road, and therefore most likely to be caused by their patrons and associated business. The area did not have this problem prior to the nightclub license being granted last year.

I believe that by allowing them to extend both the alcohol license and useable area of the property the litter, noise and traffic disruption from patrons to the surrounding roads and residential areas, not just following a 'club' night, but over the whole week, will be increased.

I would also suggest that they are requesting the extension as a loophole to allow them to start trading earlier as a club during the summer months and allowing them to use that outdoor space to sell alcohol, which will bring increased noise and disruption to the local residents. I understand that the application is for the license indicates that they only want to serve alcohol up to 9pm; which not only is very early for a food business to stop trading, it is also no doubt when their alcohol license for the club begins?

Interestingly, they are advertised as hosting a Secret Sundaze party on 24th August this year. Secret Sundaze promotes itself as

“secretsundaze, London’s infamous Sunday daytime party has firmly established itself as one of Europe’s most distinct voices in underground electronic music”

source - <http://www.residentadvisor.net/promoter.aspx?id=22>

<http://www.residentadvisor.net/club.aspx?id=62991>

I believe this supports my statement above?

I would also like to enquire why ICAN studios, primarily promoting itself as a 'Community Church' or 'a training and educational business focussing on supporting young entrepreneurs' (depending on which website you read) has applied for an alcohol licence; surely neither of these ventures would require, or need an alcohol license in the first place?

The proposed Pizzeria, would be located in a tarmac'd car park which is surrounded by 3 walls which are about 10ft tall, next to a BOC gas depot, and very shortly will be surrounded by extensive building works in Neptune Wharf, and at the bottom of Wyke Road and Monier Road, hardly the most conducive of locations in which to dine?

Increasingly, Fish Island, more specifically Omega Works and Iron Works, is becoming a home to many families with young children, mainly due to large spacious flats and good transport links, and as such granting the extension would impact on their use of the streets and roads, particularly in the summer months, when extending drinking hours are likely to bring a greater number of people under the influence of alcohol during the daytime, on our streets, not really appropriate surroundings in which to walk your children, or push your prams and pushchairs through, in order to reach the transport links on Wansbeck Road!

I hope that this information is taken into consideration when the application is discussed prior to it being approved or declined.

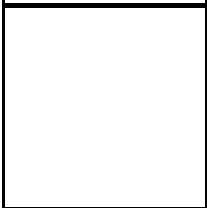
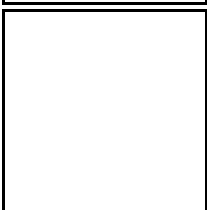
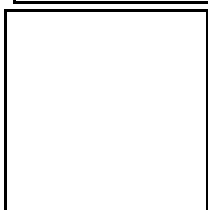
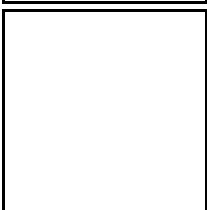
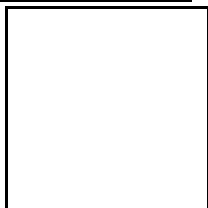
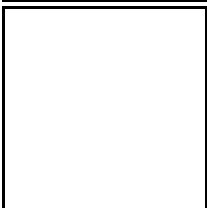
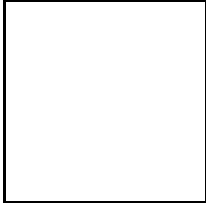
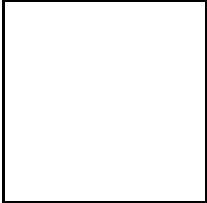
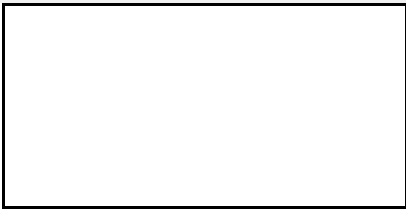
Tina Johnston

I have attached 14 photo's taken this week on Wyke, Remus and Monier Road to support my objection.



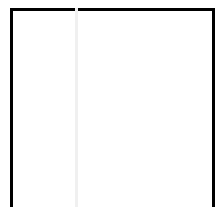
These glow stick are all over Wyke, Monier, Wansbeck Road, and this morning I saw some Jodrell Road. They have been stuck on walls and street signs to give directions to Remus House - ICAN.





This is very likely to be a wrapper normally used to package and distribute cocaine in.

Google Drive: create, share and keep all of your stuff in one place.



