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.

We Hostem Limited

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description **Hostem** **Ground to First Floor** **41-43 Redchurch Street**			
Post town	London	**Post code**	E2 7DJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ under construction

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

		Please tick yes	
a)	an individual or individuals *	☐	please complete section (A)
b)	a person other than an individual *		
	i. as a limited company	☒	please complete section (B)
	ii. as a partnership	☐	please complete section (B)
	iii. as an unincorporated association or	☐	please complete section (B)
	iv. other (for example a statutory corporation)	☐	please complete section (B)
c)	a recognised club	☐	please complete section (B)
d)	a charity	☐	please complete section (B)
e)	the proprietor of an educational establishment	☐	please complete section (B)
f)	a health service body	☐	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital	☐	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 ☐	Mrs ☐	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname			**First names**		
I am 18 years old or over				☐ Please tick yes	
Current postal address if different from premises address					
Post Town				**Postcode**	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐	Mrs ☐	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname			**First names**		
I am 18 years old or over				☐ Please tick yes	
Current postal address if different from premises address					
Post Town				**Postcode**	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name Hostem Limited
Address [redacted]
Registered number (where applicable) [redacted]
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? Day Month Year: A S A P

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

A

Please give a general description of the premises (please read guidance note1) The premises will operate as an exclusive supper club. There will be an entrance on the ground floor and the customer space will be on the first floor including a lounge, dining room and small external terrace on the first floor as well as kitchen and toilet facilities.

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 yes**
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	☐
Day	Start	Finish		Outdoors	☐
Mon				Both	☐
Tue			**Please give further details here** (please read guidance note 3)		
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	☐
Day	Start	Finish		Outdoors	☐
Mon				Both	☐
Tue			**Please give further details here** (please read guidance note 3)		
Wed			**State any seasonal variations for the exhibition of films** (please read guidance note 4)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			**Please give further details** (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			**State any seasonal variations for indoor sporting events** (please read guidance note 4)
Wed			
Thur			**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)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments 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	☐
				Outdoors	☐
Day	Start	Finish		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** (please read guidance note 2)	Indoors	☐
Day	Start	Finish		Outdoors	☐
Mon				Both	☐
Tue			**Please give further details here** (please read guidance note 3)		
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** (please read guidance note 2)	Indoors	☐
Day	Start	Finish		Outdoors	☐
Mon				Both	☐
Tue			**Please give further details here** (please read guidance note 3)		
Wed			**State any seasonal variations for the playing of 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 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** (please read guidance note 2)	Indoors	☐
Day	Start	Finish		Outdoors	☐
Mon				Both	☐
Tue			**Please give further details here** (please read guidance note 3)		
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 at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat					
Sun					

H

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

I

Late night refreshment Standard days and timings (please read guidance note 6)		
Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	
Indoors	☐
Outdoors	☐
Both	☐

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of late night refreshment (please read guidance note 4)

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)

J

Supply of alcohol Standard days and timings (please read guidance note 6)		
Day	Start	Finish
Mon	12:00	23:00
Tue	12:00	23:00
Wed	12:00	23:00
Thur	12:00	23:00
Fri	12:00	23:00
Sat	12:00	23:00
Sun	12:00	23:00

Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	
On the premises	☒
Off the premises	☐
Both	☐

State any seasonal variations for the supply of alcohol (please read guidance note 4)

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)

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

Name Jason Leigh	
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)
None

L

Hours premises are open to the public
Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	12:00	23:30
Tue	12:00	23:30
Wed	12:00	23:30
Thur	12:00	23:30
Fri	12:00	23:30
Sat	12:00	23:30
Sun	12:00	23:30

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

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

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

The applicant is seeking a premises licence for the purpose of operating an exclusive supper club hosted and catered for by a high profile chef, Nuno Mendes, in association with the applicant Company, who are the freehold owners of the building. The premises is currently undergoing an extensive refurbishment and for many years the ground and basement floors have operated as retail units and the retail operation will continue once the refurbishment is complete. The proposal here is to use the lounge, dining room and small terrace on the first floor for the supper club, with an entrance on the ground floor separate from the retail space as detailed on proposed drawing number 2120.

