

LICENSING SUB COMMITTEE

Tuesday, 14 February 2017 at 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place,

5 Clove Crescent, London, E14 2BG

This meeting is open to the public to attend.

Contact for further enquiries:

Antoinette Duhaney, Democratic Services
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
E-mail: antoinette.duhaney@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

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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 - 14)

To note the rules of procedure which are attached for information.

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3.1 Licensing Act 2003 Application for a New Premises Licence for Poplar Union, 2 Cotall Street, London, E14 6TL	15 - 92	Lansbury
Licensing Objectives		
<ul style="list-style-type: none"> • Crime and Disorder • Public Nuisance 		
Representations		
<ul style="list-style-type: none"> • Local residents 		
3.2 Licensing Act 2003 Application for a Variation to Premises Licence for Original Taste, 74 Bow Road, London, E3 4DL	93 - 152	Bromley North
Licensing Objectives		
<ul style="list-style-type: none"> • Crime and Disorder • Public Nuisance 		
Representations		
<ul style="list-style-type: none"> • Local residents 		

**3 .3 Licensing Act 2003 Application for New Premises
Licence for Sakana Sushi, Unit E, 43a Commercial
Street, London, E1 6BD**

153 - 236

**Spitalfields
&
Banglatown**

Licensing Objectives

- Crime and Disorder
- Public Nuisance

Representations

- Local residents

**4. EXTENSION OF DECISION DEADLINE:
LICENSING ACT 2003**

The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

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:-

Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer
Telephone Number: 020 7364 4800

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 SUB 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 Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 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.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) 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.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing 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. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee 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.
- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.

- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing 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.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing 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. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give any opinion on the application or ask the Committee to make an inference based on such an opinion.
- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal

Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.

- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing 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, and respond to the written representations received. 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 or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.
- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.

- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee 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
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing 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 Licensing Committee may specify.
- 4.2 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.

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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

Committee :	Date	Classification
Licensing Sub Committee	14th February 2017	Unrestricted

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a New Premises Licence for Poplar Union, 2 Cotall Street, London, E14 6TL
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Lansbury

1.0 Summary

Applicant: **Poplar Housing & Regeneration Community Association Limited**

Name and Address of Premises: **Poplar Union
2 Cotall Street
London E14 6TL**

Licence sought: **Licensing Act 2003
The Sale of Alcohol
Provide regulated entertainment**

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a new premises licence for Poplar Union, 2 Cotall Street, London, E14 6TL. The premises has not been previously licensed.

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
- Providing regulated entertainment

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

Sale of Alcohol (on sales only)

- Monday to Saturday from 08:00hrs to 22:30hrs
- Sunday from 09:00hrs to 20:30hrs

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

- Monday to Saturday from 08:00hrs to 22:30hrs
- Sunday from 09:00hrs to 20:30hrs

Hours premises is open to the public:

- Monday to Saturday from 08:00hrs to 22:30hrs
- Sunday from 09:00hrs to 20:30hrs

3.5 Members should note that the application states that the terminal hour for all licensable activities to be Monday to Saturday at 23:00hrs and Sunday at 21:00hrs. This reduction has been agreed with the Responsible Authorities.

3.6 Please see Appendix 2-4 for copies of emails between the Applicant and the Responsible Authorities, agreeing new timings and additional conditions for the Operating Schedule.

- **Appendix 2** Nicola Cadzow, LBTH Environmental Health (Noise)
- **Appendix 3** PC Alan Cruickshank, Metropolitan Police
- **Appendix 4** James Gilley, LBTH Child Protection

4.0 **Location and Nature of the premises**

4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.

4.2 The site plan of the venue is included as **Appendix 5**.

- 4.3 Maps showing the vicinity are included as **Appendix 6**.
- 4.4 There are no other licensed venues in the immediate vicinity. There is however, a convenience store (off licence only) at Dod Street, more than some 170 metres from the premises licenced for alcohol from 08:00hrs to 23:00hrs 7days-a-week.

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in March 2015.
- 5.4 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.

6.0 **Representations**

- 6.1 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
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 7**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents:
- **Appendix 8** Darren Buckingham
 - **Appendix 9** Jimmy Mian Guan Lim
 - **Appendix 10** Roxanna Ong
 - **Appendix 11** Heeten Patel
 - **Appendix 12** Tony Portacio
 - **Appendix 13** Mr F Wymont
 - **Appendix 14** A Petition headed by Mohammed Rashid

Members may wish to note that the petition received from Mr Rashid contains 24 signatories. Members will note that some signatories have not fully completed the sections asking for their name and/or address. In some instances, the details provided by the signatory are wholly illegible. It is not practice for the Licensing Authority administering an application to contact all the signatories on a petition to verify that the objection has been properly sought and understood. Therefore Members may wish to decide how much weight to give to the petition in its current form. Signatories to the petition may attend the Hearing; however it is customary that the lead petitioner (Mr Rashid in this case) will represent any countersigners.

- 6.9 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 (Public Health England)
- 6.10 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

6.11 The objections cover allegations of:

- The potential for anti-social behaviour on the premises
- The potential for anti-social behaviour from patrons leaving the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties
- Excessive licensed hours

6.12 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.

6.13 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.

7.0 **Conditions consistent with Operating Schedule**

7.1 Members will note from the application for that the Operating Schedule is predominately blank. The conditions offered are listed as:

1. Suitable CCTV system will be operational at all times when licensable activities are being carried out and at any other times where member of the public are present on the premises;
2. All staff will receive full training in respect of the Licensing Act 2003;
3. The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.

8.0 **Conditions Agreed/Requested by Responsible Authorities**

8.1 Members may wish to consider applying the following conditions as listed in the emails available in **Annexes 2-4**:

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance;
2. Loudspeakers shall not be located in the entrance lobby or outside the premises building;
3. All windows and external doors shall be kept closed after 21:00hrs, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons;
4. Premises to be manned at all times by staff who will monitor Young Persons on the premises at all times;
5. No unaccompanied persons under 16 on the premises after 2100hrs;
6. A CCTV system to be put in place, the cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the inside of the venue and the entrance. The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request and supplied within 24 hours. While the premises are open to the public a member of staff must be on duty who can operate the CCTV system;
7. The premises will operate a Challenge 21 policy, all those who look under 21 years of age will asked for proof of age;
8. An incident record book is to be kept at the premises, this book will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises customers, or any other incident of note.

9.0 Licensing Officer Comments

9.1 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.

9.2 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 under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and

proportionality (1.7).

- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore 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)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “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.” (10.21)

- 9.3 The Licensing Act 2003 permits children of any age to be on premises which primarily sell alcohol, providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 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.
- 9.6 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)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 15-18** 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.

10.0 Legal Comments

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

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

- | | |
|-------------------|--|
| Appendix 1 | A copy of the application |
| Appendix 2 | Email from the Applicant’s Legal Agent to Nicola Cadzow, LBTH Environmental Health (Noise) |
| Appendix 3 | Email from the Applicant’s Legal Agent to PC Alan Cruickshank, Metropolitan Police |
| Appendix 4 | Email from the Applicant’s Legal Agent to James Gilley, |

LBTH Child Protection

- Appendix 5** Site plan
- Appendix 6** Maps of the surrounding area
- Appendix 7** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 8** Representation of local resident Darren Buckingham
- Appendix 9** Representation of local resident Jimmy Mian Guan Lim
- Appendix 10** Representation of local resident Roxanna Ong
- Appendix 11** Representation of local resident Heeten Patel
- Appendix 12** Representation of local resident Tony Portacio
- Appendix 13** Representation of local resident Mr F Wymont
- Appendix 14** Representation of local resident A Petition headed by Mohammed Rashid
- Appendix 15** Licensing Officer comments on Anti-Social Behaviour on the Premises
- Appendix 16** Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises
- Appendix 17** Licensing Officer comments on Access and Egress Problems
- Appendix 18** Licensing Officer comments on Licensing Policy Relating to Hours of Trading

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Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST


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

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

I/We Poplar Housing & Regeneration Community Association 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 Poplar Union 2 Cotall Street			
Post town	London		
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£47,500.00	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Poplar Housing & Regeneration Community Association Limited
Address 167a East India Dock Road Poplar London E14 0EA
Registered number (where applicable) 03249344
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

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

The Premises will be a Community Centre operated by Poplar Housing and Regeneration Community Association Limited with a café facility for the sale of food and drinks including alcohol. A range of activities will take place which are not licensable activities (e.g. education classes/leisure activities/group meetings) and the premises will be available for hire.

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>

Tue			
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)
Thur			
Fri			<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> (please read guidance note 5)
Sat			
Sun			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
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 live music</u> (please read guidance note 4)		

Thur	08.00	23.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Fri	08.00	23.00	
Sat	08.00	23.00	
Sun	09.00	21.00	

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon	08.00	23.00	<u>Please give further details here (please read guidance note 3)</u>	
Tue	08.00	23.00		
Wed	08.00	23.00	<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>	
Thur	08.00	23.00		
Fri	08.00	23.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>	
Sat	08.00	23.00		
Sun	09.00	21.00		

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	08.00	23.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	08.00	23.00	Please give further details here (please read guidance note 3)		
Wed	08.00	23.00			

Thur	08.00	23.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)
Fri	08.00	23.00	
Sat	08.00	23.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sun	09.00	21.00	

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	08.00	23.00						
Tue	08.00	23.00						
Wed	08.00	23.00						
Thur	08.00	23.00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	08.00	23.00						
Sat	08.00	23.00						
Sun	09.00	21.00						

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

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

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	23.00	
Tue	08.00	23.00	
Wed	08.00	23.00	
Thur	08.00	23.00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	08.00	23.00	
Sat	08.00	23.00	
Sun	09.00	21.00	

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

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

b) The prevention of crime and disorder

1. A suitable Closed-Circuit (CCTV) system will be operational at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
2. All staff will receive full training in respect of the Licensing Act 2003.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

1. The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.

Checklist:

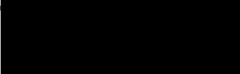
Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	19 December 2016
Capacity	Woods Whur 2014 Limited - Solicitors for the applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Andrew Woods Woods Whur 2014 Limited Devonshire House 38 York Place			
Post town	Leeds	Postcode	LS1 2ED
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Appendix 2

Andrew Heron

From: Nicola Cadzow
Sent: 04 January 2017 08:45
To: 'Andrew Woods'; Andrew Heron; Amy Hayward; Licensing
Cc: [REDACTED]
Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Follow Up Flag: Follow up
Flag Status: Completed

Hi Andrew

That's great.

Thank you, as have agreed the times and conditions for the application, nothing else is required from me at this time.

Licensing, as amendments to the hours and conditions have been agreed (see email trail), I have no objections to the New Premise License Application for Poplar Union 2 Cotall Street, London ref M/097346, as follows:-

Premises hours as follows:-

Monday to Saturday:- Licensable Activities Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol until 22:30 hours, allowing 30 minutes for drink up time, music to background level) with premises closing at 23:00 hours (as per your application)

Sunday:- Licensable Activities Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol until 20:30 hours, allowing 30 minutes for drink up time, music to background level) with premises closing at 21:00 hours (as per your application)

(1) The following conditions to be applied as below:-

- (a) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- (b) Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- (c) All windows and external doors shall be kept closed after **21:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

From: Andrew Woods [REDACTED]
Sent: 03 January 2017 18:01
To: Nicola Cadzow; Andrew Heron; Amy Hayward; Andrew Woods
Cc: [REDACTED]
Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Hi Nicola

I have taken instructions and confirm that I am happy to agree your proposed times and proposed conditions.

I ticked the 'anything of a similar description' box although it is debatable as to whether we need this . As a community hall we will be holding various theatre events , performances of dance , open mike talks and debates etc etc.

As I have agreed your times and conditions do you need anything else from me?

Regards
Andy

Andrew Woods

[REDACTED]
[REDACTED]
[REDACTED]

From: Nicola Cadzow [REDACTED]
Sent: 23 December 2016 12:22
To: Andrew Woods
Cc: [REDACTED]
Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Hi Andy

Great! I shall wait to hear from you in due course.

Kind regards

Nicola

From: Andrew Woods [REDACTED]
Sent: 23 December 2016 11:58
To: Nicola Cadzow
Cc: [REDACTED]
Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Hi Nicola

Thanks for the e mail – I will take instructions and get back to you asap.

Andy

Andrew Woods

[REDACTED]
[REDACTED]
[REDACTED]

From: Nicola Cadzow [REDACTED]
Sent: 22 December 2016 12:10
To: Andrew Woods
Cc: [REDACTED]
Subject: New premise License Application - Poplar Union 2 Cottall Street, London ref M/097346

Dear Mr Woods

I am the Noise Officer who is looking at the Premise License Application for Poplar Union for 2 Cottall Street, ref M/097346.

I wish to discuss the following:-

- (1) The application is completed for the Licensing Objective for Prevention of Crime however I would be grateful if you could provide information regarding the other three Licensing Objectives. In particular for the Noise Team, to show how you propose to comply with the Licensing Objective for the Prevention of Public Nuisance.
- (2) The Application shows that the Licensable Activities: Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol are until the same hours as the Premises Closing time.

I would consider the following hours:

Monday to Saturday:- Licensable Activities Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol until 22:30 hours, allowing 30 minutes for drink up time, music to background level) with premises closing at 23:00 hours (as per your application)

Sunday:- Licensable Activities Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol until 20:30 hours, allowing 30 minutes for drink up time, music to background level) with premises closing at 21:00 hours (as per your application)

- (3) The following conditions to apply as below:-

- (a) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- (b) Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- (c) All windows and external doors shall be kept closed after **21:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

I await your response to the above at your earliest convenience.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team

Appendix 3

Andrew Heron

From: Andrew Woods [REDACTED]
Sent: 04 January 2017 11:40
To: [REDACTED] Andrew Woods
Cc: Nicola Cadzow; Andrew Heron
Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Follow Up Flag: Follow up
Flag Status: Completed

Hi Mark

Thanks for calling. I am happy to confirm that all the below conditions are agreed.

Regards
Andy

Andrew Woods

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 4 January 2017 11:21
To: Andrew Woods
Cc: [REDACTED]
Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Hi Andrew,

Good to speak to you today. Following our conversation please see the conditions we agreed:

1) A CCTV system to be put in place, the cameras are to be of sufficient quality so that peoples faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the inside of the venue and the entrance.

The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request and supplied within 24 hours.

While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

2) The premises will operate a Challenge 21 policy, all those who look under 21 years of age will asked for proof of age.

3) A incident record book is to be kept at the premises, this book will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises customers, or any other incident of note.

Please can you reply to confirm that these conditions are acceptable.

