

# EXTRAORDINARY LICENSING SUB COMMITTEE

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**Tuesday, 23 September 2014 at 11.00 a.m.**

**Room C1, 1st Floor, 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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Website: <http://www.towerhamlets.gov.uk/committee>

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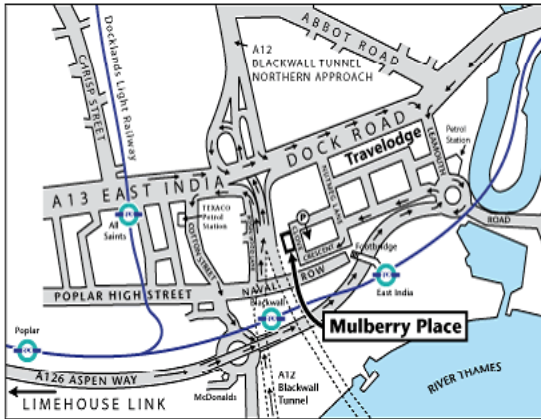
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## **APOLOGIES FOR ABSENCE**

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.

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>3. ITEMS FOR CONSIDERATION</b>		
<b>3 .1 Application for a New Premises Licence for Misschu, 91 Whitechapel High Street, London E1 7RA</b>	<b>21 - 66</b>	<b>Spitalfields &amp; Banglatown</b>
<b>3 .2 Application for a New Premises Licence for Second Home Ltd. - Ground Floor, 68-80 Hanbury Street, London, E1 5JL</b>	<b>67 - 116</b>	<b>Spitalfields &amp; Banglatown</b>
<b>3 .3 Application for a New Premises Licence for Redchurch General Store, 64-66 Redchurch Street, London, E2 7DP</b>	<b>117 - 258</b>	<b>Weavers</b>
<b>3 .4 Application for a Time Limited Premises Licence for Former Shoreditch Train Station, corner of Pedley Street and Code Street, London, E1 5EW.</b>	<b>259 - 308</b>	<b>Spitalfields &amp; Banglatown</b>





# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Further advice**

For further advice please contact:-

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

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**TOWER HAMLETS**



**LICENSING COMMITTEE**

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

## **1. Interpretation**

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

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

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

## **3. Timescales**

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

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

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

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

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

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

## **6. Record of Proceedings**

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

## **7. Irregularities**

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

## **8. Notices**

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

## **9. Appeals**

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

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

## APPENDIX A

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

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

## **APPENDIX B**

### **Regulation 8**

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

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

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## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

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

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

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

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

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

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

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

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

**(8) Queries on reports.**

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

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

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

## **LICENSING SUB COMMITTEE HEARING PROCEDURE**

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

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

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

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

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# Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub-Committee</b>	23 September 14	<b>Unclassified</b>	LSC 25/145	

Report of: <b>David Tolley</b> <b>Head of Consumer and Business Regulations Service</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for Misschu, 91 Whitechapel High Street, London E1 7RA</b>
Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Ward affected: <b>Spitalfields and Banglatown</b>

## 1.0 Summary

Applicant: **Misschu London Limited**

Name and Address of Premises: **Misschu**  
**91 Whitechapel High Street**  
**London**  
**E1 7RA**

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

- **Sale by retail of alcohol**

Representations: **Met Police**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali  
020 7364 5498

### 3.0 **Background**

3.1 This is an application for a premises licence for Misschu, 91 Whitechapel High Street, London E1 7RA.

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

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

#### **Sale by retail of alcohol – (*on and off sales*)**

- Monday to Sunday, from 11:00 hours to 22:30 hours

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

- Monday to Sunday, from 10:00 hours to 23:00 hours

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

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

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

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

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

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

### 5.0 **Representations**

5.1 All 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. Interested parties and their representatives have to meet this test.
- 5.5 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.
- 5.6 This hearing is required by the Licensing Act 2003, because a relevant representation has been made by the Met Police.
- 5.7 Please see **Appendix 3** for the representation of Met Police.
- 5.8 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise
  - Trading Standards
  - Child Protection
  - Public Health
  - Licensing Authority
- 5.9 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 Essentially, the relevant party opposes 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.
- 5.11 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.

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

## 6.0 Licensing Officer Comments

6.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

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

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.7)
- ❖ Also “so long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.6).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.25).
- ❖ “The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.”



(10.20)

- ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.33).
  - ❖ Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.39).
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve the licensing objectives.” (2.39)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 4 - 10** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations.

## **7.0 Exemptions**

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

## **8.0 Legal Comments**

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

## **9.0 Finance Comments**

- 9.1 There are no financial implications in this report.

## 10.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** the representation of Met Police
- Appendix 4** Licensing Officer comments on noise while the premise is in use
- Appendix 5** Licensing Officer comments on access/egress problems
- Appendix 6** Licensing Officer comments on crime and disorder on the premises
- Appendix 7** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 8** Planning
- Appendix 9** Licensing Policy relating to hours of trading
- Appendix 10** Cumulative Impact Policy

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# Appendix 1

**Section 1 of 19**

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Is the applicant:

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

Applying as an individual

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

**Applicant Business**

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

\* Registration number

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

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

\* Legal status

**Continued from previous page...**

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

A private individual acting as an agent

**Agent Business**

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

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

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

\* Legal status

**Continued from previous page...**

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)



**Section 3 of 19****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 19****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

*Continued from previous page...*

company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

Vietnamese restaurant

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

*Continued from previous page...*

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

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

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

- Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

**Section 15 of 19****SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

 Yes  No**Standard Days And Timings**

MONDAY

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

TUESDAY

Start End Start End 

WEDNESDAY

Start End Start End 

THURSDAY

Start End Start End 

FRIDAY

Start End Start End 

SATURDAY

Start End Start End 

SUNDAY

Start End Start End 

Will the sale of alcohol be for consumption:

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

State any seasonal variations

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

N/A

**Continued from previous page...**

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

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

N/A

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

Continued from previous page...

**Section 16 of 19**

**ADULT ENTERTAINMENT**

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

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

N/A

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

**Continued from previous page...**

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

N/A

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

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

N/A

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

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

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

All sales of alcohol will only be made to people ordering food for takeaway or ancillary to taking a table meal at the premises.

b) The prevention of crime and disorder

See (a) above

c) Public safety

See (a) above

d) The prevention of public nuisance

See (a) above

e) The protection of children from harm

See (a) above

Continued from previous page...

**Section 19 of 19**

**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**DECLARATION**

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

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

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

\* Full name

Jeffrey Green Russell Limited

\* Capacity

Authorised solicitors acting for and on behalf of the applicant

\* Date

24 / 07 / 2014

dd

mm

yyyy



Continued from previous page...

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

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

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

**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**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="MCL/Misschu"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) Next >

91 Whitechapel  
High Street,  
London E1 7RA

Ground Floor

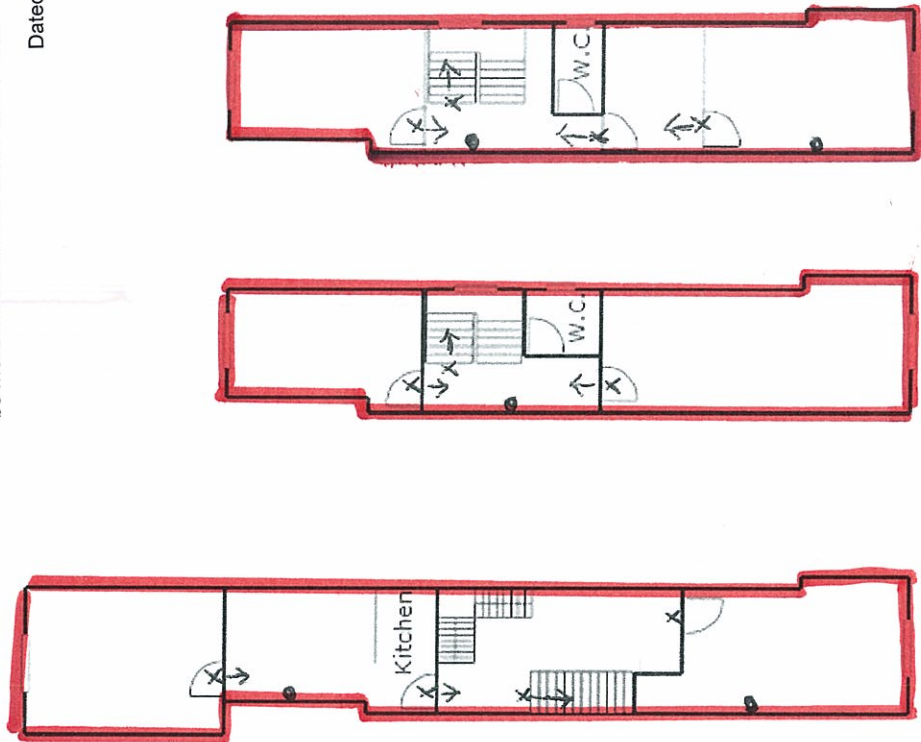
First Floor

Second Floor

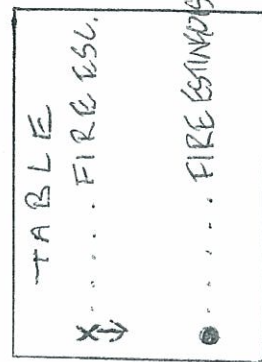
Third Floor

Licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as is on the date hereof but may be moved in consultation with the fire officer.

Dated: 24/07/14

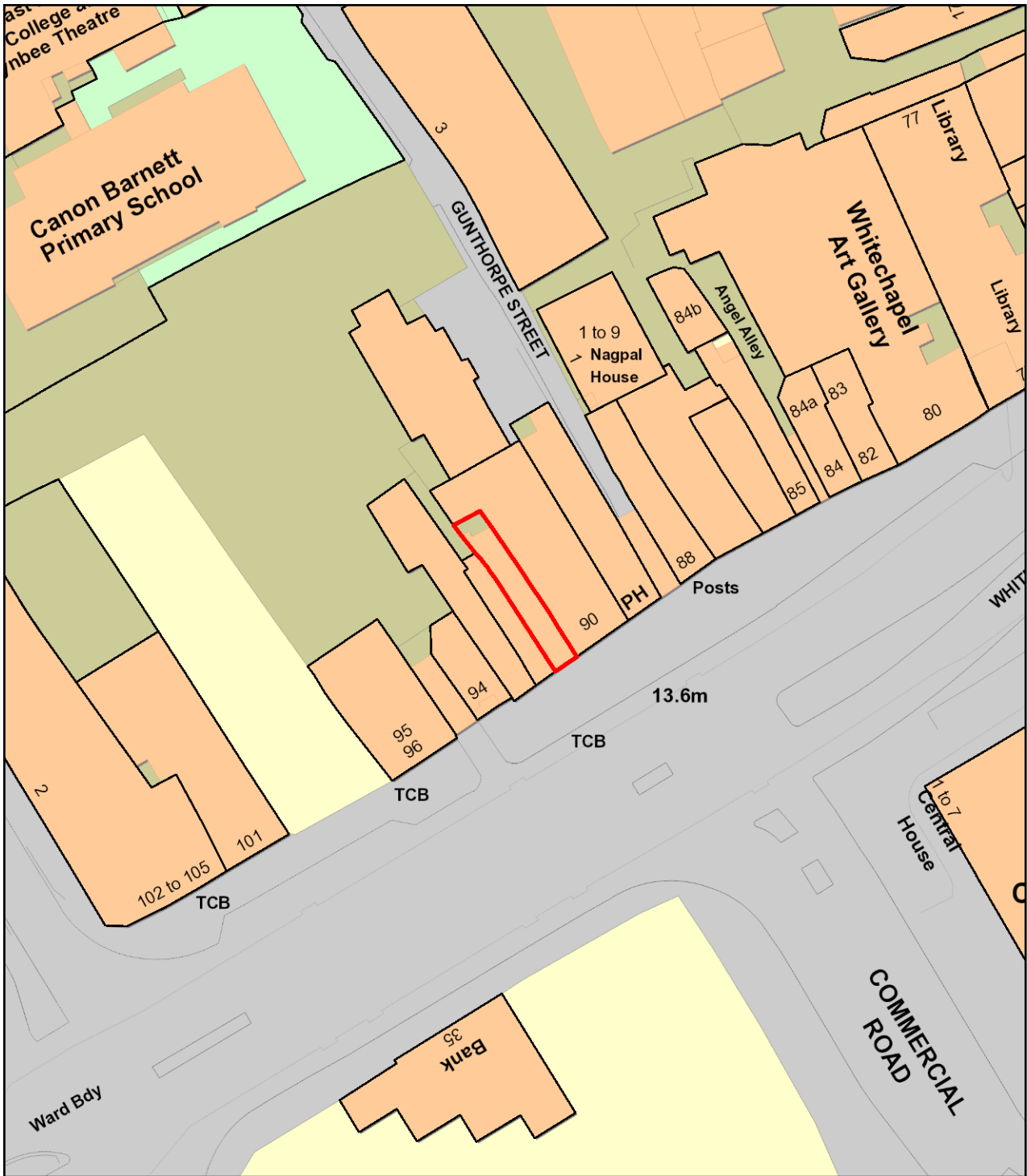


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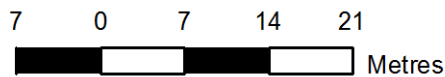
# Appendix 2



## 91 Whitechapel High Street

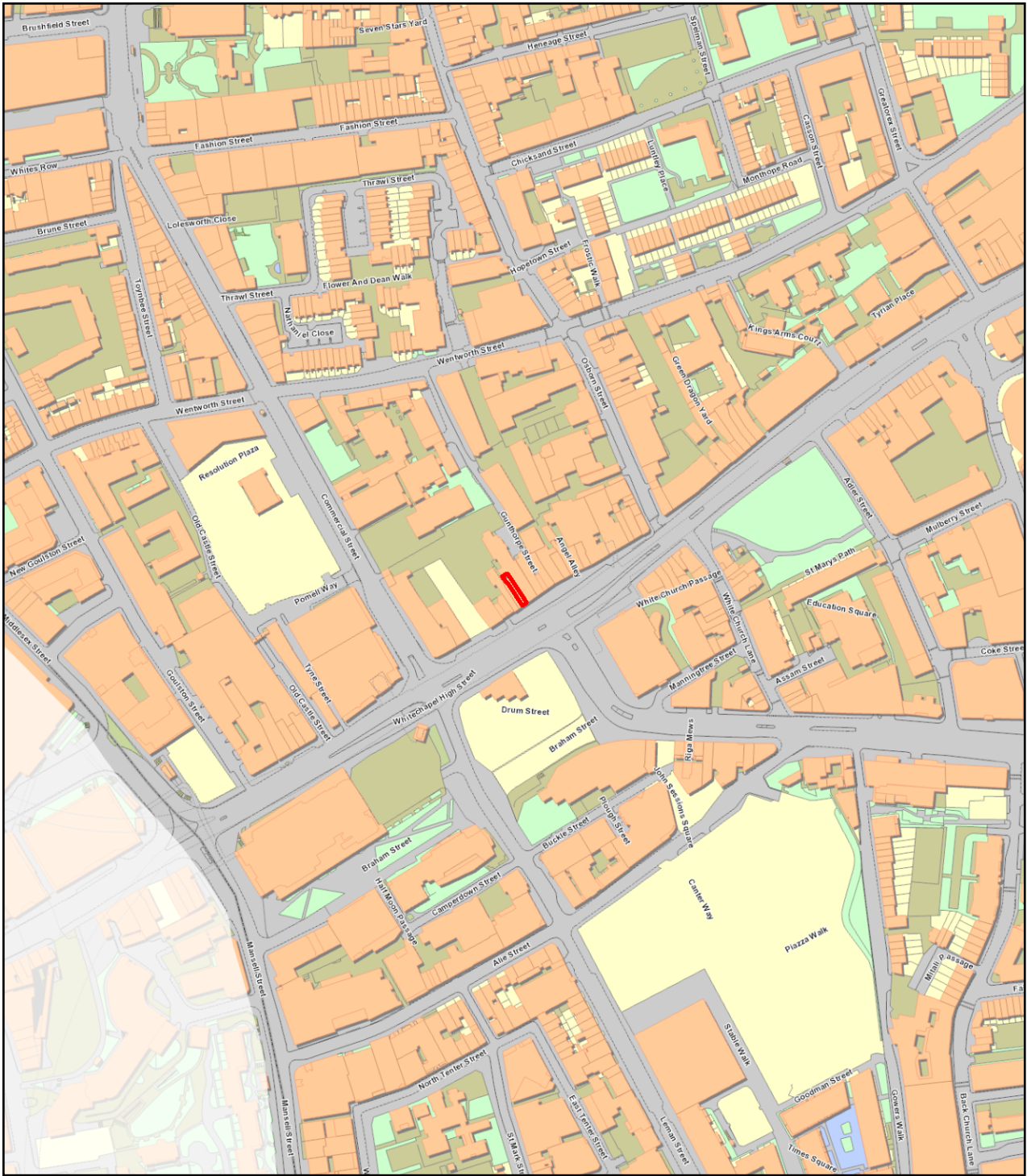


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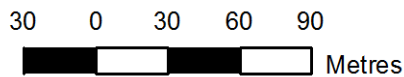




# 91 Whitechapel High Street



Scale 1:3843



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# Appendix 3

## Mohshin Ali

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**From:** Andrew Heron on behalf of Licensing  
**Sent:** 18 August 2014 13:38  
**To:** Mohshin Ali  
**Subject:** FW: Misschu, 91 Whitechapel High St, E1  
**Attachments:** Misschu objection( Aug 14 ).doc

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Red Category

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**From:** [Alan.D.Cruickshank@met.pnn.police.uk](mailto:Alan.D.Cruickshank@met.pnn.police.uk) [<mailto:Alan.D.Cruickshank@met.pnn.police.uk>]  
**Sent:** 18 August 2014 13:31  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Misschu, 91 Whitechapel High St, E1

Dear Mr Birch / Licensing

Please find my representation re: the above premises licence application.

Regards

Alan Cruickshank PC 189HT

PH: 0207 275 4911

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John McCrohan  
LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4AU

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

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

Telephone: 0207 275 4911

Facsimile:

Email:

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

www.met.police.uk

Your ref:

Our ref:

18 August 2014

Dear Mr McCrohan

Re: application for a premises licence  
Misschu,91 Whitechapel High St, E1 7RA

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

The prevention of crime and disorder

The prevention of public nuisance

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

Whitechapel High St and nearby streets. This policy was adopted due to the concerns

about the number of licensed premises in such a small area and the resulting number of

ASB calls and the potential for disorder.

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

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

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

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

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

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

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

Can the applicant provide evidence that the operation of the premise will not add to the negative cumulative impact already being experienced in this area? If not, I ask the committee to refuse this application.

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

Install / maintain CCTV

1. CCTV

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

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

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

2. I would ask the committee to consider removing the off sales.

Alan Cruickshank PC 189HT

# Appendix 4

## 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 5

## 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 6

## 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 7

## 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 8

## **Planning**

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

# Appendix 9

## Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

(see 12.9 of the licensing policy)

# Appendix 10

### **Special Cumulative Impact Policy for the Brick Lane Area**

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

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

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

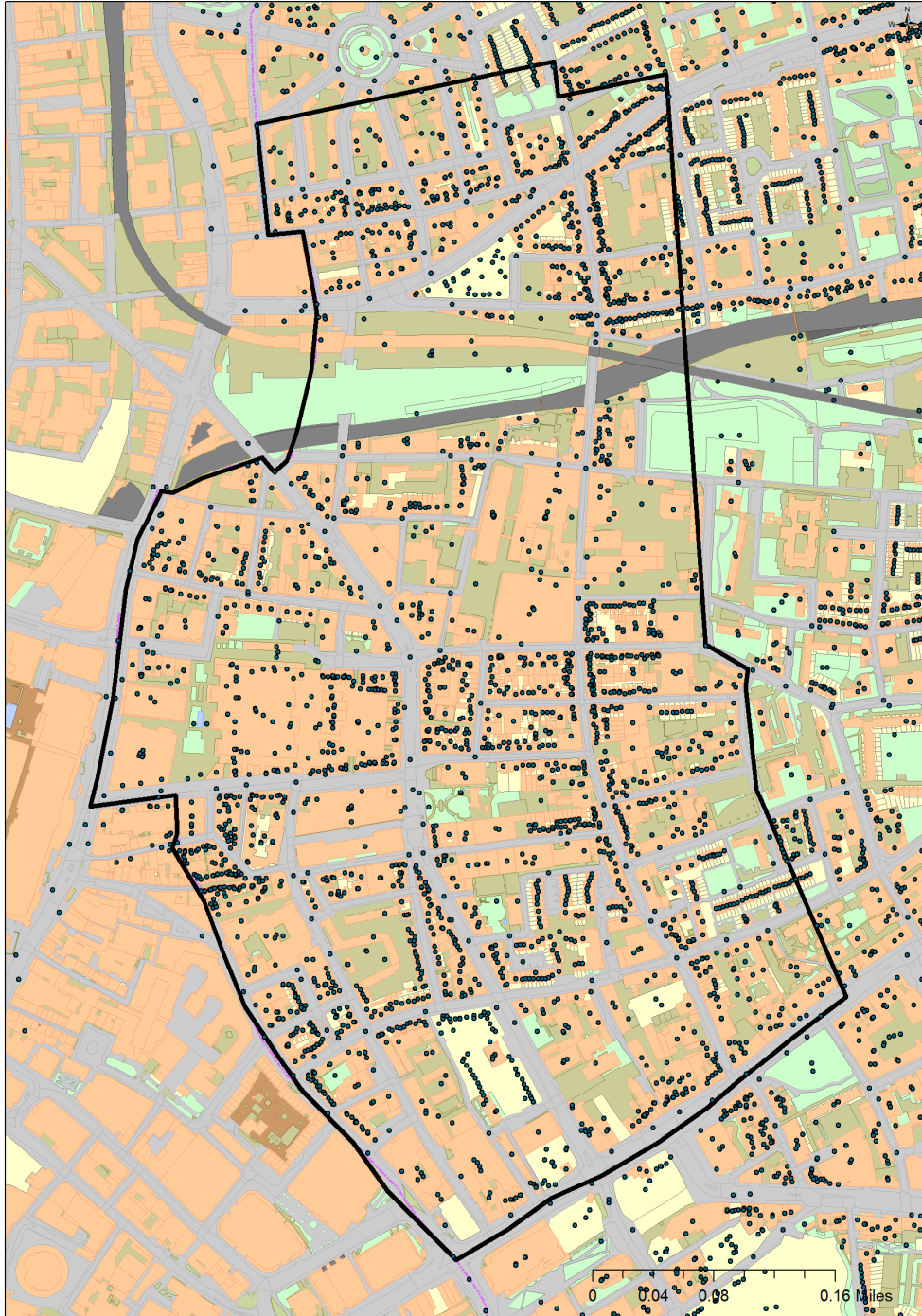
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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

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

Figure One

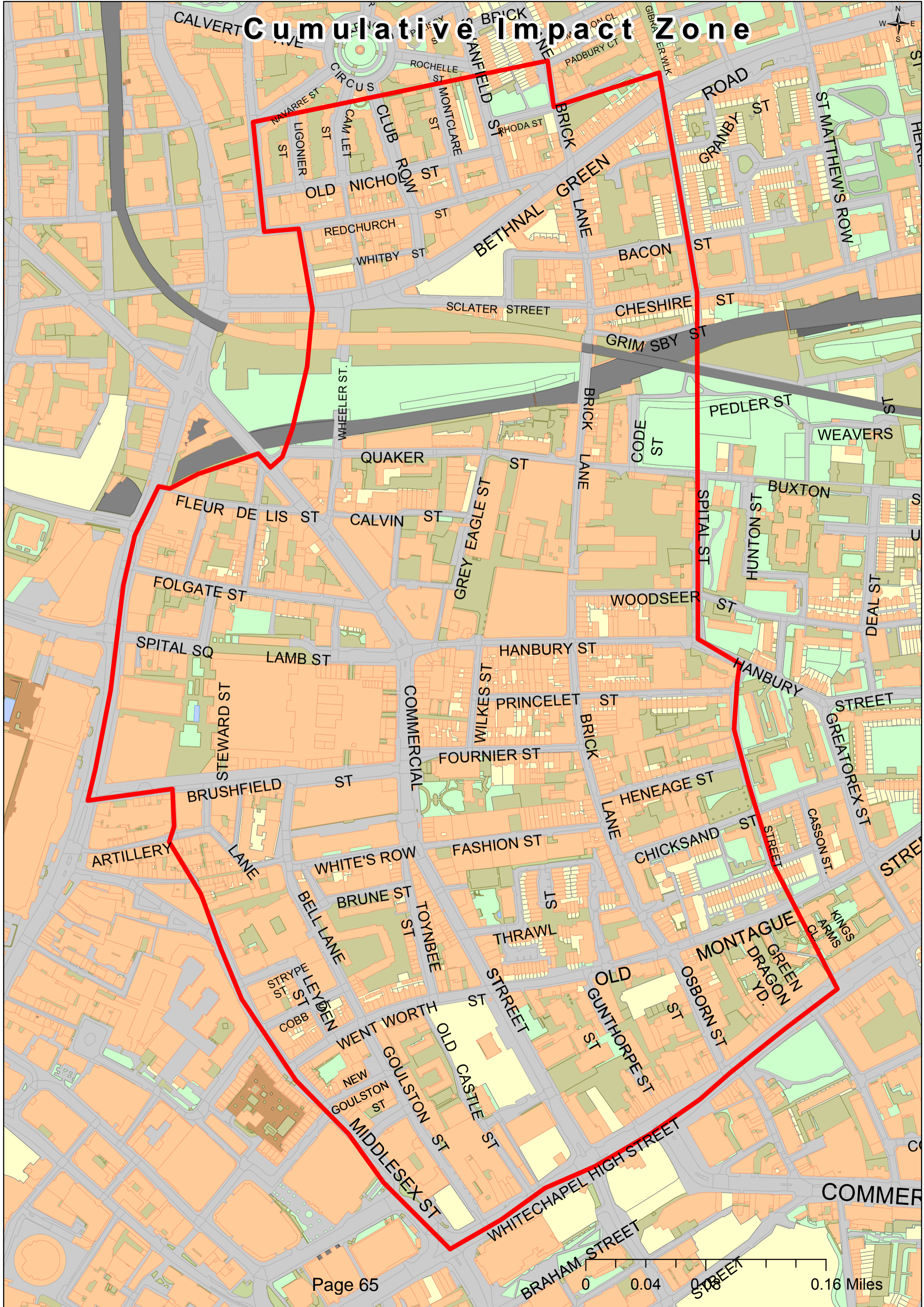
**The Cumulative Impact Zone in the Brick Lane area**

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





# Cumulative Impact Zone



NAVARE ST  
LIGONIER ST  
CIRCUS  
CAM LET ST  
CLUB ST  
ROCHELLE ST  
MONTCLARE ST  
CANNFIELD ST  
RHODA ST  
BRICK LANE  
PADBURY CT  
GIBBARTER WIK  
ST MATTHEW'S ROW  
GRANBY ST  
OLD NICHOLSON ST  
REDCHURCH ST  
WHITBY ST  
BETHNAL GREEN  
BACON ST  
SCLATER STREET  
CHESHIRE ST  
GRIM SBY ST  
WHEELER ST.  
QUAKER ST  
FLEUR DE LIS ST  
CALVIN ST  
GREY EAGLE ST  
WOODSEER ST  
PEDLER ST  
WEAVERS ST  
FOLGATE ST  
LAMB ST  
HANBURY ST  
SPITAL SQ  
STEWARD ST  
COMMERCIAL ST  
WILKES ST  
PRINCELET ST  
BRICK LANE  
HUNTON ST  
BUXTON ST  
DEAL ST  
BRUSHFIELD ST  
ARTILLERY LANE  
WHITE'S ROW  
FASHION ST  
HANBURY ST  
HENEAGE ST  
CHICKSAND ST  
STREET  
CASSON ST  
GREATOREX ST  
STREET  
BELL LANE  
BRUNE ST  
TOMBEE ST  
THRAWL ST  
MONTAGUE GREEN  
DRAGON YD.  
KINGS ARMS  
STRYPE LLEYDEN ST  
COBB ST  
WENT WORTH ST  
OLD CASTLE ST  
OLD GUNTHORPE ST  
OSBORN ST  
NEW GOULSTON ST  
GOULSTON ST  
MIDDLESEX ST  
WHITECHAPEL HIGH STREET  
BRAHAM STREET  
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# Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	23 September 2014	<b>Unclassified</b>	LSC 26/145	

Report of: <b>David Tolley</b> <b>Head of Consumer and Business Relations</b>  Originating Officer: <b>Andrew Heron</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a premises licence for Second Home Ltd. – Ground Floor, 68-80 Hanbury Street, London, E1 5JL</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant: **Second Home Limited**  
Name and **Ground Floor**  
Address of Premises: **68-80 Hanbury Street**  
**London**  
**E1 5JL**

Licence sought: **Licensing Act 2003:**  
**The Sale of Alcohol**  
**Provide Regulated Entertainment**  
**Provide Late Night Refreshment**

Objectors: **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 Second Home Ltd. – Ground Floor, 68-80 Hanbury Street, London, E1 5JL.