Mohshin Ali

From: t johnston [REDACTED]
Sent: 10 April 2014 23:00
To: Mohshin Ali
Subject: ICAN Studios
Attachments: IMAG0419.jpg; IMAG0420.jpg; IMAG0404.jpg; IMAG0405.jpg; IMAG0406.jpg; IMAG0407.jpg; IMAG0408.jpg; IMAG0409.jpg; IMAG0410.jpg; IMAG0411.jpg; IMAG0412.jpg; IMAG0413.jpg; IMAG0414.jpg; IMAG0415.jpg; IMAG0416.jpg; IMAG0417.jpg

Dear Mohshin

As requested please find attached the photo's you requested. There a number of them, so i have sent them over 2 emails.

The photo's attached demonstrate the debris/ litter that the Club nights bring to Fish island. These glowsticks have been used to direct people to the venue from the White Post Lane area. There are also further examples of this still visible on the bridge over the canal and in to Roach Road.

The photo's also demonstrates the point made in my objection regarding the potential use of drugs, around and possible IN the venue.

regards

Tina Johnston

From: "Mohshin Ali" <Mohshin.Ali@towerhamlets.gov.uk>
Date: Apr 4, 2014 12:53 PM
Subject: Objection to ICAN Studios, Monier Road, E3
To: [REDACTED]

Dear Ms Johnston,

Application for a premises licence under the Licensing Act 2003

Objection to Extension of Licensable Property and Opening of Pizzeria
ICAN Studios, Monier Road, E3

Thank you for your email. I acknowledge your representation to the above application. Unfortunately, we are unable to view the pictures you have sent with your email. Are you able to re-send them in a different, perhaps ".JPEG" or ".PDF" or similar?

The matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. You will be notified by the Democratic Services at Mulberry Place, 5 Clove Crescent, London E14 2BG of the date, time and venue of the public hearing and invited to attend.

If I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer

✉ London Borough of Tower Hamlets . Licensing . Mulberry Place . 5 Clove Crescent . London E14 2BG
Tel': 020 7364 5498 | Fax7: 020 7364 0863 | Email✉: Mohshin.Ali@towerhamlets.gov.uk

Take control

debit



debit





cc.
Omar S
Alden Tyrell
1000
1000
1000







E.3

ROAD







WYKKE ROOA











Mohshin Ali

From: t johnston [REDACTED]
Sent: 10 April 2014 23:01
To: Mohshin Ali
Subject: ICAN Studios
Attachments: IMAG0439.jpg; IMAG0440.jpg; IMAG0441.jpg; IMAG0442.jpg; IMAG0443.jpg; IMAG0444.jpg

Dear Mohshin

As requested please find attached the photo's you requested. There a number of them, so I have sent them over 2 emails.

Attached are further evidence of the glowsticks which have now been on our pavements, roads, parking metres, walls and bridges for over two weeks, and are spread across Jodrell Road, to Roach, Wyke, Monier and Smeed Road, out as far as White Post Lane.

I think this demonstrates the lack respect the management of ICAN venue have for the area, and those who live in Fish Island and surrounding streets. If granted a extension to the license, this is likely to increase, in addition to the increased noise, and potential anti social behaviour which may arise from alcohol being served for extended hours, 7 days a week.

regards

Tina Johnston

From: "Mohshin Ali" <Mohshin.Ali@towerhamlets.gov.uk>
Date: Apr 4, 2014 12:53 PM
Subject: Objection to ICAN Studios, Monier Road, E3
To: [REDACTED]

Dear Ms Johnston,

Application for a premises licence under the Licensing Act 2003

Objection to Extension of Licensable Property and Opening of Pizzeria
ICAN Studios, Monier Road, E3

Thank you for your email. I acknowledge your representation to the above application. Unfortunately, we are unable to view the pictures you have sent with your email. Are you able to re-send them in a different, perhaps ".JPEG" or ".PDF" or similar?

The matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. You will be notified by the Democratic Services at Mulberry Place, 5 Clove Crescent, London E14 2BG of the date, time and venue of the public hearing and invited to attend.

If I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer

✉ London Borough of Tower Hamlets . Licensing . Mulberry Place . 5 Clove Crescent . London E14 2BG
Tel': 020 7364 5498 | Fax7: 020 7364 0863 | Email✉: Mohshin.Ali@towerhamlets.gov.uk













Appendix 6

Mohshin Ali

From: Mr Feldman <[REDACTED]>
Sent: 31 March 2014 16:20
To: Mohshin Ali
Subject: Re: Licensing Act 2003 and Ican Centres, External Area, 33-35 Monier Road, London E3 2PR – time Limited application from 14.04.14 – 01.10.14.

Follow Up Flag: Follow up
Flag Status: Flagged

Mohshin.Ali@towerhamlets.gov.uk

31.03.14

Dear Mr Mohshin,

Re: Licensing Act 2003 and Ican Centres, External Area, 33-35 Monier Road, London E3 2PR – time Limited application from 14.04.14 – 01.10.14.