Thanks

Mark

PC Mark Perry
Police Licensing Officer

From: Nicola Cadzow [REDACTED]
Sent: 04 January 2017 08:45
To: 'Andrew Woods'; Andrew Heron; Amy Hayward; Licensing
Cc: Cruickshank Alan D - HT; Perry MARK J - HT
Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Hi Andrew

That's great.

Thank you, as have agreed the times and conditions for the application, nothing else is required from me at this time.

Licensing, as amendments to the hours and conditions have been agreed (see email trail), I have no objections to the New Premise License Application for Poplar Union 2 Cotall Street, London ref M/097346, as follows:-

Premises hours as follows:-

Monday to Saturday:- Licensable Activities Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol until 22:30 hours,

allowing 30 minutes for drink up time, music to background level) with premises closing at 23:00 hours (as per your application)

Sunday:- Licensable Activities Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol until 20:30

hours, allowing 30 minutes for drink up time, music to background level) with premises closing at 21:00 hours (as per your application)

(1) The following conditions to be applied as below:-

- (a) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- (b) Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- (c) All windows and external doors shall be kept closed after **21:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team

Environmental Protection
London Borough of Tower Hamlets

From: Andrew Woods [REDACTED]
Sent: 03 January 2017 18:01
To: Nicola Cadzow; Andrew Heron; Amy Hayward; Andrew Woods
Cc: [REDACTED]
Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Hi Nicola

I have taken instructions and confirm that I am happy to agree your proposed times and proposed conditions.

I ticked the 'anything of a similar description' box although it is debatable as to whether we need this . As a community hall we will be holding various theatre events , performances of dance , open mike talks and debates etc etc.

As I have agreed your times and conditions do you need anything else from me?

Regards
Andy

Andrew Woods

[REDACTED]
[REDACTED]
[REDACTED]

From: Nicola Cadzow [REDACTED]
Sent: 23 December 2016 12:22
To: Andrew Woods
Cc: [REDACTED]
Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Hi Andy

Great! I shall wait to hear from you in due course.

Kind regards

Nicola

From: Andrew Woods [REDACTED]
Sent: 23 December 2016 11:58
To: Nicola Cadzow

Cc: [REDACTED]

Subject: RE: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Hi Nicola

Thanks for the e mail – I will take instructions and get back to you asap.

Andy

Andrew Woods

[REDACTED]

[REDACTED]

[REDACTED]

From: Nicola Cadzow [REDACTED]

Sent: 22 December 2016 12:10

To: Andrew Woods

Cc: [REDACTED]

Subject: New premise License Application - Poplar Union 2 Cotall Street, London ref M/097346

Dear Mr Woods

I am the Noise Officer who is looking at the Premise License Application for Poplar Union for 2 Cottall Street, ref M/097346.

I wish to discuss the following:-

- (1) The application is completed for the Licensing Objective for Prevention of Crime however I would be grateful of you could provide information regarding the other three Licensing Objectives. In particular for the Noise Team, to show how you propose to comply with the Licensing Objective for the Prevention of Public Nuisance.
- (2) The Application shows that the Licensable Activities: Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol are until the same hours as the Premises Closing time.

I would consider the following hours:

Monday to Saturday:- Licensable Activities Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol until 22:30 hours,

allowing 30 minutes for drink up time, music to background level) with premises closing at 23:00 hours (as per your application)

Sunday:- Licensable Activities Regulated Entertainment (live & recorded music), Anything of Similar description (description not given- please provide information), Supply of Alcohol until 20:30

hours, allowing 30 minutes for drink up time, music to background level) with premises closing at 21:00 hours (as per your application)

- (3) The following conditions to apply as below:-

(a) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

(b) Loudspeakers shall not be located in the entrance lobby or outside the premises building.

(c) All windows and external doors shall be kept closed after **21:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

I await your response to the above at your earliest convenience.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

*

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Web site : <http://www.towerhamlets.gov.uk>

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Appendix 4

Andrew Heron

From: Andrew Woods [REDACTED]
Sent: 03 January 2017 18:05
To: James Gilley
Cc: Andrew Woods; Andrew Heron
Subject: RE: Licensing application Cottall Street YOUNG PERSONS

Follow Up Flag: Follow up
Flag Status: Completed

Hi James

I have spoken to the operators who fully understand your concerns – I wonder if you would be happy with the below proposals (my clients would be happy to consider any others). I appreciate that the first one is an all encompassing proposal but hopefully the second one deals with any issues over vulnerable children at night.

- Premises to be manned at all times by staff who will monitor Young Persons on the premises at all times.
- No unaccompanied persons under 16 on the premises after 2100?

Regards
Andy

Andrew Woods

[REDACTED]

[REDACTED]

[REDACTED]

From: James Gilley [REDACTED]
Sent: 22 December 2016 10:57
To: Andrew Woods
Subject: Licensing application Cottall Street

Dear Andrew

Re: your Licensing Act application in relation to Poplar Union – 2 Cottall Street London E14 6TL

there is insufficient information as to how you will ensure "the protection of children from harm".

Given the premises function is that of a Community Centre could you please be specific as to what steps your client intends ie regarding children/young people remaining on the premises late into the night - especially on school nights? Children/young people left unaccompanied, children who may be vulnerable to sexual exploitation etc..

Please do not hesitate to contact me should you wish to discuss any of the above

Yours
James

James Gilley
Local Authority Designated Officer (LADO)
Safeguarding Children's Hub

[Redacted]

[Redacted]

Through our practice, we help children, young people and their families to have safer and better lives

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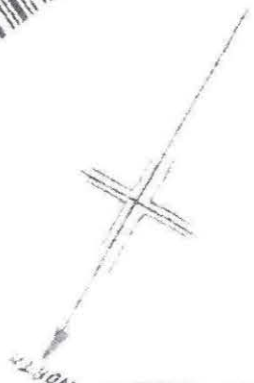
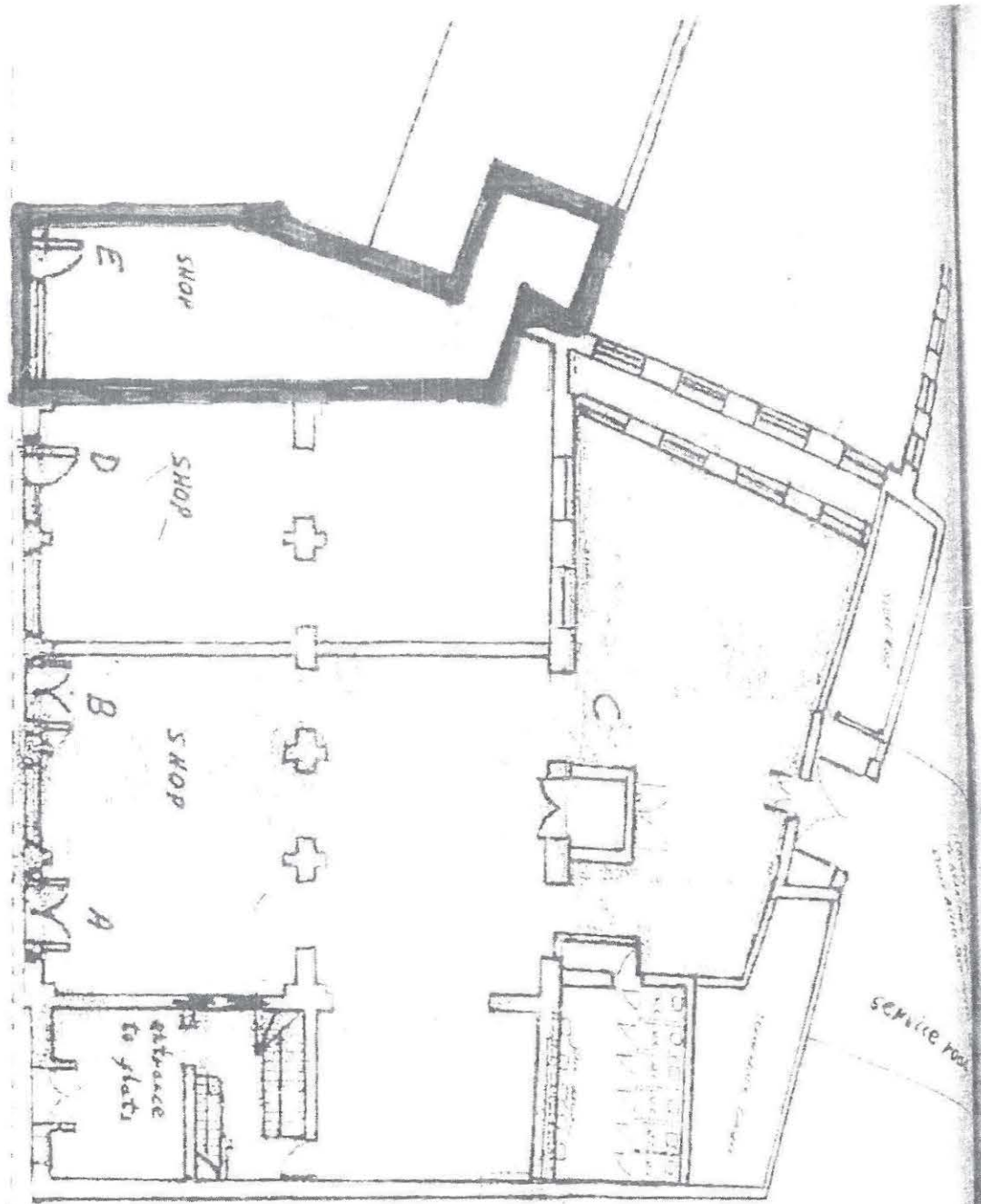
Appendix 5

GROUND FLOOR PLAN
43a COMMERCIAL STREET
LONDON E1 6BD
UNIT E

SCALE 1:200

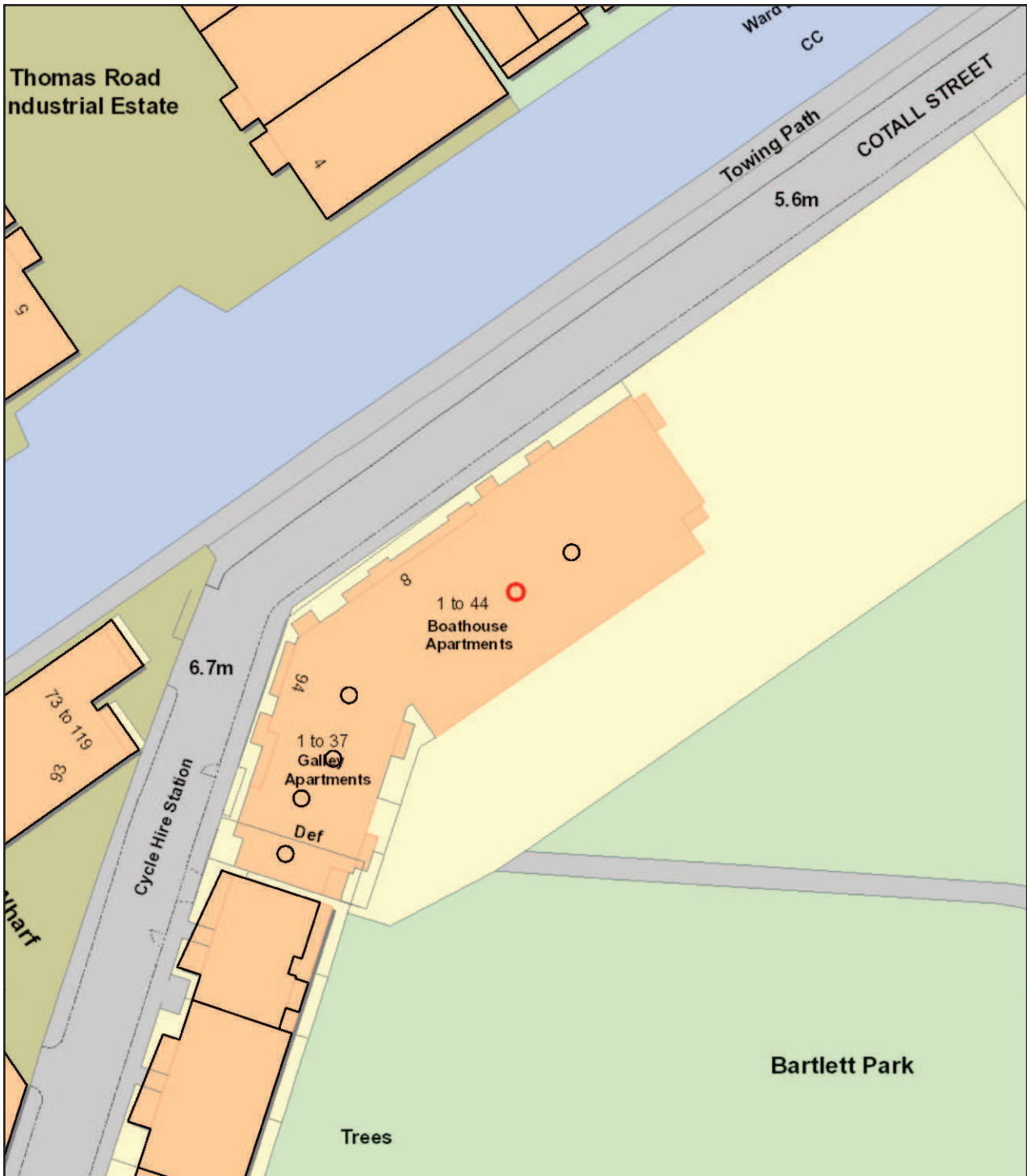
NOTICE OF INTENT TO APPLY

COMMERCIAL STREET



Handwritten notes:
Party release
Attention
M. J. H. H. H.