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

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

- The sale of alcohol
- Regulated entertainment
- Late night refreshment

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

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

- Monday to Friday from 08:00hrs to 23:00hrs
- Saturday from 09:00hrs to 23:00hrs
- Sunday from 09:00hrs to 22:00hrs

#### **The Provision of Regulated Entertainment in the form of Plays (indoors), Films (indoors), Indoor Sporting Events, Live Music (indoors), Recorded Music (indoors) and Performances of Dance (indoors):**

- Monday to Friday from 08:00hrs to 23:00hrs
- Saturday from 09:00hrs to 23:00hrs
- Sunday from 09:00hrs to 22:00hrs

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

The applicant has not defined opening hours.

3.5 Members may wish to note from the copy of the application that the applicant has denoted the wish for Late Night Refreshment; however, the hours applied for do not fall into its definition under the Licensing Act 2003.

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

3.7 The application has been amended since it was applied and Members should note this when considering conditions for the Operating Schedule.

3.8 On 31<sup>st</sup> July 2014, the applicant agreed with Environmental Health the following condition:

- As relevant, *regulated entertainment* shall not be audible at the façade of any residential or commercial property and/or within any residential or commercial property so as to cause a nuisance.

Please see a copy of the email exchange agreeing the condition as **Appendix 3**.

3.9 On 2<sup>nd</sup> September 2014, the applicant agree with Local Residents a number of conditions, namely:

- 1) No noise emanating from events in the building will be audible at the facades of neighbouring residents.
- 2) No drinking (by occupants or visitors to the building) will be allowed outside the building.
- 3) There will be no more than a maximum of five people (occupants or visitors to the building) waiting outside the building whether smoking, awaiting transport or for any other purpose.
- 4) There will be no more than 150 (occupants or visitors to the building) in total attending any event (or events) held within the building.
- 5) The building management will designate a “preferred taxi supplier” to be used to collect occupants and visitors needing a taxi service on leaving the building. This preferred taxi supplier will be contracted to provide a service that avoids all unnecessary noise (eg: no hooting, no running engines whilst waiting, no slamming doors, et al).
- 6) For any event (or events) held within the building attended by more than 60 occupants and visitors, the building management will employ a “steward” specifically to manage the egress of people from the building, and to ensure there is no undue noise caused outside the building.
- 7) The applicant will define on the plans submitted the only two areas of the building within which the licensed activities will be permitted; namely the “bar area” at Ground floor (North) of the building, and the middle “events area” at Ground floor (central) of the building.

Please see a copy of the email exchange agreeing additional conditions as **Appendix 4**. As a result of this agreement, representations made by Local Residents were withdrawn.

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

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

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

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

## 5.0 Representations

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

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

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

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

5.11 The objections cover the application being within the Tower Hamlets Cumulative Impact Zone

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

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

## 6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it

if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).

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



adequately covered elsewhere.

- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendix 7** Members are given general advice in relation to the Tower Hamlets Cumulative Impact Zone.

## 7.0 Exemptions

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

## 9.0 Finance Comments

9.1 There are no financial implications in this report.

## 10.0 Appendices

- |                   |   |
|-------------------|---|
| <b>Appendix 1</b> | A copy of the application   |
| <b>Appendix 2</b> | Maps of the area  |
| <b>Appendix 3</b> | Email dated 31 <sup>st</sup> July 2014 agreeing conditions with LBTH Environmental Health |
| <b>Appendix 4</b> | Email dated 2 <sup>nd</sup> September 2014 agreeing conditions with Local Residents       |
| <b>Appendix 5</b> | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations         |
| <b>Appendix 6</b> | Representation of the Metropolitan Police – PC Alan Cruickshank                           |
| <b>Appendix 7</b> | Licensing Officer comments on the Tower Hamlet Cumulative Impact Zone                     |
| <b>Appendix 8</b> | Supporting Documents submitted on behalf of the Applicant                                 |

# Appendix 1



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

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

On-Line payments can be made at:

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

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

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

We (Insert name(s) of applicant) Second Home Limited

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
Ground Floor 68-80 Hanbury Street	
Post town	Post code
London	E1 5JL

Telephone number at premises (if any)

Non-domestic rateable value of premises

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick as appropriate
- a) an individual or individuals\*  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

**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 <b>SECOND HOME LIMITED</b>
Address <b>18 BAYSTON ROAD LONDON UNITED KINGDOM N16 7LT</b>
Registered number (where applicable) <b>08738897</b>
Description of applicant (for example partnership, company, unincorporated association etc) <b>COMPANY</b>
Telephone number, if any
E-mail (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year			
0	1	1	0	2	0	1	4

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

Day		Month		Year			

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

N/A
-----

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

**The proposed license is for the ground floor of 68-80 Hanbury St, London E1 5JL. The premises is a refurbished carpet warehouse, over 22,000sq ft. Situated between Liverpool St, Aldgate East and Whitechapel tube stations as well as numerous bus routes it is well served by public transport.**

**Second Home is a club for entrepreneurs - a physical social network and the world's first members club for entrepreneurs, enabling small business owners to mingle, meet new people, and attend regular talks and cultural / education events.**

**The license will apply to the bar and auditorium area of the premises which will serve as an in house 'canteen' and refreshment and entertainment area for the entrepreneurs and businesses based in the building.**

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

**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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)</u>	Indoors	Yes
Day	Start	Finish		Outdoors	No
Mon	08:00	23:00	<u>Please give further details here</u> (please red guidance note 3)  Performance of plays/shows and other similar performances.  <u>State any seasonal variations for performing plays</u> (please read guidance note 4)  N/A  <u>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</u> (please read guidance note 5)  N/A	Both	
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	09:00	23:00			
Sun	09:00	22:00			

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<u>Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)</u>	Indoors	Yes
Day	Start	Finish		Outdoors	No
Mon	08:00	23:00	<u>Please give further details here</u> (please red guidance note 3)  Broadcasting of film via screen or projector.  <u>State any seasonal variations for exhibition of films</u> (please read guidance note 4)  N/A  <u>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</u> (please read guidance note 5)  N/A	Both	
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	09:00	23:00			
Sun	09:00	22:00			

**C**



<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<u>Please give further details here</u> (please read guidance note 3)
Day	Start	Finish	
Mon	08:00	23:00	Ad hoc indoor sporting events.
Tue	08:00	23:00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	08:00	23:00	N/A
Thur	08:00	23:00	<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	08:00	23:00	N/A
Sat	09:00	23:00	
Sun	09:00	22:00	

#### D

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			<u>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	N/A
Day	Start	Finish		Outdoors	N/A
Mon	N/A	N/A	Both	N/A	<u>Please give further details here</u> (please read guidance note 3)
Tue	N/A	N/A			N/A
Wed	N/A	N/A			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)
Thur	N/A	N/A			N/A
Fri	N/A	N/A			<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)
Sat	N/A	N/A			N/A
Sun	N/A	N/A			

#### E

<b>Live music</b> Standard days and timings (please read	<u>Will the performance of live music take place indoors or outdoors or both - please tick [Y]</u>	Indoors	Yes

guidance note 6)			(please read guidance note 2)	Outdoors	No
Day	Start	Finish		Both	
Mon	08:00	23:00	<b>Please give further details here</b> (please read guidance note 2) Amplified and non-amplified bands, DJs and other musicians. Sound to be played no louder than 70 decibels.		
Tue	08:00	23:00			
Wed	08:00	23:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)  N/A		
Thur	08:00	23:00			
Fri	08:00	23:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  N/A		
Sat	09:00	23:00			
Sun	09:00	22:00			

### 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]	Indoors	Yes
Day	Start	Finish	(please read guidance note 2)	Outdoors	No
				Both	
Mon	08:00	23:00	<b>Please give further details here</b> (please read guidance note 3) Music to be played whilst other regulated entertainment is taking place and generally as and when required. Sound to be played no louder than 70 decibels.		
Tue	08:00	23:00			
Wed	08:00	23:00	<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)  N/A		
Thur	08:00	23:00			
Fri	08:00	23:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  N/A		
Sat	09:00	23:00			
Sun	09:00	22:00			

### 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]	Indoors	Yes
			(please read guidance note 2)	Outdoors	No

Day	Start	Finish	Both
Mon	08:00	23:00	<u>Please give further details here</u> (please read guidance note 3)
Tue	08:00	23:00	
Wed	08:00	23:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)
Thur	08:00	23:00	N/A
Fri	08:00	23:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5) 5)
Sat	09:00	23:00	
Sun	09:00	22:00	N/A

## H

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

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors	Yes
				Outdoors	No
				Both	
Day	Start	Finish			
Mon	08:00	23:00	<b>Please give further details here</b> (please read guidance) Hot and cold food, drinks and snacks to be served throughout the day.		
Tue	08:00	23:00			
Wed	08:00	23:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	08:00	23:00	N/A		
Fri	08:00	23:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	09:00	23:00			
Sun	09:00	22:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)</b>	On the premises	Yes
				Off the premises	No
				Both	
Day	Start	Finish			
Mon	08:00	23:00	<b>Please give further details here</b> (please read guidance) Supply of alcohol likely to be in the afternoon/evening, however potentially at breakfast events.		
Tue	08:00	23:00			
Wed	08:00	23:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Thur	08:00	23:00	N/A		
Fri	08:00	23:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	09:00	23:00			
Sun	09:00	22:00			

**L**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)			<u>State any seasonal variation</u> (please read guidance note 4)
Day	Start	Finish	N/A           <u>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list</u> (please read guidance note 5)           N/A
Mon	N/A	N/A	
Tue	N/A	N/A	
Wed	N/A	N/A	
Thur	N/A	N/A	
Fri	N/A	N/A	
Sat	N/A	N/A	
Sun	N/A	N/A	

## **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 DPS fully understands his roles and responsibilities concerning the four licensing objectives obtained with the 2003 licensing act, a comprehensive breakdown of these objectives and how to ensure that they are met are detailed below. The DPS attended the NCPLH level 2 training programme and his application for a personal licence was issued by London Borough of Hackney. The DPS will take full responsibility of ensuring all staff are trained and have full knowledge of all licensing issues concerning them under the 2003 licensing act including

Key to promoting the four licensing objectives will be to implement and maintain a strict members only policy for the premises. Through this members only policy we will have previously vetted anyone attending the premises prior to granting them access and thus all customers will be known and trusted. Membership will initially be made up of the existing users of the workspace space and neighbouring companies such as D&AD, Wieden & Kennady and LBi. Once the first round of members have been introduced to the space they will be invited to invite known persons and acquaintances.

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

We will take the following steps to prevent crime and disorder;

#### **CCTV and Communication**

- The installation of CCTV inside and outside the premises and ensure that it is maintained in working order
- We will set Video/CCTV equipment to record from the time that the premises open to the public until the premises close and all members have left.
- We will ensure that monitoring tapes are retained for at least twenty-eight days and are produced to an authorised officer on demand

#### **Stewards**

- We will use or employ stewards at times when we anticipate greater use of the premises (initially Thursday and Friday evening) and consider them necessary to:
  - Prevent the admission to the premises of drunk and disorderly persons, without causing further disorder;
  - Keep out non-members
  - Maintain an orderly queue outside the venue
- We will ensure that any Door Supervisors used are registered by the Security Industry Authority

#### **Bottles and Glasses**

- Where glass bottles are used, they will be retained or disposed of on the premises
- No drinks or glasses allowed to be taken off the premises
- No customers will be admitted, or permitted to leave when carrying open or sealed bottles or glasses

We will also adopt the following:

- a drug policy, to be agreed with the police crime reduction officer
- Stewards as appropriate (initially anticipated to be needed on Thursday, Friday and Saturday nights).
- Music and drinks wind down policy. Rather than be pushed out on to the street to compete for

the few taxis operating late at night, customers can book a taxi through the club, wait in comfort, warmth and safety and purchase snacks and coffee while they wait. The drinks wind down policy is accommodated by the half an hour "chill-out" time. This "chill-out" half an hour allows customers to disperse over a longer time period and reduce the risks of flashpoints in the Brick Lane area. In an effort to reduce noise as people leave the premises we will stock lollipops to be given out free to people leaving late at night

Food to be consumed with alcohol

- In order to further the reduction of crime and disorder the premises will ensure that substantial food will be available at all times alcohol is sold

### **c) Public safety**

The public safety objective is concerned with the physical safety of people using the premises. To this end the below actions are outlined in order to demonstrate that sufficient measures have been identified and will be implemented and maintained to ensure public safety. It is not concerned with public health, which is adequately dealt with in other legislation.

A fire strategy risk assessment has been undertaken.

#### **d) The prevention of public nuisance**

##### Noise control

At the noise source we will:

- Play sound amplification systems no louder than 70 decibels.
- Operate at realistic times, which will not impact on others.
- Use different finishing times for different parts of our operation - e.g. finish entertainment earlier than alcohol or food sales.
- Play relaxing or calming music towards the end of an event and allow customers' hearing to adjust before they leave the premises which will mean they are more likely to be quieter as they leave
- Use signs requesting customers and staff to be quiet when leaving the premises.
- Encourage customers to use a designated taxi firm as directed by staff and to ensure that taxi drivers do not use the vehicle horn to attract attention.
- Arrange for deliveries to be made at reasonable times.

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

The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age.

All staff involved in the sale of alcohol shall be trained in the agecheck 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale.

A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police.



**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

31 July 2014

Capacity

Solicitor

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

Signature

Date

Capacity

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

Royds LLP  
65 Carter Lane

Ref: SBW/MXA/SEC.11-2

**Post town**  
London

**Post code**  
EC4V 5HF

**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]

# Appendix 2

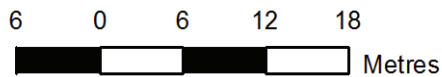


# Ground Floor, 68-80 Hanbury St.

Map 1



Scale 1:668



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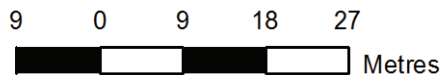


# Ground Floor, 68-80 Hanbury St.

Map 2

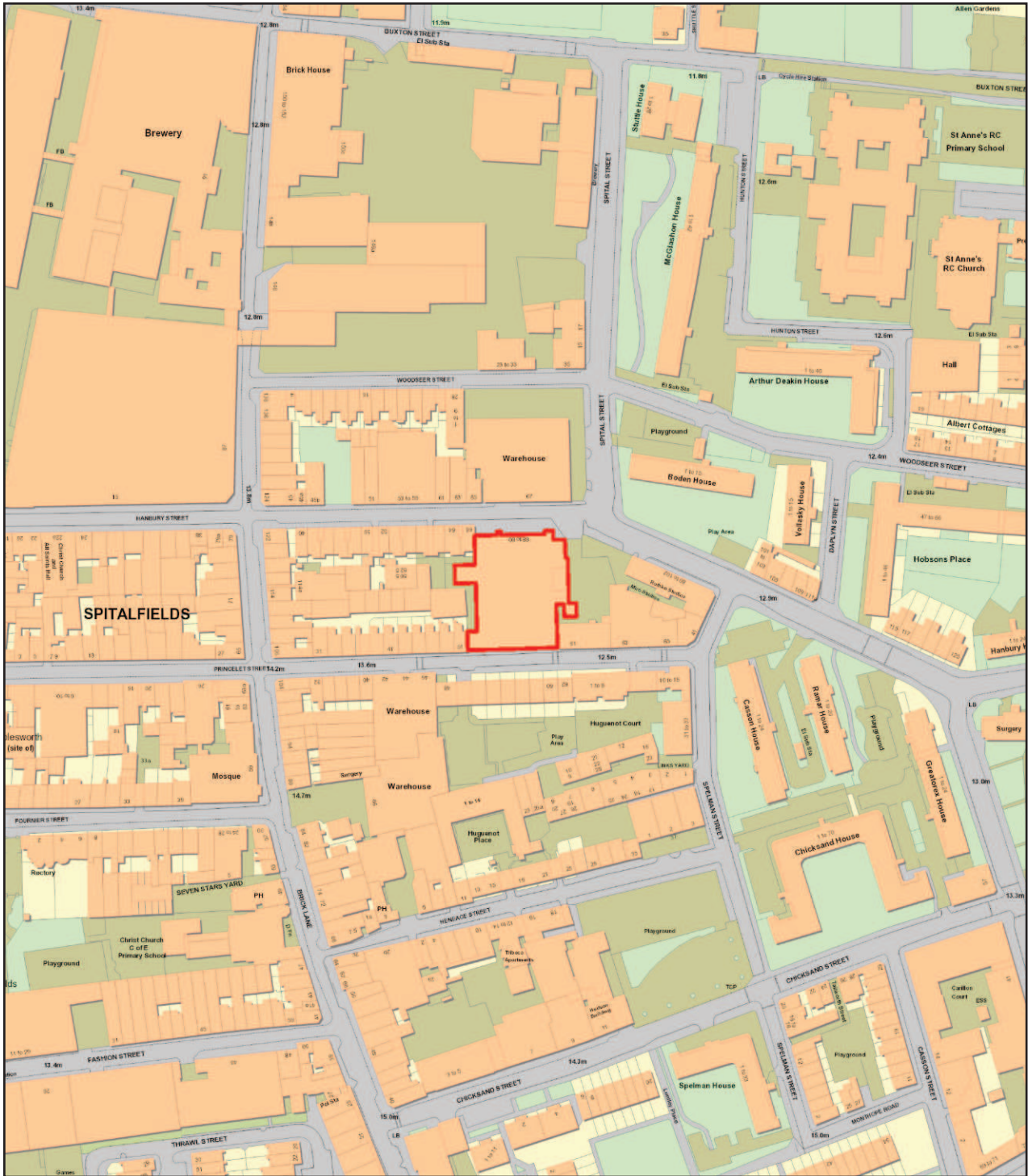


Scale 1:1001



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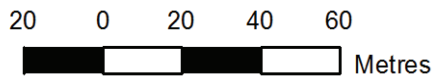


# Ground Floor, 68-80 Hanbury St.

## Map 3



Scale 1:2337



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# Appendix 3

## Andrew Heron

---

**From:** Andrew Heron on behalf of Licensing  
**Sent:** 31 July 2014 11:05  
**To:** Andrew Heron  
**Subject:** FW: Premises Licence Application. "Ground Floor", 68-80 Hanbury Street, London. MAU: 077241

---

**From:** Alkesh Solanki  
**Sent:** 31 July 2014 10:55  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Premises Licence Application. "Ground Floor", 68-80 Hanbury Street, London. MAU: 077241

Dear Licensing,  
Please note the agreement of condition below by the applicant.

Regards,  
Alkesh.

---

**From:** [REDACTED] **On Behalf Of** Sam Aldenton  
**Sent:** 31 July 2014 10:45  
**To:** Alkesh Solanki  
**Cc:** [REDACTED]  
**Subject:** Re: Premises Licence Application

Hi Alkesh,

We are happy to agree to this condition and would expect no more than five smokers would be outside the premises at any one time.

On the licensable activities we had planned to go until 12pm but planning had put a condition that we stop licensable activities at 11pm.

Hope that all helps and do let me know if there's anything else you need from me.

Thanks again and speak soon.

Sam

On Thu, Jul 31, 2014 at 10:23 AM, Alkesh Solanki [REDACTED] wrote:  
Dear Sam,

I would like you to add the following to your operating schedule that will be part of your noise management plan:

- **As relevant, *regulated entertainment* shall not be audible at the façade of any residential or commercial property and/or within any residential or commercial property so as to cause a nuisance.**

I would like your clarification on the matter of smokers. Where exactly will they be smoking and what limits (of numbers) are you planning to impose.

For your information, you have applied for late night refreshment which is not relevant to your application as you are not carry out licensable activities after 11pm. Please refer to the guidance notes in the application fro further information.

Regards,

Alkesh.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 IBY | [REDACTED]

--  
Sam Aldenton  
[REDACTED]



# Appendix 4

## Andrew Heron

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**From:** Sam Aldenton [REDACTED]  
**Sent:** 02 September 2014 21:53  
**To:** Andrew Heron  
**Cc:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** Re: Alcohol Licence Application by "Second Home Limited" re 68-80 Hanbury Street, Spitalfields, E1  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear All,

I can confirm that the conditions as set out by Jon have been agreed.

Sam

On 2 September 2014 18:11, Andrew Heron [REDACTED] wrote:

Dear Mr Shapiro,

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

I cannot accept that the application has been amended until I have received written confirmation reiterating the conditions below from the applicant or the applicant's agent at Royds LLP.

Please note however, that the Met Police have also made representation which still stands; the application will go before the LBTH Licensing Sub Committee.

Regards,

Andrew Heron

Licensing Officer

Licensing Section

London Borough of Tower Hamlets

Mulberry Place (TC)

6<sup>th</sup> Floor Mulberry Place

5 Clove Crescent

London, E14 2BG

Tel: 020 7364 2665

Fax: 020 7364 6935

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

---

**From:** Jon Shapiro [mailto: [REDACTED]]

**Sent:** 02 September 2014 18:03

**To:** Licensing; John Mccrohan

**Cc:** [REDACTED]

**Subject:** RE: Alcohol Licence Application by "Second Home Limited" re 68-80 Hanbury Street, Spitalfields, E1

**Importance:** High

Dear John and LBTH Licensing Department,

As you know, on 28<sup>th</sup> August on behalf of SPIRE I objected to the above Licensing Application, but explained that we had hoped to meet with the Applicant, Sam Aldenton, to agree a set of conditions acceptable both to Sam and to SPIRE.

I am delighted to say that subsequent to 28<sup>th</sup> August we have now reached such an agreement, and both Conor McLernon and myself (on behalf of SPIRE) would be happy to withdraw our letters of objection subject to the inclusion in any Licence granted to the following conditions that have been agreed with Sam Aldenton:

- 1) **No noise emanating from events in the building will be audible at the facades of neighbouring residents.**
  
- 2) **No drinking (by occupants or visitors to the building) will be allowed outside the building.**

- 3) There will be no more than a maximum of five people (occupants or visitors to the building) waiting outside the building whether smoking, awaiting transport or for any other purpose.**
  
- 4) There will be no more than 150 (occupants or visitors to the building) in total attending any event (or events) held within the building.**
  
- 5) The building management will designate a “preferred taxi supplier” to be used to collect occupants and visitors needing a taxi service on leaving the building. This preferred taxi supplier will be contracted to provide a service that avoids all unnecessary noise (eg: no hooting, no running engines whilst waiting, no slamming doors, et al).**
  
- 6) For any event (or events) held within the building attended by more that 60 occupants and visitors, the building management will employ a “steward” specifically to manage the egress of people from the building, and to ensure there is no undue noise caused outside the building.**
  
- 7) The applicant will define on the plans submitted the only two areas of the building within which the licensed activities will be permitted; namely the “bar area” at Ground floor (North) of the building, and the middle “events area” at Ground floor (central) of the building.**

Please could you confirm your acceptance of the above, and both Conor and I will immediately withdraw our previous letters. To ensure you have suitable records for your files, I have asked both Sam and Conor to use “reply all” to confirm their agreement with this email.

Obviously if possible it would save everyone time and effort if a Licence Hearing was not necessary. To that end if you could let me know the names (but obviously not contact details) of any other objectors I would be happy to see if they too were prepared to withdraw their objections.

All best wishes,

Jon Shapiro.

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# Appendix 5

### Section 182 Advice by the Home Office

Updated October 2012

#### Relevant, vexatious and frivolous representations

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

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

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

# Appendix 6



John McCrohan  
LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4AU

HT - Tower Hamlets Borough  
HH - Limehouse Police Station  
Licensing Office  
Limehouse Police Station  
27 West India Dock Road &  
5 Birchfield Street  
E14 8EZ



.uk  
www.met.police.uk

Your ref:

Our ref:

21 August 2014

Dear Mr McCrohan

Re: Application for a premises licence  
Ground floor: 68-80 Hanbury St, E1 5JL

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 Brick Lane Area. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

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

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

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

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

One more venue will only compound the problems at this end of the CIZ. It will mean more people staying within the CIZ. The continual build up of licensed premises is the reason why the CIZ was introduced.

Having met with the new DPS, he described this venue, more of a “staff canteen” than a traditional licensed premises. The venue will not be open to members of the public.

Other than alcohol, they have applied for licensable activities that have now been deregulated under the Live Music Act 2012. For example I cannot see them having an audience of more than 200. If they are anticipating more people, then I would ask the committee to refuse these.

Late Night Refreshments: not required for these hours.

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

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

If the applicant cannot satisfy the committee I would ask they refuse this application.

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

If the licence is to be granted I would ask the committee to consider the following conditions:

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.

