

Appendix 1



* required information

Section 1 of 21

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	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	MPV/CHA499/1	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name	Chau-UK Ltd
* Family name	Chau-UK Ltd
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	[REDACTED]

Include country code.

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	11469883
Business name	Chau-UK Ltd
VAT number	- none
Legal status	Private Limited Company

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

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

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

United Kingdom

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Hygeia Building 66-68

Street

College Road

District

City or town

Harrow

County or administrative area

Middlesex

Postcode

HA1 1BE

Country

United Kingdom

Section 2 of 21

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

3 - 6

Street

Steward Street

District

Spitalfields

City or town

London

County or administrative area

Postcode

E1 6FQ

Country

United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£)

231,142

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- 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

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 21

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...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

The premises are on Stewart Street, in the Spitalfields area and within walking distance of Liverpool Street Station. This will be a restaurant providing high quality Vietnamese cuisine. The Delicious Pho brand originates from Canada where they have 11 restaurants and have been established for 15 years.

These premises are spread over the ground floor and basement areas. The basement provides some tables, the bar, the

Continued from previous page...

main WC facilities for patrons and storage areas. The ground floor provides further tables, the kitchen area and a take-away food and off-sales area, separate from the main dining area. The applicant is not providing any area for the consumption of off sales alcohol. The total floor space for the premises is 429 square metres.

The restaurant will seat 138 diners and it is not intended that drinks will be taken at the bar, but only with table dining. All alcohol will be stored in the bar area.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

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 playing of recorded music 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.

Music will be amplified as a means to distribute background music across the premises.

State any seasonal variations for playing recorded music

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

Continued from previous page...

N/A

Non-standard timings. Where the premises will be used for the playing of recorded music 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.

The playing of recorded music indoors may continue from the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

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.

Late sale of table meals in the restaurant and take-away food from the take-away counter separate from the restaurant.

State any seasonal variations

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

N/A

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.

The provision of late night refreshment may continue from the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day

Continued from previous page...

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises Off the premises Both

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

State any seasonal variations

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

N/A

Continued from previous page...

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

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

The sale of alcohol may continue from the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day

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

Name

First name

Family name

Date of birth / /

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

Continued from previous page...

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

Section 16 of 21

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 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

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.

N/A

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

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

The premises may be open to the public from the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day

Section 18 of 21

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.

For fuller details of the steps we will take to promote the four licensing objectives, please see (b) to (e) below:

Prevention of crime and disorder – Use of CCTV; minimum staff numbers and premises supervisor on the premises at all times; table dining only on the premises and capacity limited to 138 diners; no external dining/drinking space provided; operation of an age verification policy.

Prevention of public nuisance – recorded background music only; no external dining/drinking space provided; alcohol sold with table meals (not at the bar) and off-sales in the off-sales area of the premises only; operating in standard licensing hours only; no nuisance caused by smells; waste placed in designated bin store during the hours of 12midnight and 2am.

Public safety – sufficient means of escape from the premises maintained in good order properly signed and unobstructed; capacity limited to 138 diners plus staff; all fabrics to be either non- combustible or flame retardant; alcohol sold with table meals not at the bar and as off-sales in the off-sales area of the premises only; CCTV in operation.

The protection of children – premises supervisor on the premises when alcohol is being served; staff trained in and will operate an age verification policy and be trained in CSE, non-intoxicating beverages including water will be available during the permitted hours.

b) The prevention of crime and disorder

CCTV

CCTV will be in operation and it will comply with the Data Protection Act 1998, and any subsequent legislation/regulation.

Continued from previous page...

CCTV will be in operation at entry/exit points and a total of 8 cameras will be used covering the basement and ground floors. The cameras will record to a minimum standard of "frontal" identification. Notices will be on display advising patrons both in the restaurant and the take-away section of the premises that CCTV is in operation.

We will retain CCTV recordings for 24 hours a day on a roll around basis. Recording equipment and recordings will be stored in a secure area with access restricted to authorised staff. The recorder and recordings will be stored in lockable cabinets. A written record will be kept by the person accessing the equipment showing the time, date, printed name and signature.