I am in receipt of your email reply.

You ask me to “further explain” how this application will adversely affect us and neighbouring premises/occupiers.

Unfortunately, over the last few years, we have had several break-in/s – causing very considerable damage e.g. stealing office equipment; steel/copper pipes – roof etc. etc.

We are confident that you will appreciate our real concerns, and hence our **objections** to this application.

Yours sincerely,


Y Feldman
FBO
Kedassia Poultry Ltd.

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 26 March 2014 11:40
To: Mohshin Ali
Subject: FW: 33-35 Monier Road,

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

From: Mr Feldman [<mailto:> 
Sent: 26 March 2014 11:37
To: Licensing
Subject: 33-35 Monier Road,

Kedassia Poultry Ltd


26/03/14

Dear Mr McCrohan

Re: Licensing Act 2003 & Ican Centres, External Area, 33-35 Monier Road,
London E3 2PR – Time Limited application from 14/04/14 to 01/10/14

We are in receipt of your circular re the above License Application. We strongly object to your granting such a license.

You will appreciate that the local area and adjacent property occupiers are commercial premises/companies and the potential risk of vandalism, burglary etc would be seriously increased by way of having a local premises selling alcohol etc.

We are sure that our neighbours/adjacent properties will be of the same opinion.

Kindly acknowledge receipt.

Yours sincerely

Y Feldman
FBO
Kedassia Poultry Ltd.

Mohshin Ali

From: Mr Feldman [REDACTED]
Sent: 19 May 2014 14:59
To: Mohshin Ali
Subject: Re: Ican Centres, External Area, 33-35 Monier Road, London E3 2PR

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Mohshin,

Re: Ican Centres, External Area, 33-35 Monier Road, London E3 2PR

We are in receipt of your email of 13/05/14.

Our **objection** remains as per our emails to you of 26/03/14 and 31/03/14.

Kindly acknowledge receipt of this email.

Yours sincerely,

Y Feldman
FBO
Kedassia Poultry Ltd.

Appendix 7

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 8

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 9

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 10

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 11

Planning

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

Appendix 12

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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Agenda Item 3.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	8 July 2014	Unrestricted	LSC 05/145	

Report of David Tolley Head of Consumer and Business Regulation Services Originating Officer: Alexander Lisowski Licensing Officer	Title Licensing Act 2003 Application for a Variation to the Premises Licence for Ican Centres UK Limited, 35 Monier Road, London, E3 2PR. Ward affected Bow East
--	--

1.0 Summary

Applicant:	Ican Centres UK Limited
Name and	Ican Centres UK Limited
Address of Premises:	35 Monier Road London, E3 2PR
Licence sought:	Licensing Act 2003 Application to vary a premises licence to extend the licensable area by adding a pizzeria
Objectors:	Local Resident

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Alexander Lisowski
020 7364 7446

3.0 **Background**

- 3.1 This is an application for a variation of a premises licence to extend the licensable area, by adding a pizzeria, at Ican Centres UK Limited, 35 Monier Road, London, E3 2PR.

The venue is a night club which is licensed for the on and off sale of alcohol, the provision of late night refreshment and the provision of regulated entertainment. The pizzeria will be situated on property owned by the applicant and is adjacent to the existing licensable area.

The applicant has agreed amended conditions with the Police and The Licensing Authority which the sub-committee is requested to consider.

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

The current hours of the licence are:

On and Off Sale of Alcohol

- Sunday to Thursday, 10.00am to 23.00pm
- Friday and Saturday, 10.00am to midnight

The Playing of Recorded Music

The Performance of Live Music

The Performance of Dance

- Sunday to Thursday, 10.00am to 23.00pm
- Friday and Saturday, 10.00am to midnight

The Provision of Late Night Refreshment

- Monday to Sunday, 23.00pm to midnight

The Opening Hours of The Premises

- Sunday to Thursday, 10.00am to 23.00pm
- Friday and Saturday, 10.00am to Midnight

Non-Standard Opening Hours

- The premises may open 50 times a year, from 10.00am to 06.00am the following day, with the agreement of the Police and Environmental Health.

As a result of negotiations with the Police and the Licensing Authority the applicant has agreed that the Pizzeria will only provide on-sales of alcohol, and no regulated entertainment will be provided within the area of the Pizzeria.

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

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

4.0 **Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November, 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2014.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 **Representations**

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

- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Local Resident

See Appendix 6

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

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

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

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

- 5.10 The objections cover allegations of

- Crime and public disorder
- Public nuisance

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

6.0 Licensing Officer Comments

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

- 6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).