2. No drinks to be taken outside.

3. Use of incident / refusal book

4. SIA staff: to be employed "when we anticipate greater use of the premises"

5. If there is to be a promoted event with DJs then a F696 must be submitted within the relevant time period.

Alan Cruickshank PC 189HT

# 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.

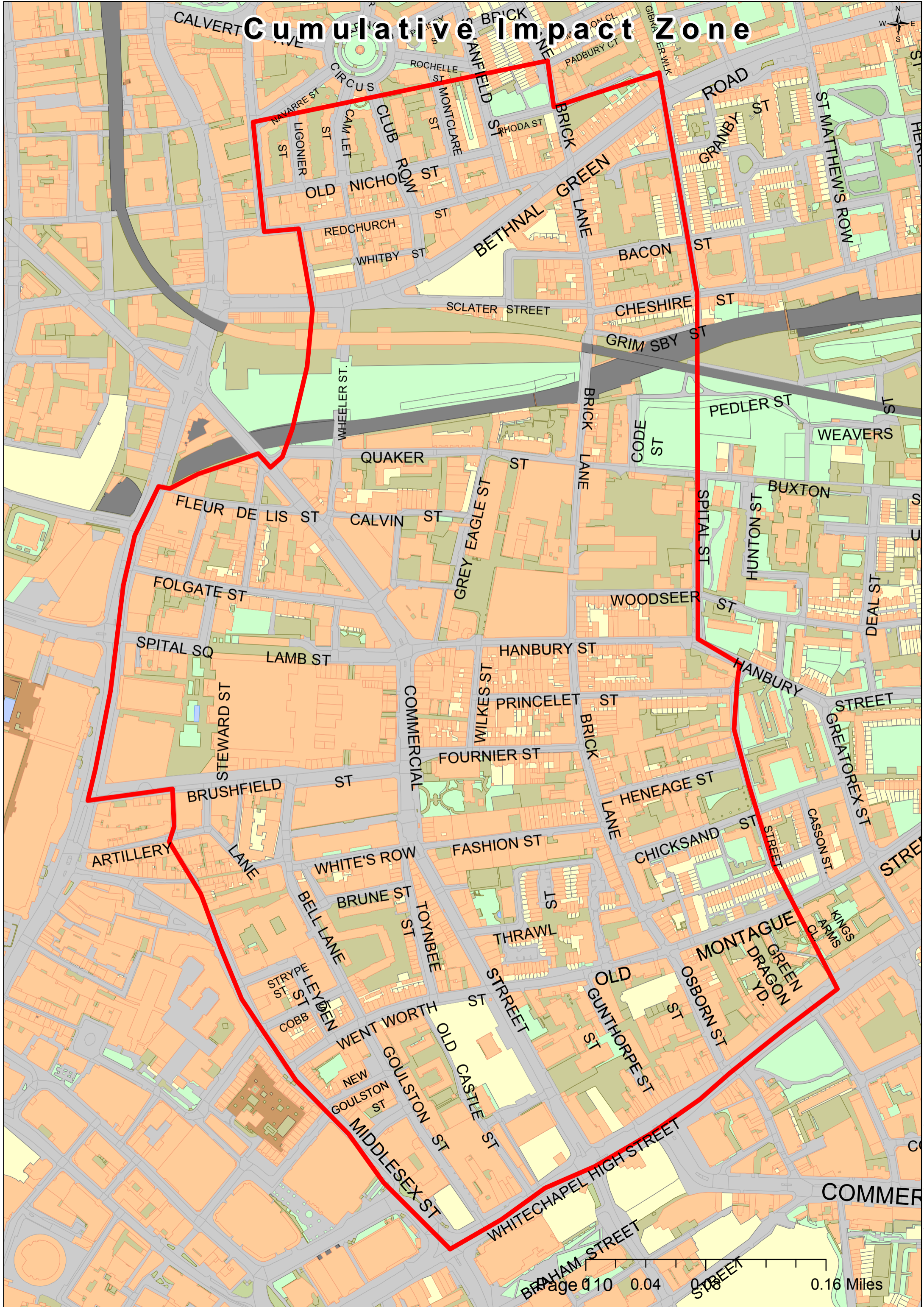
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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



0 0.04 0.08 0.16 Miles

# APPENDIX 8

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Mr Andrew Heron  
The Licensing Section  
London Borough of Tower Hamlets  
Mulberry Place  
5 Clove Crescent  
London, E14 2BG

**And by email: [Andrew.Heron@towerhamlets.gov.uk](mailto:Andrew.Heron@towerhamlets.gov.uk)**

Our ref: MXA/SBW//SEC0011-0002

12 September 2014

Dear Sirs

**Re: Second Home Limited  
Premises License Application for Ground Floor, 68 Hanbury Street, E1**

We act for Second Home Limited and write regarding the premises license application (“Application”) submitted in relation to the above premises.

We understand that representations have been made by the Metropolitan Police and SPIRE, via its Chair, Mr Jon Shapiro (although we note that the representations made by SPIRE have since been withdrawn following a meeting with the applicant – see below). In this letter we respond to these representations on instruction from our client in advance of the hearing scheduled for 23<sup>rd</sup> September. By this letter we aim to allay the concerns expressed by the residents and address the objection lodged by the Police. We request that the Licensing Sub-Committee take on board the contents of this letter and its deliberations.

The premises consists of 23,200 square feet of office space, which has been renovated by the applicant to be used as a private members club for entrepreneurs consisting of high quality workspace designed for small/medium sized businesses, meeting rooms, event space for education and networking, and a cafe, which can be leveraged for business meetings.

The application for a premises license is made in order to provide refreshment to those business persons working in the building. It is not a night club, pub, wine bar or even a restaurant for the general public. Its use will be in line with that of an office refreshment facility for business. To supplement this core activity the application includes other licensed

activity to enable those businesses to hold events to entertain and attract investment and business.

It is expected that Second Home will also enhance the Hanbury Street area of Spitalfields bringing business, commerce and professionalism under one roof. In addition, Second Home will partner with Hackney Community College to develop an apprenticeship program to drive employment in the local area.

### **Letter from Mr Alan Cruickshank of Metropolitan Police**

It is acknowledged that the property falls within Tower Hamlet's CIZ, however by working with the Police and the local community it is believed that the grant of a premises license for the property will not have any negative impact on the licensing objectives. The applicant notes and agrees to abide by the suggested conditions.

Mr Cruickshank states in his letter of objection dated 21<sup>st</sup> August 2014 that should the license be granted, he asks for a number of conditions to be imposed.

The first is regarding CCTV on the premises. Mr Cruickshank sets out a number of criteria for the specification of the CCTV system. Our client has instructed us that a CCTV system of this specification has been installed on the premises and has confirmed that there will always be an individual on the premises during its opening hours who can download the images and present them on request by a police officer or other responsible authority.

The second condition restricts drinks being taken outside of the premises. Our client has instructed us that a sign has been made informing all occupants and guests that no drinks are to be taken off the premises. The sign will be affixed at the appropriate doorway and will be visible to all those leaving the premises. Furthermore, a steward will be present at the entrance/exit to the building during events held at the premises and will ensure that no drinks are taken off the premises.

The third condition requires the use of an incident book at the premises. Our client instructs us that an incident book has been purchased and will be used accordingly.

The fourth condition states that SIA security staff must be employed "when we anticipate greater use of the premises". Our client agrees to employ a 'steward' who will assist with the egress of people from the building and ensure compliance with any conditions. With an anticipated maximum of persons permitted to use the premises of 150 (see below) there should be no need for external security staff at the premises.

The fifth condition states that should the premises hold a promoted event with DJs then Form 696 is to be submitted within the relevant time period. Our client does not anticipate that promoted events with DJs will be held, indeed it has no intention of holding such an event

which would be inconsistent with what our client is seeking to achieve with this business venture. But should this exceptionally be the case, Form 696 will be completed and submitted to the relevant police department within the time period specified, and external SIA qualified security staff employed.

**Conditions agreed between our client and SPIRE**

On 28<sup>th</sup> August 2014, Sam Aldenton of our client met with the Chair of SPIRE, Jon Shapiro. Matters concerning the operation of the licence were agreed in this meeting and they have been set out in an email of 2<sup>nd</sup> September to your Licensing department. The understanding is as follows:

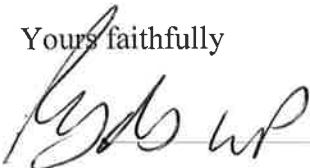
1. No noise emanating from events in the building will be audible at the facades of neighbouring residents.
2. No drinking (by occupants or visitors to the building) will be allowed outside the building.
3. There will be no more than a maximum of five people (occupants or visitors to the building) waiting outside the building whether smoking, awaiting transport or for any other purpose.
4. There will be no more than 150 persons within the licensed area (occupants or visitors to the building) in total attending any event (or events) held within the building.
5. The building management will designate a “preferred taxi supplier” to be used to collect occupants and visitors needing a taxi service on leaving the building. This preferred taxi supplier will be contracted to provide a service that avoids all unnecessary noise (eg: no hooting, no running engines whilst waiting, no slamming doors, et al).
6. For any event (or events) held within the building attended by more than 60 occupants and visitors, the building management will employ a “steward” specifically to manage the egress of people from the building, and to ensure there is no undue noise caused outside the building.
7. The applicant has defined on the plans submitted the only two areas of the building within which the licensed activities will be permitted; namely the “bar area” at Ground floor (North) of the building, and the middle “events area” at Ground floor (Central) of the building, see areas shaded pink on the enclosed floor plan.

We would like to add that in respect of understanding number 3 regarding smoking outside the premises, the premises has the added benefit of a terraced area within the demise of the

ground floor. This area can be utilised to remove the need for occupants to stand at the front of the premises to smoke.

We hope that the above satisfies any queries you may have. We look forward to hearing that the application has been granted and if there is anything that we can further assist the Licensing Committee with please not hesitate to contact Stephen Welfare on the above telephone number or by email at [sbw@royds.com](mailto:sbw@royds.com).

Yours faithfully



ROYDS LLP

# Agenda Item 3.3

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	23 September 2014	<b>Unclassified</b>	LSC 27/145	

Report of: <b>David Tolley</b> <b>Head of Consumer and Business Relations</b>  Originating Officer: <b>Andrew Heron</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a premises licence for Redchurch General Store, 64-66 Redchurch Street, London, E2 7DP</b>  Ward affected: <b>Weavers</b>
--	--

## 1.0 Summary

Applicant: **Soho House UK Limited.**  
Name and **Redchurch General Store**  
Address of Premises: **64-66 Redchurch Street**  
**London**  
**E2 7DP**

Licence sought: **Licensing Act 2003**  
**The sale of alcohol**  
**Provide Late Night Refreshment**  
**Provide Regulated Entertainment**

Objectors: **Local Residents**  
**The Metropolitan Police**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron  
020 7364 2665

### 3.0 **Background**

3.1 This is an application for a new premises licence for the Basement, Ground and First Floors, Redchurch General Store, 64-66 Redchurch Street, London, E2 7DP.

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

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

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

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

#### **Sale of Alcohol (both on and off sales)**

- Monday to Saturday from 09:00hrs to 00:00hrs (midnight)
- Sunday from 10:00hrs to 00:00hrs (midnight)

#### **The Provision of Late Night Refreshment (indoors – hot food will be available on the ground floor between 23:00hrs and midnight):**

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

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

- Monday to Saturday from 09:00hrs to 23:00hrs (midnight)
- Sunday from 10:00hrs to 23:00hrs (midnight)

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

- Monday to Saturday from 09:00hrs to 00:00hrs (midnight)
- Sunday from 10:00hrs to 00:00hrs (midnight)

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

- Monday to Saturday from 09:00hrs to 00:00hrs (midnight)
- Sunday from 10:00hrs to 00:00hrs (midnight)

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

3.6 The applicant has agreed conditions with the Metropolitan Police. Namely:

1. The premises shall install and maintain a CCTV system which shall incorporate a recording facility. 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;
2. 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. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested

A copy of the email in which the applicant agrees to the additional conditions is shown in **Appendix 2**

- 3.7 There are currently two premises licences in place at 64-66 Redchurch Street. These licences are still active and have not yet been surrendered. For member's information, copies of the licences are attached. The existing licence for Cheeky Nails on the first floor is enclosed as **Appendix 3**.

The current hours are as follows:

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

- Monday to Sunday from 11.00hrs to 23.00hrs

**Hours premises are open to the public**

- Monday to Sunday from 09.00hrs to 23.00hrs

- 3.8 The existing licence for Aubin and Wills Cinema in the basement is enclosed as **Appendix 4**.

The current hours are as follows:

**The sale of alcohol (on sales only)**

- Monday to Sunday, from 12:00hrs to 23:30hrs

**The provision of regulated entertainment in the form of films (indoors)**

- Monday to Sunday, from 12:00hrs to 23:00hrs

**Hours premises are open to the public**

- Monday to Sunday, from 09:00hrs to 23:00hrs

3.9 Maps showing the relevant premises is included as **Appendix 5**.

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

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

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

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

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

#### 5.0 **Representations**

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

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

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

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

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

5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.



- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Local Residents
  - The Metropolitan Police
- See Appendices 7-16**
- 5.9 Please note that the application also received two invalid representations in that the objector did not provide enough relevant information in regards to the four licensing objectives. Each invalid representation was responded to in order to offer the objector an opportunity to correct their representation, but no response was received.
- 5.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Primary Care Trust
- 5.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 5.12 The objections cover allegations of
- Anti-social behaviour on the premises
  - Anti social behaviour from patrons leaving the premises
  - Acting as a magnet attracting the young who then engage in anti-social behaviour
  - Noise while the premise is in use
  - Disturbance from patrons leaving the premises on foot
  - Close proximity to residential properties
  - The LBTH Cumulative Impact Zone
- 5.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

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

## 6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).

- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
  - ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
  - ❖ Routine conditions about drink promotions are not permitted but can be imposed in appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 17-23** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.
- 7.0 **Exemptions**
- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.

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

## 8.0 Legal Comments

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

## 9.0 Finance Comments

- 9.1 There are no financial implications in this report.

## 10.0 Appendices

- |                   |  |
|-------------------|--|
| <b>Appendix 1</b> | A copy of the application  |
| <b>Appendix 2</b> | A copy of an email dated 21 <sup>st</sup> August 2014 in which the applicant’s agent agrees to additional conditions |
| <b>Appendix 3</b> | A copy the existing licence for Cheeky Nails   |
| <b>Appendix 4</b> | A copy the existing licence Aubin and Wills Cinema   |
| <b>Appendix 5</b> | Maps of the area   |
| <b>Appendix 6</b> | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations                                    |
| <b>Appendix 7</b> | Representations of local resident Katherine Carew (x2)   |

<b>Appendix 8</b>	Representations of local resident Robin Fellgett (on behalf of JAGO Residents Association)
<b>Appendix 9</b>	Representations of local resident Hannah Thompson
<b>Appendix 10</b>	Representations of local resident Jonathan Thompson
<b>Appendix 11</b>	Representations of local resident Jennifer James
<b>Appendix 12</b>	Representations of local resident Matt Johnson
<b>Appendix 13</b>	Representations of local resident Brendon Pinch
<b>Appendix 14</b>	Representations of local resident Gabriele Popp
<b>Appendix 15</b>	Representations of local resident Sue Webster
<b>Appendix 16</b>	Representations of the Metropolitan Police – PC Alan Cruickshank
<b>Appendix 17</b>	Licensing Officer comments on: Anti-Social Behaviour on the Premises
<b>Appendix 18</b>	Licensing Officer comments on: Anti-Social Behaviour from Patrons Leaving the Premises
<b>Appendix 19</b>	Licensing Officer comments on: Acting as a Magnet Attracting the Young who then engage in Anti-Social Behaviour
<b>Appendix 20</b>	Licensing Officer comments on: Noise while the Premise is in Use
<b>Appendix 21</b>	Licensing Officer comments on: Access and Egress Problems
<b>Appendix 22</b>	Licensing Officer comments on: Licensing Policy Relating to Hours of Trading
<b>Appendix 23</b>	Licensing Officer comments on: The LBTH Cumulative Impact Zone
<b>Appendix 24</b>	Supporting documents submitted on behalf of the Applicant

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# Appendix 1

# Application for a premises licence to be granted

**LBTH**  
**TRADING STANDARDS**  
 29 JUL 2014  
**LICENSING**

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 Soho House 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			
Redchurch General Store, Basement, Ground Floor and First Floor, 64-66 Redchurch Street			
Post town	London	Postcode	E2 7DP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£59,750

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

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



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

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

Please tick yes

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

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

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

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

**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 Soho House UK Limited
Address 72-74 DEAN STREET LONDON W1D 3SG  c/ LT Law, 18 Soho Square London W1D 3QL
Registered number (where applicable) 02864389
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number [REDACTED]
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
29	08	2014

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Basement- cinema (already licensed)  
 Ground floor- cinema reception/café/ Neville (male grooming and manicures and pedicures)  
 First Floor- Cheeky (hair, makeup, manicures and pedicures) (already licensed)

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)

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	09.00	23.00	<b><u>Please give further details here</u></b> (please read guidance note 3)  The provision of cinema style films will take place in the basement cinema area  See proposed conditions		
Tue	09.00	23.00			
Wed	09.00	23.00	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur	09.00	23.00			
Fri	09.00	23.00	<b><u>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</u></b> (please read guidance note 5)		
Sat	09.00	23.00			
Sun	11.00	23.00			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon			See proposed conditions		
	09.00	24.00			
Tue					
	09.00	24.00			
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
	09.00	24.00			
Thur					
	09.00	24.00			
Fri			<b>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</b> (please read guidance note 5)		
	09.00	24.00			
Sat					
	09.00	24.00			
Sun					
	10.00	24.00			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)  Hot food and drinks will be available on the ground floor between 11pm and midnight		
	23.00	24.00			
Tue					
	23.00	24.00			
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
	23.00	24.00			
Thur					
	23.00	24.00			
Fri			<b><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></b> (please read guidance note 5)		
	23.00	24.00			
Sat					
	23.00	24.00			
Sun					
	23.00	24.00			



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> <b>please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  See proposed conditions  Off sales is restricted to the tables and chairs outside the premises					
Mon	09.00	24.00						
Tue	09.00	24.00						
Wed	09.00	24.00						
Thur	09.00	24.00						
Fri	09.00	24.00						
Sat	09.00	24.00						
Sun	10.00	24.00						
						<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

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

Name Dylan Murray	
Address 99 Howlands Welwyn Garden City Hertfordshire AL7 4RA  c/- LT Law18 Soho Square London	
Postcode	WID 3QL
Personal licence number (if known) PA28720/280905	
Issuing licensing authority (if known) Welwyn Hatfield Council	

K

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

none

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)  The basement, first floor and the nail bar on the ground floor will close at 11pm.  See proposed conditions
Day	Start	Finish	<b>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</b> (please read guidance note 5)
Mon	09.00	24.00	
Tue	09.00	24.00	
Wed	09.00	24.00	
Thur	09.00	24.00	
Fri	09.00	24.00	
Sat	09.00	24.00	
Sun	10.00	24.00	



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

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

1. *Licensable activities shall be permitted during the following hours:*

*Basement Cinema- Mondays to Saturdays, between 09.00 and 23.00 and Sundays or bank holidays between 11.00 and 23.00*

*Ground floor café- Mondays to Saturdays, between 09.00 and 24.00 and Sundays or bank holidays between 10.00 and 24.00*

*Ground floor Grooming Room- Mondays to Saturdays, between 09.00 and 23.00 and Sundays or bank holidays between 10.00 and 23.00*

*First floor - Mondays to Saturdays, between 09.00 and 23.00 and Sundays or bank holidays between 10.00 and 23.00*

2. *The retail sale of alcohol shall be ancillary to*

*(a) the provision of nail treatments, hair treatments and male/female grooming treatments; and/or*

*(b) the purchase of food and/or*

*(c) the purchase of retail products and/or*

*(d) the purchase of a cinema ticket on the same day as the screening in the basement*

*For the avoidance of any doubt, the retail sale of alcohol is not to be the primary use of the premises.*

3. *There shall be no off sales of alcohol permitted with the exception of patrons seated outside the premises at tables.*

4. *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to nuisance to local residents and businesses*

5. *There shall be a designated member of staff who is able to advise other staff on child protection matters*

6. *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.*

7. *There shall be no advertising of alcohol outside the premises*

8. *Notices will be prominently displayed at the ground floor exits requesting the public to respect the needs of local residents and to leave the premises and area quietly*

9. *The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.*

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

See above

**c) Public safety**

See above

**d) The prevention of public nuisance**

See above

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

See above

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.



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

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

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

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

Signature	[REDACTED]
Date	29 July 2014
Capacity	Solicitor for applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Lana Tricker LT Law 18 Soho Square			
Post town	London	Postcode	W1D 3QL
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

**Notes for Guidance**

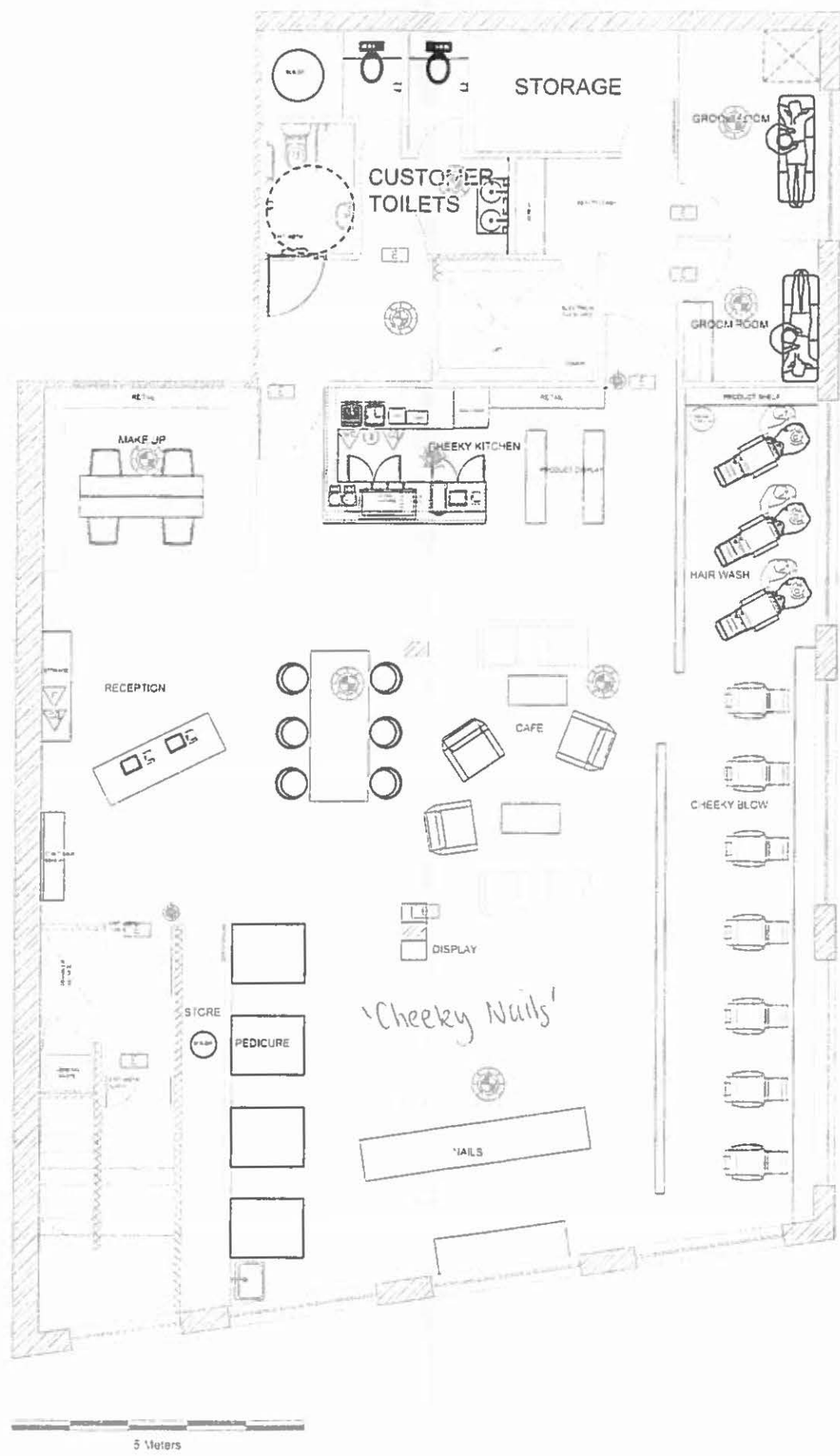
LEGEND	
	DISTRIBUTION BOARD
	PANIC ALARM PANEL
	SMOKE DETECTOR C/W SOUNDER AND STROBE
	SMOKE DETECTOR C/W SOUNDER
	SMOKE DETECTOR
	HEAT DETECTOR C/W SOUNDER
	CALL POINT
	INTERFACE UNIT
	DOOR MARKERS TO INDICATE POINT OF ACTIVATION OF FIRE ALARM VIA INTERFACE
	PANIC ALARM PULL CORD
	PANIC ALARM CALL/RESET BUTTON
	PANIC ALARM OVERDOOR LIGHT
	REFUGE TELEPHONE
	EMERGENCY LIGHT
	EMERGENCY EXIT LIGHT

FIRE EXTINGUISHERS/ BLANKETS

- FIRE EXTINGUISHER - WATER
- FIRE EXTINGUISHER - FOAM
- FIRE EXTINGUISHER - CO2
- FIRE EXTINGUISHER - POWDER
- FIRE EXTINGUISHER - WET CHEM
- FIRE EXTINGUISHER - FIRE BLANKET

NOTES:  
 1) ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY, AND DOES NOT FORM PART OF THE LICENSE.  
 2) THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS AT PRESENT. THIS MAY BE VARIED FROM TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT.  
 3) ALL SERVICE PENETRATIONS & RISERS WILL BE FIRE SEALED AT EACH FLOOR/ CEILING.