The applicant has sought the partnership of a well respected and experienced operator in Nuno Mendes and they believe that the style of operation will present a genuinely exceptional case to the existing licensed premises in the area.

The proposed operation is for no more than 16 clients at any one time to enjoy a private, premium gastronomic experience. The pre-booked clients would be greeted at the entrance by a maître d' and the sale of alcohol would be ancillary to them taking a table teal.

In addition to the evening supper service, the applicant recognises the potential for a lunchtime service and they therefore seek to permit licensable activities from midday.

The applicant is conscious of the sensitive location of the premises with respect to the number of licensed premises in the area and issues of public nuisance. Having considered Tower Hamlets' Statement of Licensing Policy, we note that the premises is within the Brick Lane area Cumulative Impact Zone. The applicant believes that the proposed style of operation presents an exceptional case and would bring something different to the area without contributing to the problems of nuisance, disturbance or disorder caused by the combined effect of licensed premises in the area.

To ensure the promotion of the licensing objectives and to tailor the licence to the use of the premises outlined above, the applicant is not seeking any form of regulated entertainment and has prepared the conditions set out in the operating schedule below. In particular, the applicant proposes to restrict the capacity to only 16 people and operate well within Tower Hamlets' framework hours from Monday to Saturday. This will promote the prevention of public nuisance and crime and disorder, as the proposed operation would not significantly contribute to local dispersal issues. Furthermore, the applicant proposes to only supply alcohol to pre-booked guests as ancillary to their table meal and the premises could therefore not operate as a bar or night club. The applicant is also only applying for alcohol to be sold on the premises and will therefore not contribute to any local issues relating to street drinking and the crime, disorder or nuisance associated with that.

The applicant is keen to engage with the community and provide something new and exciting to the area. Pre consultation has taken place with the Police Licensing Officer, Alan Cruickshank, and in addition the applicant has taken the opportunity to write to local residents about this proposal and are happy to maintain open communication to try and address any concerns.

b) The prevention of crime and disorder

1. A CCTV system shall be installed at the premises, be maintained in full working order and be continually recording at all times the premises are in use under the licence. All CCTV footage will be kept for a period of 31 days and shall be available to the police or council officers for viewing on request. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download footage on request.

2. The premises shall only operate as a supper club:-
    a. In which guests will be pre-booked;
    b. In which all guests will be met by a maître d';

c. Where alcohol shall only be sold or supplied to persons eating a table meal and for consumption by such persons as ancillary to their meal.

3. The maximum number of persons (excluding staff) accommodated at any one time shall not exceed 16.

c) Public safety

We understand our obligations under existing legislation, and take our responsibility seriously.

d) The prevention of public nuisance

4. The Premises Licence Holder shall ensure that reasonable steps are taken to recognise the needs of the local residents and/or businesses and to encourage customers to leave the premises quietly.

5. The placing of bottles into receptacles outside the premises shall only be permitted to take place between the hours of 09:00hrs and 21:00hrs to minimise disturbance to nearby properties.

e) The protection of children from harm

6. The Premises Licence Holder shall ensure that the premises adopts a Challenge 25 age verification policy and any person wishing to purchase alcohol who appears to be under 25 shall be asked to produce an acceptable form of identification (photographic driving licence, international passport, a PASS hologrammed/ultraviolet feature card, Military ID card.)

	Please tick yes
• I have made or enclosed payment of the fee or	☑
• I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy	☐
• 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 CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 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	Poppleston Allen
Date	2nd March 2017
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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

Signature	
Date	
Capacity	

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

[redacted]
Poppleston Allen Solicitors
The Stanley Building
7 Pancras Square

Post town	London	**Post code**	N1C 4AG
Telephone number (if any)	[redacted]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) [redacted]			