- ∇ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
 - ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
 - ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
 - ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 7-11** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1 A copy of the application for a variation to a current premises licence.

Appendix 2 A copy of the current premises licence.

Appendix 3 Maps of the surrounding area of the premises.

Appendix 4 Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.

Appendix 5 Amended conditions agreed by the Applicant.

Appendix 6 Representations of a local resident

Appendix 7 Licensing officer comments on anti-social behaviour on the premises.

Appendix 8 Licensing officer comments on anti-social behaviour patrons leaving the premises.

Appendix 9 Access and egress problems.

Appendix 10 Planning.

Appendix 11 Licensing Policy relating to hours of trading.

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Appendix 1

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 Ican Centres UK 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 17669

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Ican Centres UK Limited 35 Monier Road Bow			
Post town	London	Postcode	E3 2PR
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£55,500.00		

Part 2 – Applicant details

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

Part 3 - Variation

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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)
 Submission of new red line plan to include a proposed extension of the premises detailing an additional outdoor Café/Pizzeria area. To tie in with this there are proposed changes to conditions to allow this area of the business to function, these are detailed in the general adherence to the licensing objectives, section M, a.

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)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----	<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	-----	-----			
Tue	-----	-----	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed	-----	-----			
Thur	-----	-----	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	-----	-----			
Tue	-----	-----	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed	-----	-----			
Thur	-----	-----	<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	.....			
Tue	.....			
Wed	.....			
Thur	.....			
Fri	.....			
Sat	.....			
Sun	.....		State any seasonal variations for the performance of live music (please read guidance note 5)		
			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 6)		

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon	.....						
Tue	.....						
Wed					<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	.....						
Fri					<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	.....						
Sun	.....						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon	-----	-----		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	-----	-----	Please give further details here (please read guidance note 4)		
Wed	-----	-----			
Thur	-----	-----	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri	-----	-----			
Sat	-----	-----	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	-----	-----			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	.....	.....	
Tue	.....	.....	
Wed	.....	.....	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
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 6)		
Sat	.....	.....	
Sun	.....	.....	

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 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sun					
			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 6)		
Thur					
Fri					
Sat					
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			<u>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</u> (please read guidance note 6)

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

Please tick 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.

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)

This section outlines the amendments that we would like to see to the following conditions in order to allow the café/pizzeria to be a successful addition to our business.

Each amended condition below shows the current condition and directly below it, the change that we would like considered. For the purpose of simplicity, only conditions which we would like to change have been shown.

currently

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

Requested change

9. There shall be an ID Scanner in operation during every event at Ican Centers where there is regulated entertainment or the sale of alcohol. It is the duty of both the licensee or DPS and the duty manager to ensure that everyone that enters the premises has had their ID scanned; the I D Scanner shall be activated 7 pm each evening the premises is opened; unless only the café/pizzeria is trading in which case the id scanner will not be required.

Current

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

Requested change

11. SIA Door Staff are to carry out checks on bags and personal items that customers may be carrying with them. Checks are also to be made on customers' upon entry to the venue In the event of any weapons or of illegal substances and being discovered the individual should be detained, the item confiscated, the duty manager notified and the Police called immediately; SIA door staff will not be required when only the café/pizzeria is trading.

Current

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

Requested change

77. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business from 21:00 hours; with the exception of times when only the Café/pizzeria is trading.

Current

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

Requested change

80. A cloakroom attendant shall be on duty in the cloakroom when the premises is open to the public; with the exception of times when only the Café/pizzeria is trading.

Current

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

Requested change

81. The premises shall prominently display signage informing customers: -
a. To leave quietly and to respect your neighbours;
b. CCTV is in operation and police have instant access to the footage;
c. Searching of customers prior to entry is a requirement of entry. No search – No entry policy is operated on the premises; (this sign is not required at times when only the café/pizzeria is trading)

extra conditions:

There will be no regulated entertainment in the café/pizzeria area.

Drinking will be permitted in the outdoor area of the café/pizzeria when only the café/pizzeria is trading.

During events that utilise other areas of the Ican Centre, the café/pizzeria will only be open to existing guests of the event, there will be no extra admission to customers who wish to solely use the Café/pizzeria.

The Following Conditions are requested only to tidy up the current license, removing duplicates and contradictory statements and clarifying unclear conditions

Conditions 11 & 22 to be combined with 22 removed

Original conditions:

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

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

New Condition:

11. Whenever they are on duty, Registered Door Supervisors will be responsible for searching every customer as they enter the venue, they are to carry out checks on bags and personal items that customers may be carrying with them. In the event of any weapons or of illegal substances being discovered, the individual should be detained, the item confiscated, the duty manager notified and the Police called

immediately; the search is to be conducted only in areas covered by CCTV; SIA door staff will not be required when only the café is trading.