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AREA 279 M2

**LBTH**  
 TRADING STANDARDS  
 29 JUL 2014  
**LICENSING**

Loose furniture is  
 indicative only  
 Licensable activities  
 occur within the  
 premises line

SOHO HOUSE GROUP		
CHEEKY NAILS 64-66 REDCHURCH STREET SHOREDITCH E2 7DP		
PROPOSED LICENSING PLAN		
Original Scale	Drawn By	Date
1:1000	JL	24.09.13
Checked By		
AL		
Drawing Number	Rev	
312_SHG_GA_LIC	C	



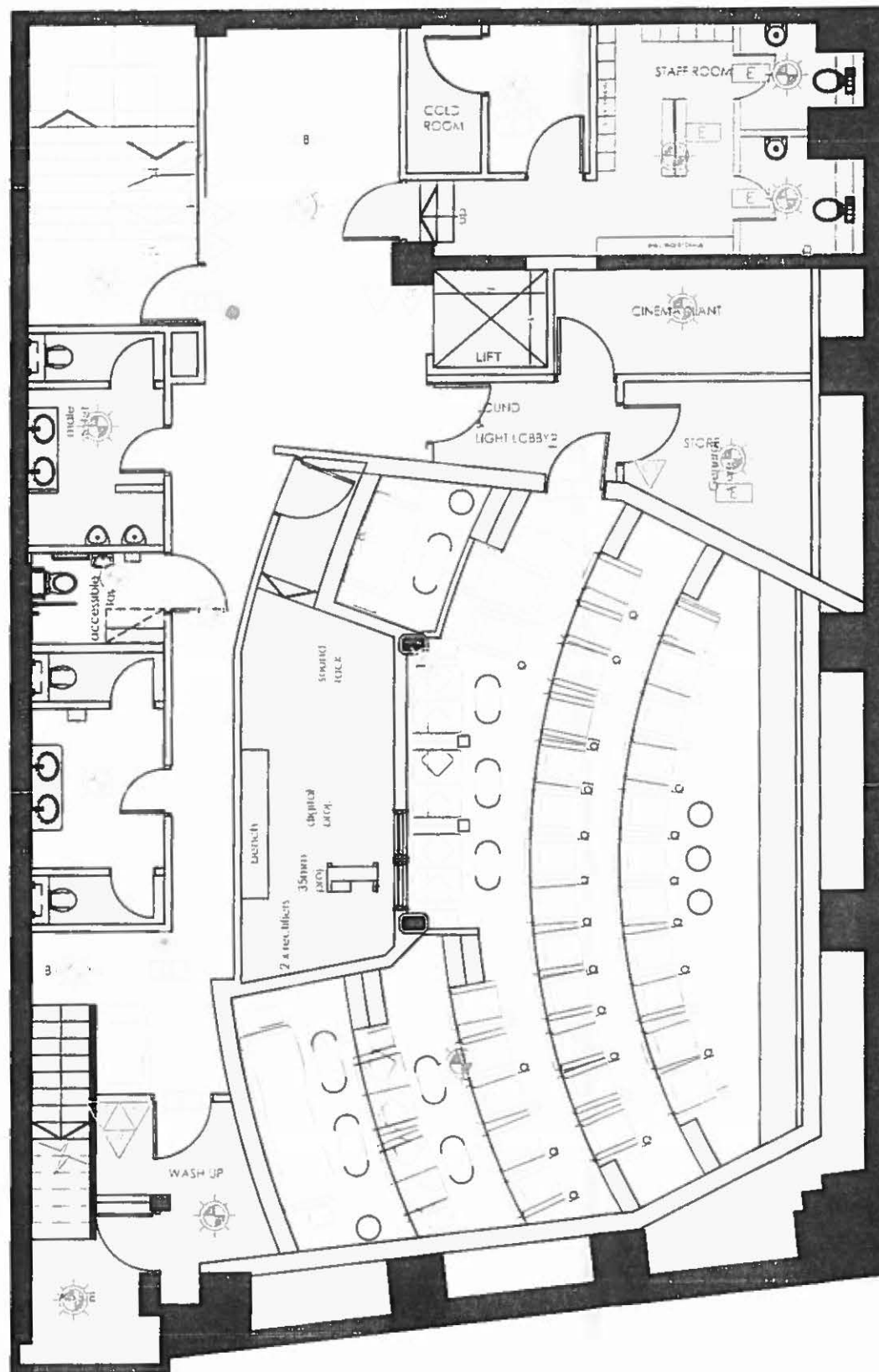
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▼	100.5L

FIRE EXTINGUISHERS/ BLANKETS

- ▼ 1.5L
- ▼ 2.5L
- ▼ 3.5L
- ▼ 4.5L
- ▼ 5.5L
- ▼ 6.5L
- FIRE EXTINGUISHER / FIRE BLANKET

NOTES:

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- 3) ALL SERVICE PENETRATIONS & RISERS WILL BE FIRE SEALED AT EACH FLOOR/ CEILING



AR A 141

**LBTH**  
**TRADING STANDARDS**  
 29 JUL 2014  
**LICENSING**

DO NOT use drawing for construction  
 Used for Design Intent purposes only  
 DO NOT SCALE FROM THE DRAWING

PLANNING



*Use fire extinguishers to indicate any fire extinguishers in the plan*

66 TR EAST  
 64 6 R DCHUR  
 SHORE ITCH E2

PROPOSED BASEMENT  
 LICENSING PLAN

By	Date	Checked		
3				A

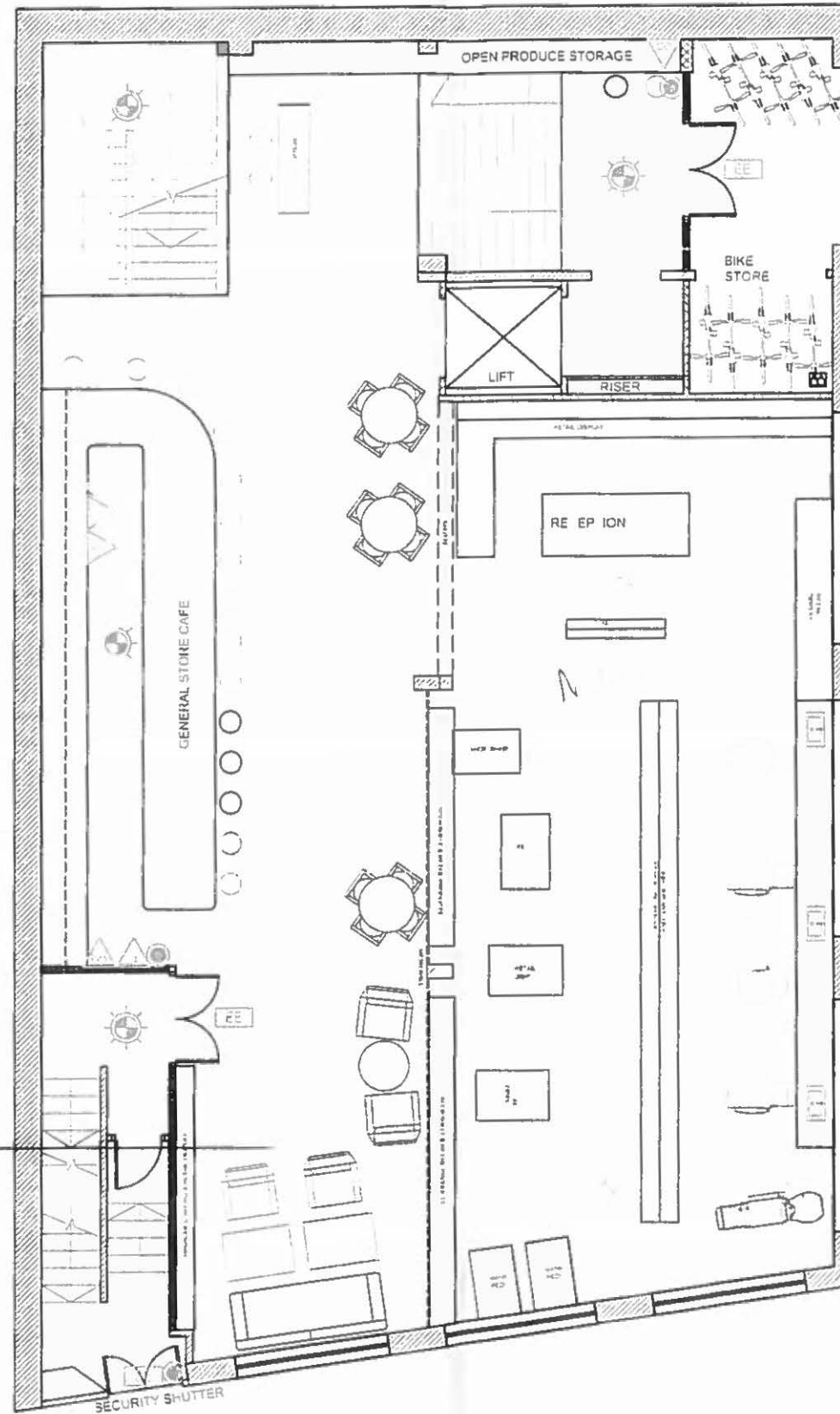
LEGEND	
	DISTRIBUTION BOARD
	PANIC ALARM PANEL
	SMOKE DETECTOR (CW SOUNDER AND STROBE)
	SMOKE DETECTOR (CW SOUNDER)
	SMOKE DETECTOR
	HEAT DETECTOR (CW SOUNDER)
	CALL POINT
	INTERFACE UNIT
	DOOR MAGNETS TO CLOSE UPON ACTIVATION OF FIRE ALARM VIA INTERFACE
	PANIC ALARM CALL RESET BUTTON
	PANIC ALARM OVERDOOR LIGHT
	REFUGE TELEPHONE
	EMERGENCY LIGHT
	EMERGENCY EXIT LIGHT

**FIRE EXTINGUISHERS/ BLANKETS**

	FIRE EXTINGUISHER - WATER
	FIRE EXTINGUISHER - FOAM
	FIRE EXTINGUISHER - CO2
	FIRE EXTINGUISHER - POWDER
	FIRE EXTINGUISHER - WET CHEM
	FIRE EXTINGUISHER - FIRE BLANKET

**NOTES:**

- 1) ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY, AND DOES NOT FORM PART OF THE LICENSE.
- 2) THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS AT PRESENT. THIS MAY BE VARIED FROM TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT.
- 3) ALL SERVICE PENETRATIONS & RISERS WILL BE FIRE SEALED AT EACH FLOOR/ CEILING



AREA 265 M2

*Lower furniture is indicative only  
Licensable activities occur within the premises line*

**LBTH  
TRADING STANDARDS  
29 JUL 2014  
LICENSING**

DO NOT use drawing for construction  
Used for Design Intent purposes only  
DO NOT SCALE FROM THIS DRAWING

PLANNING



SOHO HOUSE GROUP



64-66 REDCHURCH STREET  
SHOREDITCH, E2 7DP

PROPOSED GROUND FLOOR  
LICENSING PLAN

Drawn By	Date	Checked By	Date
LD	29/07/14	LD	

Drawing Number: 312\_SHG\_00\_GA

Rev: B

# Appendix 2

## Andrew Heron

---

**From:** Lana Tricker [REDACTED]  
**Sent:** 21 August 2014 15:19  
**To:** Andrew Heron  
**Cc:** Alan.D.Cruickshank [REDACTED]  
**Subject:** Redchurch General Store, 64-66 Redchurch St, E2

Dear Andrew

I have spoken with the Police and have instructions to amend the application to include the provision of CCTV. CCTV is already in the existing Cheeky Nails site, but to be consistent pls can you add the following conditions to my clients operating schedule:

1. The premises shall install and maintain a CCTV system which shall incorporate a recording facility. 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.
2. 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. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested

Many thanks

Kind regards  
Lana

Lana Tricker  
Principal, LT Law

[REDACTED]  
[REDACTED]

This e-mail is confidential and may also be privileged. If you are not the intended recipient please notify LT Law by return e-mail or at the numbers above and delete it, and any copies of it; you must not read, print, copy or use the communication for any purpose, and you must not disclose its contents to any other person. LT Law has taken steps to ensure that this message (and any attachments or hyperlinks contained within it) is free from computer viruses and the like. However, we cannot guarantee that no viruses are present, and we accept no liability for any damage caused by you opening this communication, or any attachments or Hyperlinks contained in it. Lana Tricker is the sole proprietor of LT Law. SRA No: 488281 Authorised and regulated by the Solicitors Regulation Authority.



# Appendix 3

**(Cheeky Nails)**

1<sup>st</sup> Floor  
64-66 Redchurch Street  
London  
E2 7DP

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

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

**Signed by**

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

**Date: 17<sup>th</sup> July, 2013**

- Amended by Minor Variation (plans) 21<sup>st</sup> January 2014
- Amended by Minor Variation (plans) 19<sup>th</sup> February 2014



## Part A - Format of premises licence

Premises licence number

17952

**Part 1 - Premises details****Postal address of premises, or if none, ordnance survey map reference or description****(Cheeky Nails)**1<sup>st</sup> Floor

64-66 Redchurch Street

**Post town**

London

**Post code**

E2 7DP

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

Monday to Sunday, 11.00am to 23.00pm

**The opening hours of the premises**

Monday to Sunday, 09.00am to 23.00pm

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

On sales only

## **Part 2**

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

Cowshed Products London  
72-74 Dean Street  
London  
W1D 3SG

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

03869426

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

Amie Maree Jones

[REDACTED]

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

Personal Licence Number: [REDACTED]

Issuing Authority: [REDACTED]

## Annex 1 - Mandatory conditions

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

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

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

1.

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

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

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

None

## **Annex 3 - Conditions attached after a hearing by the licensing authority on 16<sup>th</sup> July 2013**

1. The retail sale of alcohol shall be ancillary to either the provision of nail treatments or the purchase of food. For the avoidance of doubt, the retail sale of alcohol is not permitted to be the primary use of the premises.
2. There shall be no off-sales permitted.
3. There shall be a designated member of staff who is able to advise other staff on child protection matters.
4. 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.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to nuisance to local residents and businesses.
6. There shall be no advertising of alcohol outside the premises.
7. Notices will be prominently displayed at the ground floor exits requesting the public to respect the needs of local residents and to leave the premises quietly.
8. The retail sale of alcohol shall be limited to 2 varieties each of (a) red wine (b) white wine (c) beer (d) pre-mixed cocktails.
9. The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.
10. CCTV cameras covering the front of the premises is to be installed.

## **Annex 4 - Plans**

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

29<sup>th</sup> January 2014 - First Floor (Drawing No. 312\_SHG\_GA\_LIC



**Part B - Premises licence summary**

**Premises licence number**

17952

**Premises details**

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

**(Cheeky Nails)**

1<sup>st</sup> Floor

64-66 Redchurch Street

**Post town**

London

**Post code**

E2 7DP

**Telephone number**

None

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The on-sale by retail of alcohol



The times the licence authorises the carrying out of licensable activities

**The sale by retail of alcohol (on sales only)**

- Monday to Sunday, 11.00am to 23.00pm.

The opening hours of the premises

- Monday to Sunday, 09.00am to 23.00pm.

Name, (registered) address of holder of premises licence

Cowshed Products Limited  
72-74 Dean Street  
London  
W1D 3SG

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

On sales only

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

03869426

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

Amie Maree Jones

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

No restrictions

# Appendix 4

**(Aubin & Wills)**  
Basement Floor  
64 – 66 Redchurch Street  
London  
E2 7DP

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment (Films)

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

**Signed by**

**Jacqueline Randall** \_\_\_\_\_  
**Licensing Services Manager**

**Date: 03 June 2010**

- Licence amended by a variation application granted on 14<sup>th</sup> July 2010.
- Licence amended by a variation application granted on 10<sup>th</sup> January 2011.



**Part A - Format of premises licence**

Premises licence number

**14640**

**Part 1 - Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>  (Aubin & Wills) Basement Floor 64 – 66 Redchurch Street	
<b>Post town</b> London	<b>Post code</b> E2 7DP
<b>Telephone number</b> None	

<b>Where the licence is time limited the dates</b>  N/A
---

<b>Licensable activities authorised by the licence</b>  The sale by retail of alcohol The provision of regulated entertainment (Films)
---

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

**The sale of alcohol**

- Monday to Sunday, from 12:00 hours to 23:30 hrs

**The provision of regulated entertainment - Indoors**

Films

- Monday to Sunday, from 12:00 hours to 23:00 hrs

**The opening hours of the premises**

- Monday to Sunday, from 09:00 hours to 23:00 hrs

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

On sales

## Part 2

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

Jack Wills Limited  
Unit 2,  
Bestway Business Centre  
95 Victoria Road  
London  
NW10 6UR

[REDACTED]

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

3504842

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

Samantha Claire Patterson

[REDACTED]

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

Personal licence number: [REDACTED]  
Issuing authority: [REDACTED]

## **Annex 1 - Mandatory conditions**

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

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

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

### Cinema

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 Otherwise the recommendation of the film classification body.

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)

### **Effective from 6<sup>th</sup> April 2010**

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.

**Effective from 10<sup>th</sup> October 2010:**

- 4.
- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.



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

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

1. No nudity or semi nudity permitted.
2. Sale of alcohol and Films shall be in the basement floor only.
3. The bar shall not be open to the general members of the public. Alcohol shall be sold only to those patrons who have tickets to that day's film showing.
4. The premises shall not be used under the terms of this licence until the basement floor and cinema has been insulated so as to prevent the transmission of excessive airborne or impact sound from the licensed premises to neighbouring residential dwellings and details thereof have been submitted and approved in writing by the Council's Director of Environmental Health. The insulation works shall be installed only in accordance with the details so approved and shall be maintained. (Following visit, the basement cinema seems to be isolated away from the party wall which assists in reducing any structurally transmitted noise. The results of post completion tests carried out by acoustic engineers to be shown to the Environmental Health Department)
5. Rubbish including bottles or cans shall not be deposited outside the premises, refuse collections and deliveries shall not take place between 23:00 hours and 07:00 hours.
6. No alcohol or other drink shall be taken from the premises in an open container.
7. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

8. No noise or vibration associated with the operation of plant at the Premises shall give rise to a nuisance to the occupiers of neighbouring properties.
9. No music or amplified sound shall be generated within the premises so as to give rise to nuisance within neighbouring dwellings.
10. Complaint book and incident book held on the premises
11. No drinking vessels or consumption of alcohol shall be permitted outside the premises.
12. 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 immediately on request by a police officer or other regulatory authority,
13. The occupancy capacity of the premises and control of patrons moving between floors shall be identified by way of a risk assessment in conjunction with the local Fire Authority.
14. A "Challenge 21" Policy (or similar age verification policy) shall be implemented and maintained at the premises, and all members of staff trained in its use.
15. When children are admitted to the Cinema in the basement of the premises for the showing of films, the following conditions shall apply:
  - a. If not already classified by the BBFC or Licensing Authority, the operator must submit any film to the Authority that it intends to exhibit at least 28 days before it proposes to show it. This is to allow the Authority time to classify it so that the premises licence holder is able to adhere to any age restriction which may be imposed
  - b. When films are classified, whether by BBFC or the Licensing Authority, they shall be classified in the following way:
    - i. U: Universal. Suitable for audiences aged four years and over

- ii. PG. Parental Guidance. Some scenes may be unsuitable for young children.
  - iii. 12A: Passed for viewing by persons aged 12 or older or persons 12 who are accompanied by an adult.
  - iv. 15. Passed for viewing by persons aged 15 years and over
  - v. 18. Passed for viewing by persons aged 18 years and over
16. Immediately before each exhibition at the premises of a film passed by the BBFC there shall be exhibited on the screen, for at least 5 seconds, and in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, with regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
17. Where a programme includes a film recommended by the Licensing Authority as falling into the 12A, 15, or 18 category, no person appearing to be under the age of 12 and unaccompanied, or under 15 or under 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms; "Persons under the... cannot be admitted to any part of the programme." Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age whilst on duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.
18. An adult member of staff shall be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof subject to there being a minimum of one member of staff per 50 children or part thereof
19. No standing to be permitted in any part of the auditorium during the performance.

### **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:

14<sup>th</sup> April 2010 – Basement floor only (dated 13.04.2010)

Upper ground floor and first floor are for information only



*Licensing Act 2003*

**Part B - Premises licence summary**

**Premises licence number**

14640

**Premises details**

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

**(Aubin & Wills)**  
Basement Floor  
64 – 66 Redchurch Street

**Post town**

London

**Post code**

E2 7DP

**Telephone number**

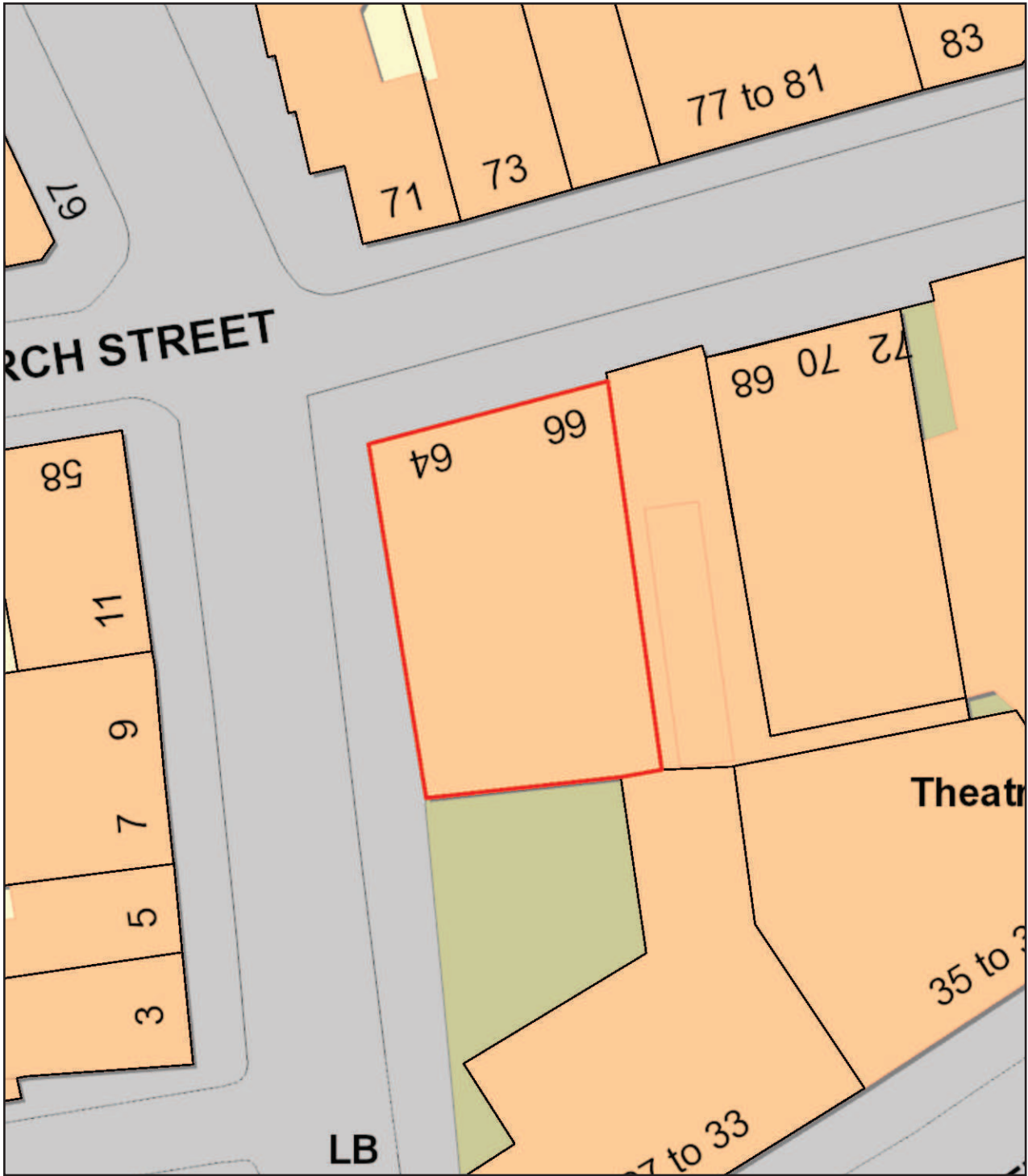
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence	The sale by retail of alcohol The provision of regulated entertainment (Films)
The times the licence authorises the carrying out of licensable activities	<b>The sale of alcohol</b> Monday to Sunday, from 12:00 hours to 23:30 hrs  <b>The provision of regulated entertainment - Indoors</b> <u>Films</u> Monday to Sunday, from 12:00 hours to 23:00 hrs
The opening hours of the premises	Monday to Sunday, from 09:00 hours to 23:00 hrs
Name, (registered) address of holder of premises licence	Jack Wills Limited Unit 2, Bestway Business Centre 95 Victoria Road London NW10 6UR
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On sales
Registered number of holder, for example company number, charity number (where applicable)	N/A
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Samantha Claire Patterson
State whether access to the premises by children is restricted or prohibited	No restrictions

# Appendix 5

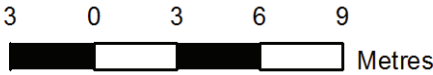


# 64-66 Redchurch Street

Map 1



Scale 1:334



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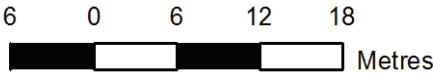


# 64-66 Redchurch Street

## Map 2

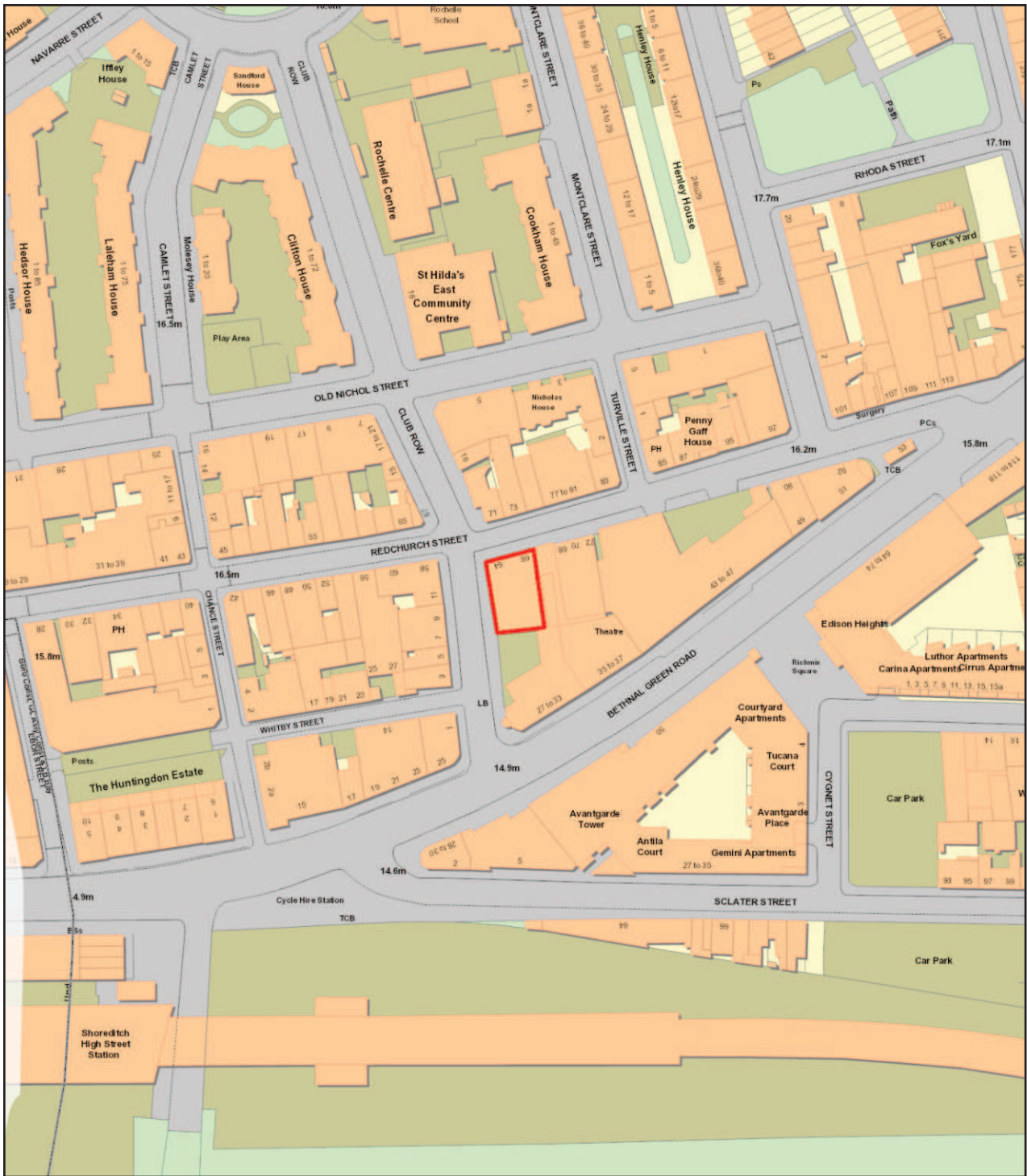


Scale 1:668



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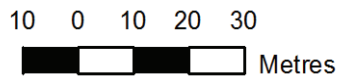


# 64-66 Redchurch Street

## Map 3



Scale 1:1669



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# Appendix 6

### Section 182 Advice by the Home Office

Updated October 2012

#### Relevant, vexatious and frivolous representations

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

any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

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

# Appendix 7

## Andrew Heron

---

**From:** Andrew Heron on behalf of Licensing  
**Sent:** 20 August 2014 14:22  
**To:** Andrew Heron  
**Subject:** FW: Objection - License Application Re: 64-66 Redchurch Street, E2

---

**From:** keggie carew [REDACTED]  
**Sent:** 20 August 2014 13:29  
**To:** Licensing  
**Subject:** Objection - License Application Re: 64-66 Redchurch Street, E2

### License Application Re: 64-66 Redchurch Street

Dear Licensing Tower Hamlets

I would like to object to the granting of a new liquor licence to 64-66 Redchurch street.

The ground floor and first floor of this property are very close to and directly opposite residential premises.

There is no sound proofing in this building which has large industrial single glaze windows onto Redchurch Street and Club Row. Recorded music would be audible from the adjacent properties and would cause disturbance to them, particularly with the closing time of 24.00 on every night! Please No! It is totally unacceptable for those of us who have children with bedrooms facing this property, and who need to be in bed by 9.00pm.

We understand these businesses do not care about local residents - they want to sell alcohol for consumption both on and off the premises, and state they will have patrons seated outside the premises. This will be an appalling nightmare for anyone living adjacent. The problems these establishments cause residents is well known - with drunk behaviour in the street, noise, and mess, breaking bottles, and far worse. This can only contribute to the crime and disorder, (backed up by police statistics) for Weavers Ward, that crime is related to alcohol consumption.