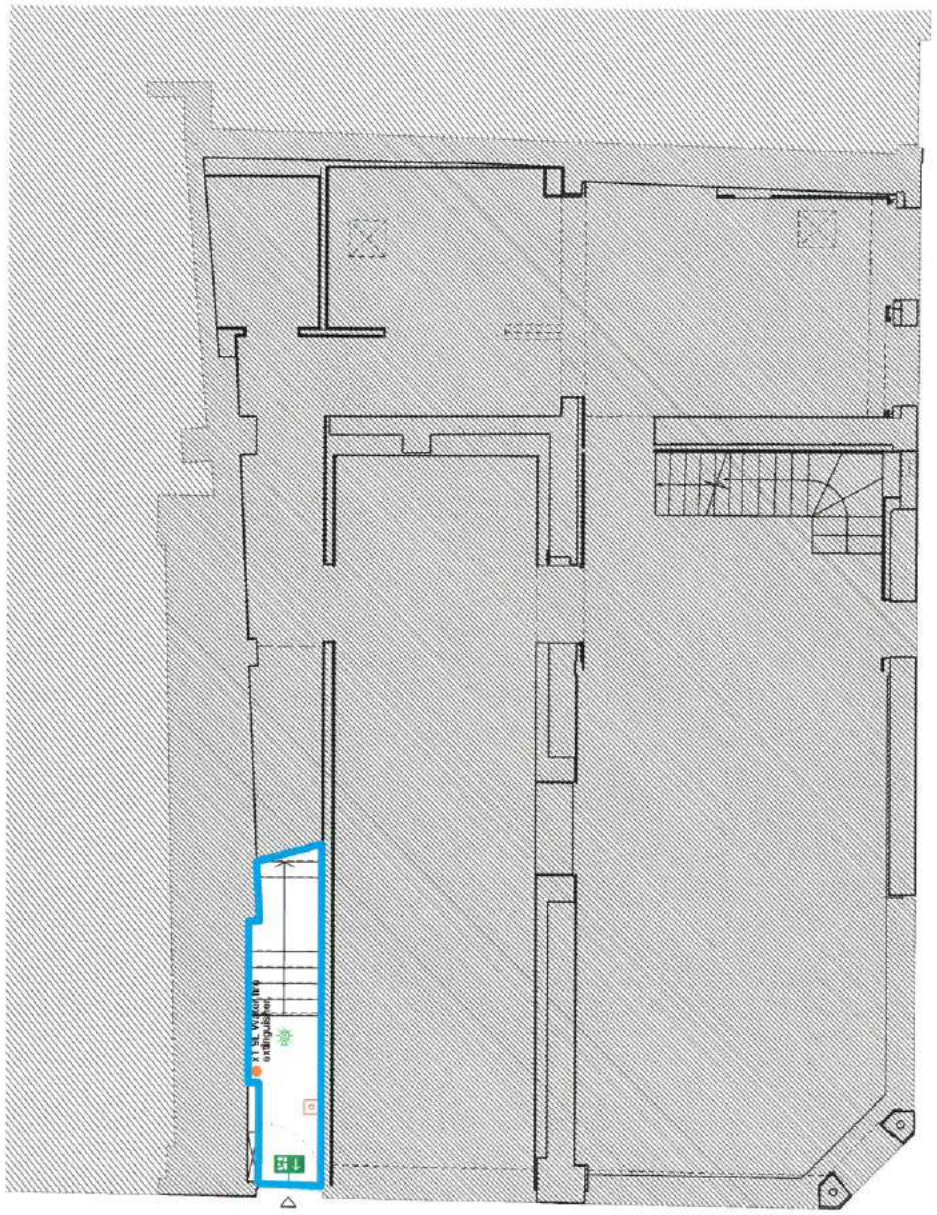
Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you

intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.