Appendix 6

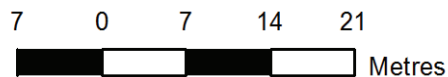


2 Cotall Street

Map 1



Scale 1:769



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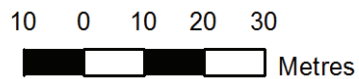


2 Cotall Street

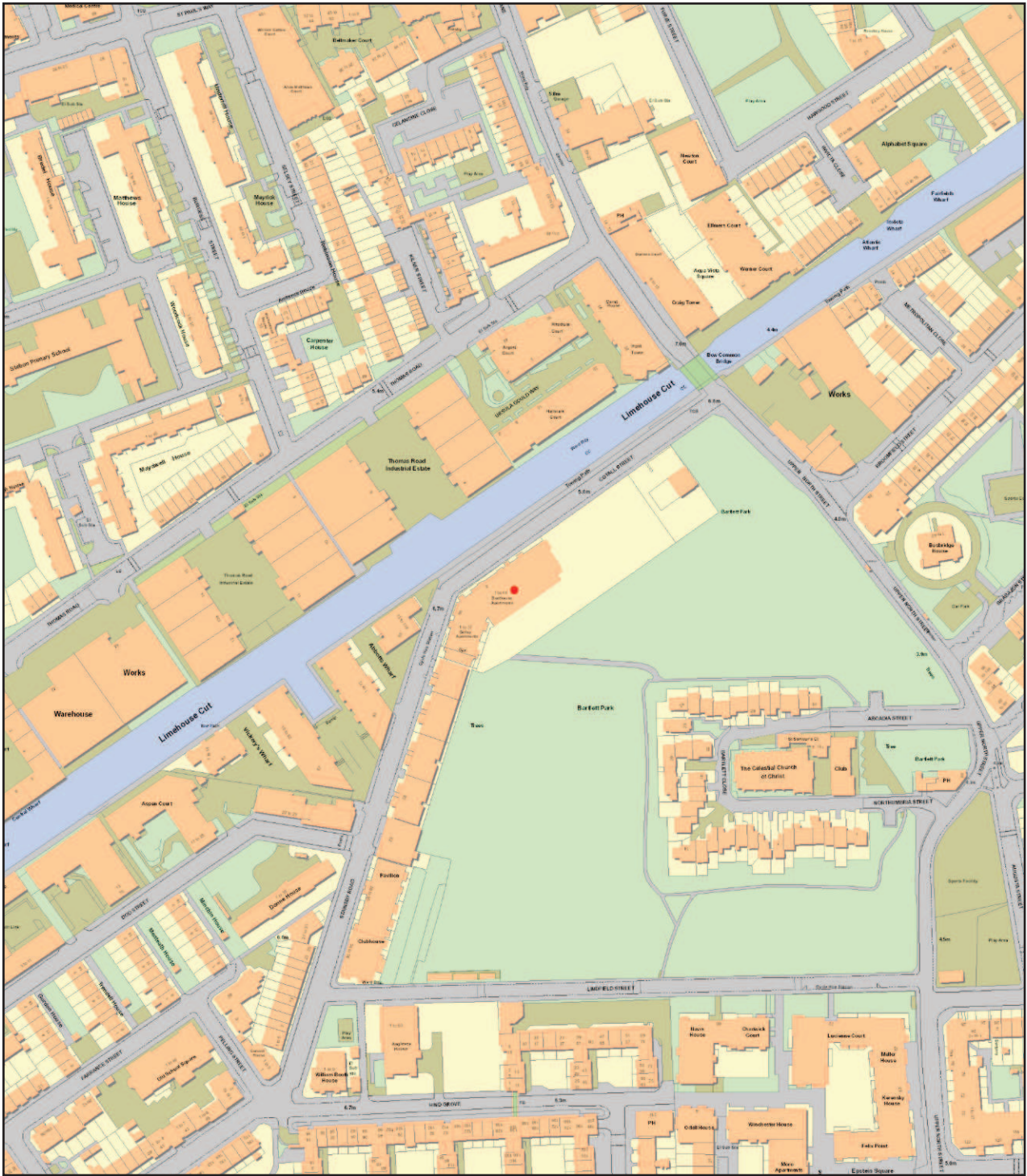
Map 2



Scale 1:1537



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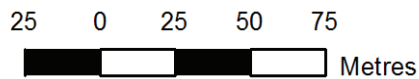


2 Cotall Street

Map 3



Scale 1:3074



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Appendix 7

Section 182 Advice by the Home Office Updated on March 2015

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 8

Andrew Heron

From: Daren Buckingham [REDACTED]
Sent: 11 January 2017 16:41
To: Licensing
Subject: Attn: Mr Andrew Heron - Poplar Union Licensing Application 097346

Dear Mr Heron,

I am a local resident who lives a few metres from the Poplar Union Community Hall and was shocked to find out that they have applied for a drinks and music licence. Living so close to the community hall I am very unhappy that they have decided not to notify local residents directly. Indeed I understood that it is a legal requirement of such applications that residents who live within 40 meters should be notified of such application directly.

I understand that the application was made shortly before the Christmas break on the 20th December and if I was being cynical I would suggest that the application was trying to slip through unnoticed during the holidays. An A4 sized poster on a lamp post is not going to gain the awareness of local residents and therefore a realistic assessment of the impact of granting this licence will not be achieved. Especially with the time limit of 17th January for comments on this application. It really is unacceptable.

I have lived in [REDACTED] for 12 years and in the local area for over 30 years and have some concerns about licensing these premises:

- We already have a problem with anti social behaviour, especially in Bartlet Park, and the introduction of alcohol will surely exacerbate this problem.
- Noise nuisance in the park late at night is a big problem, and music noise from the community hall is really not fair on us local residents, compounded with drinkers spilling into the park.
- Parking too is a massive problem for me and is already at breaking point. This licence being granted is only going to make things worse.

I sincerely hope that this licence application is rejected and the local residents consulted in an open and transparent way so the application can considered fairly by local residents.

Kind Regards,

Daren Buckingham
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 9

Andrew Heron

From: Jimmy MG Lim [REDACTED]
Sent: 13 January 2017 23:59
To: Licensing
Subject: Poplar Union Licensing Application 097346 - Attn Andrew Heron

Hi Mr Heron,

I am long time a resident in the area of poplar, [REDACTED]. I am deeply concerned by the poplar union applying for a drinks and music license. I worry for the locals particularly the nursing home*, aged community and quiet community housing in the area.

I have been here for slightly over 11 years, and have grown with the local peaceful community. As you may already understand, on Stainsby road, the population is of higher density considering the number of high rise apartments and public park (Baratte Park). A music and drinking licence will encourage more antisocial behavior and cause unnecessary costs to both the police and local governance parties; as well as endanger the high volume of older residents that will be the result of noise and drunk individuals (refer to above *). From all perspectives of this concerning matter, there will be of little value achieved in allowing such establishments; it will be much a better cause approving developments such as community gyms and learning centres to encourage on improving the community as a whole.

I encourage you to take a deeper consideration on this matter and strongly support your cause in REJECTING the unnecessary "drinks and music" application for a designated residential area.

kind regards,
Jimmy MG Lim

[REDACTED]

--
Jimmy Mian Guan Lim

[REDACTED]

[REDACTED]

Appendix 10

Andrew Heron

From: Roxanna Ong [REDACTED]
Sent: 15 January 2017 18:54
To: Licensing
Subject: Attn: Mr Andrew Heron - Poplar Union Licensing Application 097346

Dear Mr Heron,

I am a local resident who lives very close to the Poplar Union Community Hall and was surprised to find out that they have applied for a drinks and music licence.

I understand that it is a legal requirement for this type of application that residents who live within 40 metres should be notified directly of such an application. I only found out about it by accident via a neighbour . I have not seen any notices for this application on Stainsby Road. It's also very disappointing that notification wasn't provided directly. Why did that not happen?

I have lived in [REDACTED] for over 10 years and have some serious concerns about licensing these premises as I believe it will have an adverse effect on the quality of life for the residents as it is likely to result in:

Noise nuisance

The music noise from the community hall is not fair to local residents and is likely to result in drinkers continuing their revelry into the park once the Union closes.

Anti-social behaviour

This is already a problem in the area and selling alcohol at a premises next to Bartlett Park will only make it worse.

Parking issues

Parking is a big problem, it is very limited and at breaking point. If the licence is granted it'll only make things much worse.

I object to the licence application on these grounds and hope that it will be rejected. I also hope that the local residents will be consulted in an open and transparent way, on a timely basis, so the application can be considered fairly by local residents.

Yours sincerely,

Ms Roxanna Ong
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 11

Andrew Heron

From: H Patel [REDACTED]
Sent: 17 January 2017 08:46
To: Licensing
Subject: Attn: Mr Andrew Heron - Poplar Union Licensing

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Heron

I am writing to object to the application for a drinks and music licence for Poplar Union. Despite living so close to the actual venue, I received no indication of the application which I think will have a negative impact on the community within which we live.

Stainsby Road is already congested with cars and to allow an events venue to be located so close to my residential property would only increase the traffic on the actual road and cause further issues with parking. The option of being able to serve alcoholic drinks in the venue is also something I would like to object to. It would lead to anti-social behaviour and noise pollution, especially if the venue is allowed to use the park as a space where people could congregate. We already have problems now and again with anti-social behaviour in the park and objectionable music played late into the night, which keeps us awake. As a father with a four year old son, I would not want there to be excess noise coming from the venue, which would be inevitable given the proposal of a licence, to disturb the sleep of hard working residents, who moved into the area to live a quiet life and escape some of the more challenging behaviour we see on the streets. It is a given that where there are bars and venues that serve alcohol, then there is a rise of anti-social behaviour. I don't see how a meaningless sign which asks for patrons to keep the noise level down is really going to alleviate issues which will undoubtedly arise from people who overconsume alcohol to the point where they don't really care about their actions. I would be most interested to hear your views on this matter.

It would have been just to allow the people in the community to actually have a say about what happens in their local community by actually being consulted by something which will affect our quality of life.

I reiterate that I object most strongly about the proposals for Poplar Union and I look forward to hearing from you in due course.

Yours sincerely

Mr Heeten Patel
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 12

Andrew Heron

From: [REDACTED]
Sent: 11 January 2017 11:32
To: Licensing
Subject: Poplar Union Licence Application

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Andrew Heron,

Re: Ref: 097346 Poplar Union Licensing Application

I live a few yards from the Poplar Union at [REDACTED] and was surprised yesterday to be informed by my neighbour that the Community Centre has applied for a alcoholic drinks licence.

I understand that if a property is within 40 metres of a licence application the resident should be informed in writing. Needless to say there has been no such notification.

The application was submitted just before the Christmas shutdown (20th Dec) which suggests that there has been an attempt to slip this through during a quiet period.

A letter pinned up on a door amongst other publicity material is not a public consultation. As there is a time limit on representations (in this case only a few more days) plus the apparent attempt to keep the application a secret I believe the Council will not get a realistic assessment of the impact of the licence on the area.

I have lived in a property overlooking Bartlett Park for the past 40 years and would like to feed in these comments.

The licensing hours requested by Poplar Union effectively turn a community centre into a pub. Opening times are from early in the morning until eleven at night. This will negatively impact the area in several ways.

Anti-social behaviour: as drinkers pour out into Cotall St and Stainsby Rd. These are the only two dispersal roads.

Impact on Bartlett Park: The doors of the Poplar Union open out onto the park. Drinkers will spill into the park and continue drinking causing a nuisance well into the early hours. We suffer from problems of this nature already. Adding a pub to the problem will on cause late night mayhem.

Parking: there is no room for cars in this area. Local residents will not be able to park until throwing out time. The parking problem is critical now.

Limehouse canal. Directly opposite the Poplar Union is the Limehouse Cut. There have been many incidents of drunks drowning in this canal. I want it placed on record that there is a potential health and safety risk of late night drinking within easy access to a canal.

Tony Portacio
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 13

Andrew Heron

From: Ann Wymont [REDACTED]
Sent: 11 January 2017 16:51
To: Licensing
Subject: Poplar Union Licensing Application 097346 - Attn: Mr Andrew Heron

Dear Mr Heron,

I live a few hundred yards from the Poplar Union and was surprised yesterday to be informed by a local neighbour that the Poplar Union has applied for an alcoholic drinks and music licence.

I have lived nearby to Bartlett Park for over 50 years and have some serious concerns about licensing these premises:

- There is a big problem with anti social behaviour already and the introduction of alcohol will surely exacerbate this problem.
- Noise nuisance can be a really big issue and music noise from the community hall is really not fair on us local residents, compounded with drinkers spilling into the park.
- Car parking too is extremely difficult in the area and is already at breaking point. This licence will only make things worse.

I sincerely hope that my comments are noted and this this licence application is rejected and the local residents consulted in an open and transparent way so the application can considered fairly by local residents. An A4 poster on a lamp post is really not letting the locals know what happening in a fair way.

Regards,

Mr F. Wymont
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 14

LBTH
TRADING STANDARDS
17 JAN 2017
LICENSING

10th January 2017

David Tolley

Application (Head of Environmental Health & Trading Standards)

Licensing Section

John Onslow House

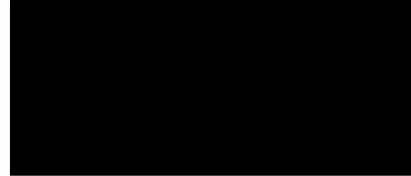
1 Ewart Place

London,

E3 5EQ

Galley Apartments Residents

Mohammed Rashid



App Number:

Ref: CLC/EHTS/LIC/097346

Dear David,

We are writing to express our Deep Concern regarding Poplar Union, 2 Cottal Street London E14 6TL where the Licencing Authority has received an application for the premises licence that can include; the selling of alcohol, regulated entertainment or late night refreshment (this means the supply of hot food after 11.00PM).

Galley Apartment is a residential building with a strong community feel – a number of our residents have lived there for over few years. We are extremely worried that this proposal will destroy the fabric of this community as the introduction of a premises licence to sell alcohol, late night refreshment including supply of hot food after 11.00PM that will change the character of this area, bringing in people from very different walks of life and ultimately change the equilibrium. We do not need any very late night (Especially after 11.00PM) restaurant/pub style space which forcefully gentrifies a whole neighbourhood!

Aside from this, we have a number of further concerns which outlined below:

Security and Anti-Social Behaviour – Our building is accessed through key fob enable security doors, with a separate space for bikes in the basement. Non-residents of Galley Apartments who are not residents accessing the building to consume alcohol, drugs, eating food in the stairs, and also stole bikes from the basement and additionally broken cleaners cupboard in the Galley Apartments and this poses a number of problems as it means that potential anyone from different location would try to gain access to the building. In an area where crime is already an issue, opening a centre where Hot Food and Alcohol will be served after 11.00PM to people definitely would increase crime and increase the risk for vulnerable people living in the Stainsby Road and Cottal Street near Barlett Park (such as pensioners), and this is a very deep concerns.

Furthermore, if you allow to serve food and consume alcohol after 11.00PM in this area than there will be people who will be smoking/"hanging out" near the Lime house Canal, Barlett Park and also on the Cottal Street or Stainsby Road and this not only will give a bad impression to visitors but will also impact the health of residents specially the growing children's living in this area.

Traffic – introducing a refreshment centre to sell hot food, serve alcohol in the space will undoubtedly increase the traffic around the building. Stainsby Road, Dodd Street near Cottal Street is already heavily congested and this will compound the problem. Furthermore, finding parking for residents is already extremely difficult and we fear that this proposal will only exasperate this issue further.

Noise/food smell/pollution/litter/dust/Invite Pests like mice, rats etc. : – the proposed space has been disused for a long time to date and after the recent developments it has reached to a nice and tolerable area for local residents and youngsters. If you allow to open a refreshment centre even after 7.00PM to sell hot food, serve alcohol then the food smell will spread in the area which will ultimately destroy the beauty and standard of resident's life and it will create noise from vehicles that people will bring into the locality, various group of people coming and going from the refreshment centre would produce dust in summer and considerable amount of group of people to visit the refreshment centre to eat food or consume alcohol would create noise, litter in the street,. And this will impact residents such as working professionals, pensioners and young children and not to mention inconvenience for the rest.