The over saturation of drinking places in the area will increase these problems and does not make us feel safe, or our children safe. This additional premises will contribute to the problem.


We are particularly concerned about the noise nuisance, patrons drinking and smoking outside the premises, and leaving the property in an inebriated or excitable state. The recorded music will add to this noise nuisance.

Our children will be harmed by the close proximity of this premises. There have been stabbings near Brick Lane and we think the granting of any further licenses would be irresponsible. We want our children to be protected and not subjected to any more threats.

We understand the property is within the borders of the Brick Lane Cumulative Impact Zone which states that **no additional liquor licences should be granted within that area.**

We hope you will respect these very serious concerns and not grant this liquor license, to a building which is not designed to contain its noisy activities .

Yours sincerely

Katherine Carew, 

## Andrew Heron

---

**From:** keggie carew [REDACTED]  
**Sent:** 21 August 2014 09:11  
**To:** Andrew Heron  
**Subject:** Re: Objection - License Application Re: 64-66 Redchurch Street, E2

Thank you for your email. I would like to reiterate that an indoor/outdoor drinking premises operating until midnight every day of the week, right next to where children reside is an appalling prospect, and we do hope the owners of Shoreditch House might think of their own children in reversed circumstances. Our area has become increasingly unlivable in the last few years and we are being pushed out of our home. Who is liable for this? We expect our council to afford some protection to the residential amenity for those of us who live here and pay our taxes. It is impossible to police once the license has been granted.

Katherine carew

Sent from my iPad

On 20 Aug 2014, at 15:01, Andrew Heron [REDACTED] wrote:

Dear Ms Carew,

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

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

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

Regards,

Andrew Heron  
Licensing Officer

Licensing Section  
London Borough of Tower Hamlets  
Mulberry Place (TC)  
6<sup>th</sup> Floor Mulberry Place  
5 Clove Crescent  
London, E14 2BG  
Tel: 020 7364 2665  
Fax: 020 7364 6935  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)



# Appendix 8

**Robin Fellgett CB**

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

Licensing Section  
London Borough of Tower Hamlets  
Mulberry Place  
5 Grove Crescent  
London  
E14 1BY

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

1 September 2014

Dear Sir's,

Licensing Act 2003: Redchurch General Store, 64-66 Redchurch St, E2

I write on behalf of the Jago Action Group (JAG) to oppose this licence application, on grounds of cumulative public nuisance, crime and disorder as well as the protection of children. A license would be contrary the Council's Statement of Licensing Policy, especially section 8, the Brick Lane Cumulative Impact Zone (CIZ). JAG is the recognised residents' and tenants' association for the immediate area.

Cumulative impact

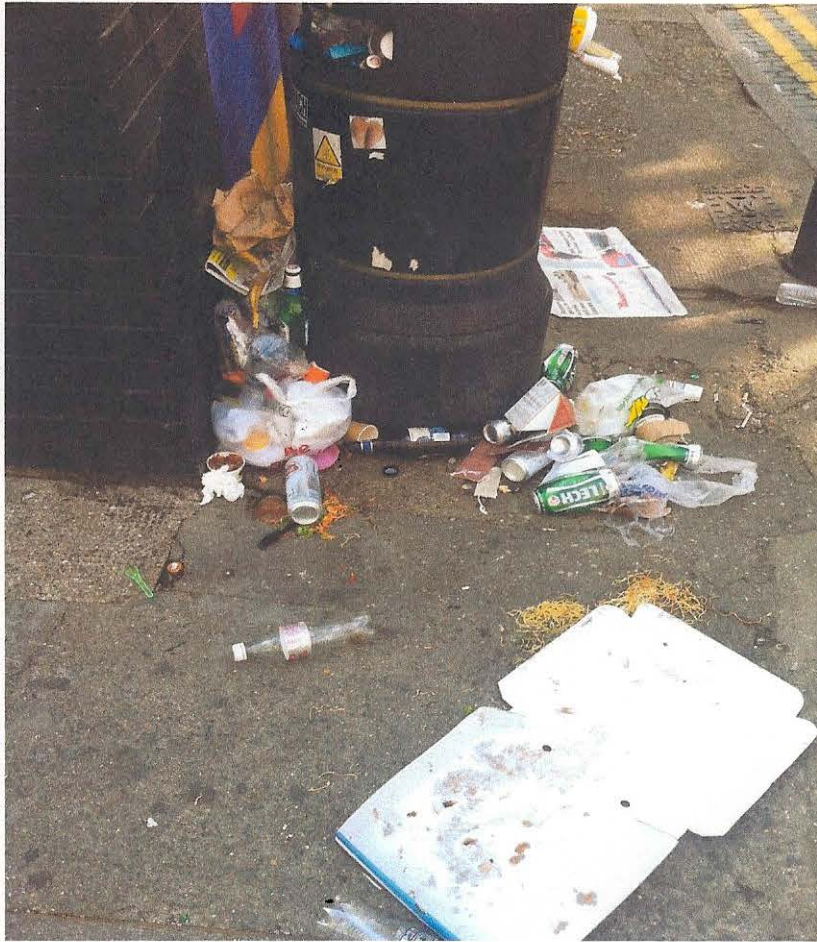
Within about 100 metres of the application premises, there are already about a dozen establishments serving and selling alcohol. The surrounding area is also replete with bars and other licensed premises.

The result is that Redchurch St is at times blocked by large groups of drinkers and we suffer from:

- Excessive noise, both from the drinkers and from those establishments that play loud music;
- Public nuisance and petty crime including public urinating, vomiting, and littering;
- Aggressive behaviour;
- Drug taking and dealing, including recently a great deal of use of nitrous oxide (laughing gas) as well as of harder drugs.

Here for example are two photos taken on Redchurch St on a normal morning. (After a Thursday or Friday night its worse):







Those neighbours who have children are naturally especially concerned about the effect on them. It is a shame that several local families have simply given up and moved out of the neighbourhood as a result of the problems created by the excesses of the night-time economy.

Granting another licence would inevitably add to these problems.

#### Implications of the CIZ

JAG very much welcomed the decision of the Council to introduce, with effect from 1 November 2013, a CIZ covering Redchurch Street, including the application premises, to prevent the cumulative impact becoming even worse. In our view, the Council now needs to implement fully and effectively its own policy.

In accordance with section 8, para 8.4 of Tower Hamlets' Statement of Licensing Policy this application should be refused as contrary to the policy that 'Where the premises are situated in the cumulative impact zone and a representation is received, the license will be refused.'

#### Potential rebuttal

Under the same policy we understand it is open to the applicant to rebut the presumption of refusal if they can 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.'

The onus is on the applicant to demonstrate that, exceptionally, their application should be allowed despite the CIZ.

The applicant is part of the Soho House group, who also operate Shoreditch House on Ebor Street, just over the boundary with the LB of Hackney. Shoreditch House are better neighbours than most other licensed establishments in the area. There have been very few issues with them in the time they have been open and – unlike others – if there is ever an issue they answer the phone and deal with it. I accept that Shoreditch House therefore has a good track record.

However, Shoreditch House is not at street level, apart from the entrance, whereas the application for the Redchurch General Store is for a ground floor café as well as other operations. The application also clearly envisages customers sitting and drinking outside. This unavoidably gives rise to potential problems that do not exist at Shoreditch House since the cumulative impact problem is about the way people behave on the street.

This application also includes a better statement of how the applicants intend to promote the licensing objectives (section M) than others. In particular, we welcome the commitment to operate a dispersal policy.

Further steps that the applicant could nevertheless take to help rebut the presumption of refusal include the following:

- i. Operating the ground floor café only in the daytime, eg up to about 7pm, as most of the cumulative impact arises later in the evening. Redchurch Street and other local streets are increasingly streets with shops and daytime restaurants and cafés, as well as homes. This welcome increase in positive economic activity and employment would be supported if other establishments catered to the daytime, rather than night-time, economy;
- ii. Restricting any alcohol license to drinks served as an accompaniment to a substantial meal; ie a restaurant not a bar licence.

If the applicant took the steps listed above, JAG would be willing to consider if they were sufficient.

yours faithfully,  
Janith Jolly,



ROBIN FELLGETT

# Appendix 9

## Andrew Heron

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**From:** Hannah Thompson [REDACTED]  
**Sent:** 10 August 2014 00:27  
**To:** Licensing  
**Cc:** Sam James  
**Subject:** Liquor license at 64-66 Redchurch Street

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern,

I write regarding the application for a liquor license at 64-66 Redchurch Street. As a resident who currently resides at 71 Redchurch Street, I am writing to object to this application for the following reasons:

- the application will contribute to increased crime and disorder as police statistics for Weavers Ward demonstrate that crime peaks at weekends in the area and is related to alcohol in the majority of cases
- the increased number of licensed premises leads to an increase in the number of inebriated persons in the area which constitutes a threat to public safety
- the granting of the application will cause noise nuisance to the adjacent properties through sound leakage, smoking patrons on the street and patrons entering and leaving the premises. [REDACTED]  
[REDACTED] Noise from this building seeps directly into my bedroom, and people within 64-66 Redchurch Street can see directly into my bedroom. The granting of a liquor license at this premises would directly affect the quality of my day to day life, through noise, smoke and invasion of privacy.
- a number of children live in the immediate vicinity of the premises and will suffer harm from the negative consequences associated with the consumption of alcohol on the premises

Finally, the property is within the borders of the Brick Lane Cumulative Impact Zone which states that no additional liquor licences should be granted within that area.

As a resident who loves this area, I urge you not to grant this license.

Kind regards,

Hannah Thompson  
[REDACTED]

# Appendix 10



## Andrew Heron

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**From:** Jonathan Thomson [REDACTED]  
**Sent:** 10 August 2014 12:46  
**To:** Licensing  
**Subject:** Venue: Redchurch General Store (Soho House group; Basement, GF and 1st Floor, 64-66 Redchurch Street, London E2 7DP)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To Planning / Licensing Officer

I strongly object to this application on the following grounds:

A license of this nature (with drink being served until 12 midnight) is high likely to create significant disorder and anti-social behaviour. I live in [REDACTED] and have had , within the last few months, people fornicating outside my premises, urinating against my front door and on occasion even defecating. Police presence in the area is negligible and there is little to safeguard residents against drunk and disorderly youths. This type of behaviour also creates significant public nuisance & disorder. In turn, police statistics for Weavers Ward demonstrate that crime peaks at weekends in the area and is related to alcohol in the majority of cases.

We have families who live in the street and it is unacceptable to have these activities within an area which is dominated by low rise flats which house working people and families. After 22.00 hours children (who have school commitments) have to be able to sleep. This end of Redchurch St is totally residential and people need to be able to live peacefully, without nuisance, noise & disorder.

Soho House has increased late night activity in the area to the detriment of local residents and they don't appear to do anything to limit disruption, disorder and nuisance.

Finally the property is within the borders of the Brick Lane Cumulative Impact Zone which states that no additional liquor licences should be granted within that area.

Kind regards Jonathan Thomson

# Appendix 11

## Andrew Heron

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**From:** Jennifer James [REDACTED]  
**Sent:** 09 August 2014 09:38  
**To:** Licensing  
**Subject:** Venue: Redchurch General Store (Soho House group; Basement, GF and 1st Floor, 64-66 Redchurch Street, London E2 7DP)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern,

I live on [REDACTED] which is an residential street with some smart shops on it. A 12am license during the week would be inappropriate and unfitting with the closing times of the other establishments on the street. I think during the week, a closing time of 10pm would be more appropriate.

The street is fairly quiet and one can hear everything. The noise pollution from revellers walking to other bars, or walking home after closing time is very high - we can hear people drunkenly screaming, fighting, and vandalising our streets. This is at all hours every single night. Children live here and should not be exposed to this.

Another late night license would just further exacerbate an already stretched council. The police do not need their resources strained. Local street cleaning/rubbish removal services are already busy. Also, this application is in a conservation area.

Most important, the late closing hour is just inconsistent with the council's stated goal of improving neighborhoods for residents/businesses. I don't see how a midnight closing DURING THE WORKING/SCHOOL week improves anything.

Please reject this license based on the above.

Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

# Appendix 12

## Andrew Heron

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**From:** Andrew Heron on behalf of Licensing  
**Sent:** 14 August 2014 14:13  
**To:** Andrew Heron  
**Subject:** FW: Venue: Redchurch General Store (Soho House group; Basement, GF and 1st Floor, 64-66 Redchurch Street, London E2 7DP)

**Importance:** High

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**From:** Matt Johnson [REDACTED]  
**Sent:** 14 August 2014 14:04  
**To:** Licensing  
**Subject:** Venue: Redchurch General Store (Soho House group; Basement, GF and 1st Floor, 64-66 Redchurch Street, London E2 7DP)  
**Importance:** High

Dear Tower Hamlets Licensing

I wish to object to Soho House Group's license application.

Shoreditch is already way past saturation point in terms of its night time economy and the capacity of the local police to cope with the anti-social behaviour that is a consequence of far too many drunken customers. Allowing drunken customers to continue their drinking spree even further into the early hours by making it available so easily from a newsagent is going to cause even more anti-social behaviour.

The noise associated with this license may also cause further distress to families with children who live close to this premises.

As a local resident and business owner with a young family I am dismayed at the way the area has been handed over to the night economy to the detriment of local people and families.

I believe the following licensing objectives will likely be compromised by the granting of another license extension in this small neighbourhood.

- Prevention of crime and disorder (will an application contribute to increased crime and disorder);
- Public safety;,,
- Prevention of public nuisance (including noise nuisance, sound leakage, smoking, people entering and leaving, etc); and/or,
- Protection of children from harm (whether local children will suffer harm from the negative consequences associated with the consumption of alcohol on the premises).

Yours sincerely

Matt Johnson  
[REDACTED]  
[REDACTED]

# Appendix 13

## Andrew Heron

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**From:** Mohshin Ali  
**Sent:** 08 August 2014 17:28  
**To:** Andrew Heron  
**Subject:** FW: 64-66 Redchurch Street - liquor licence application  
**Attachments:** photo-26.JPG; L11\_RedchurchSt64-66.77303.pdf

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**From:** Brendon Pinch [REDACTED]  
**Sent:** 07 August 2014 21:06  
**To:** Licensing  
**Subject:** 64-66 Redchurch Street - liquor licence application

I object to the application for a liquor licence at the ground level of 64-66 Redchurch Street, E2.

I object for the following reasons:

- prevention of crime and disorder: the application will contribute to increased crime and disorder as police statistics for Weavers Ward demonstrate that crime peaks at weekends in the area and is related to alcohol in the majority of cases
- public safety: the increased number of licensed premises leads to an increase in the number of inebriated persons in the area which constitutes a threat to public safety
- prevention of public nuisance: the granting of the application will cause noise nuisance to the adjacent properties through sound leakage, smoking patrons on the street and patrons entering and leaving the premises
- protection of children from harm: are number of children live in the immediate vicinity of the premises and will suffer harm from the negative consequences associated with the consumption of alcohol on the premises

The property is within the borders of the Brick Lane Cumulative Impact Zone which states that no additional liquor licences should be granted within that area.

Kind regards

Brendon Pinch  
[REDACTED]  
[REDACTED]  
[REDACTED]

# Appendix 14



## Andrew Heron

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**From:** Andrew Heron on behalf of Licensing  
**Sent:** 08 August 2014 15:22  
**To:** Andrew Heron  
**Subject:** FW: 64-66 Redchurch street

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**From:** Gabriele Popp [REDACTED]  
**Sent:** 08 August 2014 15:18  
**To:** Licensing  
**Subject:** 64-66 Redchurch street

To whom it may concern,

I would like to strongly oppose the application from Soho House for a liquor licence at 64-66 Redchurch Street, London E2.

As the committee is well aware, Shoreditch is absolutely saturated with premises serving alcohol. The addition of another licenced premises is detrimental to the community.

I believe this application should be rejected for the following reasons:

- it adds another ground floor licenced premises to an already saturated area;
- it will be impossible to prevent noise emanating from inside a property when you serve alcohol on tables outside,
- people drinking on the pavement will significantly alter the character and nuisance level on Redchurch street and noise emanating from them will be impossible to control.
- The premises is located near the Brick Lane saturation zone;
- This new licenced cafe would be in the middle of a highly residential neighbourhood, and thus contribute to disorder and public nuisance.  
The area is absolutely saturated with alcohol. Noise and disorder are the top complaints from residents. The addition of another licenced cafe will present a public nuisance from noise and disorder, and contribute to the cumulative impact on crime, disorder and public nuisance in the area.
- Redchurch Street is already anchored by bars which cause an unbelievable impact on the street. Evenings are effectively becoming a no-go zone. Mornings look like the apocalypse swept through, with unreal amounts of rubbish, vomit, glass, defecation and drunks heading home.
- The neighbourhood already has significant issues with violence, vomiting, urination, defecation, drug use and unsociable conduct late into the night, presenting real safety and security issues.
- Yet another licenced cafe will contribute to crime and disorder and aggravate existing issues around safety.
- It will add significant noise to the street, as people gather outside to smoke, drink, yell, revel, urinate and defecate.

In addition, extending the sale hours to midnight must not be allowed.

The additional licence to these premises provides no value to the neighbourhood, yet again tearing at the fabric of any attempt to build a long-term future.

regards,  
G Popp

[REDACTED]

# Appendix 15

## Andrew Heron

---

**From:** Sue [REDACTED]  
**Sent:** 08 August 2014 10:53  
**To:** Licensing  
**Subject:** 64-66 Redchurch Street - liquor licence application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sue Webster  
[REDACTED]  
[REDACTED]

August 8th 2014

Dear Sir,

I am writing to oppose the application for a liquor licence at the premises of 64-66 Redchurch Street .

This is on the same day that I also write to you to oppose a similar licence at the recently opened Adrina at the other end of Redchurch Street.

Do we need another bar in the area?

I am resident for 12 years at [REDACTED]  
[REDACTED]

I am surrounded by noise.

Since moving here both Lounge Lover and Beach Blanket Babylon have opened up on both sides of Whitby Street, at the corner of Club Row. You are now considering two licences either end of Redchurch Street, on the next corner.

I cannot have a quiet night at home reading my novel - I have a 'dripping tap' of booming noise constantly outside. My basic human rights have violated.

There is an increase of people traffic walking down Whitby Street and Chance Street from Redchurch Street of any given evening going to and from these venues, with it an increase of screaming, vomiting, pissing and shitting on the street.

The recent no smoking law has also invited extended periods of drinking, loitering, screaming and loud voices outside in general, both on Whitby Street at the corner of Club Row and Chance Street at the corner of Redchurch Street

Vehicular traffic has increased, running engines, dropping off and picking up and horn blowing.

Plus the added noise of bottle smashing/crashing late at night and into the early hours of the morning.

The increased general atmosphere has recently encouraged the dealing of crack cocaine - especially outside my house

Do we need another bar in the area, I fear not.

Before you make your decision, and I feel it's impossible to make a decision based on a paper proposal, I invite any member of Tower Hamlets planning department to spend any given Friday night trying to get to sleep in my flat.

Yours, from someone who lives in the real world.

Sue Webster

Resident of [REDACTED]

# Appendix 16

John McCrohan  
LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4AU

HT - Tower Hamlets Borough  
HH - Limehouse Police Station  
Licensing Office  
Limehouse Police Station  
27 West India Dock Road &  
5 Birchfield Street  
E14 8EZ



Your ref:  
Our ref:  
24 August 2014

Dear Mr McCrohan

Re: Application for a premises licence

Redchurch General Store

64-66 Redchurch St, E2 7DP

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

The prevention of crime and disorder

The prevention of public nuisance

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

Redchurch St and nearby streets. This policy was adopted due to the concerns about the

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

and the potential for disorder.

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

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

It is yet another premise that will have the ability to sell alcohol in the area which is already “saturated”

The venue already has a licence for the Basement cinema area and the first floor. It now wishes to licence two other areas in the building. If granted, I believe the original licences will be surrendered to Tower Hamlets Licensing.

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

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

Can the applicant provide evidence that the operation of the premise with the extra capability for selling alcohol will not add to the negative cumulative impact already being experienced in this area?

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

1. All alcohol hours to finish at 2300 (this would avoid confusion as to the hours of sale throughout the building)

Alan Cruickshank PC189HT



# Appendix 17

### Anti-Social Behaviour on the Premises

#### Licensing Policy

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

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

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

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

#### Police Powers

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

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

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.6).

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

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

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

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

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 18

### 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 19

### Acting as a Magnet Attracting the Young who then engage in Anti-Social Behaviour

#### General Advice

Members will need to consider whether any of the problems alleged to be associated with young people are the responsibility of the premises. Are they encouraging gangs in any way? If not, there may not be any proportionate conditions that can be applied? Are these patrons of the premises?

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. However, hours may be an important issue.

#### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate (in relation to the behaviour of patrons who have left the premises) 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):

- 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

Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

#### 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.

##### Anti-Social Behaviour Act 2003

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 20

### Noise while the Premise is in Use

#### General Advice

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

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

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

#### Licensing Policy

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

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

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

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

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

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

- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

### Police Powers

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

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

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

Licence conditions should not duplicate other legislation (1.19)

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

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

### Other Legislation

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

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

# Appendix 21

## Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

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

# Appendix 22



### Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(See 12.8 of the licensing policy)

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

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

# Appendix 23

### 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.

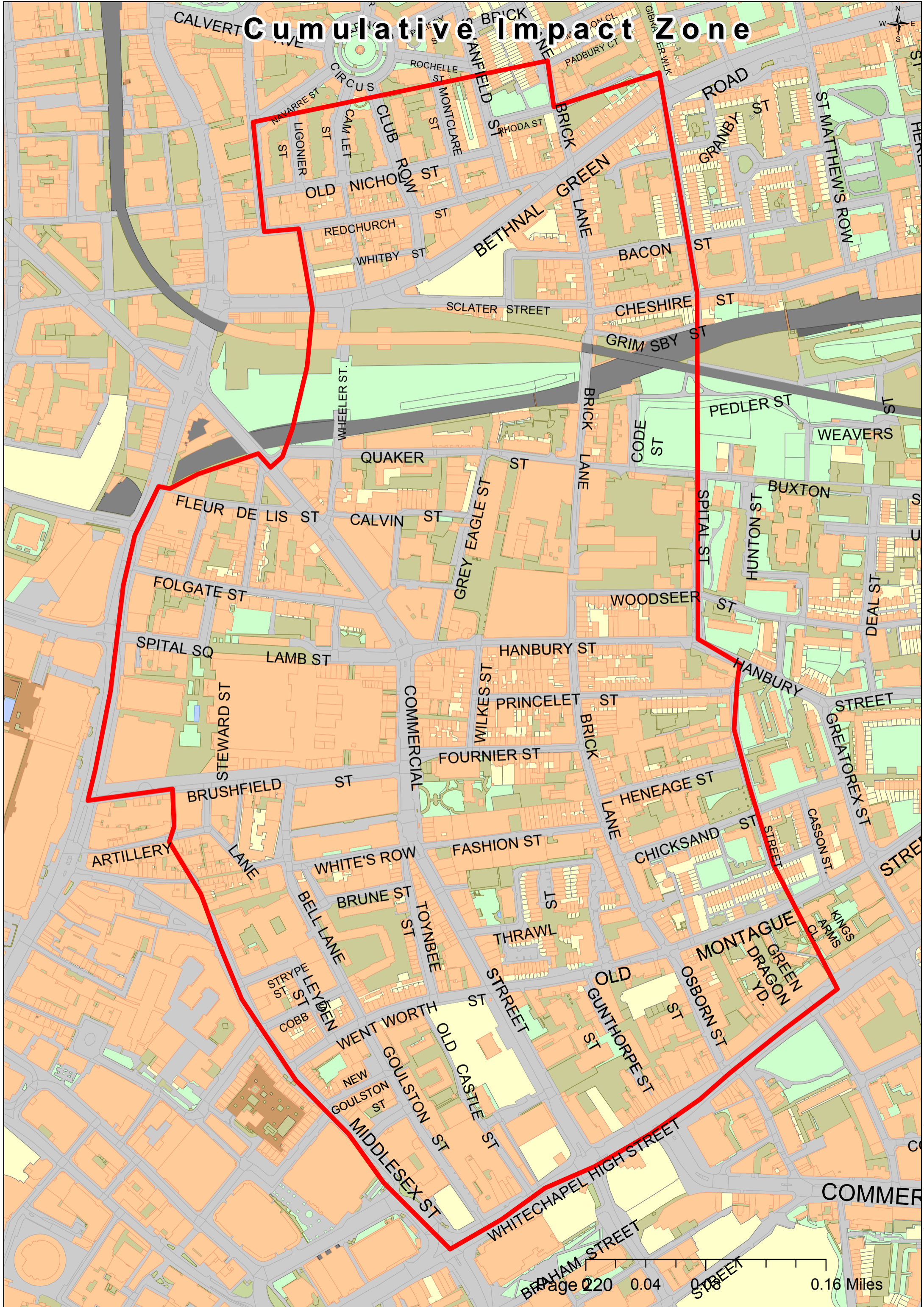
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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



# APPENDIX 24

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18 Soho Square, London W1D 3QL

10 September 2014

London Borough of Tower Hamlets  
Licensing Section  
Mulberry Place  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

Our ref: LT/1338

By email

Dear Sirs

**RE: REDCHURCH GENERAL STORE, BASEMENT, GROUND FLOOR AND FIRST FLOOR, 64-66 REDCHURCH STREET, LONDON E2 7DP - APPLICATION FOR NEW GRANT OF A NEW PREMISES LICENCE**

I refer to the above application which has been set down for hearing on 23 September 2014.

I act for Soho House UK Limited, the applicant. My client operates a large number of licensed premises across the world and full details of the Soho House Group may be found on their website [www.sohohouse.com](http://www.sohohouse.com). These premises include a mix of private member clubs, hotels, bars, brasseries, cinemas and restaurants. My client further owns and operates the Cowshed brand, which is a luxury brand of products and special treatment facilities. The website for the Cowshed brand is [www.cowshedonline.com](http://www.cowshedonline.com).

in terms of Cheeky Nails/ Cowshed brands, at the moment there are Cowshed venues as follows:

**Cowshed Spa & Boutique Locations (UK);**

Cowshed Clarendon Cross, Holland Park  
Cowshed Carnaby, Soho  
Cowshed at Shoreditch House, Shoreditch  
Cowshed High Road House, Chiswick  
Cowshed at Babington House, Somerset  
Cowshed at Primrose Hill

**Global Spas;**

Soho House, New York  
Soho House, Berlin  
Soho Beach House, Miami

**Also available at;**

Cowshed at Virgin Atlantic Clubhouse Spas, Heathrow and Gatwick  
Cowshed at St Moritz Hotel, Cornwall

The Cheeky Nails brand, which is what the first floor premises is, is a relatively new concept created by my client under its Cowshed banner, with a speedier delivery of services and a reduced variety of treatments on offer. A brochure in relation to the products and services for the Cheeky Nails brand is attached. There are 2 Cheeky Nails premises so far, within the Holborn Hotel and these application premises.



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The Neville brand is also a relatively new concept and is found in a number of hotels. Neville is a male grooming bar and there will be manicures/ pedicures/ shaves and haircuts for men, as well as male 'conclerge' services such as shoe shining. Further details of the Neville brand are included in the attached documents.

My clients operates a number of cinemas in this country- the Electric Cinema, RBKC, within Soho House, WCC and these application premises.