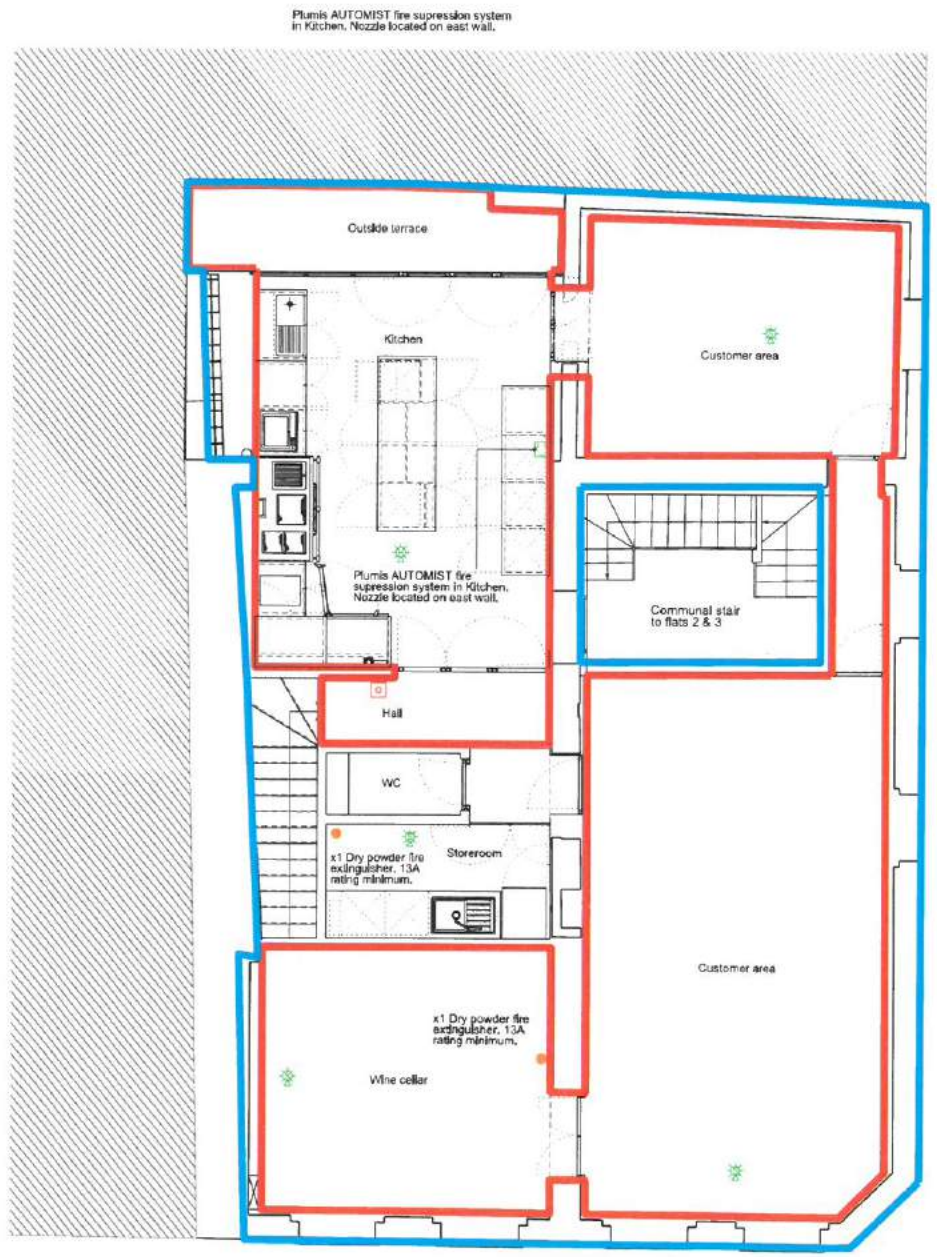
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 2



41-43 Redchurch Street

01 / 2120 Ground Floor Plan
SCALE 1:50@A1



41-43 Redchurch Street

02 / 2120 First Floor Plan
SCALE 1:50@A1

KEY:

- The area where licensable activities will take place.
- The premises
- Fire extinguishers
- Emergency exit sign
- Heat detector with beacon and sounder
- Smoke detector with beacon and sounder
- Manual call point
- Automist fire supression nozzle.

NOTES:

FIRE SAFETY EQUIPMENT IS INDICATIVE ONLY AND SUBJECT TO APPROVAL OF FIRE RISK ASSESSOR FOLLOWING THE PRODUCTION OF A FIRE MANAGEMENT PLAN BY THE APPLICANT.