Destroy the value of Residential area: The people In this surrounding area are mainly working class people with family and children's. People comeback at evening to their flats/premises to take some relax/rest/refresh to reenergise for next day work. If you offer the permission to open a refreshment centre to keep open till late (Anything after 7.00PM that will invite people from various location to have party/social gathering/functions which will not only disturb resident's personnel life but also ultimately push residents to move out from the area.

Disrupt the Children's / Baby's social life and interrupt the privacy of life: Stainsby Road/Cottal Street is comprise with mainly family houses where each family have at least two kids/children's. The children's come back from school and go to bed around 7.00PM. If the proposed location used for refreshments at evening then it would cause noise from Cottal street or Stainsby Road from people's vehicle, group chit-chats in Barlett Park and open an opportunity for various group of people to engage in different kind of unsocial activities in the park and that would ultimately effect the growing children's life and disrupt their social life.

Invite Strangers/Anti-social group to the Barlett Park: If you allow the proposed location for selling food and alcohol then this would invite various group of people into the place and they would potentially cause noise/chaos or even fights after having too much drink or some other anti-social group to gather around in the park and disturb the living neighbours. Without a place to serve alcohol and food, there was various incidents that was reported by me to Lime house police on summer 2016 to control unsocial activities in the Barlett Park. I still find lots of trouble klds/youngsters muck around the park throughout night and thorough rubbish in the street and also the park. Your proposed location for serving food and alcohol is adjacent to the park and no doubt it would bring more troubles to the locality.

Health and Safety and Environmental Issues: Serving Hot Food, Serving Alcohol would invite various people to the place and if people can't find a space in the place then they would hang around outside/Street/Park where they may smoke or even they may bring their cars/vehicle which would increase the air pollution in the area and may increase the risk of security for the local residents.

Better options –

Option A: Serve food and alcohol not later than 7.00PM due to consideration of Residential Area and the location near to the park.

Option B: we firmly believe that there are better options for refreshments within half a mile at Chrisp Market or West India Dock Road with easy access or within one mile Canary Wharf that would not impact on residents and is far better offer for economy, society and balance of life than what is on offer in the proposed location. We urge you to look at this as an option over road, our residential place and near our building.

We have stated above that we strongly disagree with the proposal and feel that it hasn't been anticipated suitably and the needs/views of residents should take priority over commercial activity.

We would be much appreciated if you could reconsider this proposal and have a serious consideration to the local residents.

Yours Sincerely,

The Residents of Galley Apartments, (as signed below)

Signature: [Redacted]
Name: [Redacted]
House no. [Redacted]

Signature: [Redacted]
Name: Alessandro
House no. [Redacted]

Signature: [Redacted]
Name: SAMYA ARMANI
House no. [Redacted]

Signature: [Redacted]
Name: APRY MARY
House no. [Redacted]

Signature: [Redacted]
Name: Anne Alee
House no. [Redacted]

Signature: [Redacted]
Name: SHELNA BEGUM
House no. [Redacted]

Signature: [Redacted]
Name: Halima Ali
House no. [Redacted]

Signature: [Redacted]
Name: _____
House no. _____

Signature: [Redacted]
Name: Abdul malik
House no. [Redacted]

Signature: [Redacted]
Name: JOE HNSL
House no. [Redacted]

Signature: _____

Signature: _____

Name: RASHIDA

House no. [REDACTED]

Signature: [REDACTED]

Name: _____

House no. _____

Signature: [REDACTED]

Name: SAKIR AHMED

House no. [REDACTED]

Signature: [REDACTED]

Name: ELENA MURDO

House no. [REDACTED]

Signature: [REDACTED]

Name: BOBIR ALI

House no. [REDACTED]

Signature: [REDACTED]

Name: PARTH PAMRANI

House no. [REDACTED]

Signature: [REDACTED]

Name: CHIRASARA

House no. [REDACTED]

Signature: [REDACTED]

Name: PAUL BRADY

House no. [REDACTED]

Signature: _____

Name: _____

House no. _____

Signature: [REDACTED]

Name: JOAN

House no. [REDACTED]

Signature: [REDACTED]

Name: JENNY

House no. [REDACTED]

Signature: [REDACTED]

Name: MUSA

House no. [REDACTED]

Signature: [REDACTED]

Name: MD ASKIR ALI

House no. [REDACTED]

Signature: [REDACTED]

Name: MIS LIPI B. NEAH

House no. [REDACTED]

Signature: [REDACTED]

Name: Tahsin Pamuk

House no. [REDACTED]

Signature: _____

Name: _____

House no. _____

Signature: _____

Appendix 15

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 Section 6 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 3 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 (1.16).

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 – 10.24).

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 16

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 4.15 and 4.16 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 6.2 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 3 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 7 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 key role of the Police is acknowledged (2.1).

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 (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.14 – 2.20).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). 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 but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.20).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (13.13).

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 17

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 10 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 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

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 15.5**)

The Council has adopted a set of framework hours (**See 15.8 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 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. (2.19).

Licence conditions should not duplicate other legislation (1.16).

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 18

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

Agenda Item 3.2

Committee :	Date	Classification
Licensing Sub Committee	14th February 2017	Unrestricted

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a Variation to Premises Licence for Original Taste, 74 Bow Road, London, E3 4DL Ward affected: Bromley North
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1.0 Summary

Applicant: **Original Taste Limited**
Name and **Original Taste**
Address of Premises: **74 Bow Road**
London
E3 4DL

Licence sought: **Licensing Act 2003**
Provide Late Night Refreshment

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

- 3.1 This is an application for a variation to the premises licence for Original Taste at 74 Bow Road, London, E3 4DL.
- 3.2 For Members' information, the Director of Original Taste Limited, Mr Shahin Ahmed applied to the Licensing Authority for a premises licence for late night refreshment in August 2013. The application received representation from local residents and was ultimately refused by the LBTH Licensing Sub Committee in October that year.
- 3.3 A copy of the current application is enclosed as **Appendix 1**.
- 3.4 The applicant has described the nature of the variation as:
- Providing late night refreshment
- 3.5 The hours that have been applied for are as follows:-

The Provision of Late Night Refreshment (indoors):

- Friday to Saturday from 23:00hrs to 23:59hrs

Members will note that that application incorrectly states that the application is for late night refreshment from:

- Sunday to Thursday from 11:00hrs to 22:00hrs
- Friday and Saturday from 11:00hrs to 23:59hrs

Members will note that the hours listed from Sunday to Thursday fall outside of the requirements for late night refreshment.

Hours the premises is open to the public:

- Sunday to Thursday from 11:00hrs to 23:00hrs
- Friday and Saturday from 11:00hrs to 23:59hrs

Members may wish to fully establish with the Applicant (and/or Agent) what hours are specifically being applied for. The current application suggests that there would be an hour's break between the provision of any hot food and closing. At present the application appears muddled.

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.

4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**.

5.0 Licensing Policy and Government Advice

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

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

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in March 2015.

5.4 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.

6.0 Representations

6.1 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

6.2 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.

6.3 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.

6.4 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.

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

6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.

6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents.

- **Appendix 6** Ben Brookes
- **Appendix 7** Melanie Rain
- **Appendix 8** Petition from Local Residents: Charlotte Atyeo and Robert Smith / Alistair Baker / Elizabeth Burnett / David Thompson / Louis Harbridge and Leandra Searfin / Sara Dunn / Michael Keith and Cathy Mcllwaine / Dan Jude

Members may wish to note the petition received via correspondence containing 24 names. There are no signatures on the petition, only a list of names and addresses. No one has identified themselves as the lead petitioner.

It is not practice for the Licensing Authority administering an application to contact all the signatories on a petition to verify that the objection has been properly sought and understood. Therefore Members may wish to decide how much weight to give to the petition in its current form.

6.9 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 (Public Health England)

6.10 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

6.11 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
- Disturbance from patrons leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

6.12 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.

6.13 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.

7.0 Conditions consistent with Operating Schedule

7.1 The following appear in the Applicant's Operating Schedule within the application:

1. CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective;
2. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted;
3. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed;
4. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises;
5. Prevention and vigilance in illegal drug use at the retail unit area;
6. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation;

7. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition;
8. Noise reduction measures to address the public nuisance objective;
9. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly;
10. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents;
11. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents;
12. Customers will be asked not to stand around loudly talking in the street outside the premises;
13. Customers will not be admitted to premises above opening hours;
14. The movement of bins and rubbish outside the premises will be kept to a minimum after 23.30hrs. This will help to reduce the levels of noise produced by the premises;
15. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents;
16. Adequate waste receptacles for use by customers will be provided in the local vicinity;
17. All the details provided in Training Record Book available the retail unit;
18. Log Book will be kept upon the premises all the time.

8.0 Licensing Officer Comments

- 8.1 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.

8.2 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 under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore 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)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted

price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60)
Also, “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.” (10.21)

- 8.3 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.
- 8.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 8.5 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.
- 8.6 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)
- 8.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.8 In **Appendices 9-13** 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.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6	Representation of local resident Ben Brookes
Appendix 7	Representation of local resident Melanie Rain
Appendix 8	Representation of local residents in the form of a petition
Appendix 9	Licensing Officer comments on anti-Social behaviour on the premises
Appendix 10	Licensing Officer comments on anti-social behaviour patrons leaving the premises
Appendix 11	Licensing officer comments on access and egress problems
Appendix 12	Licensing officer comments on noise when the premises is in use
Appendix 13	Licensing officer comments on Acting as a magnet attracting the young

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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

Note: completing the Applicant Business section is optional in this form.

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 private individual acting as an agent

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

Agent Business

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

Note: completing the Applicant Business section is optional in this form.

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.

It is a fast food restaurant. A3 use.

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?

Continued from previous page...

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 provision of late night refreshment 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.

State any seasonal variations

Continued from previous page...

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments 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 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

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.

N/A

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

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

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.

Continued from previous page...

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.

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

a/ no selling of alcohol to underage people

b/ no drunk and disorderly behavior on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti-social behaviour

e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.

- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale

- CCTV system installed with recording option available

- Roller metal exterior window shutter will be fixed to ensure that shop front is safe and secure at all times

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

c) Public safety

Well trained staff adherence to environmental health requirements.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to

Continued from previous page...

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Continued from previous page...

prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 23.30. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

All the details provided in Training Record Book available the retail unit.

Log Book will be kept upon the premises all the time.

Nothing belong existing Health & Safety requirements.

Section 19 of 19

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 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 - £7001 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

Continued from previous page...

* 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.

* The 28 full days consultation period on the public notice on the premises and on the newspaper must state the same consultation end date. The advert on the local newspaper must be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority.

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

Sushanta Das Guptha

* Capacity

Agent

* Date

29 / 11 / 2016
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.

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

Appendix 2

All dimensions are to be checked on site. Any discrepancies are to be reported to the architect/supervising officer before work commences. Signed dimensions only are to taken from drawing.

This scheme is subject to town planning and all other necessary consents. Dimensions areas and levels where given are only approximate and subject to site survey.

This drawing is to be read in conjunction with all relevant consultants and / or specialists drawing / documents and any discrepancies or variations are to be notified to the architect / supervising officer before the affected work commences.

Client
Mr Shahin Ahmed

Project

On premises
74, Bow road, London E3 4DL.

Drawing title
existing And Proposed Floor Plan

Consent area
45.92 S.Q.M.

Issue	Description

Scale 1:100
Rev
Sheet Size A4

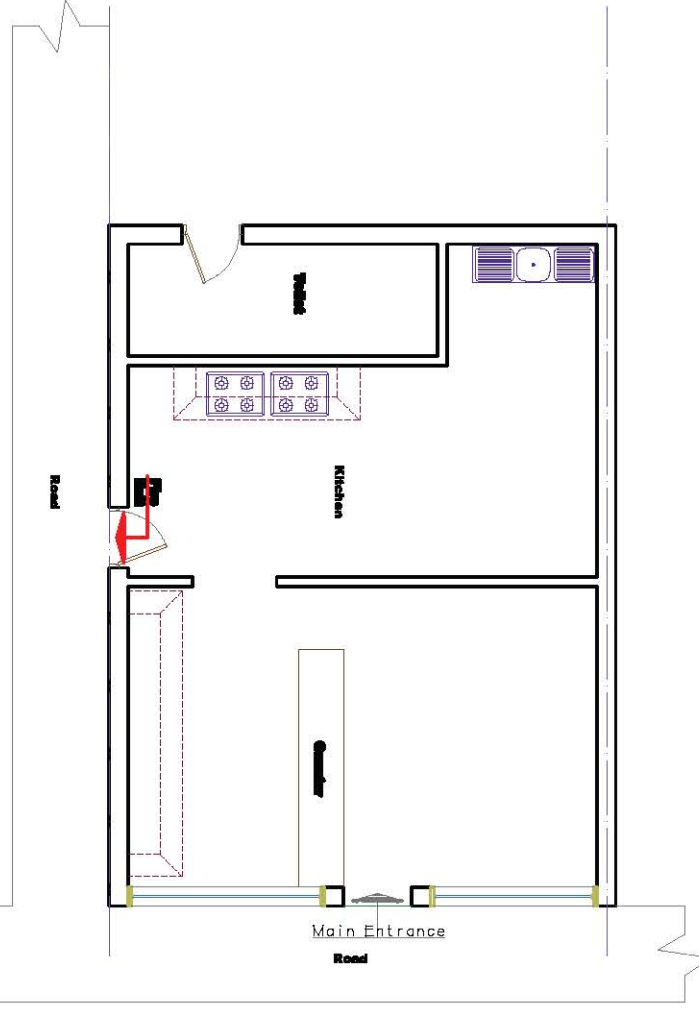
Job no	Drawing no
	A01

Drawing by

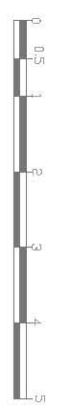
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1 Fondant Court, Payne Road, Bow
London E3 2SP
E-mail : info@techshed.com
Web: www.techshed.com



existing And Proposed Floor Plan
Scale 1:100



Appendix 3

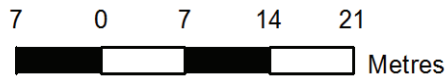


74 Bow Road

Map 1



Scale 1:769



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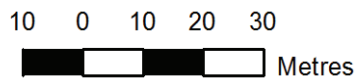