By way of background, and having regard to the representations received, i confirm:

- a) The basement and first floor are already licensed by my client respectively as Electric East (licence 14640) and Cheeky Nails (licence 17952). This application seeks the same terminal hours as the existing basement and first floor. Copies of those licences are in the Committee Report.
- b) The licence for the first floor was granted by the Licensing Sub Committee in July 2013. There have been no complaints since my client has been operating the premises.
- c) My client acquired the basement a few months ago and i have transferred the basement cinema licence into my client's name. My client has been operating the cinema since it acquired it.
- d) My client will surrender the existing licences for the basement and first floor should this application be granted.
- e) My client has now acquired the ground floor and as a result a refurbishment will take place for improved operation between the 3 floors. It is also beneficial for enforcement purposes that only one licence operate for the entire premises, especially as access to the basement cinema is through the ground floor space. This will make the operation clear by way of the conditions.
- f) Planning permission for the different units between the 3 floors has already been granted by the council and the hours granted on planning have been applied for in this licensing application.
- g) My client is in the process of applying for a special treatments licence to cover the ground floor Neville Grooming Bar (manicures and pedicures) as the first floor is already covered by a special treatments licence.

The premises will operate as follows:

**Basement-** existing cinema – the refurbishment will mean that the basement bar will be removed from that floor and the cinema reception will now be on the ground floor. The cinema facilities will be upgraded as a result of this application.

**Ground-** café/ cinema reception and a special treatments premises for men known as Neville.

**First floor-** Cheeky Nails- this will be the existing female special treatments premises offering the existing services of manicures, pedicures, blow dries and hair styling, along with new treatments of waxing and tinting.

There is also a retail element to the Cheeky and Neville brands and these products will be available for purchase on the ground and first floors.





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**London Borough of Tower Hamlets**

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The hours applied for in this application will differ between the 3 floors in accordance with the planning decision as follows:

*Basement Cinema- Mondays to Saturdays, between 09.00 and 23.00 and Sundays or bank holidays between 11.00 and 23.00*

*Ground floor café- Mondays to Saturdays, between 09.00 and 24.00 and Sundays or bank holidays between 10.00 and 24.00*

*Ground floor Grooming Bar- Mondays to Saturdays, between 09.00 and 23.00 and Sundays or bank holidays between 10.00 and 23.00*

*First floor - Mondays to Saturdays, between 09.00 and 23.00 and Sundays or bank holidays between 10.00 and 23.00*

My client is an experienced operator and knows that it needs to live in harmony with its neighbours, and, always promote the licensing objectives. As they do it with their other sites my client will always work with their neighbours, so that everyone can enjoy the benefit that the premises (strengthened by the proposed conditions) will bring to the area.

The premises in its entirety is not an alcohol led venue; indeed it is primarily a quality special treatments venue and cinema with an offering of alcohol for patrons to consume as ancillary to treatments and/or food and/or the purchase of retail products and/or cinema tickets. This is a premises which the local community can enjoy throughout the day, and the facilities it will be providing will ensure that it will cater primarily for the local community.

We have sought off sales for the purposes of the tables and chairs immediately outside the premises. We have conditioned these sales to persons seated at tables and chairs only so there will be no vertical drinking outside, which will promote the licensing objectives. This application has been lodged with the council already and I will be able to update the Licensing Sub Committee on that application at the hearing, although I can confirm now it will not be granted to midnight so off sales will be ceasing earlier. The off sales will coincide with the hours granted on the tables and chairs licence.

The application has been objected to by a number of local residents and the Police. My client has met with the Police and agreed an additional condition in respect of CCTV.

In relation to the objections raised against the application I confirm this venue will not be trading as a vertical drinking venue. My client is also not attracting new people to the area or premises as there are existing licences at the venue which will be surrendered should this application be granted. My client is not operating as a club or bar. To reinforce this my client has offered a condition that the retail sale of alcohol will not be the primary use of the premises.

The conditions offered reflect the operation being presented to the Licensing Sub Committee and conditions have been offered (see attached for a complete list of conditions) that confirm the retail sale of alcohol shall be ancillary to either the provision of the treatments, the purchase of food, the purchase of cinema tickets or the purchase of retail products.

I also confirm that it would not be possible to change the nature of the operation (which my client has no intention of doing in any event, as it has entered into a long term lease now for all floors) without either a full variation application, or a new application along with a change in planning permission – which would involve full consultation with the residents and authorities to which they could all object.



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**London Borough of Tower Hamlets**

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My client has applied for the terminal hours it has in accordance with the planning permission. The different hours are sought for the experience of the patrons and will be easily managed and are necessary for my clients operation. in relation to the proposed hours:

- a) The special treatment areas (Neville on the ground floor and Cheeky nails on the first floor) are capable of being closed down at 11pm as they are separate units as such (as shown on the plans).
- b) Neville and Cheeky may not even operate until 11pm every night but the hours are sought as they do cater for people going out or wanting treatments after work so some flexibility is needed. Whatever hour they close at, depending on the demand on each night of the week, they can be separated easily from the ground floor café area and the cinema area without confusion to staff and patrons.
- c) The cinema (basement) is also easy to operate under its hours as it's a separate floor and the films take place at set times.
- d) The hours for the ground floor café area are for an additional hour. This is because the café area acts as reception area to the cinema and patrons will be coming through that area and may want a nightcap or to sit and talk with their friends after the movie finishes, without going to a bar or noise environment. This is common practice in cinemas.
- e) The condition dealing with permitted alcohol sales at this premises will ensure that this premises cannot become a bar to the general public between 11pm and midnight. The décor and function of the ground floor café in itself will ensure that the premises does not represent a bar or vertical drinking premises. Concept plans have been provided with these submissions for clarity. I have also included a short video of the Cheeky Nails premises, showing the tranquillity of the premises, to give an indication of the style of the building.

Given the nature of the premises, it is extremely unlikely that patrons will congregate outside the venue as they will have their treatments done, or watch a film and then move onto their next activity. As can be shown from the layout of the premises the venue is only a small operating capacity in any event.

Patrons entering will be greeted by staff at the ground floor reception, where they will 'check in' and then be directed the relevant areas of the premises.

Just for clarity, all of my clients' other special treatment venues are licensed for the retail sale of alcohol in an identical manner, so that patrons are able to have a glass of alcohol whilst within the premises. No nuisance, anti-social behaviour or crime and disorder issues have ever occurred in these circumstances.

Finally, I also attach the proposed list of conditions for ease of reference.

Accordingly, having regard to all of the above, including the character of these premises, the proposed conditions, the hours sought and intended operation of the premises, I would submit this application fits within the council's Licensing Policy Statement and promotes the licensing objectives.

Should you have any questions in the interim please do not hesitate to contact Lana Tricker of this office.

Yours faithfully

**RE: REDCHURCH GENERAL STORE, BASEMENT, GROUND FLOOR AND FIRST FLOOR, 64-66 REDCHURCH STREET, LONDON E2 7DP - APPLICATION FOR NEW GRANT OF A NEW PREMISES LICENCE**

1. [Note this can be included on the face of the licence but I have included these here for the purposes of the hearing so there is no confusion as to what the licensable hours sought are]

*Licensable activities shall be permitted during the following hours (late night refreshment to start at 23.00 where applicable):*

*Basement Cinema- Mondays to Saturdays, between 09.00 and 23.00 and Sundays or bank holidays between 11.00 and 23.00*

*Ground floor café- Mondays to Saturdays, between 09.00 and 24.00 and Sundays or bank holidays between 10.00 and 24.00*

*Ground floor Grooming Room- Mondays to Saturdays, between 09.00 and 23.00 and Sundays or bank holidays between 10.00 and 23.00*

*First floor - Mondays to Saturdays, between 09.00 and 23.00 and Sundays or bank holidays between 10.00 and 23.00*

2. *The retail sale of alcohol shall be ancillary to*
- (a) the provision of nail treatments, hair treatments and male/female grooming treatments; and/or*
  - (b) the purchase of food and/or*
  - (c) the purchase of retail products and/or*
  - (d) the purchase of a cinema ticket on the same day as the screening in the basement*

*For the avoidance of any doubt, the retail sale of alcohol is not to be the primary use of the premises.*

- 3. *There shall be no off sales of alcohol permitted with the exception of patrons seated outside the premises at tables.*
- 4. *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to nuisance to local residents and businesses*
- 5. *There shall be a designated member of staff who is able to advise other staff on child protection matters*
- 6. *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.*
- 7. *There shall be no advertising of alcohol outside the premises*
- 8. *Notices will be prominently displayed at the ground floor exits requesting the public to respect the needs of local residents and to leave the premises and area quietly*
- 9. *The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.*
- 10. *The premises shall install and maintain a CCTV system which shall incorporate a recording facility. 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.*
- 11. *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. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested*

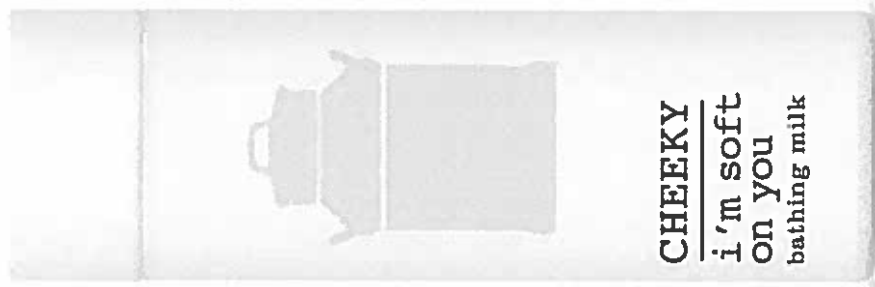
# CHEEKY

chat me up nail paint



# CHEEKY

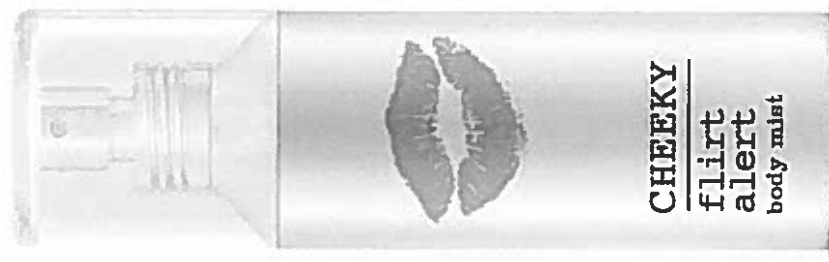
bath & body



Retail	200ml	200g	200g
Travel	N/A	50g	50g

# CHEEKY

bath & body



Retail	200g	200g	100ml	200ml
Travel	50g	50g	N/A	50ml

# CHEEKY

## haircare



Retail	200ml	150g	100ml	100ml	10g
Travel	75ml	N/A	N/A	25ml	10g

# CHEEKY

cosmetics



Retail	50ml	50ml	10g	10g	100ml
Travel	N/A	N/A	N/A	N/A	N/A



# CHEEKY

---

product range - colour option one



**CHEEKY**  
**i'm soft**  
**on you**  
**bathing milk**



**CHEEKY**  
**let's get wat**  
**shower jelly**



**CHEEKY**  
**blimmer body**  
**lotion**



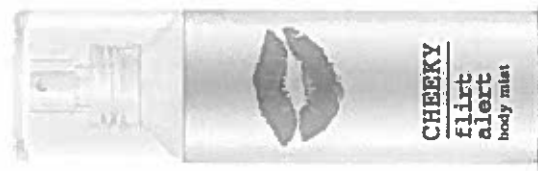
**CHEEKY**  
**bright as**  
**a button**  
**body scrub**



**CHEEKY**  
**ready for a**  
**close up**  
**gradual tanning lotion**



**CHEEKY**  
**smooth**  
**as a peach**  
**dry body oil**



**CHEEKY**  
**flirt**  
**alert**  
**body mist**

# CHEEKY

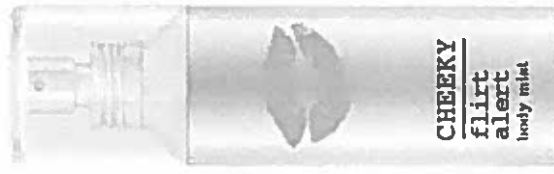
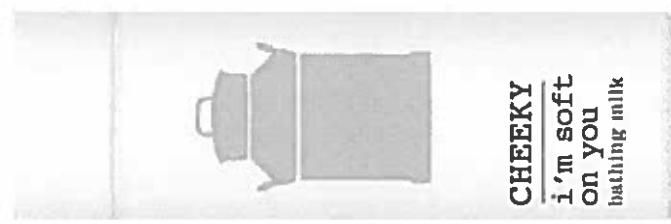
product range - colour option one



# CHEEKY

---

product range - colour option two



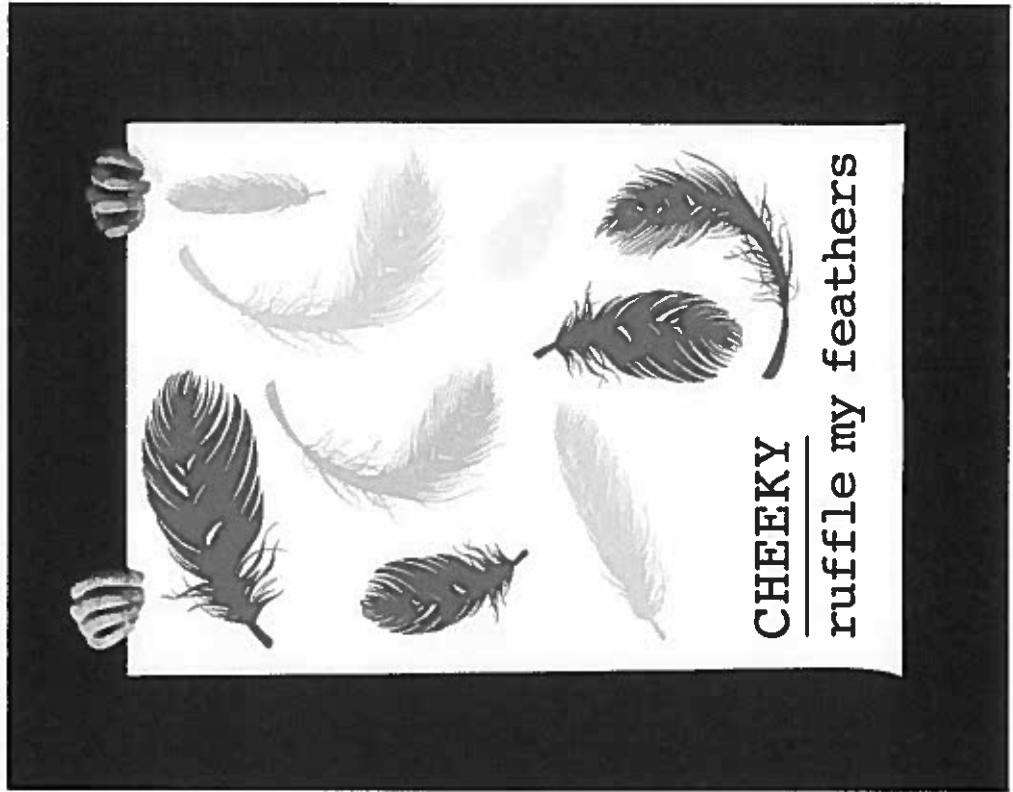
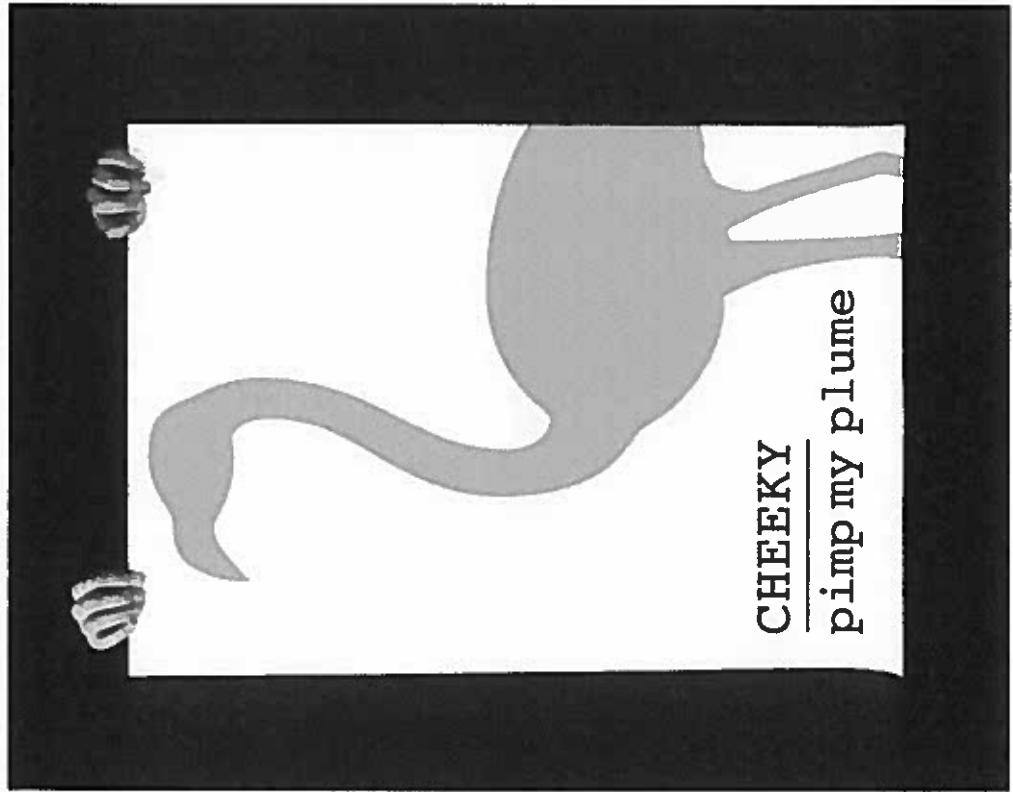
# CHEEKY

product range - colour option two



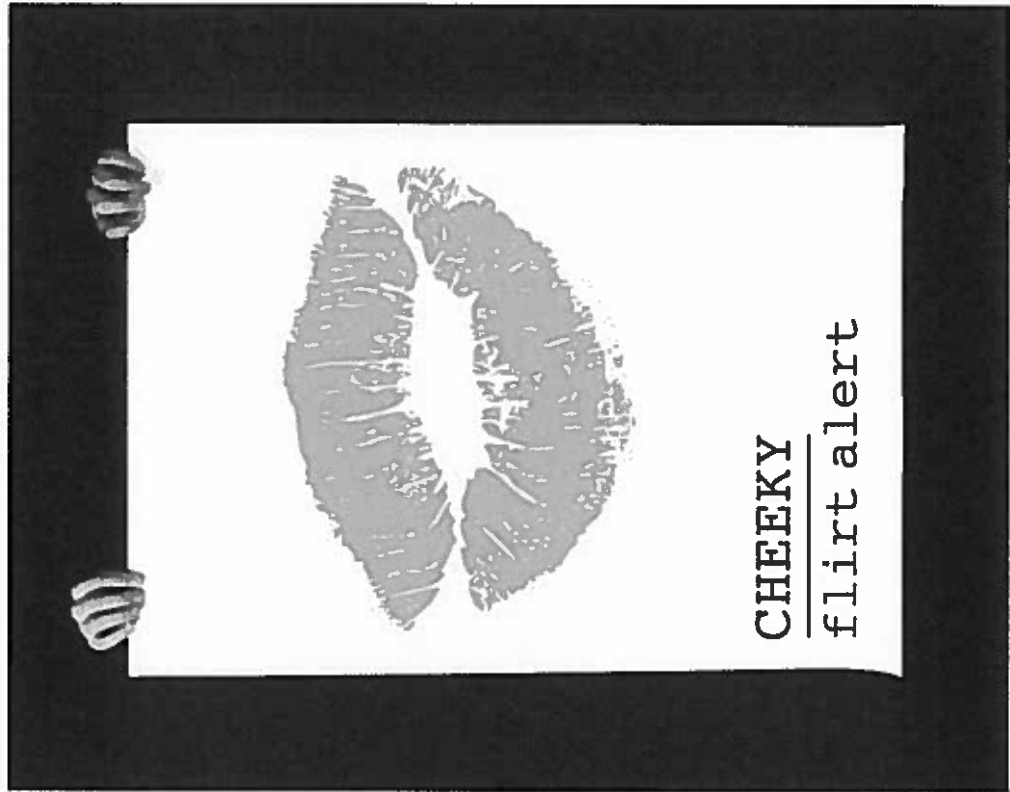
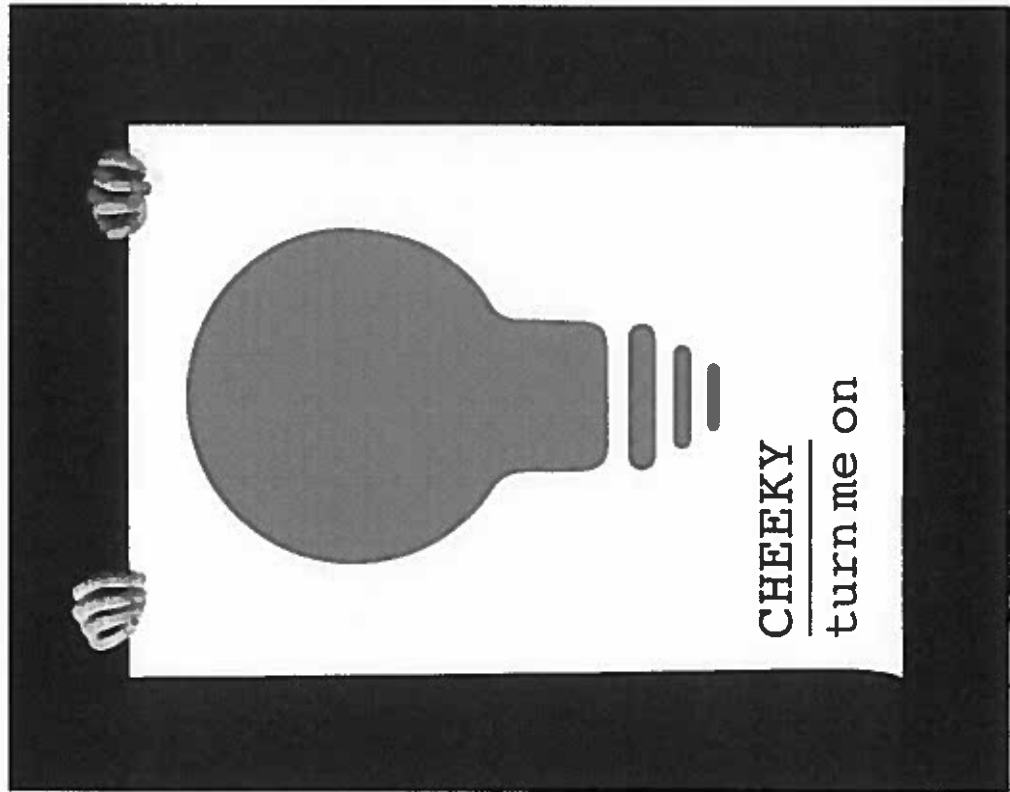
# CHEEKY

point of sale



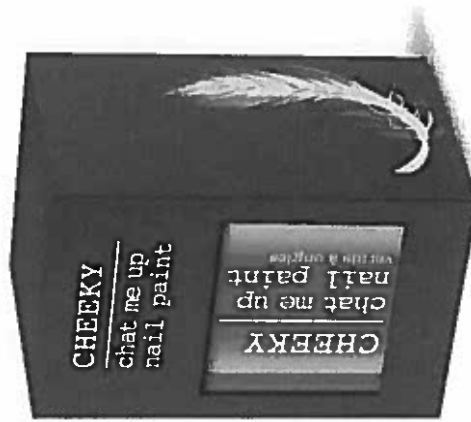
# CHEEKY

point of sale



# CHEEKY

gift one - limited edition fragranced nail paint



10ml

# CHEEKY

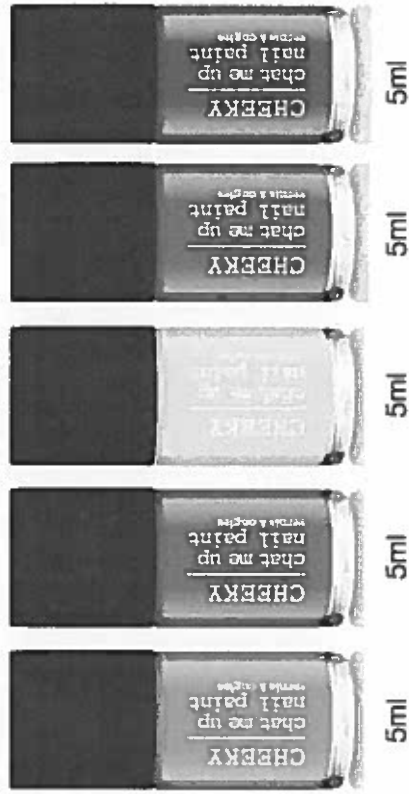
gift two - nail paints, 3 x 5ml





# CHEEKY

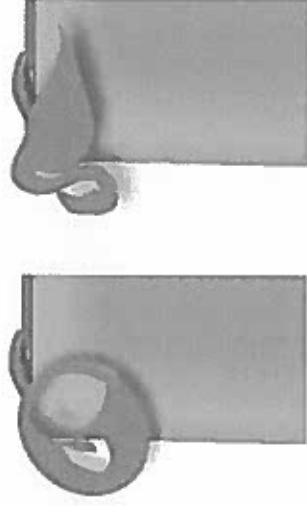
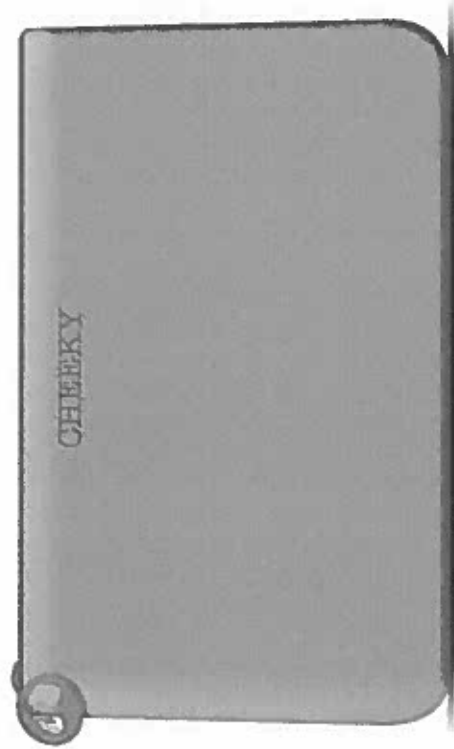
gift three - nail paints, 5 x 5ml



# CHEEKY

gift four - colour me pretty

**CHEEKY**  
colour me pretty  
2 x nail files, 2 x toe separators,  
2 x 5ml nail paints



zip pull options



5ml



5ml

# CHEEKY

gift five - oh, behave!