Current Conditions are duplicate

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

64. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection by the police or an authorised officer of the Council at all times;

proposed:

Delete condition 40

Current conditions duplicate

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

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

New Condition (combine and delete 56)

52. Registered Door Supervisor (SIA) will be employed (1) SIA per one hundred (100) customers or part thereof. On other occasions security is to be considered on a continual basis. All details (full name, DOB, Address, SIA badge number, company and Booking on - off times) to be recorded and to be made available to police immediately; [This shall include name, badge number on prominent display, the employer agency (if any) and the time of starting and finishing work];

Query:

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

Can this condition be deleted as they will be monitored by a member of SIA security (condition 54) and they are not leaving the premises to smoke, the smoking area is fully enclosed and the fencing around the rear car park/smoking area is made up concrete panel & anti Climb spikes?

Current condition is a duplicate of the statement in mandatory conditions third paragraph.

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

solution:

Delete condition 57

Current conditions 58 & 79 duplicate/contradict, please clarify

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

79. Designated Premises Supervisor or Personal Licence Holder (nominated /responsible member of staff who holders a Personal Licence) to be present when

trading after 21:00 hours. [Allowing close supervision of staff and a single point of contact for the police and other agencies when attending the location];

Current condition is a duplicate of the more detailed statement in mandatory conditions annex 1 1.1,1.1, a(i), a (ii), b, c, d (i), d (ii) & e

59. The premises shall not take part or carry out arrange or participate in any irresponsible promotions in relation to the premises. [Irresponsible promotion means: any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children];

Solution: Delete condition 59

Current condition: (query)

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

Please define Framework hours?

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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.

Appendix 2

**(I Can Centre's)
33-35 Monier Road
London
E3 2PR**

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

John McCrohan
Trading Standards and Licensing Manager

Date: 17th October 2013



Part A - Format of premises licence

Premises licence number

17669

Part 1 - Premises details

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

(I Can Centre's)
33-35 Monier Road

Post town

London

Post code

E3 2PR

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The supply of alcohol (both on and off premises)

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

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

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

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

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

Non-Standard Times

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

The non-standard hours of operation require that:

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

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

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

The opening hours of the premises

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

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

- On and off sales

Part 2

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

Ican Centres UK Limited
35 Monier Road
Bow
London
E3 2PR

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

Registered Number: 07564413

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

Philip Kirton
[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 Number: [REDACTED]
Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

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

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

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

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or in respect of premises in relation to- any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

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

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

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on

for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

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

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

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

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

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

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

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

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

Entry and Search Policy

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

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

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

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

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

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

Drugs Seizure Police

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

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

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

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

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

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

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

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

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

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

Theft on the premises

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

Before Entry

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

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

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

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

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

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

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

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

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

During the Event

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

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

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

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

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

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

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

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

Closing down procedure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59. The premises shall not take part or carry out arrange or participate in any irresponsible promotions in relation to the premises. [Irresponsible promotion means: any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children];

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

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

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

63. An incident log shall be maintained at the premises, and made available on request to an authorised officer of the Council or the Police, recordable offences will include allegations of criminal offence and which will record the following:

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received;
- d) any incidents of disorder;
- e) seizures of drugs or offensive weapons;
- f) any faults in the CCTV system or searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service;

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

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

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

Additional Conditions:

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

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

Prevention of Public Nuisance

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

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

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

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

Prevention of Noise Pollution and Public Disturbance

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

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

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

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

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

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

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

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

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

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

Public safety

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

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

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

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

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

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

Protection of Children from harm

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

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

Not applicable.

Annex 4 - Plans

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

- Ground Floor Plan - Drawing Number: 302(00)100.16 and 302(00)100.02.
- First Floor Plan – Drawing Number: 302(00)100.18.
- Project Number: 302.G.1212.01.



Part B - Premises licence summary

Premises licence number

17669

Premises details

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

(I Can Centre's)
33-35 Monier Road

Post town

London

Post code

E3 2PR

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The supply of alcohol (both on and off premises)

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

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

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

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

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

Non-Standard Times

Fifty (50) non-standard hours of operation - from 10:00hrs to 06:00hrs the following day.

The non-standard hours of operation require that:

- a) - 10 working days prior to the event notice is given of their use to both Tower Hamlets Police Licensing, and to Tower Hamlets Environmental Health;
- b) - Both Tower Hamlets Police and Environmental Health have the right of veto of the use of non-standard hours.