74 Bow Road

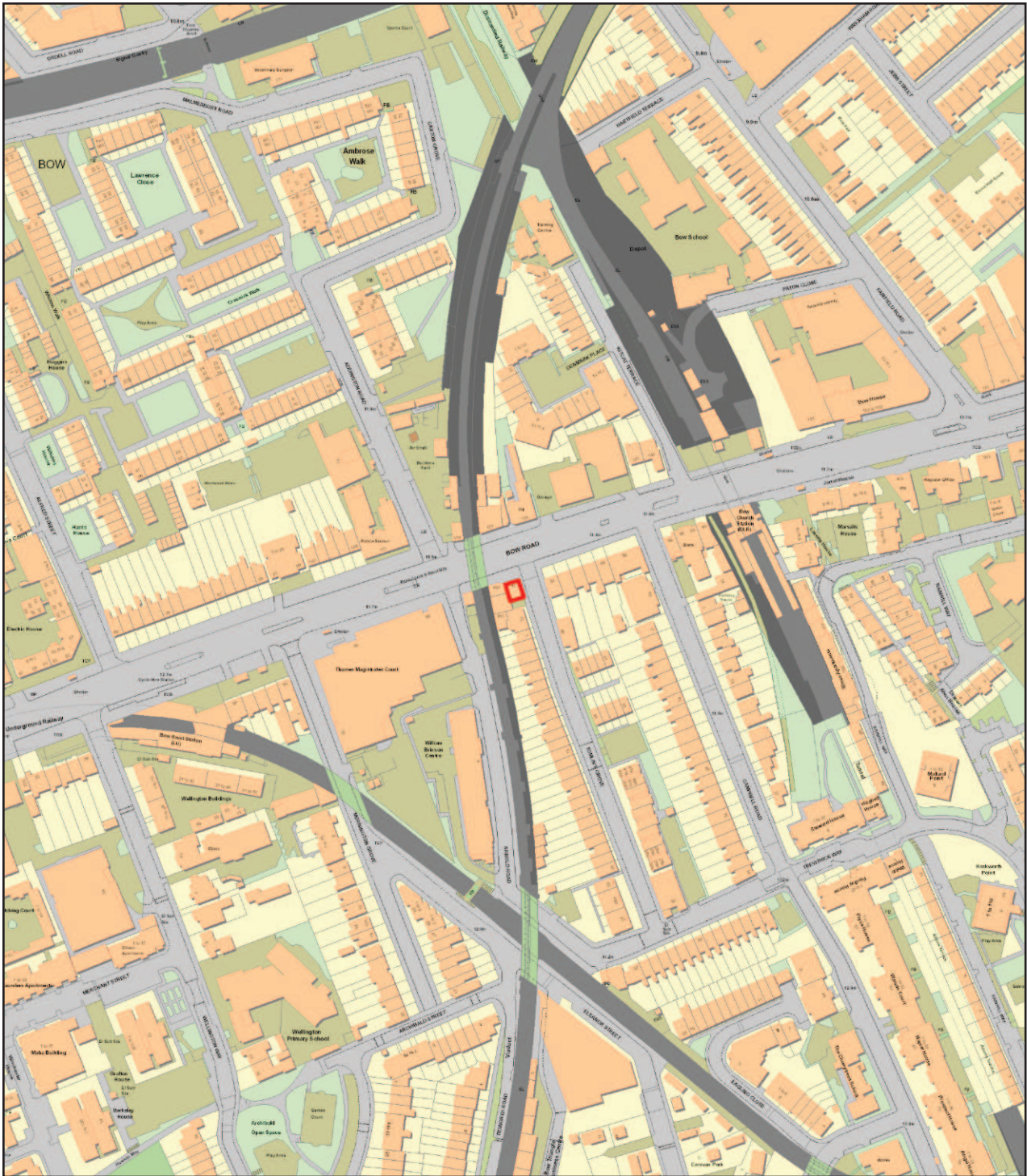
Map 2



Scale 1:1537



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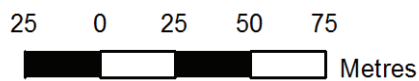


74 Bow Road

Map 3



Scale 1:3074



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Appendix 4

Other Licensed Venues in the Area

(Bow Food & Wine)

63-65 Bow Road
London
E3 2AD

The sale by retail of alcohol

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays and Saturdays, other than Christmas Day 08:00hrs to 23:00hrs
- b. On Sundays, other than Christmas Day 10:00hrs to 22:30hrs
- c. On Christmas Day 12:00hrs (midday) to 15:00hrs and 19:00hrs to 22:30hrs
- d. On Good Friday, 08:00hrs to 22:30hrs

The opening hours of the premises

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

(Little Driver)

125 Bow Road
London
E3 2AN

For the Supply of Alcohol

- Monday to Thursday 11:00hrs to 23:00hrs
- Friday to Saturday 11:00hrs to 01:00hrs the next day
- Sunday midday to 23:00hrs

Late Night Refreshment

- Friday to Saturday until 01:00hrs the next day

Regulated Entertainment

Live Music the Performance of Dance and the Provision of Facilities for Dancing

- Monday to Thursday 20:00hrs to 23:00hrs
- Friday to Saturday 20:00hrs to 01:00hrs the next day
- Sunday 20:00hrs to 23:00hrs

Recorded Music

- Monday to Thursday 11:00hrs to 23:00hrs
- Friday to Saturday 11:00hrs to 01:00hrs the next day
- Sunday midday to 23:00hrs

Note: However, New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day.

The opening hours of the premises

- From 11:00hrs Monday to Saturday until 1 hour after the end of the last time for a permitted activity
 - Sunday from midday until 1 hour after the end of the last time for a permitted activity
-

(Bow Arts Trust)

181-183 Bow Road
London
E3 2SJ

The Supply of Alcohol (on premises)

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

Regulated Entertainment in the form of plays, films, live music, recorded music, performances of dance (all licenced both indoors and outdoors), indoor sporting events and boxing or wrestling entertainment

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

The opening hours of the premises

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

(Bow Bells)

116 Bow Road
London
E3 5AA

Live Music

- a. On Monday to Wednesday from 11:00hrs to 23:30hrs
 - b. On Thursday to Saturday from 11:00hrs to 00.00hrs
 - c. On Sunday from 12:00hrs (midday) to 23.00hrs
- Until midnight every Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday and Every Easter Bank Holiday weekend.
 - A further additional hour every Christmas Eve.
 - Until midnight every Boxing Day
 - To reflect existing New Year's Eve / Day hours

Supply of alcohol, recorded music and facilities for dancing

- a. On Monday to Wednesday from 11:00hrs to 23:30hrs
 - b. On Thursday to Saturday from 11:00hrs to 00.30hrs
 - c. On Sunday from 12:00hrs (midday) to 23.00hrs
- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend
 - A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

- A further additional hour every Christmas Eve.
 - A further additional hour every Boxing Day.
- To reflect existing New Years' Eve / Day hours.

The opening hours of the premises

- a. On Monday to Wednesday from 11:00hrs to 00:00hrs
- b. On Thursday to Saturday from 11:00hrs to 01.00hrs
- c. On Sunday from 12:00hrs to 23.30hrs

- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend
 - A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
 - A further additional hour every Christmas Eve.
 - A further additional hour every Boxing Day.
 - To reflect existing New Years' Eve / Day hours.
-

(Co-Op)

Bow Road Filling Station

127 – 131 Bow Road
London
E3 2AN

The sale by retail of alcohol

- Monday to Sunday from 00:00hrs to 00:00hrs

The provision of late night refreshment

- Monday to Sunday from 23:00hrs to 05:00hrs

The opening hours of the premises

- Monday to Sunday from 00:01hrs to 00:00hrs (24 hours)
-

(Costcutter Supermarket)

161A Bow Road
London
E3 2SG

Alcohol

- Monday to Sunday, 24hours a day

The opening hours of the premises

- Monday to Sunday, 24hours a day

Appendix 5

Section 182 Advice by the Home Office Updated on March 2015

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

Andrew Heron

From: Ben Brookes [REDACTED]
Sent: 28 December 2016 20:10
To: Licensing
Subject: Representation/objection to late night opening

Dear Tower Hamlets Council licensing department,

My name is Mr. Ben Brookes. I am resident at [REDACTED]

I recently received notice that there had been a request for extension of late night trading hours to the business called Original Taste located at:

74

Bow Road

London

E3 4DL

I would like to state my objection to the increased late night opening times for the above business.

Extended late night opening will result in increased incidences of antisocial behavior and nuisance behavior local residents are subjected to.

The street adjacent to the business Tomlins Grove is always covered in litter from the business with takeaway wrappers strewn across the street. I believe the existing terms of the business license should prevent this impact on the street and are not being met.

Customers of the business park their cars on Tomlins Grove whilst eating their food and can stay for hours listening to loud music outside causing significant disturbance to residents. Extending the opening hours will increase the occurrence of this.

Drunken people often congregate on Tomlins Grove especially at the weekend eating food from the business. As well as noise from customers we frequently see people urinating on the street at the weekends after using the business.

When we have asked people move away from our property late at night we have been threaten and people have banged on our windows.

I hope you will consider the above reasons as why it is not appropriate for the business to be granted extended late night license in a residential area.

Yours Sincerely,

Mr Ben Brookes

Appendix 7

Mohshin Ali

From: Melanie Rain bird [REDACTED] >
Sent: 23 December 2016 12:37
To: Licensing
Subject: Licensing Act 2003: 74 Bow Road, E3 4DL

We wish to oppose later opening hours for the above property on the grounds of Public Nuisance. The shop sits at the top of a residential area and residents do not need the noise of visitors to the shop any later than at present. It is not right that the Council has only written to immediate neighbours of the property when as a road Tomlins Grove suffers. People do not only park near the shop, they park the length of Tomlins Grove. They sit in their vehicles with engines running and music playing eating their food. They then dump the rubbish in the road despite there being several bins in the road. We also have the issue of car alarms where customers for the shop don't secure their vehicle properly because they think they will only be a couple of minutes. This happened at 5.50 Sunday 18 December afternoon outside my house. It happens at all times in the evening and it is not right. Why should we have to put up with this later into the night because the shop wants to open later? As mentioned earlier, this is a residential area, not a business area. If the Council allows the shop to open later, we will have to put up with its customers' behaviour later. Also the amount of dumped rubbish will increase. Residents living in Tomlins Grove should not have to put up with this. If anything, opening hours should be reduced so that customer visits to the shop ends earlier.

Regards,

Melanie Rainbird
[REDACTED]
[REDACTED]

Sent from my iPad

Appendix 8

LBTH
Principal Licensing Officer
Kathy Driver

20th December 2016

Your Ref CLC/EHTS/LIC/096580

Dear Kathy

Thank you for your letter dated 2nd December 2016. I write today to make representations from several concerned residents, living in the homes surrounding this business.

Prevention of crime & disorder

There was a stabbing in this chicken shop recently (August 2016). Its customer base, late at night, is predominantly young men, a demographic closely associated with crime and disorder by the police. There is open and obvious solicitation and dealing of illegal drugs outside and around the shop. While this is not directly linked to the shop, it does seem to be a place for them to hang around.

Prevention of public nuisance

Customers of the shop who drive, regularly park in the surrounding streets to consume the food inside their cars. This takes up much needed parking spaces for residents who have paid for permits. Spaces are already at capacity because of the taxi company and their cars associated with that. The traffic wardens seem unable/unwilling to deal with this. It is common for these customers to play loud music and keep their engines running throughout their visit, causing noise disturbance to residents in their homes.

By far the most common and obvious nuisance associated with this shop is the masses of litter. The surrounding area is permanently strewn with the packaging (boxes, plastic bags, drinks containers, cutlery, sauce sachets, napkins, straws) and left over food. Aside from being unsightly and smelling bad, it encourages vermin. There are rats, pigeons, and an abundance of foxes (whom no doubt pose a threat to resident pets) There are already ample dustbins on the streets, but sadly so many people are unwilling to get out of their cars to use them. Please come and see for yourself.

Public safety

As well as all the above issues I would like to draw your attention to pedestrian safety. The lack of parking means people frequently park on the yellow/red lines up to and around the junction of Bow Road and Tomlins Grove. This creates a hazard for pedestrians crossing the junction, and also inhibits the flow of traffic. It is a daily

occurrence to have gridlock on Tomlins Grove (with angry drivers sounding horns and shouting at each other, and common to see physical fights over assumed right of way) Again it is an issue the traffic wardens are unable/unwilling to deal with.

Extending the hours of operation will only exacerbate the existing problems. I hope you will take these issues into consideration.

Yours sincerely

Charlotte Atyeo
Robert Smith

[REDACTED]
[REDACTED]

Alistair Baker

[REDACTED]

Elizabeth Burnett

[REDACTED]

David Thompson

[REDACTED]

Louis Harbridge and Leandra Serafin

[REDACTED]

Sara Dunn

[REDACTED]

Michael Keith and Cathy McIlwaine

[REDACTED]

Dan Jude

[REDACTED]
[REDACTED]

Appendix 9

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 Section 6 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 3 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 (1.16).

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 – 10.24).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 10

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 4.15 and 4.16 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 6.2 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 3 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 7 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 key role of the Police is acknowledged (2.1).

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 (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.14 – 2.20).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). 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 but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.20).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (13.13).

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 11

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 10 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 10.2 of the Licensing Policy)**.

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 15.1)**.

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 15.5)**

The Council has adopted a set of framework hours **(See 15.8 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 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. (2.19).

Licence conditions should not duplicate other legislation (1.16).

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 12

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 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**). 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 12.11**).

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 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 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 (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 (2.36) 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 (2.38).

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 13

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 (10.23 – 10.24).

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

Agenda Item 3.3

Committee :	Date	Classification
Licensing Sub Committee	14th February 2017	Unrestricted

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for New Premises Licence for Sakana Sushi, Unit E, 43a Commercial Street, London, E1 6BD
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant: **Japanese Cuisine Limited.**
Name and **Sakana Sushi**
Address of Premises: **Unit E, 43A Commercial Street**
London
E1 6BD

Licence sought: **Licensing Act 2003**
The provision of late night refreshment

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 Background

- 3.1 This is an application for a new premises licence for Sakana Sushi – Unit E, 43a Commercial Street, London, E1 6BD.
- 3.2 The premises did previously have a late night refreshment licence in place. A copy of that licence is enclosed as **Appendix 1** for Members' information only. Sakana Sushi Limited, the previous premises licence holder, dissolved on 23rd February 2016, thus voiding the licence.
- 3.3 A copy of the variation application is enclosed as **Appendix 2**. It is noted that there appears to be a number of mistakes in the application which Members should seek clarity on. The Applicant has indicated in Section (B) that the Supply of Alcohol has been applied for. However, the Applicant has completed Section (I) of the application specifying the Provision of Late Night Refreshment.
- 3.4 The applicant has described the nature of the application as either:
- The sale of alcohol and/or
 - Providing late night refreshment
- 3.5 The hours that have been applied for are as follows:-

The Provision of Late Night Refreshment (indoors nor outdoors defined in application):

- Monday to Thursday from 23:00hrs to 01:30hrs (the following day)
- Friday and Saturday from 23:00hrs to 02:00hrs (the following day)
- Sunday from 23:00hrs to 00:00hrs (midnight)

Members will note that the application states the start times for licensable activities as being 11:00hrs. Therefore it should be confirmed exactly what the applicant is applying for. It is noted that the Applicant goes on to provide the name and personal licence details for a proposed designated premises supervisor.