75ml



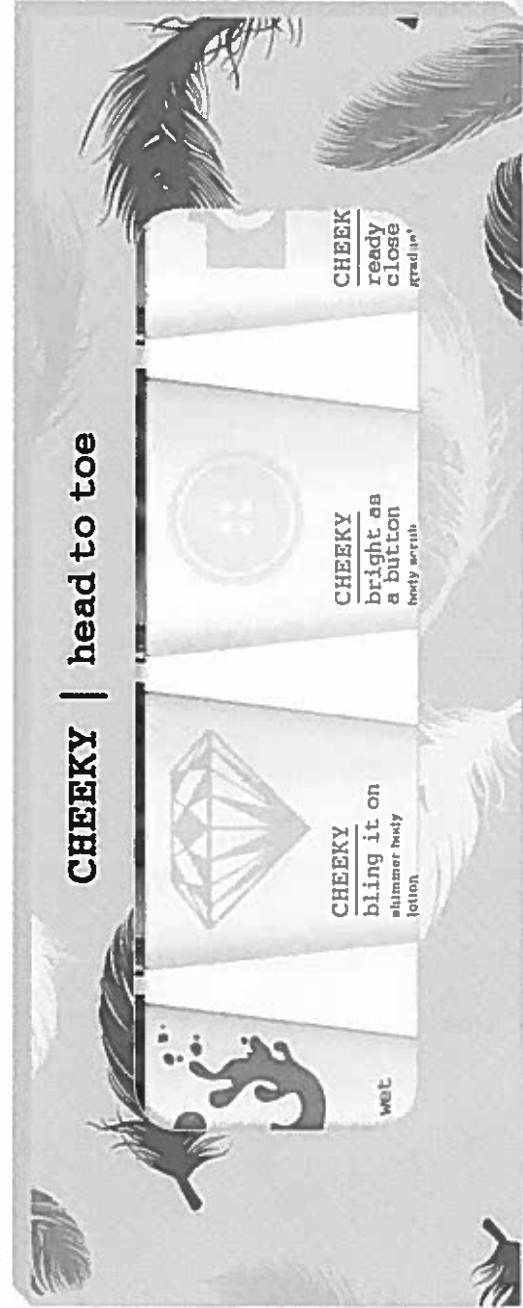
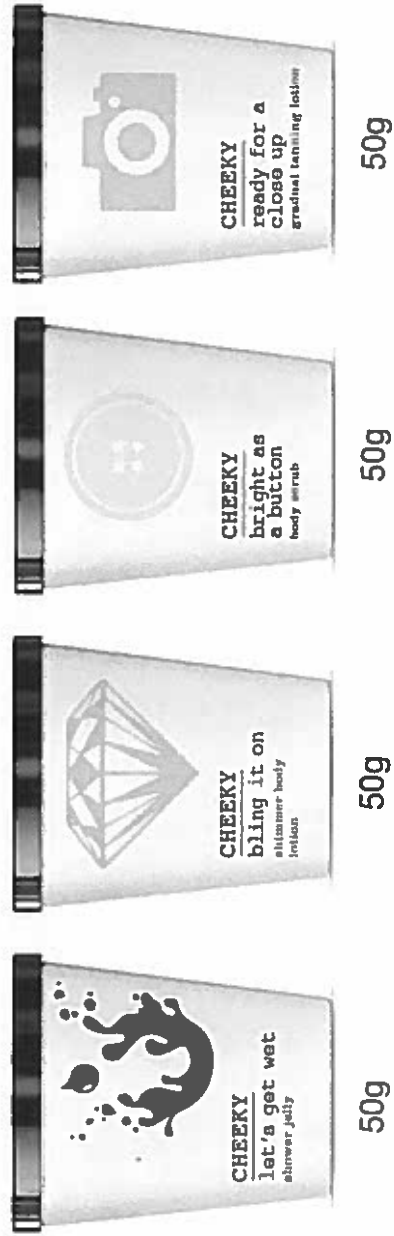
50ml



10g

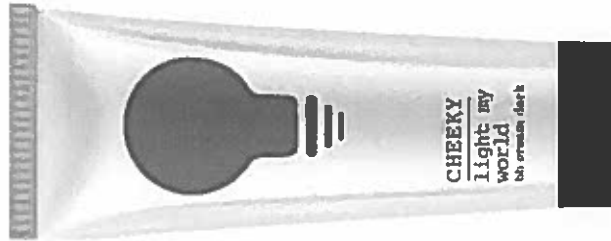
# CHEEKY

gift six - head to toe



# CHEEKY

gift seven - flirt alert



50ml



50ml



# CHEEKY

gift eight - dirty stop out

**CHEEKY**  
**dirty stop out**  
shower jelly, shampoo &  
conditioner & in 1, eye mask,  
travel mirror & shower puff



50g

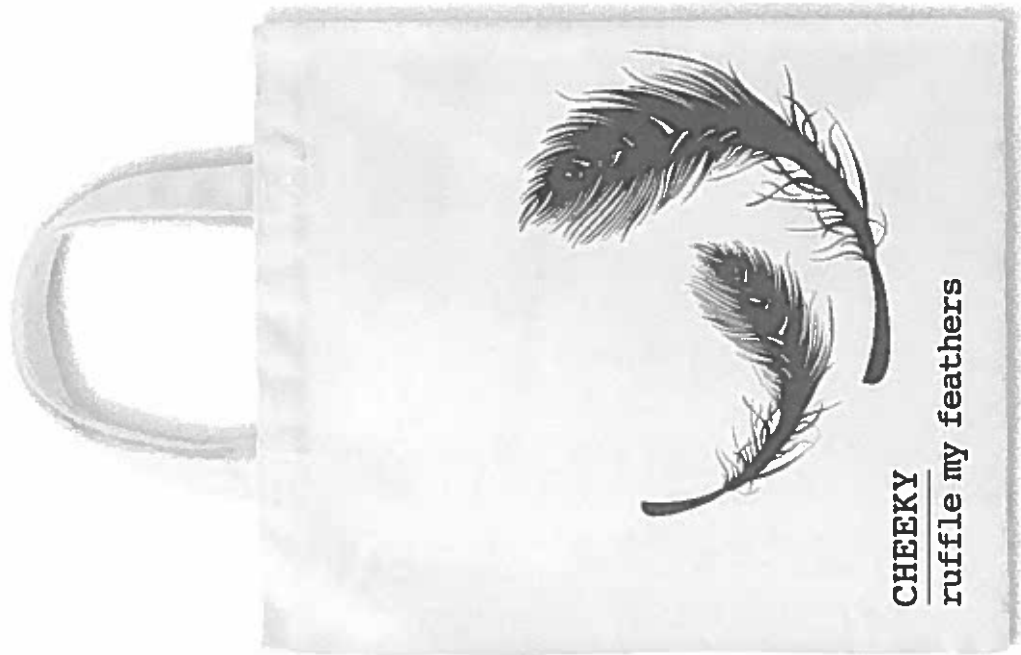


75ml

# CHEEKY

## gift nine - ruffle my feathers

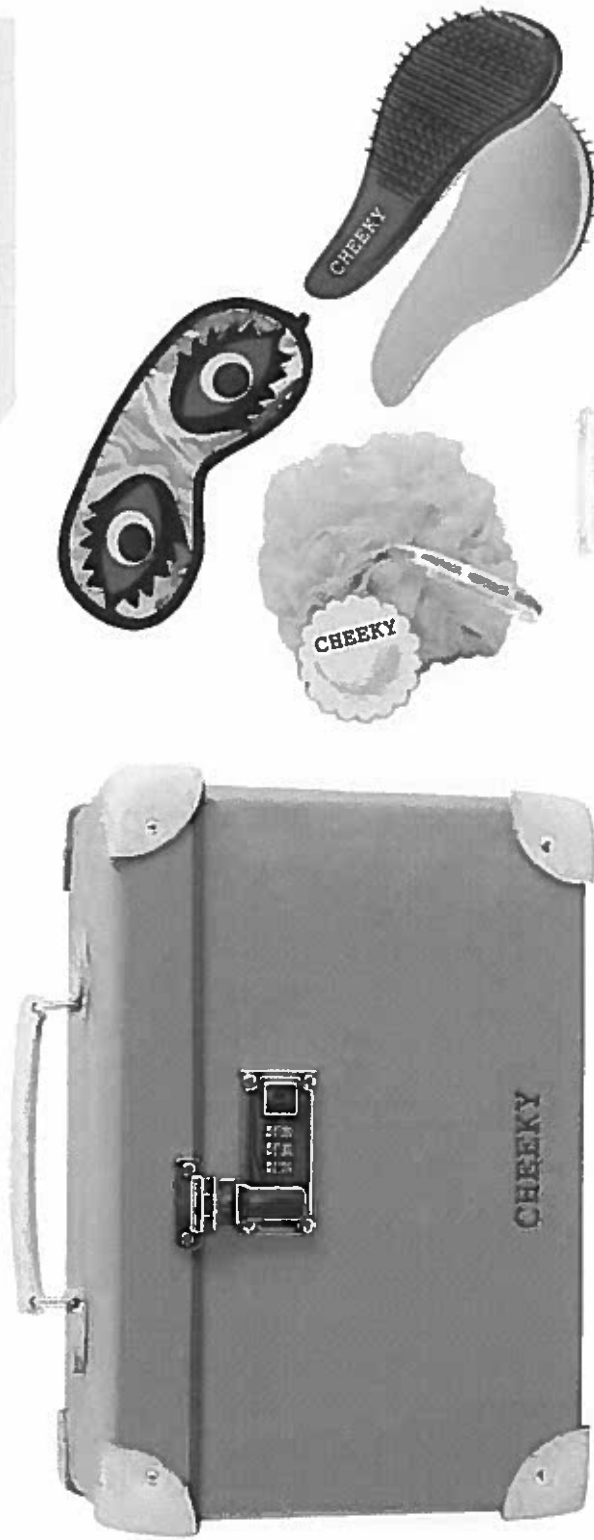
**CHEEKY**  
**ruffle my feathers**  
5ml nail paint, shimmer body lotion, hair serum, body mist & hair brush



# CHEEKY

gift ten - hot date

**CHEEKY**  
**hot date case**  
5ml nail varnish, shampoo & conditioner, shower jelly, slimmer body lotion, hair serum, body mist, shower puff, eye mask & hair brush

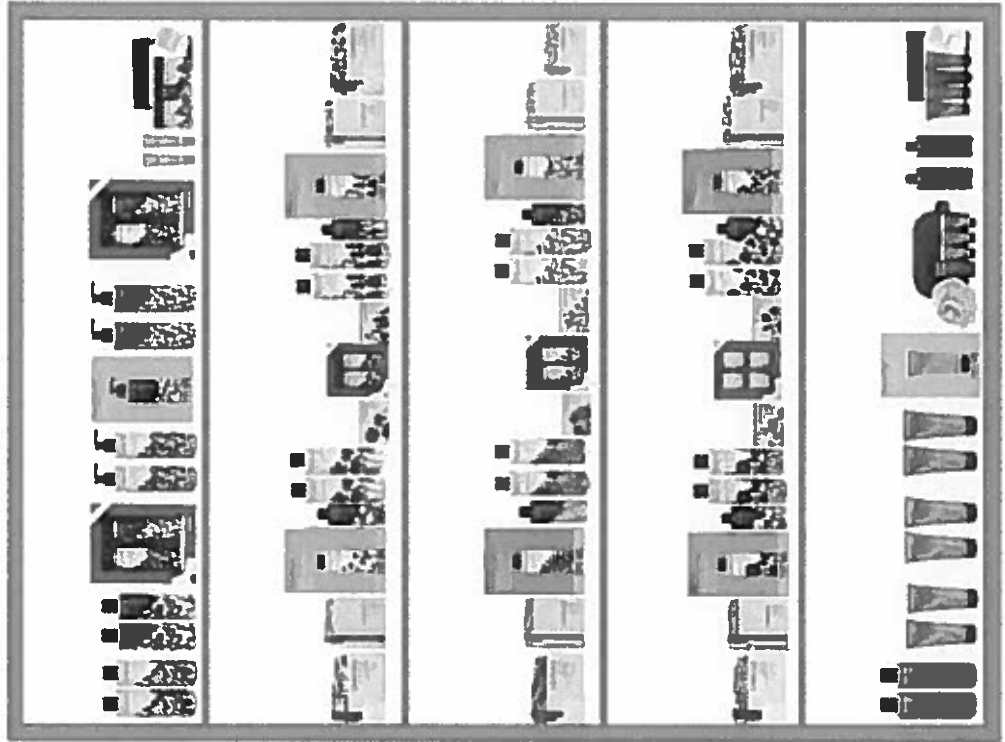




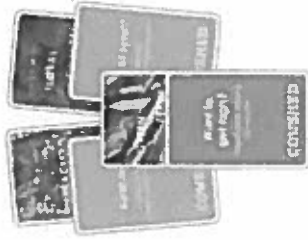
# CHEEKY

## current cowshed Visual merchandising

planograms



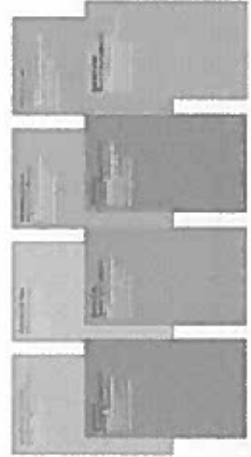
selling tools



leaflets



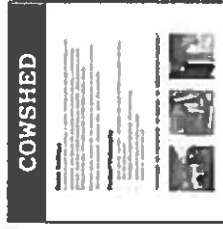
shelf talkers



branding blocks



brand showcards



window kits



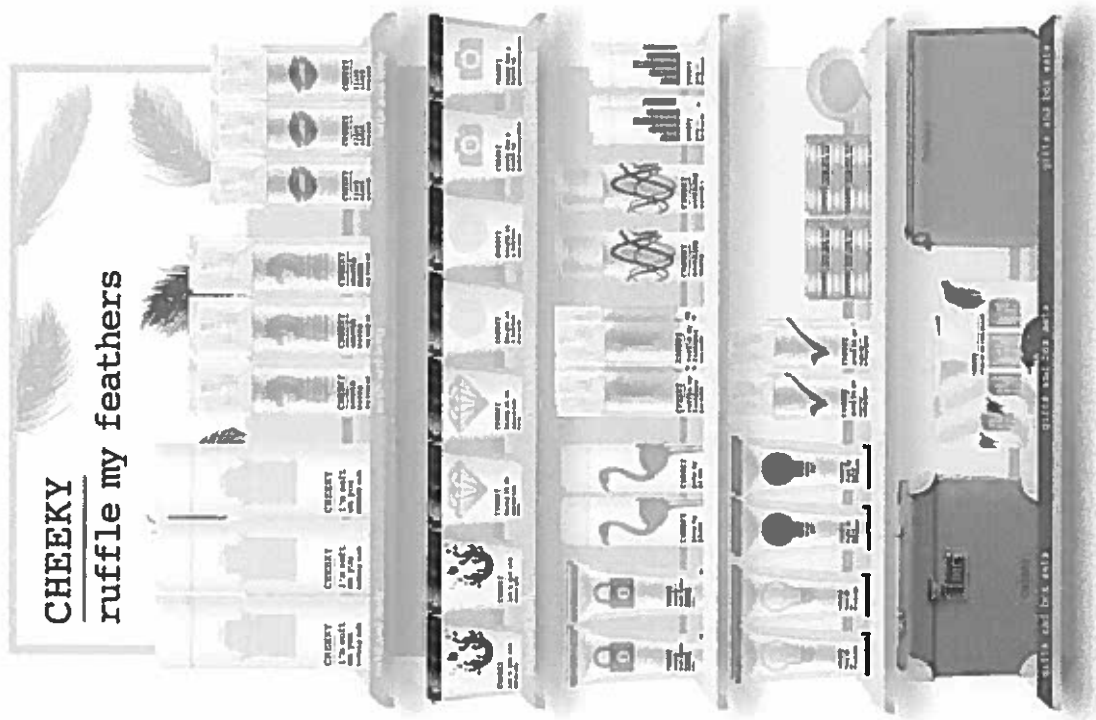
# CHEEKY

## display one



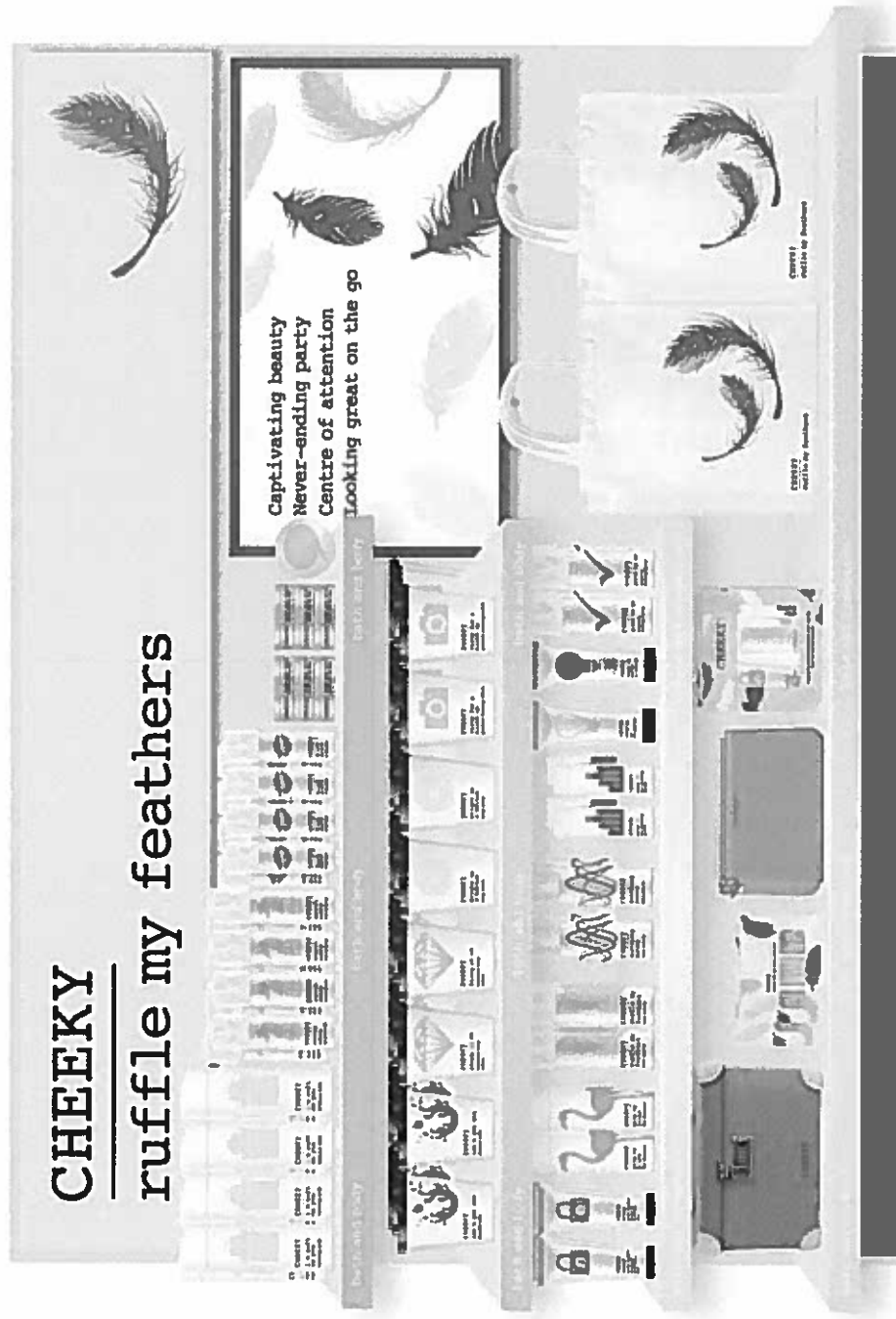
# CHEEKY

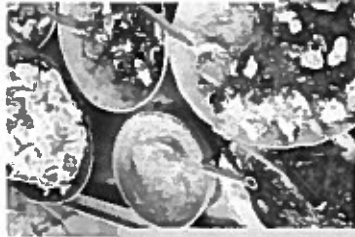
## display two



# CHEEKY

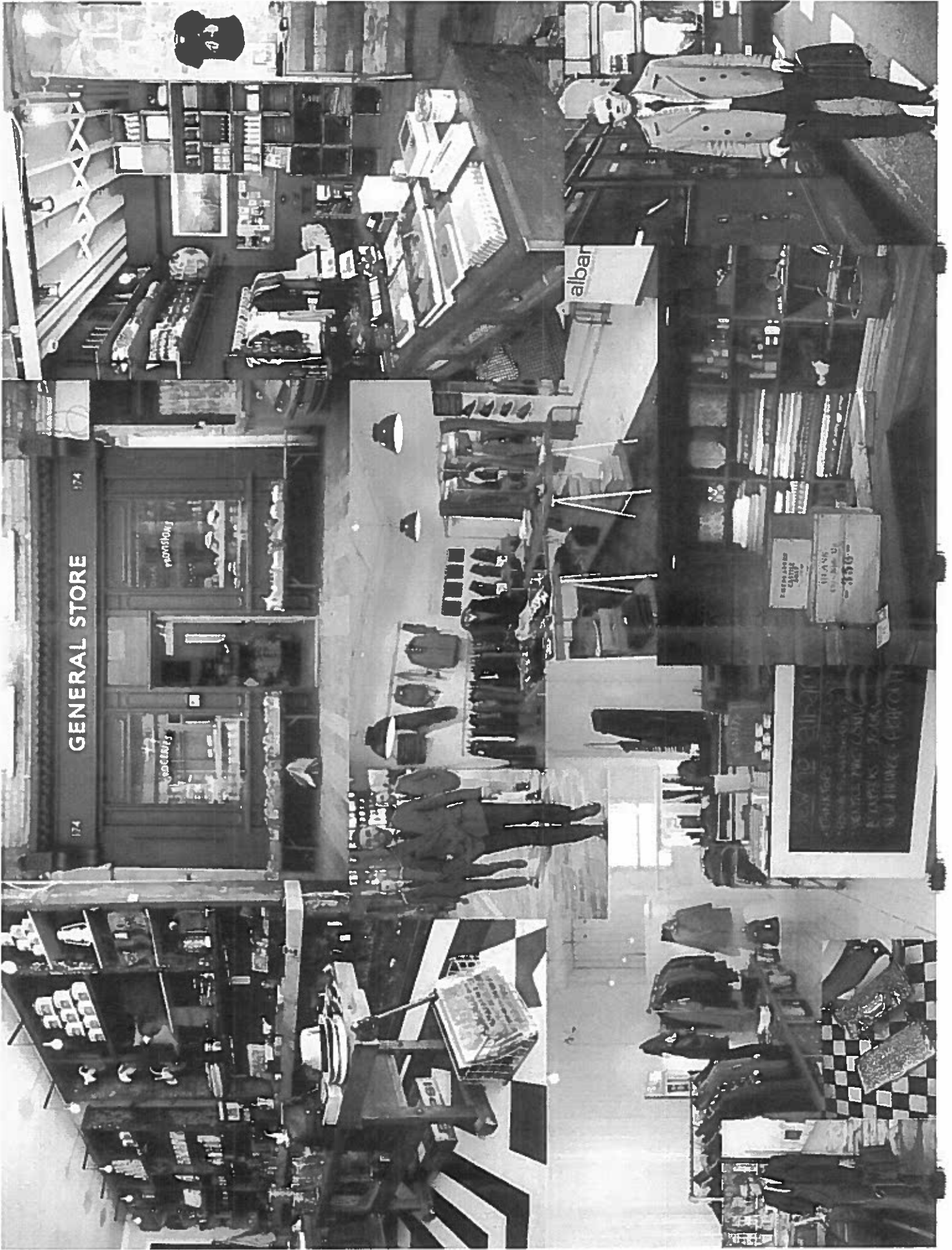
display three





**CHEEKY  
CAFÉ  
Shoreditch**









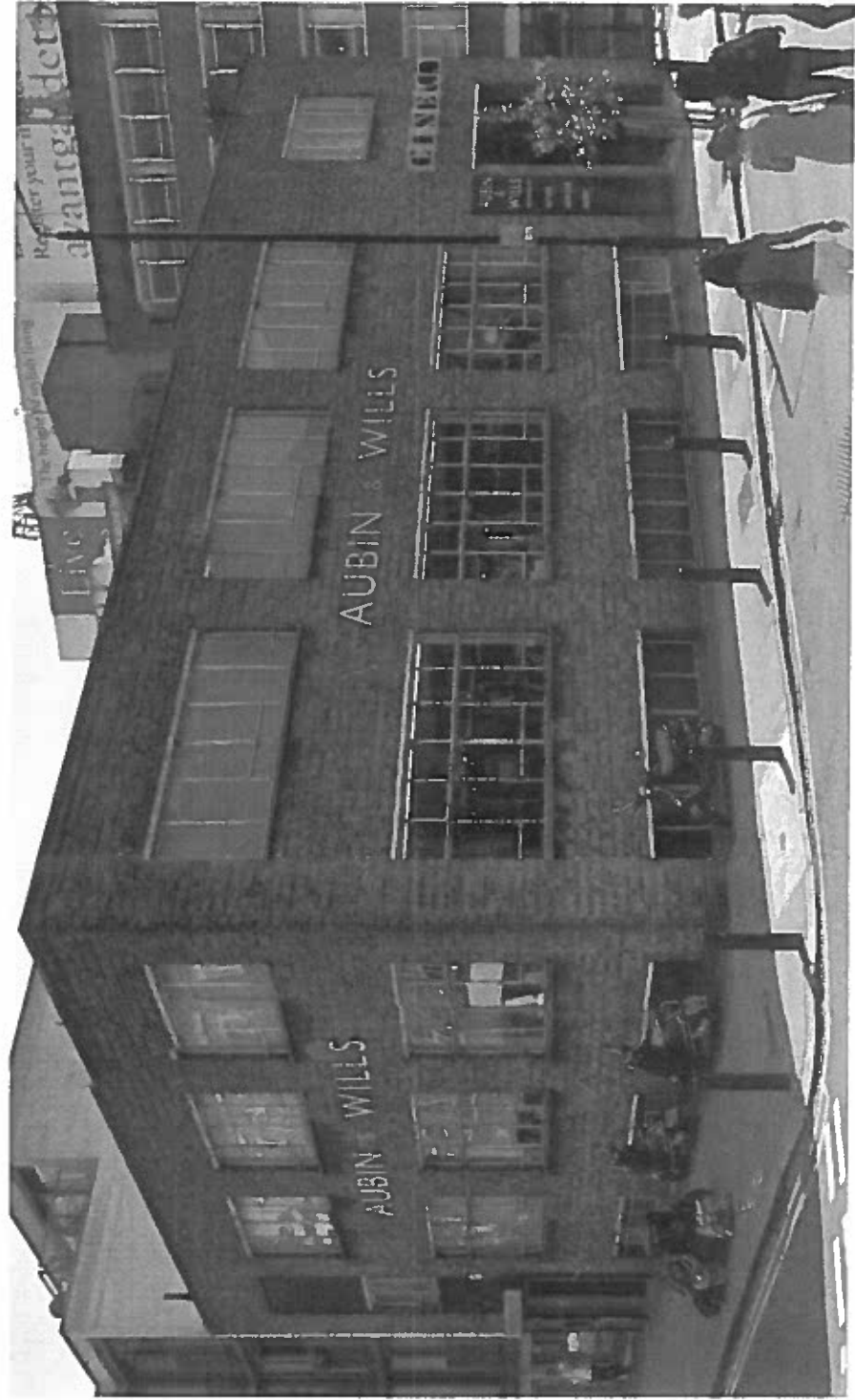
# The opportunity

- To take control the current Jack wills floor at Redchurch street Shoreditch, where we currently have Cheeky and the Aubin Cinema
- We would then control the whole building
  - Putting Neville General Store and a juice bar into the middle floor; and
  - Rebranding the cinema to Electric East (strengthening the Eclectic cinema brand)