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

The opening hours

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

Name, (registered) address of holder of premises licence

Ican Centres UK Limited
35 Monier Road
Bow
London
E3 2PR

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

On and off sales

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

Registered Number: 07564413

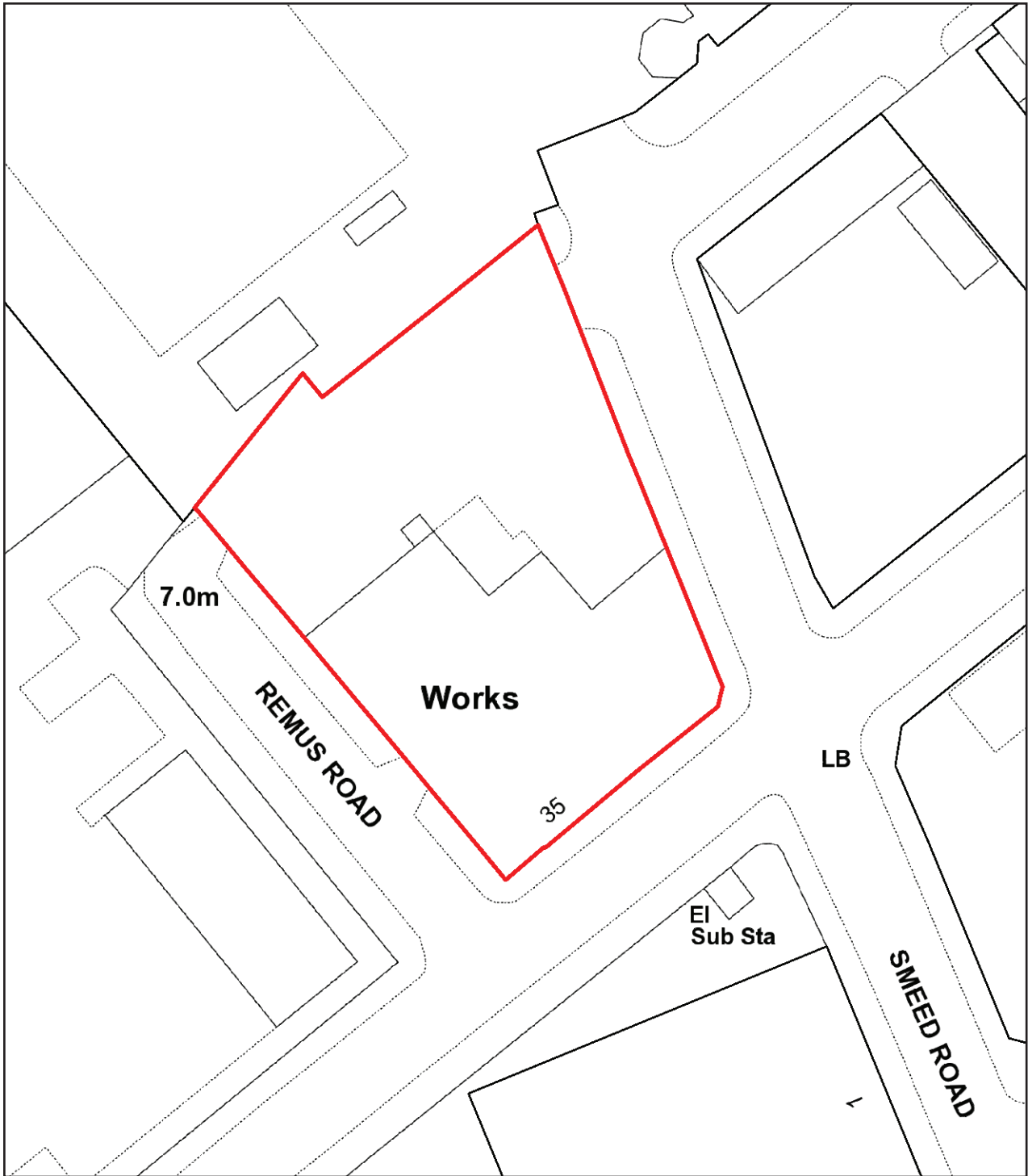
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Philip Kirton

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

Children will not be on the premises after 21.00 hours unless they are in the company of an adult/guardian.