Hours premises is open to the public:

- Monday to Thursday from 11:00hrs to 01:30hrs (the following day)
- Friday and Saturday from 11:00hrs to 02:00hrs (the following day)
- Sunday from 11:00hrs to 00:00hrs (midnight)

- 3.6 In an email exchange between the Metropolitan Police and the Applicant, it is noted that the Applicant has now agreed to the following quoted hours:

Sun -Thu 11.30 - 23.00 : closing 23.30
Fri - Sat 11.30 - 23.30 :
Closing Midnight

The Police in their original representation (since withdrawn) took the application to include both alcohol *and* late night refreshment. The

representation was subsequently withdrawn once the Applicant agreed to the above. However, it remains very unclear what has been agreed with the Responsible Authorities. Please see **Appendix 3** which exhibits an email exchange between the Police and the Applicant; and **Appendix 4** which exhibits an email exchange between Environmental Health (Noise) and the Applicant.

The Applicant does appear to have agreed additional conditions and the following hours:

The Supply of Alcohol (on sales only)

- Monday to Thursday from 11:30hrs to 23:00hrs
- Friday to Saturday from 11:30hrs to 23:30hrs

Late Night Refreshment

- Friday to Saturday from 23:00hrs to 23:30hrs

Opening Hours

- Monday to Thursday from 11:30hrs to 23:30hrs
- Friday and Saturday from 11:30hrs to 00:00hrs (midnight)

Members should note that alcohol sales and opening hours have not been addressed for Sundays and will therefore have to make a formal decision on any hours if it is seen fit to grant.

4.0 Location and Nature of the premises

4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.

4.2 The site plan of the venue is included as **Appendix 5**.

4.3 Maps showing the vicinity are included as **Appendix 6**.

4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 7**.

5.0 Licensing Policy and Government Advice

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

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

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in March 2015.
- 5.4 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.

6.0 Representations

- 6.1 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
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 8**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents.
- **Appendix 9** Anthony do Jasay
 - **Appendix 10** Pat Jones
 - **Appendix 11** Glenn Leeder
 - **Appendix 12** Selina Misfud on behalf of the Spitalfields Community Group
 - **Appendix 13** Alan Williams

- 6.9 It should be noted that the application also received an invalid representation. The author was written to in order to be provided with the opportunity to make a valid representation within the consultation period. No response was received.
- 6.10 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 (Public Health England)
- 6.11 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
- 6.12 The objections cover allegations of
- Potential anti-social behaviour on the premises
 - Potential anti-social behaviour from patrons leaving the premises
 - Close proximity to residential properties
 - Hours of trade
 - The LBTH Cumulative Impact Zone
- 6.13 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.
- 6.14 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.

7.0 **Conditions consistent with Operating Schedule**

7.1 Members will note from the application for that the following points are offered in the Operating Schedule. Members will note that they may require significant amendments to make them enforceable:

7.2

- 1) Strong Management controls and effective training of all staff so that they are aware of the premises licence and the requirement to meet the four licensing objectives with particular attention to:
 - a) No selling of alcohol to underage people;
 - b) No drunk and disorderly behaviour on the premises area;
 - c) Vigilance in preventing the use and sale of illegal drugs at the retail area
 - d) No violent and anti-social behaviour
 - e) No harm to children
- 2) CCTV system installed to monitor entrances, exits and other parts of the premises in order to address the prevention of crime objective;
- 3) A clear and legible notice outside the premise indicating the normal hours under the terms of the premises licence during which licensable activities are permitted;
- 4) Clear and conspicuous notices warning of potential criminal activity, such as theft that may target customers will be displayed;
- 5) Not selling of alcohol to drunk or intoxicated customers;
- 6) All staff will be trained;
- 7) Custom will not be sought by means of a personal solicitation outside or in the vicinity of the premises;
- 8) Internal and external lighting to promote the public safety;
- 9) There will be training and implementation of underage ID check;
- 10) Will keep book or recording system for inspections;
- 11) There will be prominent and clear and legible notices displayed at the exit requesting customers to respect residents and leave the premises and area quietly;
- 12) Customers will not be allowed to stand outside the premises;
- 13) Customers will not be admitted to premises above opening hours;
- 14) Adequate waste receptacles for use by customers will be provided in the local vicinity;

- 15) Will display Challenge 25 sign;
- 16) Will check and accept only photo ID;
- 17) Will keep log book at all times;
- 18) Training provided to all staff.

8.0 Conditions Agreed/Requested by Responsible Authority (please see Annexes 3 and 4)

8.1

- 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. One camera be placed outside the entrance and on entry;
- 2) Use of incident /refusal book;
- 3) No drinks to be consumed outside the premises;
- 4) No more than 4 smokers to be outside at one time.

9.0 Licensing Officer Comments

9.1 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.

9.2 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 under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also "as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do

so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore 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)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60)
Also, “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.” (10.21)

9.3 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.

- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 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.
- 9.6 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)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 14-18** 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.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy the void licence
Appendix 2	A copy of the application
Appendix 3	Email between Applicant and Police discussing hours and potential conditions
Appendix 4	Email between Applicant and Environmental Health (Noise) discussing hours and potential conditions
Appendix 5	Site Plan
Appendix 6	Maps of the surrounding area
Appendix 7	Surrounding Premises Licence details
Appendix 8	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 9	Representation of local resident Anthony do Jasay
Appendix 10	Representation of local resident Pat Jones
Appendix 11	Representation of local resident Glenn Leeder
Appendix 12	Representation of local resident Selina Misfud on behalf of the Spitalfields Community Group
Appendix 13	Representation of local resident Alan Williams
Appendix 14	Licensing Officer comments on anti-social behaviour on the premises
Appendix 15	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 16	Licensing officer comments on access and egress problems
Appendix 17	Licensing officer comments on hours of trading
Appendix 18	Licensing officer comments on the LBTH Cumulative Impact Zone

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Appendix 1

(Sakana Sushi Ltd)
Unit E, 43a Commercial Street
London
E1 6BD

Licensable Activities authorised by the licence

The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 9th December 2008



Part A - Format of premises licence

Premises licence number

18183

Part 1 - Premises details

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

(Sakana Sushi Ltd)
Unit E, 43a Commercial Street

Post town
London

Post code
E1 6BD

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Monday to Thursday 11:00 hours – 01:30 hours
Friday & Saturday 11:00 hours – 02:00 hours
Sunday 11:00 hours – midnight

The opening hours of the premises

Monday to Thursday 11:00 hours – 01:30 hours
Friday & Saturday 11:00 hours – 02:00 hours
Sunday 11:00 hours – midnight

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

Not applicable

Part 2

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

Sakana Sushi Limited
Unit 5
43a Commercial Street
London
E1 6BD

[REDACTED]

[REDACTED]

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

08880369

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

N/A

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

N/A

Annex 1 - Mandatory conditions

No nudity or semi nudity permitted.

Annex 2 - Conditions consistent with the operating Schedule

1. Deliveries to the premises will only be made between 11:00 hours and 16:00 hours.
2. Four staff will be in attendance at all times whilst the premises are open or business.
3. No music will be played from within the premises.
4. CCTV will be installed in the premises and will operate 24 hours-a-day, with recordings kept for at least 30 days, and made available for inspection by the police or other statutory authority.
5. All staff will be trained in the operation of the CCTV system and record will be maintained of the training which will be made available for inspection.
6. "CCTV in operation" sign will be displayed in the premises.
7. The main doors of the premises will be kept closed at all times except for access and egress.
8. Customers will be asked to leave the premises quietly during late night trading.
9. Signage will be displayed to show customers where to dispose of waste.
10. Staff will clean up any waste from outside the premises every two hours.

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:

7th October 2008



Part B - Premises licence summary

Premises licence number

18183

Premises details

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

(Sakana Sushi Ltd)
Unit E, 43a Commercial Street

Post town
London

Post code
E1 6BD

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment



The times the licence authorises the carrying out of licensable activities

Monday to Thursday	11:00 hours – 01:30 hrs
Friday & Saturday	11:00 hours – 02:00 hrs
Sunday	11:00 hours – midnight

The opening hours of the premises

Monday to Thursday	11:00 hours – 01:30 hrs
Friday & Saturday	11:00 hours – 02:00 hrs
Sunday	11:00 hours – midnight

Name, (registered) address of holder of premises licence

Sakana Sushi Limited Unit 5 43a Commercial Street London E1 6BD



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

Not applicable

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

08880369

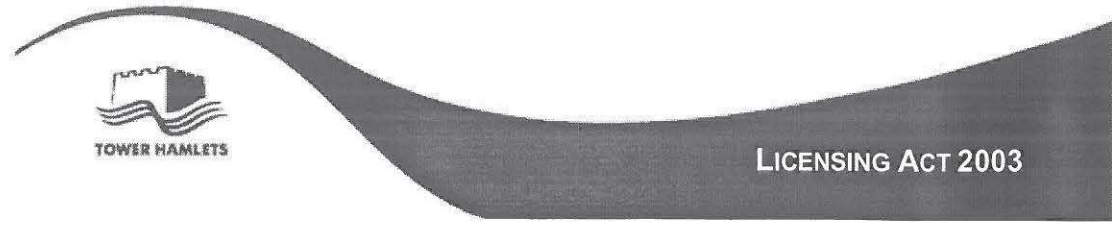
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not applicable

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

No restrictions

Appendix 2



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

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.
 On-Line payments can be made at:
http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx
 Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) SHIBLI ALAM / MUHAMMED ZAKIR HUSSAIN

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>43A COMMERCIAL STREET (SAKANA SUSHI)</u> <u>LONDON</u> <u>UNIT E</u>	
Post town	Post code <u>E1 6BD</u>

Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £ 11,500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

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	SHIBLI ALAM & MOHAMMED ZAKIR HOSSAION (JAPANESE CUISINE LTD)
Registered number (where applicable)	956 75 66
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY BY SHARES
Telephone number, if any	07834986795
E-mail (optional)	

COMPANY ADDRESS
UNIT 2-3
52-55 MILE END ROAD
E1 4UN

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

1	0	1	2	2	0	1	6
---	---	---	---	---	---	---	---

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

Day Month Year

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

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

--

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

It is a restaurant on a main road, the road mixed of commercial and residential.
The restaurant is one floor (ground) with back kitchen.
we provide Japanese Cuisine (food hot & cold) with sitting for 30 people max.

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

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)</u>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<u>Please give further details here (please red guidance note 3)</u>	Both		
Tue						
Wed				<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Thur						
Fri						
Sat				<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 (please read guidance note 5)</u>		
Sun						

B

Films 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		
Day	Start	Finish		Outdoors		
Mon			<u>Please give further details here (please red guidance note 3)</u>	Both		
Tue						
Wed				<u>State any seasonal variations for exhibition of films (please read guidance note 4)</u>		
Thur						
Fri						
Sat				<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 (please read guidance note 5)</u>		
Sun						

C

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

D

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

E

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

F

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

G

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

H

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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	11 am	01.30	Please give further details here (please read guidance note 4) <i>next day</i>		
Tue	11 am	01.30			
Wed	11 am	01.30			
Thur	11 am	01.30			
Fri	11 am	02.00			
Sat	11 am	02.00			
Sun	11 am	12.00			

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon			Please give further details here (please read guidance note 4) <i>next day</i>		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

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

Name shibli ALAM

Address A

Person

Issuing licensing authority (if known)

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)

*we will only be selling alcohol between
11.30am - 11.30pm Monday - Thursday and
Friday & Saturday 11.30am - 12 midnight
Sunday 11.30am - 10.30pm
There will not be any entertainment taking
place.*

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	11am	01.30	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	11	01.30	
Wed	11	01.30	
Thur	11	01.3	
Fri	11	02.00	
Sat	11	02.00	
Sun	11	Midnight	

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)

Strong Management Controls and effective training of all staff so that they are aware of the Premise licence and the requirements to meet the four licensing objectives with particular attention to:

- 1) No selling of Alcohol to underage people.
- 2) NO Drunk and disorderly behavior on the Premise area.
- 2) vigilance in preventing the use and sale of illegal drugs at the retail area.
- 3) NO violent and Anti Social behaviour
- 4) NO any harm to children.

b) The prevention of crime and disorder

CCTV system installed to monitor entrances, exits and other parts of the premises in order to address the prevention of crime objective.

A clear & legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear & conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

NO selling of alcohol to drunk or intoxicated customers

All staff will be trained

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

c) Public safety

Internal & external lighting to promote the public safety.

There will be training and implementation of underage ID checks.

will keep log book or recording system for inspections.

d) The prevention of public nuisance

There will be prominent and clear and legible notice displayed at the exit requesting Customers to respect residents and leave the premises and area quietly.
Customers will not be allowed to stand outside the premises.
Customers will not be admitted to premises above opening hours.
Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

will display challenge 25 sign.
will check and accept only photo ID
will keep log book at all times.
Training provided to all staff.

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

CHECKLIST:

Please tick to indicate agreement

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

Part 4 – Signatures (please read guidance note 10)

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

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If [REDACTED] please state in what capacity.

Signature

Date

21.10.2016

Capacity

Director

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

Signature

Date

21.11.2016

Capacity

Director

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

Post town

Post code

Telephone number (if any)

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

Appendix 3

Andrew Heron

From: [REDACTED]
Sent: 09 January 2017 09:06
To: Licensing [REDACTED]
Cc: Nicola Cadzow
Subject: Sakana Sushi 43a Commercial St ref M/097314

Dear Licensing

Please note our agreement. I will now withdraw my objection.