CCTV IS TO BE INSTALLED BY THE APPLICANT.

A MINIMUM CLASS L2 FIRE DETECTION WILL BE INSTALLED BY THE APPLICANT.

ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY, AND DOES NOT FORM PART OF THE PREMISES LICENSE.

N

0m 1m 4m

DESIGN INTENT DRAWING

Rev	Date	Description
-	13.01.17	Issued for Licensing

[redacted]

PROJECT: Hostem
41-43 Redchurch Street & 9 Church Street
JOB: 327

TITLE: Proposed Ground and First Floor Plan

STATUS: INFORMATION

DATE: 13.01.17 SCALE: 1:50 (A1) 1:100 (A3)

REV: - NUMBER: 2120

DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS ARE TO BE CHECKED ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL CONSULTANTS INFORMATION

DRAWN: AC INSPECTED: OW

Appendix 3

Hostem

N

Scale 1:1725

10 0 10 20 30

Metres

TOWER HAMLETS

Produced by London Borough of Tower Hamlets on 06/04/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

Hostem

N

Scale 1:863

7.5 0 7.5 15 22.5 Metres

TOWER HAMLETS

Produced by London Borough of Tower Hamlets on 06/04/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

Appendix 4

Name and address	Licensable Hours	Opening Hours
(Walluc Bistro) 40 Redchurch Street On Sales Only	**The times the licence authorises the carrying out of licensable activities** **The supply of alcohol** Mon - Thurs from 11:00 hours until 23:30 hours Fri -Sat from 11:00 hours until 01:00 hours the following day Sunday from 11:00 hours until 22:30 hours. **The Provision of Late Night Refreshment** Mon - Thurs from 11:00 hours until 23:30 hours Fri - Sat from 11:00 hours until 01:00 hours the following day Sunday from 11:00 hours until 22:30 hours. **The Provision of Regulated Entertainment (Recorded Music)** Mon - Thurs from 11:00 hours until 23:30 hours Fri - Sat from 11:00 hours until 00:30 hours the following day Sunday from 11:00 hours until 22:30 hours.	Mon -Thurs from 09:00 hours until midnight Fri - Sat from 11:00 hours until 01:00 hours the following day Sunday from 10:00 hours until 23:00 hours. .
(Patty & Bun) 36 Redchurch Street On Sales Only	**The times the licence authorises the carrying out of licensable activities** **<u>Ground Floor</u>** **Sale by retail of Alcohol** • Sunday to Wednesday 11.00 hrs to midnight • Thursday to Saturday 11.00 hrs to 02.00 hrs the following day **The provision of regulated entertainment consisting of:** <u>Recorded Music</u> • Sunday to Wednesday 11.00 hrs to midnight • Thursday to Saturday 11.00 hrs to 02.00 hrs the following day <u>Facilities for Dancing</u> • Sunday to Wednesday 18.00 hrs to midnight • Thursday to Saturday 18.00 until 02.00 hrs the following day	**The opening hours of the premises** **<u>Ground Floor</u>** Sunday to Wednesday 11.00 hrs to midnight Thursday to Saturday 11.00 hrs to 02.00 hrs the following day **<u>Basement Floor</u>** Monday to Sunday, from 11:00 hours to midnight <u>Non-standard timings:</u> Public holidays and bank holiday weekend Sundays from the permitted hours to the start of the permitted hours the following day.