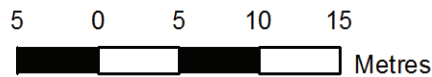
Appendix 3



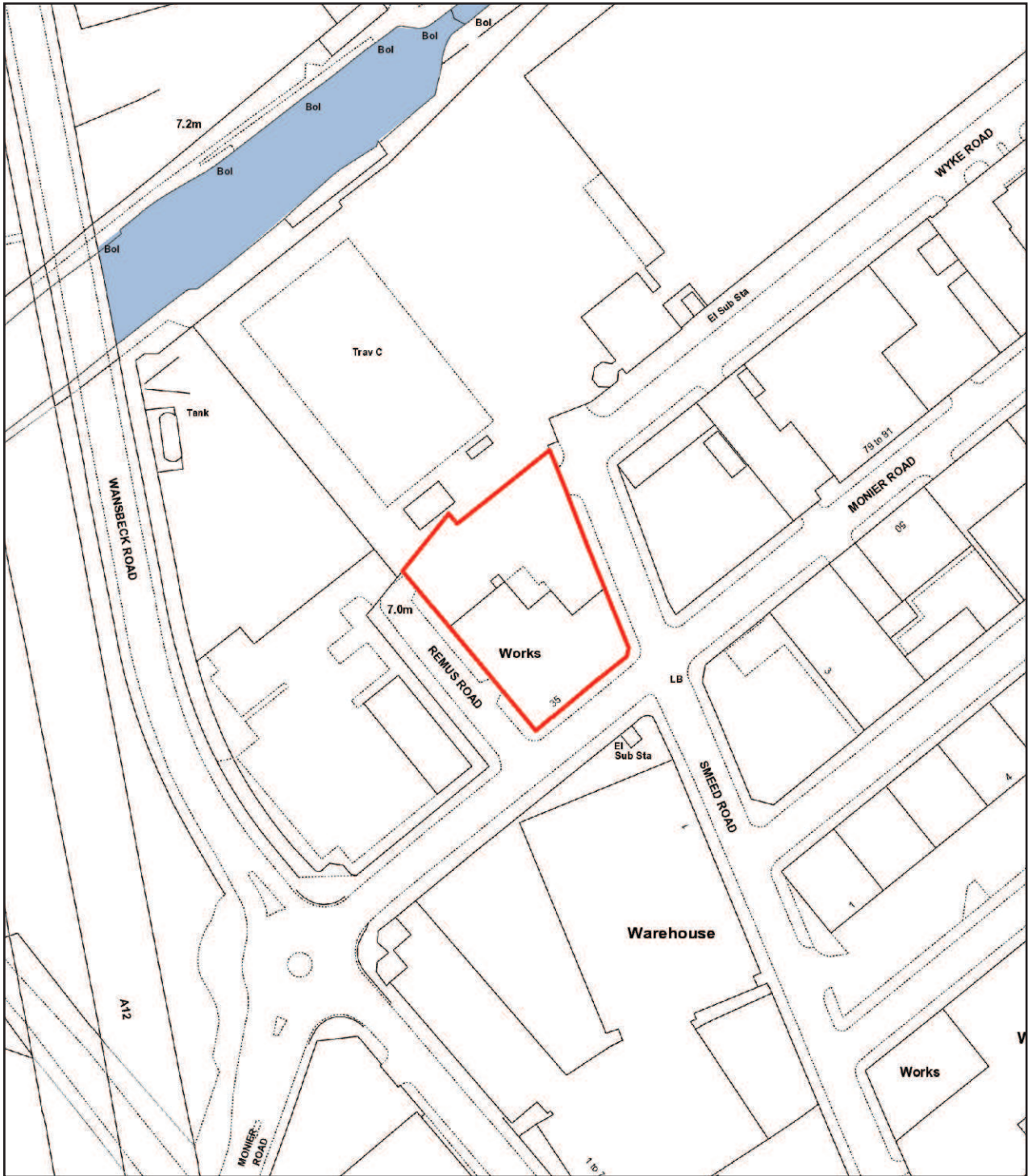
35 Monier Road



Scale 1:574



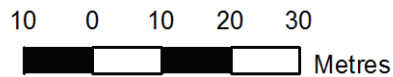
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35 Monier Road



Scale 1:1340



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Appendix 4

Section 182 Advice by the Home Office

Updated October 2010

Relevant, vexatious and frivolous representations

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

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

Appendix 5

Alex Lisowski

From: Alex Lisowski
Sent: 04 April 2014 16:45
To: 'Mark.J.Perry' [REDACTED]
Subject: FW: Ican Studios Variations Conditions
Attachments: Ican centres variation conditions 1.1.doc

Mark,

Re our meeting with ICAN this morning, Rhys Rose has sent his version of what was agreed. It's not quite what we agreed, and I've also tidied it up. The conditions for the Pizzeria that I want, and Rhys agreed, are:

There will be no regulated entertainment in the pizzeria area, including the roof of the pizzeria and the external area of the pizzeria.

On days when the other areas of the venue are going to be open to customers, the pizzeria will close one hour before those other areas are opened to customers.

On days when the other areas of the venue are not going to be open to customers, the opening hours of the pizzeria will be:

Sunday to Thursday, 10.00am to 23.00pm, Friday and Saturday, 10.00am to Midnight.