CHEEKY

NEVILLE  
GENERAL STORE

Electric  
EAST

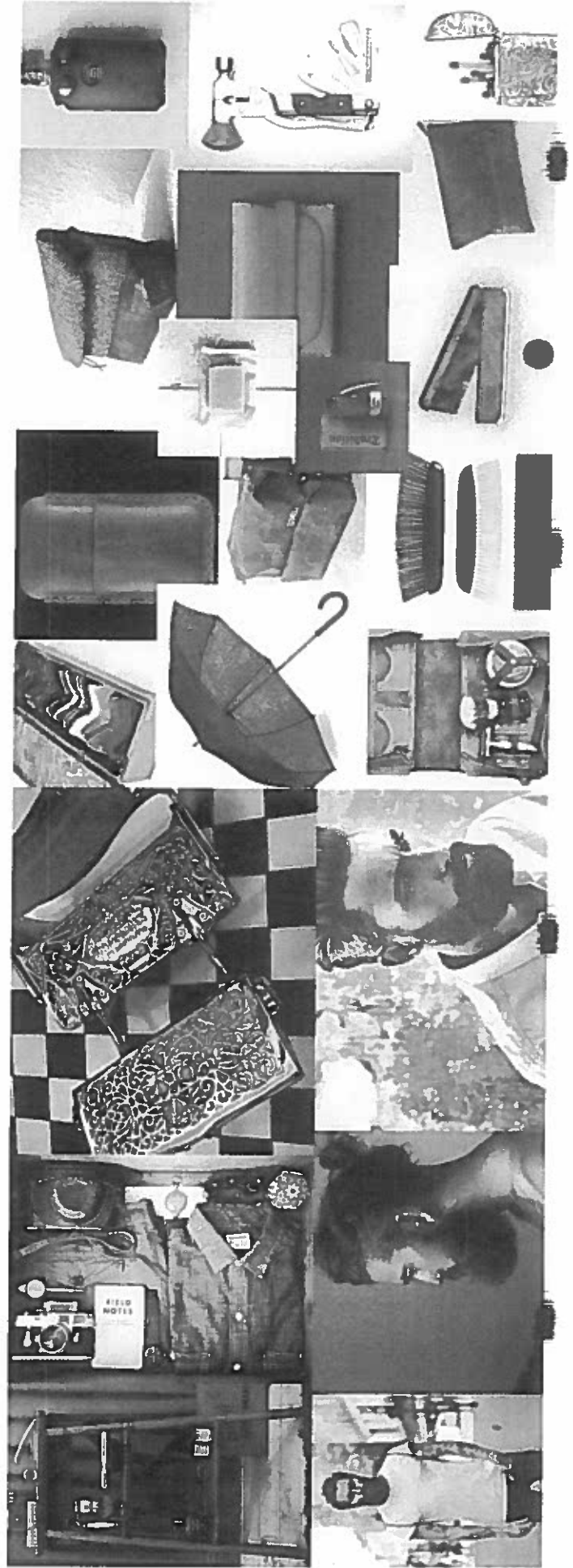


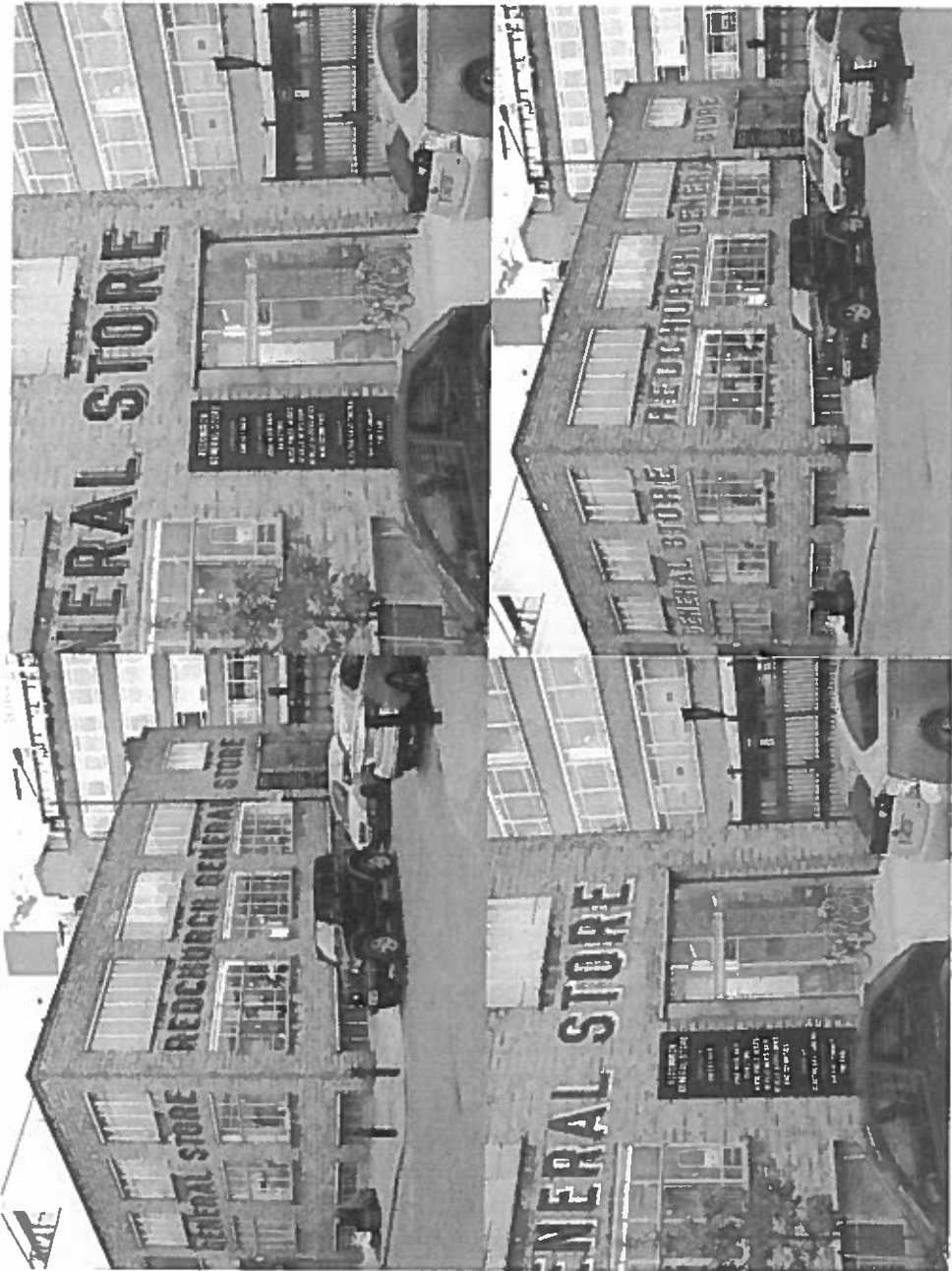


# What is Neville General Store?

- East London's one-stop shop for the modern man
- Neville grooming combined with a carefully curated selection of 3<sup>rd</sup> party products
- The offering:
  - Barber shop
  - Gentlemen's grooming
  - Shoe shine
  - Man Manicure
  - Bar, Coffee, snacks
  - Neville & other branded toiletries
  - Cologne
  - Beard and moustache tools
  - Watches
  - Wash bags
  - Wallets
  - Cufflinks
  - Cut Glass Tumblers and glasses
  - Books
  - Headphones
  - Basic T's and Shirts (Emmet)
  - Underwear (Corgi socks, Sunsel, Hanro)
  - Watches
  - Vinyl

- This will be the flagship store to launch Neville products into wholesale outlets and drive online sales





# Agenda Item 3.4

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	23 September 14	<b>Unrestricted</b>	LSC 28/145	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation Services</b>	Title <b>Licensing Act 2003 Application for a Time Limited Premises Licence for Former Shoreditch Train Station, corner of Pedley Street and Code Street, London, E1 5EW.</b>
Originating Officer: <b>Alexander Lisowski</b> <b>Licensing Officer</b>	Ward affected <b>Spitalfields and Banglatown</b>

## 1.0 Summary

Applicant:	<b>Anthony Hoete</b>
Name and	<b>Former Shoreditch Train Station</b>
Address of Premises:	<b>Corner of Pedley Street and Code Street London, E1 5EW</b>
Licence sought:	<b>Licensing Act 2003 Application for a Time Limited Premises Licence to allow:</b> <ul style="list-style-type: none"><li>• <b>The On Sale of Alcohol</b></li><li>• <b>Regulated Entertainment</b></li></ul>
Objectors:	<b>The Metropolitan Police</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Alexander Lisowski  
020 7364 7446

### 3.0 **Background**

- 3.1 This is an application for a time limited premises licence at the Former Shoreditch Train, London, E1 5EW. The period applied for is 1<sup>st</sup> October, 2014, to 1<sup>st</sup> October, 2015. The application is for the on sale of alcohol and the exhibition of films.

The venue is within the Brick Lane Cumulative Impact Zone.

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

The hours applied for are:

#### **The On Sale of Alcohol**

- Monday to Friday, 18.00pm to 22.30pm
- Saturday and Sunday, 12noon to 22.30pm
- Non-standard times:
  - New Year's Eve, 18.00pm to 03.30am the following day
  - Good Friday, 3<sup>rd</sup> April, 2015, 12noon to 22.30pm
  - Easter Monday, 6<sup>th</sup> April, 2015, 12noon to 22.30pm
  - Early May Bank Holiday, 4<sup>th</sup> May, 2015, 12noon to 22.30pm
  - Spring Bank Holiday, 25<sup>th</sup> May, 2015, 12noon to 22.30pm
  - Summer Bank Holiday, 31<sup>st</sup> August, 2015, 12noon to 22.30pm

#### **The Exhibition of Films**

- Monday to Friday, 18.00pm to 23.00pm
- Saturday and Sunday, 12.00noon to 23.00pm
- Non-standard times:
  - New Year's Eve, 18.00pm to 04.00am the following day
  - Good Friday, 3<sup>rd</sup> April, 2015, 12noon to 23.00pm
  - Easter Monday, 6<sup>th</sup> April, 2015, 12noon to 23.00pm
  - Early May Bank Holiday, 4<sup>th</sup> May, 2015, 12noon to 23.00pm
  - Spring Bank Holiday, 25<sup>th</sup> May, 2015, 12noon to 23.00pm
  - Summer Bank Holiday, 31<sup>st</sup> August, 2015, 12noon to 23.00pm

- 3.3 Maps showing the relevant premises are included as **Appendix 2**.

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

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1<sup>st</sup> November, 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in June, 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 3**.
- 5.6 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Metropolitan Police

### **See Appendix 4**

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)

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 venue is within the Brick Lane Cumulative Impact Zone.  
See **Appendix 5**.

6.2 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.

6.3 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.

6.4 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.

6.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

6.6 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.

6.7 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)

- 6.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.9 In **Appendices 6-10** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## **7.0 Exemptions**

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 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 time limited premises licence.
- Appendix 2** Maps of the surrounding area of the premises.
- Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.
- Appendix 4** Representations of the Metropolitan Police.
- Appendix 5** Brick Lane Cumulative Impact Zone.
- Appendix 6** Licensing officer comments on anti-social behaviour on the premises.
- Appendix 7** Licensing officer comments on anti-social behaviour patrons leaving the premises.
- Appendix 8** Access and egress problems.
- Appendix 9** Planning.
- Appendix 10** Licensing Policy relating to hours of trading.

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# Appendix 1



\* required information

**Section 1 of 19**

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

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

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Is the applicant:

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

Applying as an individual

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

**Applicant Business**

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

\* Registration number

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

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

\* Legal status

Continued from previous page...

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

A private individual acting as an agent

**Agent Business**

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

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

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

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

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

**Premises Address**

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

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 19**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

Continued from previous page...

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

The premises is the former Shoreditch train station, comprising of a detached single-storey building (the old ticket office) and a lower ground area which previously formed part of the train-line (now finished with wooden decking). A high concrete wall surrounds the premises. The site is located in the west of Tower Hamlets borough, next to Allen Gardens.

The intention of the license is to enable the production of pop-up cinema events during the licensed period. These events will not be occurring constantly, but the number of total licensed days is likely to exceed the 21 allowed if using Temporary Events Notices.

During these productions, the space will be configured as a pop-up cinema on the lower ground floor, with a bar serving drinks and snacks for consumption on the premises on the ground floor.



Continued from previous page...

We have already completed three weeks of these events using TENs during June this year, with no complaints or issues.

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

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

Yes

No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

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

Indoors       Outdoors       Both

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

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

Cinema with small surround-sound speakers - designed for high clarity / low volume.

Entry will be restricted to ticketed guests, who will be age checked by SIA approved Door Supervisors on the ground floor.

State any seasonal variations for the exhibition of film

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

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

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

31st December / 1st January (New Year's Eve) - Start 18:00 End 04:00

3 April (Good Friday) - Start 12:00 End 23:00

6 April (Easter Monday) - Start 12:00 End 23:00

4 May (Early May bank holiday) - Start 12:00 End 23:00

25 May (Spring bank holiday) - Start 12:00 End 23:00

31 Aug (Summer bank holiday) - Start 12:00 End 23:00

#### Section 8 of 19

#### PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes       No

#### Section 9 of 19

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes       No

#### Section 10 of 19

#### PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes       No

Continued from previous page...

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

Yes  No

**Section 13 of 19**

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

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

Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

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

Continued from previous page...

FRIDAY

Start 18:00

End 22:30

Start

End

SATURDAY

Start 12:00

End 22:30

Start

End

SUNDAY

Start 12:00

End 22:30

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

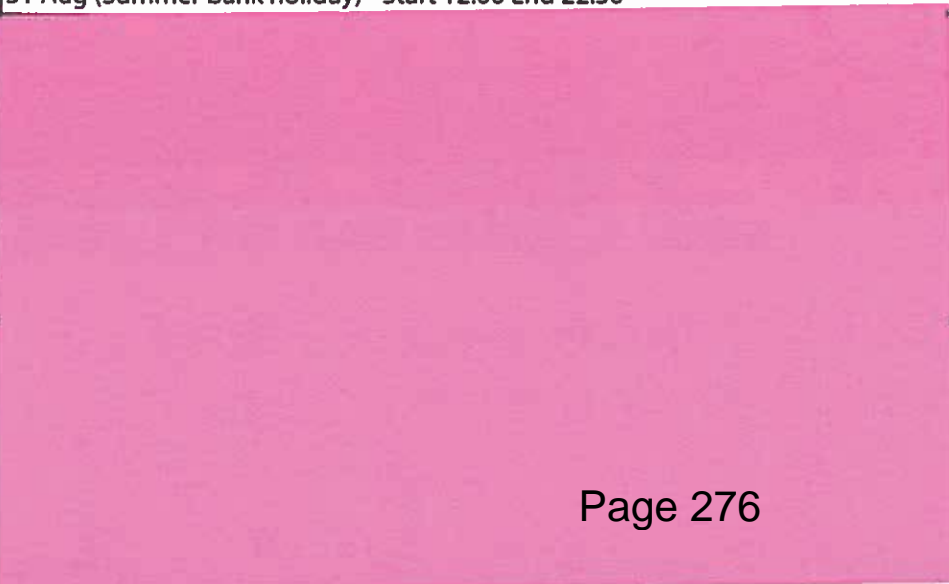
State any seasonal variations

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

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

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

- 31st December / 1st January (New Year's Eve) - Start 18:00 End 03:30
- 3 April (Good Friday) - Start 12:00 End 22:30
- 6 April (Easter Monday) - Start 12:00 End 22:30
- 4 May (Early May bank holiday) - Start 12:00 End 22:30
- 25 May (Spring bank holiday) - Start 12:00 End 22:30
- 31 Aug (Summer bank holiday) - Start 12:00 End 22:30



Continued from previous page

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)

Issuing licensing authority  
(if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 19**

**ADULT ENTERTAINMENT**

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

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

Films for restricted age groups may be screened (i.e. Cert 15, etc)  
Summer-themed events may involve swimwear.  
All events are all 18+, with Challenge 25 enforced by door supervisors.

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

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

*Continued from previous page...*

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

All guests will be Challenge 25 checked by SIA approved Door Supervisors at the door.  
Plastic glassware will be used throughout.  
CCTV will be used.  
Safe capacity limits will be maintained through the use of tally counters and/or advanced ticketing.  
The supply of alcohol is not the primary purpose of the events.

As local stakeholders, we have consulted Spitalfields Community Group about our plans, and they have confirmed that they have no objection to our application. We intend to maintain a open dialog with the SCG and other neighbouring residents throughout our operation.

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

Staff will be trained to identify drunken behavior, and halt sales.  
No irresponsible promotions that may lead to the excessive consumption of alcohol will be introduced.  
Free water will be available throughout.  
Trained SIA approved security will ensure any disorderly conduct is dealt with swiftly and professionally.  
An Incident Log Book will be maintained on the premises.

**c) Public safety**

Sufficient security staff / floor supervisors will be employed in relation to the number of guests.  
Safe capacity limits (to ensure no overcrowding) will be maintained through the use of tally counters and/or advanced ticketing.  
Staff will be trained in / informed of necessary safety measures including evacuation procedures.  
Comprehensive safety notices will be visible throughout the venue.  
Safe arrival and departure routes from the premises for patrons will be identified and documented, and staff/patrons informed accordingly.

**d) The prevention of public nuisance**

Noise escape from the premises will be limited through the use of sound proofing, small speakers and sound level limiters on amplification equipment.  
Nuisance and noise from customers entering and leaving the premises will be minimised through the use of signs inside/ outside the venue asking patrons to leave quietly, and briefing of staff and security to reinforce this.  
Limited attendance per night will ensure no congestion of the pavement/roadway.  
There are excellent public transport links and a nearby minicab station for patrons leaving the premises. Transport timetables will be displayed at the exit of the premises.  
Noise from staff, contractors and suppliers and their activities (including refuse collection and food/drink deliveries) will be minimised and controlled through focusing such activities within standard business hours, and providing appropriate training and signage.  
An Incident Log Book will be maintained on the premises.  
There will be at least 30 minutes between last sales of alcohol and the closure of the premises.

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

The Challenge 25 initiative will be followed to check the age of those who appear to be under the age of 25.  
Children will not be allowed into the venue, and therefore restricted from viewing films that are inappropriate for their age.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.  
Premises Licence Fees are determined by the non-domestic rateable value of the premises.



Continued from previous page...

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

## DECLARATION

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

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

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

\* Full name

David Asher Charman

\* Capacity

Director

\* Date

05 / 08 / 2014

dd mm yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

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

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



Continued from previous page...

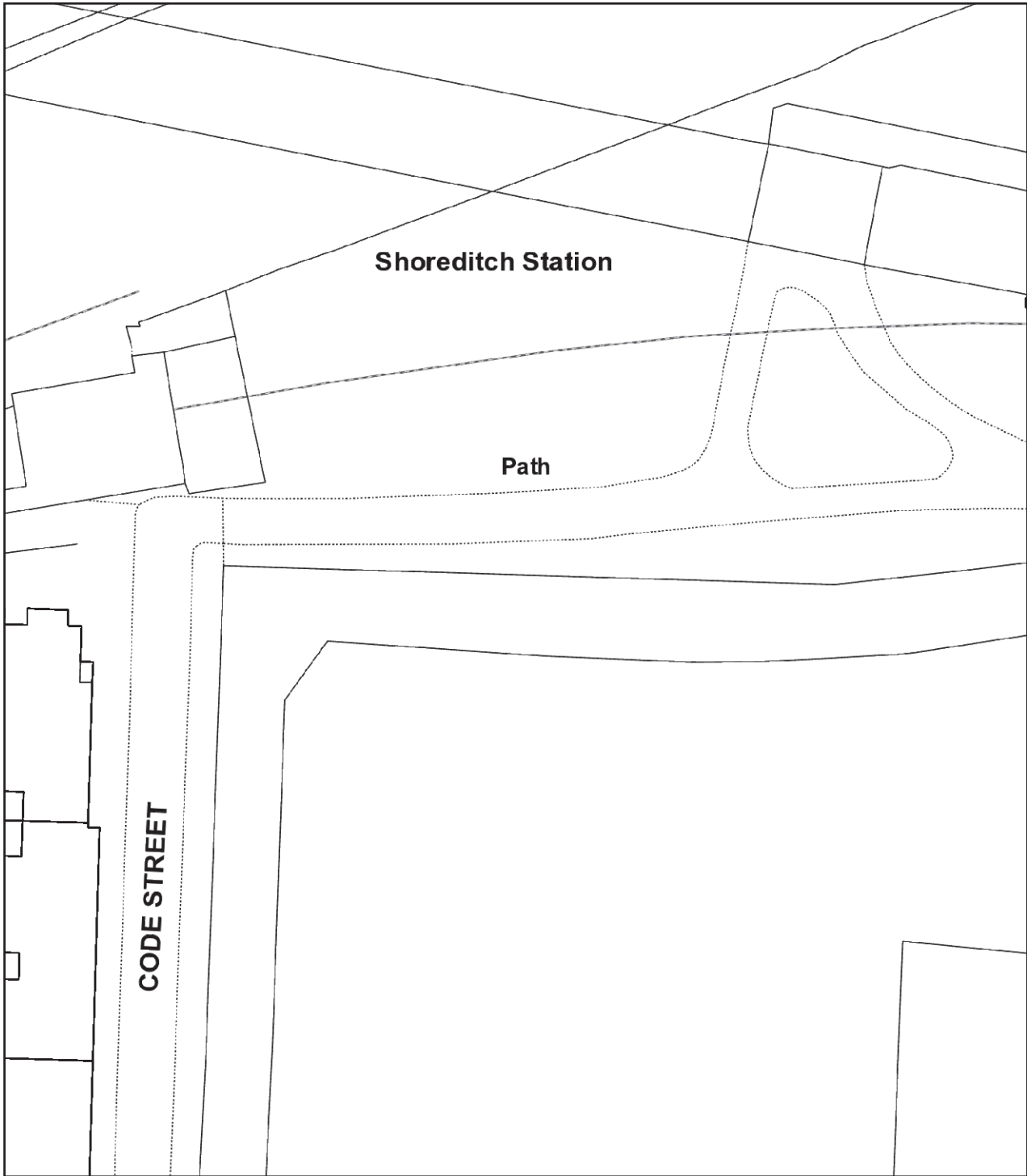
**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Former Shoreditch Underground"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

# Appendix 2

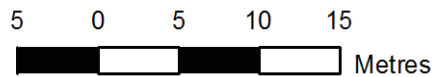


## Former Shoreditch Station

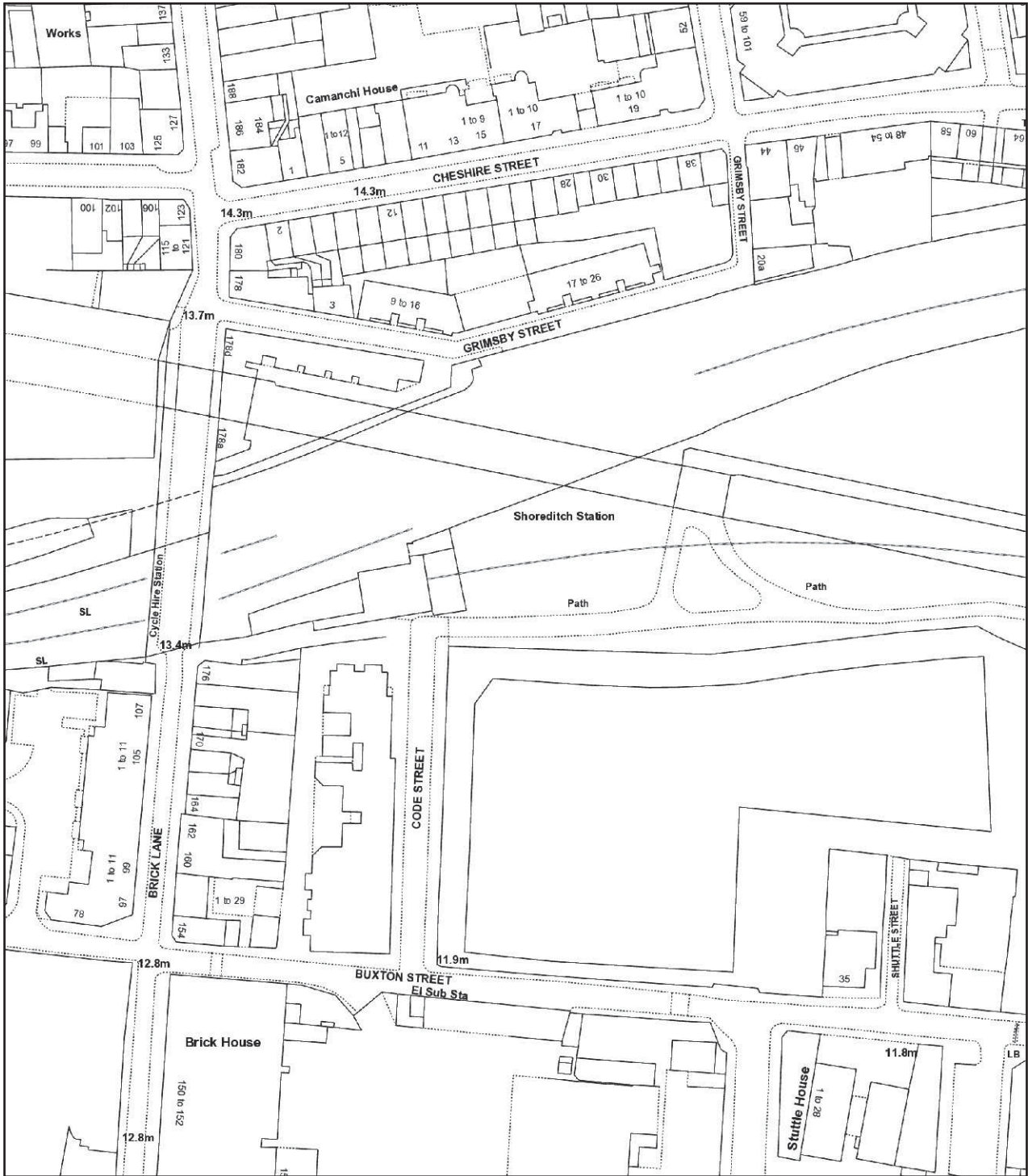
Pedley Street / Code Street



Scale 1:574



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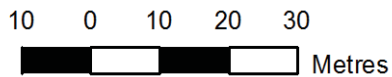


# Former Shoreditch Station

Pedley Street / Code Street



Scale 1:1340



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# Appendix 3

## 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 4



John McCrohan  
LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4AU

HT - Tower Hamlets Borough  
HH - Limehouse Police Station

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

Telephone: [REDACTED]

Facsimile:

Email:

[REDACTED]

Your ref:

Our ref:

24 August 2014

Dear Mr McCrohan

Re:application for a premises licence  
Former Shoreditch train station, Pedley St, E1 5EW

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

*The prevention of crime and disorder*

*The prevention of public nuisance*

LBTH has adopted a Saturation Policy / Cumulative Impact Policy which includes Pedley St at the junction with Brick Lane. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

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

This part of Brick Lane is already a very busy area in terms of licensed premises. The continuing introduction of new licensed premises or variations however small or well run, will only compound the problems in the CIZ

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

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

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

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

This venue has been used in the past for other activities other than the performance of film.

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

1. No promoted events that involves DJs

(if not, a F696 to be completed for promoted events within the relevant time period)

2. CCTV

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

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

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

3. Two SIA staff to be employed on a Friday and Saturday from 1800 until closing.

4. The removal of the non standard timings. These are the busiest periods for the Metropolitan Police. They can apply for a TEN nearer the time where it can be better assessed.

# Appendix 5

### **Special Cumulative Impact Policy for the Brick Lane Area**

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

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

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

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

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

Figure One

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

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



# Appendix 6



## 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 7

## 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 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 Sections 8.1 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy, and also Section 12.5**).

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

# Appendix 9



## **Planning**

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

# Appendix 10

## **Licensing Policy relating to hours of trading**

All applications have to be considered on their own merits.

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

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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