	The provision of late night refreshment Sunday to Wednesday until midnight Thursday to Saturday until 02.00 hrs the following day **<u>Basement Floor</u>** **Sale by retail of Alcohol** • Monday to Sunday, from 11:00 hours to midnight **The provision of late night refreshment** • Monday to Sunday, from 23:00 hours to midnight <u>Non-standard timings:</u> Public holidays and bank holiday weekend Sundays from the permitted hours to the start of the permitted hours the following day.	
(Owl & Pussycat) 34 Redchurch Street On and Off sales	**The times the licence authorises the carrying out of licensable activities** **The sale by retail of alcohol** ▪ Mon - Tues - 10.00 hours until midnight ▪ Wed - Sat, 10.00 hours until 02.00 hours the following day ▪ Sunday 10.00 hours until midnight **The provision of regulated entertainment** ▪ Mon - Tues - 10.00 hours until 00.15 hours the following day ▪ Wed - Sat, 10.00 hours until 02.15 hours the following day ▪ Sunday 10.00 hours until 00.15 hours the following day **The provision of late night refreshment** ▪ Mon - Tues 23.00 hours until midnight ▪ Wed - Sat, 10.00 hours until 02.00 hours the following day ▪ Sunday 10.00 hours until midnight However, New Years 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 11pm on New Years Eve and 11am on New Years Day	**The opening hours of the premises** ▪ Mon -Tues - 10.00 hours until 00.30 hours the following day ▪ Wed - Sat, 10.00 hours until 02.30 hours the following day ▪ Sunday 10.00 hours until 00.30 hours the following day However, New Years 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 11pm on New Years Eve and 11am on New Years Day

(Counter Albion) 45 Redchurch Street On Sales Only	**The times the licence authorises the carrying out of licensable activities** **Sale by retail of alcohol** Monday to Sunday, from 10:00 hours to 22:00 hours	**The opening hours of the premises** • Monday to Sunday from 07:00 hours to 22:30 hours

Appendix 5

Corinne Holland

From: Sam Adams <[redacted]>
Sent: 29 March 2017 12:30
To: Licensing
Subject: Objection to Hostem license application, 41-43 Redchurch Street

[redacted]

29th March

Dear Sir / Madam,

I write to raise my objection to the licence application for 41-43 Redchurch Street made by Hostem Ltd.

My primary objection regards the noise and disruption such a development would produce. The daily / nightly activities proposed by Hostem if they were granted a license would result in excessive noise in what is designed to be a residential area. The site doesn't appear to be suited to the proposal, both in its proximity to residential properties and in its design. The site wasn't designed to be a restaurant and will lack the level of soundproofing and ventilation that would curtail disruption to the properties in the surrounding area. Operating their premises as a restaurant from 12 noon to 11.30 at night is bound to be a major public nuisance to neighbouring residents, especially to me. Likewise my own flat was never designed with special soundproofing to protect me from a commercial premises operating next door. The noise will reverberate around the terraces and significantly impact my home life.

Furthermore, the area is already teeming with similar properties that result in noise, littering, public nuisance, vomiting and drug taking. I don't believe that Hostem have sufficiently demonstrated that their operation will not have a negative impact on the neighbourhood.

Yours sincerely,

Sam Adams

Appendix 6

[redacted]

15th March 2017

Kathy Driver Esq
Principal Licensing Officer

David Tolley Esq
Head of Environmental Health & Trading Standards

Tower Hamlets Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

Dear Ms Driver and Mr Tolley

Your reference CLC/EHTS/LIC/098914

We write with reference to Licensing Application for Hostem 41-43 Redchurch Street E" 7DJ

We live as a small family of four in the above address of which we are the owners. The small row of homes of which ours is part was developed as recently as 2007, winning an architectural award for affordable living on a brownfield site. The proposed Licensed Premises adjoin our buildings.

We formally oppose the granting of the License for the reasons set out below. It is becoming increasingly hard to live in Chance Street:-

- The Owl and Pussy Cat on Redchurch Street is open to late with crowds drinking on the pavements with the attendant shouting, laughing and general noise (including profanities);
- With a host of other bars and restaurants on Redchurch Street, including the Albion Counter directly opposite our home, there is a lot of noisy merry making generally;
- After the pub and the other hostelries close, people rowdily make their way home up Chance Street, again more often than not using foul language;
- Many mornings we wake to find broken glass in the road;
- Chance Street is used as a "rat run" as traffic works its way around the one-way system on Shoreditch High Street. Cars and motorbikes stop and rev as they go across the intersections;
- On occasions when the noise of parties from the young people who live opposite has been on-going at 1am, 2am, 3am we have called the council to ask for help and been told "not our problem mate, call the police." So once permission is given, we the residents have no recourse for unreasonable behaviours.