Alcohol Hours

Monday - Thursday: 1130 - 2300: closing 2330

Friday - Saturday: 1130- 2330: closing midnight

No off sales

LNR

Friday - Saturday: 2300 -2330

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,

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

2. Use of incident /refusal book.

3. No drinks to be consumed outside the premises

54 No more than 4 smokers to be outside at one time

From: Nicola Cadzow [REDACTED]
Sent: 09 January 2017 08:55
To: Licensing
Cc: Cruickshank Alan D - HT; Perry MARK J - [REDACTED]
Subject: FW: Sakana Sushi 43a Commercial St ref M/097314

Dear Licensing,

Following agreement to the conditions as set by Alan, and the amendment to the opening hours (see email trail below), I have no objection the Premise License application for Sakana Sushi 43a Commercial Street, ref M/097314.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

From: Sakana Sushi [REDACTED]
Sent: 07 January 2017 16:17
To: Nicola Cadzow
Subject: RE: 43a Commercial St ref M/097314

Dear sir/madam
Thanks very much for withdraw your objection.
Obviously I am agree your proposed conditions.
Thanks again
Yours sincerely
Shibli alam

On Fri, Jan 6, 2017 at 1:55 PM +0000, "Nicola Cadzow" [REDACTED] > wrote:

Dear Alam,

Whilst there is no regulated entertainment applied for, I was concerned over the late hours with Patrons entering and leaving the premises causing Public Nuisance. However, as you have agreed with the hours proposed by Alan, I

have no objections to you Premise License Application, following your agreement to Alan's conditions, for me in particularly points 3 & 4.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

From: [REDACTED]
Sent: 06 January 2017 13:10
To: [REDACTED] [k](#)
Cc: Nicola Cadzow
Subject: 43a Commercial St

Dear Mr Alam

Thank you for agreeing the hours. I will withdraw my objection if you also agree to the following which I outlined in my representation.

1. No off sales

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,

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

2. Use of incident /refusal book.

3. No drinks to be consumed outside the premises

54 No more than 4 smokers to be outside at one time

Best wishes

Alan

From: Sakana Sushi [REDACTED]
Sent: 06 January 2017 12:53
To: Cruickshank Alan D - HT
Subject: Re: 43a Commercial St

Dear sir/ madam

For your kind information I am writing to you that about two weeks ago when we talk over telephone then I agreed your proposed time table. After that I informed (your proposed time table) principal offer of licence and administrative offer of licence by email .
But it was my out of knowledge that I have to give confirmation mail to you, I am sorry for that.

Now I am confirming you ,your proposed opening closing time table below:

Sun -Thu 11.30 - 23.00 : closing 23.30

Fri - Sat 11.30 - 23.30 :

Closing Midnight

So it is my cordial request if you kindly reconsider consider my application it will be highly appreciated. Thanks

Yours sincerely
Shibli alam

On Fri, Jan 6, 2017 at 10:33 AM +0000, [REDACTED]

[REDACTED] wrote:

Dear Licensing

Please find my objection to the above premises licence application.

Regards

Alan Cruickshank PC 189HT

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

Appendix 4

Andrew Heron

From: Nicola Cadzow
Sent: 09 January 2017 08:55
To: Licensing
Cc: [REDACTED]
Subject: FW: Sakana Sushi 43a Commercial St ref M/097314

Dear Licensing,

Following agreement to the conditions as set by Alan, and the amendment to the opening hours (see email trail below), I have no objection the Premise License application for Sakana Sushi 43a Commercial Street, ref M/097314.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

From: Sakana Sushi [REDACTED]
Sent: 07 January 2017 16:17
To: Nicola Cadzow
Subject: RE: 43a Commercial St ref M/097314

Dear sir/madam
Thanks very much for withdraw your objection.
Obviously I am agree your proposed conditions.
Thanks again
Yours sincerely
Shibli alam

On Fri, Jan 6, 2017 at 1:55 PM +0000, "Nicola Cadzow" <[REDACTED]> wrote:

Dear Alam,

Whilst there is no regulated entertainment applied for, I was concerned over the late hours with Patrons entering and leaving the premises causing Public Nuisance. However, as you have agreed with the hours proposed by Alan, I have no objections to you Premise License Application, following your agreement to Alan's conditions, for me in particularly points 3 & 4.

Kind regards

Nicola Cadzow

From: [REDACTED]
Sent: 06 January 2017 13:10
To: [REDACTED]
Cc: Nicola Cadzow
Subject: 43a Commercial St

Dear Mr Alam

Thank you for agreeing the hours. I will withdraw my objection if you also agree to the following which I outlined in my representation.

1. No off sales

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,

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

2. Use of incident /refusal book.

3. No drinks to be consumed outside the premises

54 No more than 4 smokers to be outside at one time

Best wishes

Alan

From: Sakana Sushi [REDACTED]
Sent: 06 January 2017 12:53
To: Cruickshank Alan D - HT
Subject: Re: 43a Commercial St

Dear sir/ madam

For your kind information I am writing to you that about two weeks ago when we talk over telephone then I agreed your proposed time table. After that I informed (your proposed time table) principal offer of licence and administrative offer of licence by email .

But it was my out of knowledge that I have to give confirmation mail to you, I am sorry for that.

Now I am confirming you ,your proposed opening closing time table below:

Sun -Thu 11.30 - 23.00 : closing 23.30

Fri - Sat 11.30 - 23.30 :

Closing Midnight

So it is my cordial request if you kindly reconsider consider my application it will be highly appreciated. Thanks

Yours sincerely
Shibli alam

On Fri, Jan 6, 2017 at 10:33 AM +0000, [REDACTED]
[REDACTED] wrote:

Dear Licensing

Please find my objection to the above premises licence application.

Regards

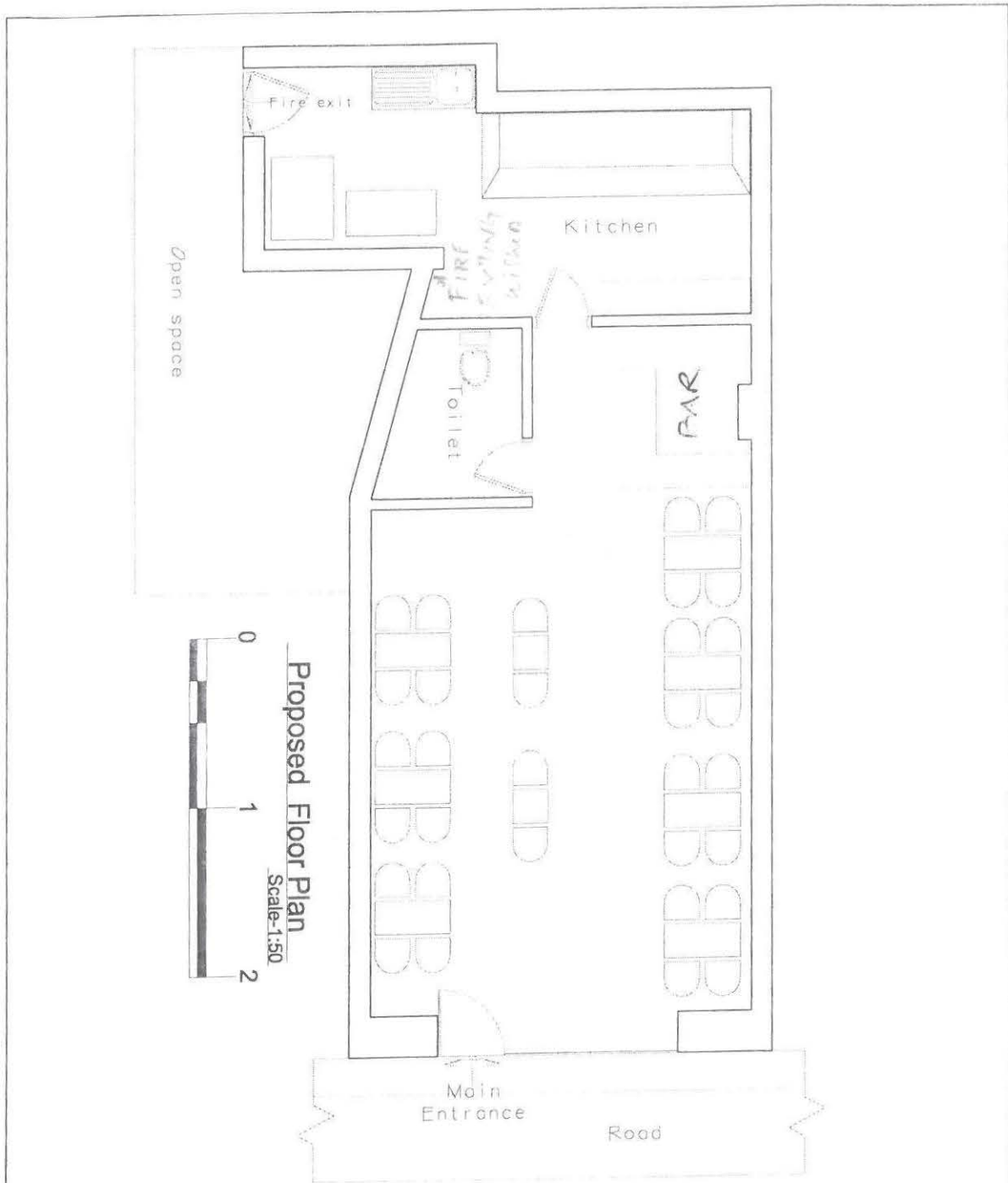
Alan Cruickshank PC 189HT

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

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

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Appendix 5



All dimensions are to be rounded up where appropriate and are to be rounded to the nearest millimetre. If any dimensions are to be rounded down, they shall be rounded down to the nearest millimetre. If any dimensions are to be rounded down, they shall be rounded down to the nearest millimetre.

This drawing is subject to some planning and all levels shown are only approximate and subject to site survey.

This drawing is to be read in conjunction with the following documents and any discrepancies or omissions shall be referred to the architect's office before the start of construction.

Check: _____

Project: _____

Project: SAKANA SUSHI

On provision: _____

Drawn by: _____

Proposed Floor Plan

Contract ref: 4879 & O.M

Date	Description

Scale: 1:50 @ A3

Job no: TESC7-15

Drawn by: _____

Techshed Ltd

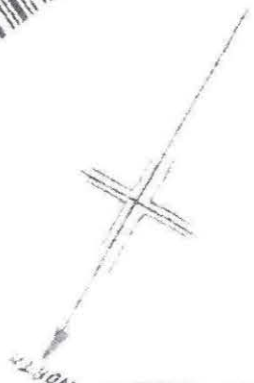
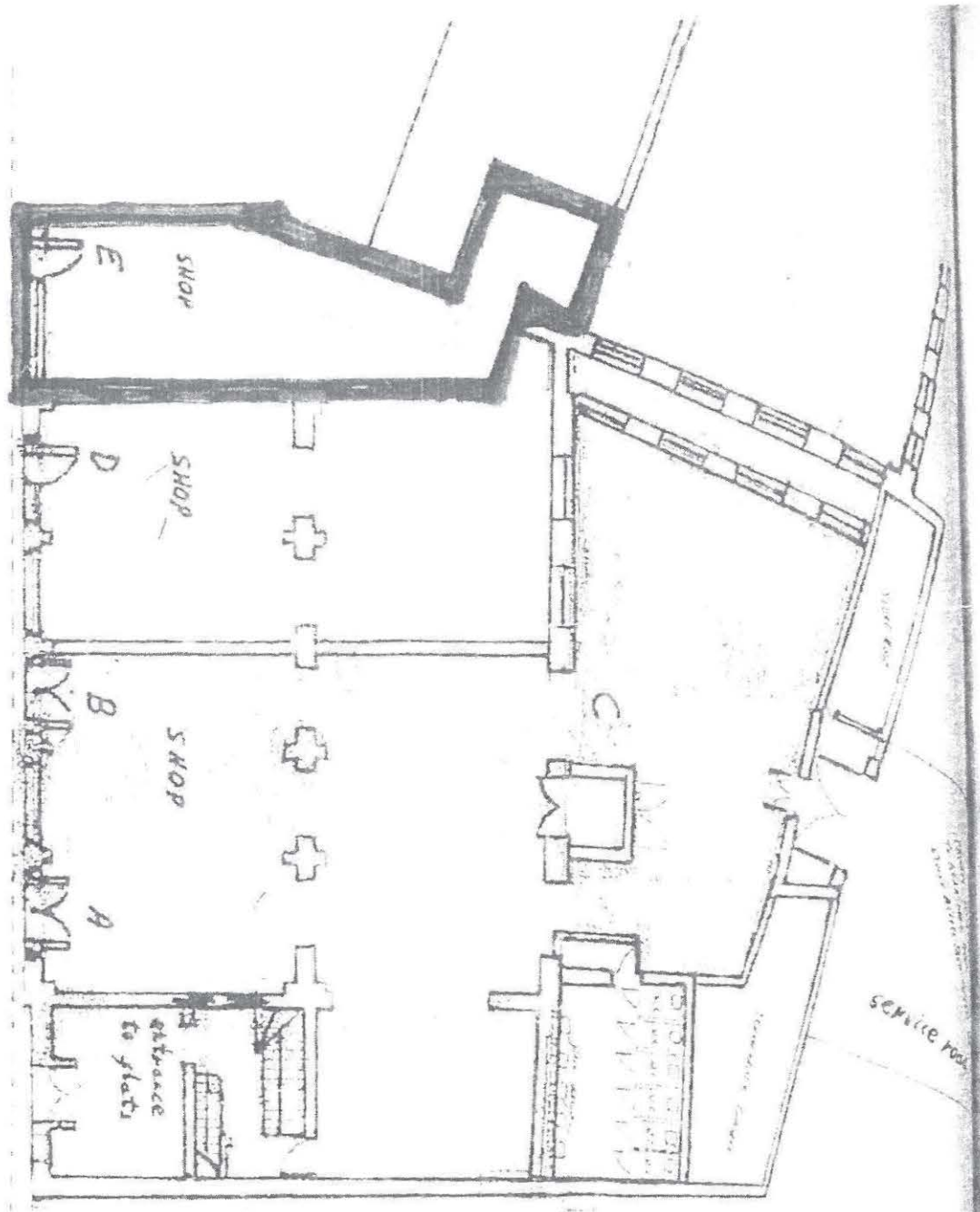
1 Fendley Court, Gurgaon, Haryana
London E3 2SP
Email: info@techshed.com
Web: www.techshed.com

GROUND FLOOR PLAN
43a COMMERCIAL STREET
LONDON E1 6BD
UNIT E

SCALE 1:200

NOTICE OF INTENT TO APPLY

COMMERCIAL STREET



Handwritten notes:
Party release
Attention
M. J. H. H. H.