The hours for the sale of alcohol will be Sunday to Thursday, 10.00am to 23.00pm, Friday and Saturday, 10.00am to Midnight.

The hours for the provision of late night refreshment will be Friday and Saturday, 23.00pm to Midnight.

The external area of the pizzeria, including the roof, will be closed to customers from 21.30pm each day. After this time, customers of the pizzeria can use the ground level external area of the pizzeria for smoking. Customers going into this area to smoke cannot take drinks with them.

When other areas of the venue are open to customers, the pizzeria can be open for their use. The pizzeria will not be available to customers who only wish to use the pizzeria. On these occasions the opening hours, and hours for the sale of alcohol and the provision of late night refreshment, will be the same as those of the other areas of the venue.

The application for the off-sale of alcohol has been withdrawn.

Alex.

From: Rhys Rose [mailto:[REDACTED]]
Sent: 04 April 2014 14:30
To: Mark Perry Tower hamlets police licensing; Alkesh Solanki; Alex Lisowski
Cc: [REDACTED]
Subject: Ican Studios Variations Conditions

Dear Alex, Mark and Alkesh

I have attached the changes conditions with the noted extra text and conditions and invite you to review it and make any further changes, perhaps starting with Mark as he had the most input into the notes.

I have left the tidy up section of the conditions for Mark to edit as discussed, the only other notes on this section were:

condition 55 add the wording "external areas" instead of from the "smoking area"

and please review conditions 58, 67, 79 with a view to producing one comprehensive condition.

Thank you for your time today.

Rhys.

Rhys Rose
Bar Management, Licensing & Event Consultant



Appendix 6

ICAN on Remus Road, and therefore most likely to be caused by their patrons and associated business. The area did not have this problem prior to the nightclub license being granted last year.

I believe that by allowing them to extend both the alcohol license and useable area of the property the litter, noise and traffic disruption from patrons to the surrounding roads and residential areas, not just following a 'club' night, but over the whole week, will be increased.

I would also suggest that they are requesting the extension as a loophole to allow them to start trading earlier as a club during the summer months and allowing them to use that outdoor space to sell alcohol, which will bring increased noise and disruption to the local residents. I understand that the application is for the license indicates that they only want to serve alcohol up to 9pm; which not only is very early for a food business to stop trading, it is also no doubt when their alcohol license for the club begins?

Interestingly, they are advertised as hosting a Secret Sundaze party on 24th August this year. Secret Sundaze promotes itself as

“secretsundaze, London’s infamous Sunday daytime party has firmly established itself as one of Europe’s most distinct voices in underground electronic music”

source - <http://www.residentadvisor.net/promoter.aspx?id=22>

<http://www.residentadvisor.net/club.aspx?id=62991>

I believe this supports my statement above?

I would also like to enquire why ICAN studios, primarily promoting itself as a 'Community Church' or 'a training and educational business focussing on supporting young entrepreneurs' (depending on which website you read) has applied for an alcohol licence; surely neither of these ventures would require, or need an alcohol license in the first place?

The proposed Pizzeria, would be located in a tarmac'd car park which is surrounded by 3 walls which are about 10ft tall, next to a BOC gas depot, and very shortly will be surrounded by extensive building works in Neptune Wharf, and at the bottom of Wyke Road and Monier Road, hardly the most conducive of locations in which to dine?

Increasingly, Fish Island, more specifically Omega Works and Iron Works, is becoming a home to many families with young children, mainly due to large spacious flats and good transport links, and as such granting the extension would impact on their use of the streets and roads, particularly in the summer months, when extending drinking hours are likely to bring a greater number of people under the influence of alcohol during the daytime, on our streets, not really appropriate surroundings in which to walk your children, or push your prams and pushchairs through, in order to reach the transport links on Wansbeck Road!

I hope that this information is taken into consideration when the application is discussed prior to it being approved or declined.

Tina Johnston

Appendix 7

Anti-Social Behaviour On The Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 8

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 9

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 (1.16).

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

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

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

Noxious smells or light pollution

General Advice

Members need to be satisfied that any problems cannot be adequately addressed by existing legislation. Conditions must relate proportionately to the licensable activity. Thus for example, a café that is emitting noxious smells does so whether or not it is permitted to open past 23 00 hrs.

Any nuisance from bright lights needs to be balanced against potential crime and disorder benefits from bright lights.

Other Legislation

The Environmental Protection Act 1990

Part 111 of the Act gives Environmental Health Officers the power to deal with statutory nuisances including smells

Planning legislation may restrict external lighting.

Appendix 10

Planning

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

Appendix 11

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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