Please note our son is 14, seeking to obtain GCSE's and suffers from sleep disorders for which he is currently medicated.

Under these circumstances we must formally oppose and object to another bar opening almost immediately next door. If you decide to grant permission it must be taken as a sign that you do not

want residential addresses on, or adjoining, Redchurch Street. This fact we reserve the right to publicise.

If you decide to grant permission, please show us the minimal consideration of making a stipulation of the licenses:

- Last drinks to be served at 10.30pm
- Doors closed at 11.00pm (with so many other bars with late licenses nearby, surely another is not necessary)
- No drinking on the pavements under any circumstances whether daytime or evening.

As an aside, we must commend The Albion Counter for the responsible way (including, but not limited to, operating times) in which they run their business.

We look forward to hearing from you.

Yours faithfully

James & Jenny Bruce

Appendix 7

Kathy Driver

From: Max Jaderberg <[redacted]
Sent: 29 March 2017 18:56
To: Licensing
Subject: Licensing Act 2003: 41-43 Redchurch Street
Attachments: HostemLicenceobjectionletter.pdf

Dear Sir/Madam,

I am the owner and resident of [redacted], and I am writing to object the licence application made by Hostem Limited for 41-43 Redchurch Street.

My house [redacted] is a direct neighbour to the premises of 41-43 Redchurch Street which is to be used as a "supper club" (effectively a restaurant), sharing walls on the first and second floor as well as overlooking the garden/terrace of the proposed restaurant. The reasons for my objection are 1) it will greatly increase the noise to the public and private surrounding areas due to the incorrect soundproofing from incorrect planning permission, and 2) there is no evidence, and no attempt to demonstrate, that the proposed operation of the restaurant will not add to the negative cumulative impact of nightlife on the area, a direct infringement of the Brick Lane Cumulative Impact Zone policy which this operation falls under.

To address the first point, having referenced the Tower Hamlets planning website it is clear that the first floor of these premises have planning permission as a residential flat, not as a restaurant (A3). Therefore there is not the soundproofing to ensure that a restaurant of 16 people talking, drinking, along with dining, cooking, waiting, and entertainment such as music (the playing of which this licence will grant), will not cause a nuisance to neighbours through the adjoining walls. With proper planning permission and soundproofing this may not be an issue with noise travelling through the walls however as it stands this is a serious issue. In addition, the garden terrace will be used by guests of this restaurant for smoking and socialising, which will undoubtedly lead to a lot of noise travelling from it to the surrounding buildings, which are all residential, on every night of the week until 11:30pm. This is clearly unacceptable and will cause a nuisance to the surrounding area, which is a popular residential area primarily due to the current lack of night time establishments and noise.

To address the second point, 41-43 Redchurch Street is within the Brick Lane Cumulative Impact Zone and is therefore required to demonstrate that their proposed operation will not add to the negative cumulative impact being experience in this neighbourhood. After carefully reviewing the licence application and other materials made available by Hostem Limited, there has clearly been no attempt at all to demonstrate this, and so under section 8 of the policy, this licence application must be refused. In fact, due to the reasons discussed previously, it is certain that this operation will add to the noise and public nuisance of the area. There is no grounding that this particular project - of turning a residential flat into a restaurant operating every night of the week - is an "exceptional case" and should be granted exemption from a policy designed to protect the area.

For the reasons laid out in this letter it is therefore clear that this licence must be refused, considering section 8 of the licensing policy and the certain increases in public nuisance and disturbance.

I am happy to be contacted for any further information or discussion regarding this.

Yours faithfully,

Max Jaderberg
[redacted]

Mobile: [redacted]
Email: [redacted]

--
Max Jaderberg

> [redacted]

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

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

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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 12

Public nuisance - S182 Updated March 2015

2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 13

Prevention of Nuisance – Licensing Policy, updated March 2015

10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.

10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Appendix 14

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

<u>Guidance Issued under Section 182 of the Licensing Act 2003</u>
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 15

8 Special Cumulative Impact Policy for the Brick Lane Area

8.1 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.

8.2 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.