Appendix 6

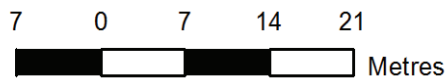


Unit E, 43a Commercial Street

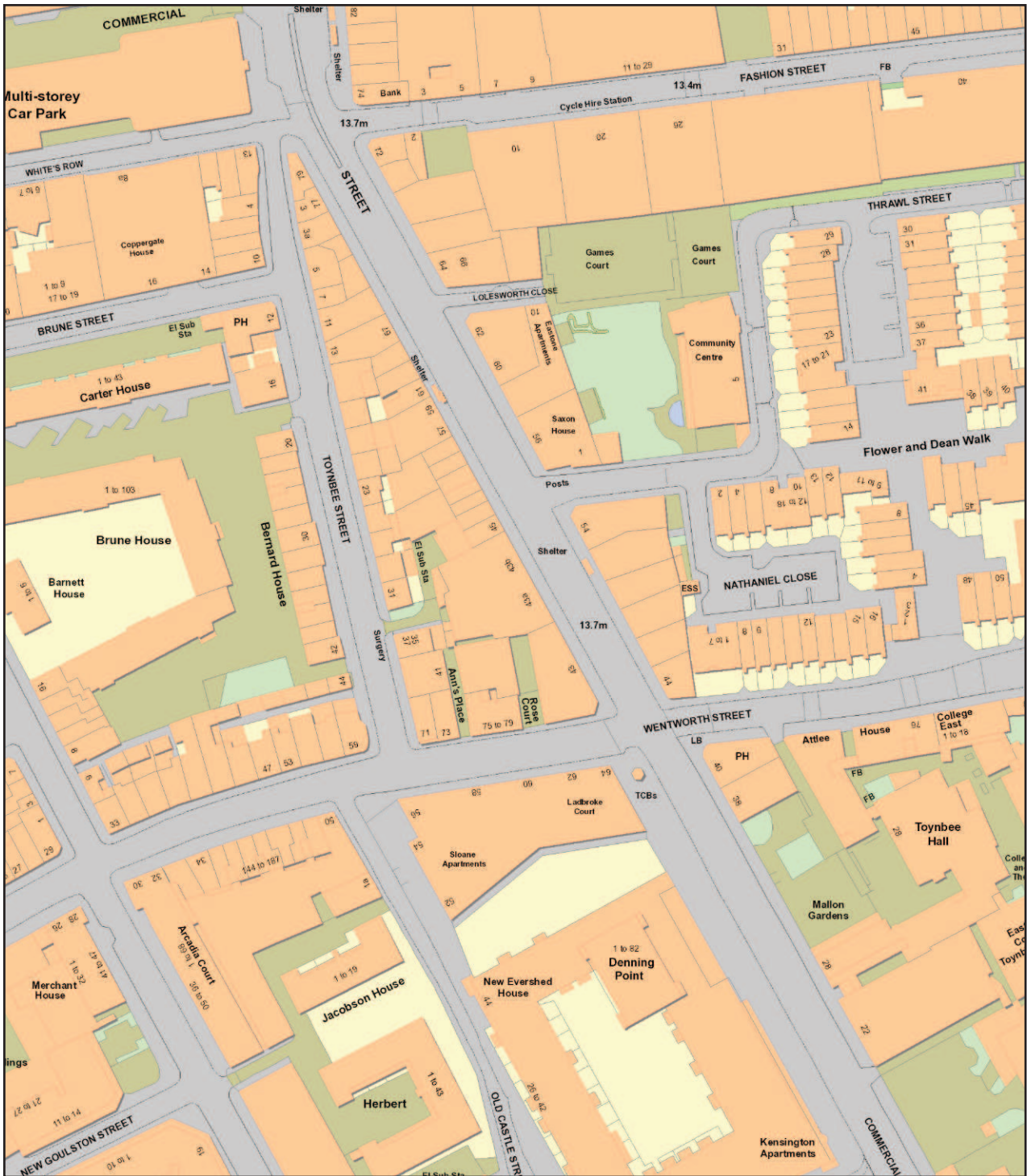
Map 1



Scale 1:769



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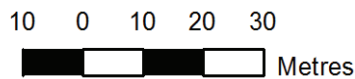


Unit E, 43a Commercial Street

Map 2



Scale 1:1537



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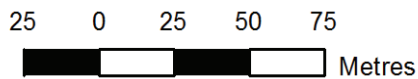


Unit E, 43a Commercial Street

Map 3



Scale 1:3074



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Appendix 7

Surrounding Licensed Premises in the Immediate Vicinity

(Som Saa)

43a Commercial Street
London
E1 6BD

The sale by retail of alcohol:

Monday to Thursday from 10:00hrs to 23:30hrs
Friday and Saturday from 10:00hrs to 00:00hrs (midnight)
Sunday from 12:00hrs (midday) to 22:30hrs

Late Night Refreshment: (Indoors only)

Monday to Thursday until 23:30hrs
Friday and Saturday until 00:00hrs (midnight)

The opening hours of the premises

Monday to Thursday from 10:00hrs to 23:30hrs
Friday and Saturday from 10:00hrs to 00:00hrs (midnight)
Sunday from 12:00hrs (midday) to 22:30hrs

(Zengi)

44 Commercial Street
London
E1 6LT

Sale of alcohol

- Monday to Sunday from 11:00hrs to 23:30hrs

Provision of late night refreshment – Indoor and outdoor

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

Provision of regulated Entertainment - Indoor

Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description

- Monday to Sunday from 11:00hrs to 23:30hrs

Licensable activities non-standard timings:

- New Year's Eve from 11:00hrs to 01:30hrs (the following day)

The opening hours of the premises

- Monday to Sunday from 11:00hrs to 00:00hrs (midnight)

Non-standard timings:

- New Year's Eve, from 11:00hrs to 02:00hrs (the following day)
-

(Agah Turkish Restaurant)

43 Commercial Street
London
E1 6BD

The Supply of Alcohol (on sales only)

- Monday to Thursday from 12:00hrs (midday) to 23:00hrs
- Friday and Saturday from 12:00hrs (midday) to 23:30hrs
- Sunday from 12:00hrs (midday) to 22:00hrs

The Provision of Late Night Refreshment (indoors)

- Friday and Saturday from 23:00hrs to 23:30hrs

The Provision of Regulated Entertainment in the form of Recorded Music (Indoors)

- Monday to Thursday from 12:00hrs (midday) to 23:00hrs
- Friday and Saturday from 12:00hrs (midday) to 23:30hrs
- Sunday from 12:00hrs (midday) to 22:00hrs

The Provision of Regulated Entertainment in the form of anything of a Similar Description to Live Music, Record Music or Performances of Dance (Indoors)

- Friday to Sunday from 12:00hrs (midday) to 22:00hrs

The opening hours of the premises

- Monday to Thursday from 12:00hrs (midday) to 23:30hrs
 - Friday and Saturday from 12:00hrs (midday) to 00:00hrs (midnight)
 - Sunday from 12:00hrs (midday) to 22:30hrs
-

Culpeper

40-42 Commercial Street
London
E1 6LP

Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 03:00hrs
- Sunday from 10:00hrs to 23:00hrs

Live music

- Monday to Saturday from 07:00hrs to 23:30hrs
- Sunday from 10:00hrs to 23:00hrs

Late Night Refreshment

- Monday to Wednesday from 23:00hrs to 00:30hrs

- Thursday to Saturday, from 23:00hrs to 04:00hrs
- Sunday, from 23:00hrs to 23:30hrs

Non-standard timings

Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)

- Sundays immediately preceding a bank holiday, from 07:00hrs to 03:00hrs
- Bank Holiday Mondays, from 07:00hrs to 01:00hrs
- St. Valentine's Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 03:00hrs
- New Year's Eve, from 07:00hrs to 03:00hrs 2nd January

Late Night Refreshment

- Sundays immediately preceding a bank holiday, from 23:00hrs to 04:00hrs
- Bank Holiday Mondays, from 23:00hrs to 01:30hrs
- St. Valentine's Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 23:00hrs to 04:00hrs
- New Year's Eve, from 23:00hrs to 04:00hrs 2nd January

The opening hours of the premises

- Monday to Wednesday, from 07:00hrs to 00:30hrs
- Thursday to Saturday, from 07:00hrs to 04:00hrs
- Sunday, from 10:00 hours to 23:30hrs

Non-standard timings

- Sundays immediately preceding a bank holiday, from 07:00hrs to 04:00hrs
- Bank Holiday Mondays, from 07:00hrs to 01:30hrs
- St. Valentine's Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 04:00hrs
- New Year's Eve, from 07:00hrs to 03:00hrs 2nd January

Appendix 8

Section 182 Advice by the Home Office Updated on March 2015

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 9

Andrew Heron

From: Tony de Jasay [REDACTED]
Sent: 08 January 2017 20:30
To: Licensing
Subject: Sakana Sushi, 43A Commercial Street E1 6BD

Dear Sir

I am writing to object to the above application It is for the attempted transformation of a distinctive food outlet, into yet another supplier of late-night alcoholic refreshment, in the CIZ where such license extensions are subject to a 'presumptive rebuttal'.

Sakana Sushi is a good example of a local hospitality business trying to adapt to the already excessive supply of food and drink in the area, by pushing into an area of unstable and poorly rewarded enterprise. These marginal offerings exploit both the younger consumers who equate excitement with excess, and their staff who work unsocial hours serving and delivering. Despite their hard work and determination, these businesses shift from being overall value-creating to being overall value destructive, because they conflict with the long-term sustainable future of their customers and their host-environments. As soon as degradation of a neighbourhood and its defensive reaction becomes significant, the popular late-night hang-outs for cheap excess, move elsewhere, leaving behind social and physical scars that take years to make good.

My apologies for reviewing these general points. They were fully appreciated by the Council at the time the CIZ was put in place. That policy is incremental to, and on a higher level than, 'normal' licensing policy which looks to conditions on specific licenses to meet licensing objectives. It is a rules-based, overall policy, ensuring that one does not 'lose sight of the wood for the trees'. Repeating what members already know is unfortunately the only way for residents to draw attention to the importance of the CIZ.

Yours faithfully

Anthony de Jasay
[REDACTED]
[REDACTED]

Appendix 10

Andrew Heron

From: Mail Admin
Sent: 13 January 2017 10:43
To: Licensing
Subject: licensing application for sakana sushi 43a commercial street london

Follow Up Flag: Follow up
Flag Status: Completed

From: pat jones [REDACTED]
Sent: 12 January 2017 20:46
To: Licensing
Subject: licensing application for sakana sushi 43a commercial street london

dear sirs i wish to object to this application for alcohol sales unit 1.30 am weekdays and 2am on weekends - these hours are excessive and much more than apply generally; there are well documented problems with anti-social behaviour in this area , including verbal and physical abuse, noise, urination, vomit, defecation,public sex etc all caused by alcohol and these long hours will make the problems worse and the licensing objectives of the prevention of crime and disorder, public nuisance and public safety cannot be met by excessive hours for alcohol provision - i urge you to reject this application - pat jones [REDACTED]

Appendix 11

Andrew Heron

From: Glenn Leeder [REDACTED]
Sent: 08 January 2017 06:31
To: Licensing
Subject: Sakana Sushi, 43a Commercial St

I wish to object to the granting of a late night refreshment licence for Sakana Sushi at 43a Commercial Street.

If this licence is granted, local residents, myself included, will be subjected to additional late night disturbances. The same premises has applied for a liquor licence in the local Brick Lane Cumulative Impact Zone. London Borough of Tower Hamlets has already recognised this area to be saturated with enough liquor licences, so this application should be rejected as well. Late night drinking results in patrons leaving premises and then causing noise disturbances to local residents. They often leave litter and it is very unpleasant when we have vomit and urine left on our doorsteps.

Please respect the local CIZ and reject any liquor licence at Sakana Sushi, 43a Commercial Street. Please consider local residents and reject this late night refreshment licence at the same address. Please do not allow any more off sales of alcohol in the CIZ,

Thank you.

Glenn leeder
[REDACTED]
[REDACTED]

Appendix 12

Andrew Heron

From: Spitalfields Community Group [REDACTED] >
Sent: 03 January 2017 21:03
To: Licensing
Cc: Alan Cruickshank
Subject: application at Sakana Sushi, 43a Commercial St, E1 6BD

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

SCG wishes to OBJECT to the licensing application at Sakana Sushi, 43a Commercial St, E1 6BD for late night refreshment and sale of alcohol.

Spitalfields Community Group was formed in September 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our current survey, conducted to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact on us of the night time economy.

The provision of late-night refreshment clearly encourages excessive drinking and associated nuisance including noise and antisocial behaviour. There is an unfortunate provision in Brick Lane of late night alcohol off-sales which exacerbates this problem, and the misery caused to surrounding residents. There has been a recent upsurge in antisocial behaviour in the residential streets adjacent to Brick Lane, in which visitors loiter causing a disturbance late at night. A particularly unacceptable facet of this is the number of instances of vomit on pavements, in doorways, light-wells providing light to residential basement kitchens and on cars. Excessively late hours for late-night refreshment fuels this disgusting phenomenon. We believe the hours applied for here are clearly excessive and will only exacerbate the problems in the area.

In addition we have concerns about the granting of a further alcohol licence in an area that is clearly saturated with such licences. The premises lie within the CIZ which was introduced by LBTH in recognition of the scale of the antisocial behaviour problem. The applicant is not clear as to whether he wishes to make off-sales from the premises. These are a particular problem for the area and we strongly oppose the introduction of any further capacity for people drinking in the street late into the night.

For the above reasons SCG objects to the licensing application at Sakana Sushi, 43a Commercial St, E1 6BD.

From and on behalf of Spitalfields Community Group

c/o Selina Mifsud
[REDACTED]

Appendix 13

Andrew Heron

From: Mr Alan Williams [REDACTED]
Sent: 05 January 2017 15:45
To: Licensing
Subject: Sukan Sushi, 43a Commercial Street, E1 6BD

Sukan Sushi, 43a Commercial Street, E1 6BD

Late Night Refreshment (LNR) to 01.30 daily (02.00 Sat eve, 00.00 Sun eve)
Alcohol to 23.30 daily (00.00 Fri/Sat eves)

I wish to object to this application as it stands.

The grounds of my objection are: The most relevant criteria for this neighbourhood are the prevention of crime and disorder, public safety and the prevention of public nuisance.

Also, the applicants have applied for a licence to serve alcohol in the heart of the Cumulative Impact Zone. I am concerned about the proliferation of licences in an area which the Local Authority already recognises as being saturated.

The late night behaviour in these streets is very bad; drunkenness, drugs, and foul behaviour are but three examples. It is not right to add more alcohol to an area already 'saturated' with alcohol and I urge the Committee not to accept the application as it stands.

It is unclear whether Off-Sales are requested or not; but my view is that:
there should be no LNR;
alcohol sales should finish at 22.00; and
no Off-Sales should be allowed.

Many thanks.
Alan Williams

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

Appendix 14

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 Section 6 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 3 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 (1.16).

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 – 10.24).

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 15

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 4.15 and 4.16 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 6.2 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 3 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 7 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 key role of the Police is acknowledged (2.1).

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 (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.14 – 2.20).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). 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 but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.20).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (13.13).

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 16

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 10 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 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

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 15.5**)

The Council has adopted a set of framework hours (**See 15.8 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 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. (2.19).

Licence conditions should not duplicate other legislation (1.16).

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 17

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 18

Appendix 18

Special Cumulative Impact Policy for the Brick Lane Area

- Section 8 of the LBTH Licensing Policy provides for the 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 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.

Figure One