8.3 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.

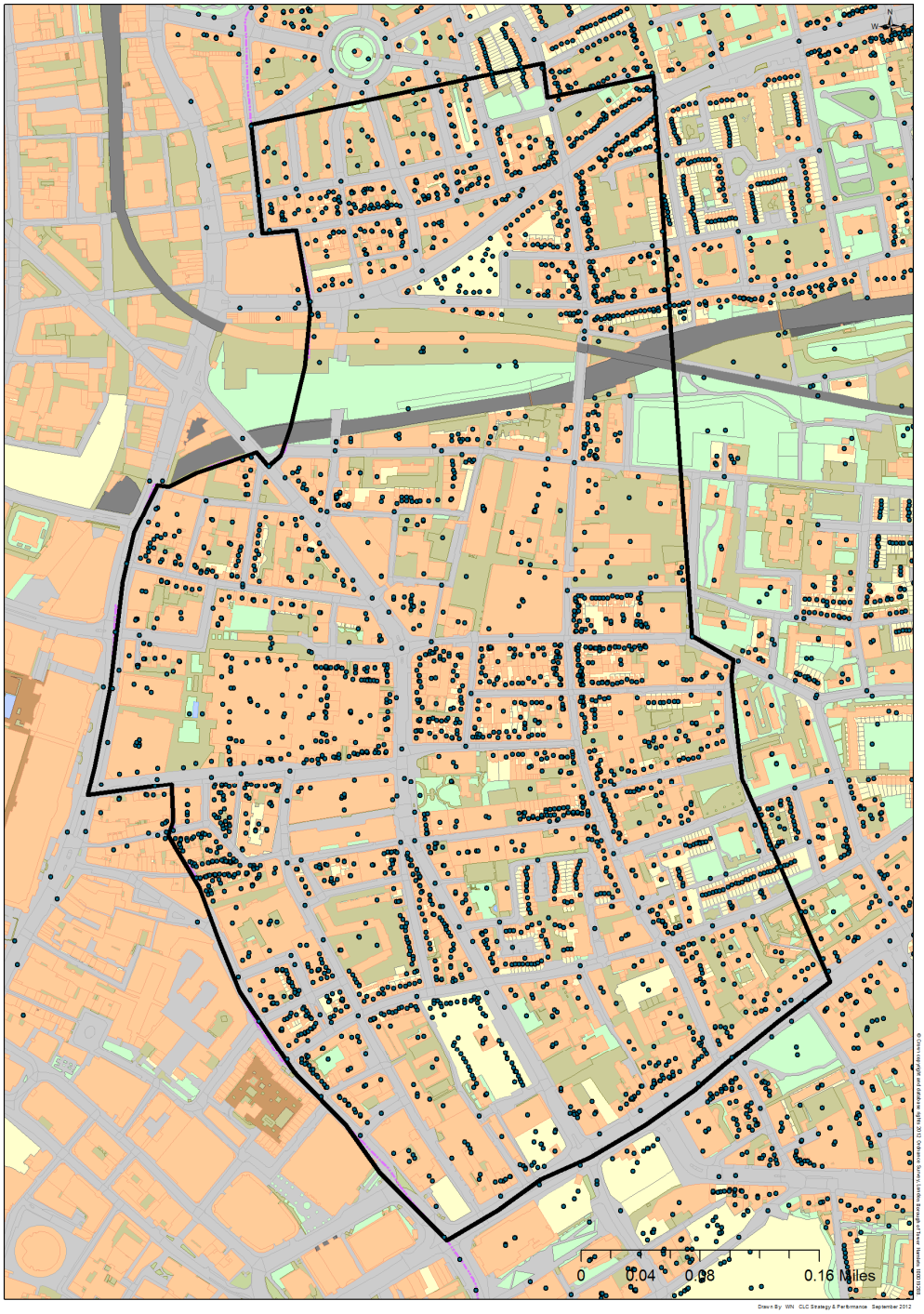
8.4 The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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

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

Figure One

The Cumulative Impact Zone in the Brick Lane area

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



Appendix 16

Planning

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