Staff

There will be a minimum of 12 staff (including kitchen staff) on duty at all times, increasing in busy periods.

Staff will be trained to deal with and recognise aggressive or suspicious behaviours, and there will be an incident log in operation to record crime and disorder incidents.

Staff will escort customers to their tables.

A premises supervisor will be on the premises at all times when alcohol is being served.

Premises

There is only 2 points of entry/exit for the public on the ground floor, one for the restaurant and one for the take-away service and a rear entrance/exit intended for staff use only.

The capacity is limited by the number of dining seats available, 138 plus staff. There will be a small limited waiting area at the foyer, so if there is no table seating available, customers will be turned away.

There is no intention to tout for business, nor employ or engage individuals to tout for business for the restaurant.

The toilets are monitored by cameras in the lobby area outside the toilets, and are monitored by staff every half hour. Toilet cisterns are boxed in and secure.

Children

We will operate an age verification policy on the premises. Before serving them alcohol, individuals who appear to the responsible person to be under 18 will be requested to provide evidence of their date of birth.

Purchase of Alcohol for Sale

We will only buy from UK wholesalers that have been approved by HMRC under the Alcohol Wholesaler Registration Scheme.

c) Public safety

Public safety

Means of escape provision, emergency warning equipment and electrical and mechanical equipment shall be maintained in good working order.

Continued from previous page...

Means of escape shall be unobstructed, free of trip hazards and be available and clearly identified.

Emergency exit doors shall not need a key, code, card or similar and all emergency doors shall be maintained, be self-closing and not held open other than by an approved device.

Stair treads shall be maintained and conspicuous.

Emergency safety signs and equipment shall not be obstructed/covered.

All fabrics, curtains, drapes and similar features shall be either non-combustible or of durably or inherently flame-retarded fabric.

The capacity of the licensed premises shall be limited to 138 diners plus staff.

Alcohol will only be sold on the premises with table meals, and by waiter/waitress service. No outside area will be provided for the consumption of off-sales meals or alcohol.

Free potable water will be available to customers with table meals upon request.

CCTV will be in operation and an incident log will be kept. A premises supervisor will be on the premises at all times when alcohol is being sold (see the prevention of crime and disorder section).

We will provide information on licensed taxi companies and adequate lighting outside the premises to assist patrons in leaving the premises safely.

We will train our staff of spotting signs of harassment between our patrons and how to report such incidents to management/the emergency services.

d) The prevention of public nuisance

Noise levels will be limited to recorded background music only.

There will be no outside tables or drinking. There are residential flats above the property, but the premises have previously been used for a restaurant and take-away and have been appropriately re-furnished for sound proofing. The residential premises entrance is on a parallel road at the rear of the building so there is no direct contact/disruption to the residents with the patrons entering and leaving the premises. The staff will supervise patrons leaving after 11pm each day to avoid possible disturbance to local residents.

The restaurant will only operate in standard hours and will display notices at the exits requesting patrons to leave the premises and area quietly.

We will ensure that no nuisance will be caused by smells emanating from the premises. Waste will be placed in a dedicated bin store, which is kept locked and collection will be between the hours of 12midnight and 5am.

e) The protection of children from harm

We will offer a casual dining experience and a family friendly environment. A premises supervisor will be on the premises at all times alcohol is being served. Alcohol will only be served with table meals by waiter/waitress service.

We will comply with the Portman Group Code of Practice and the Retailer Alert Bulletin We will train our staff in and operate an age verification policy on the premises and apply the Challenge 25 Scheme.

We will train our staff to have a basic awareness of the signs of Child Sexual Exploitation and we will report any concerns to the appropriate authorities.

Non-intoxicating beverages (including drinking water) will be available throughout the premises during the whole of the

Continued from previous page...

permitted hours.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

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

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

Continued from previous page...

* Fee amount (£)

635.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

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

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

* Capacity

Date (dd/mm/yyyy)

Add another signatory

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

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

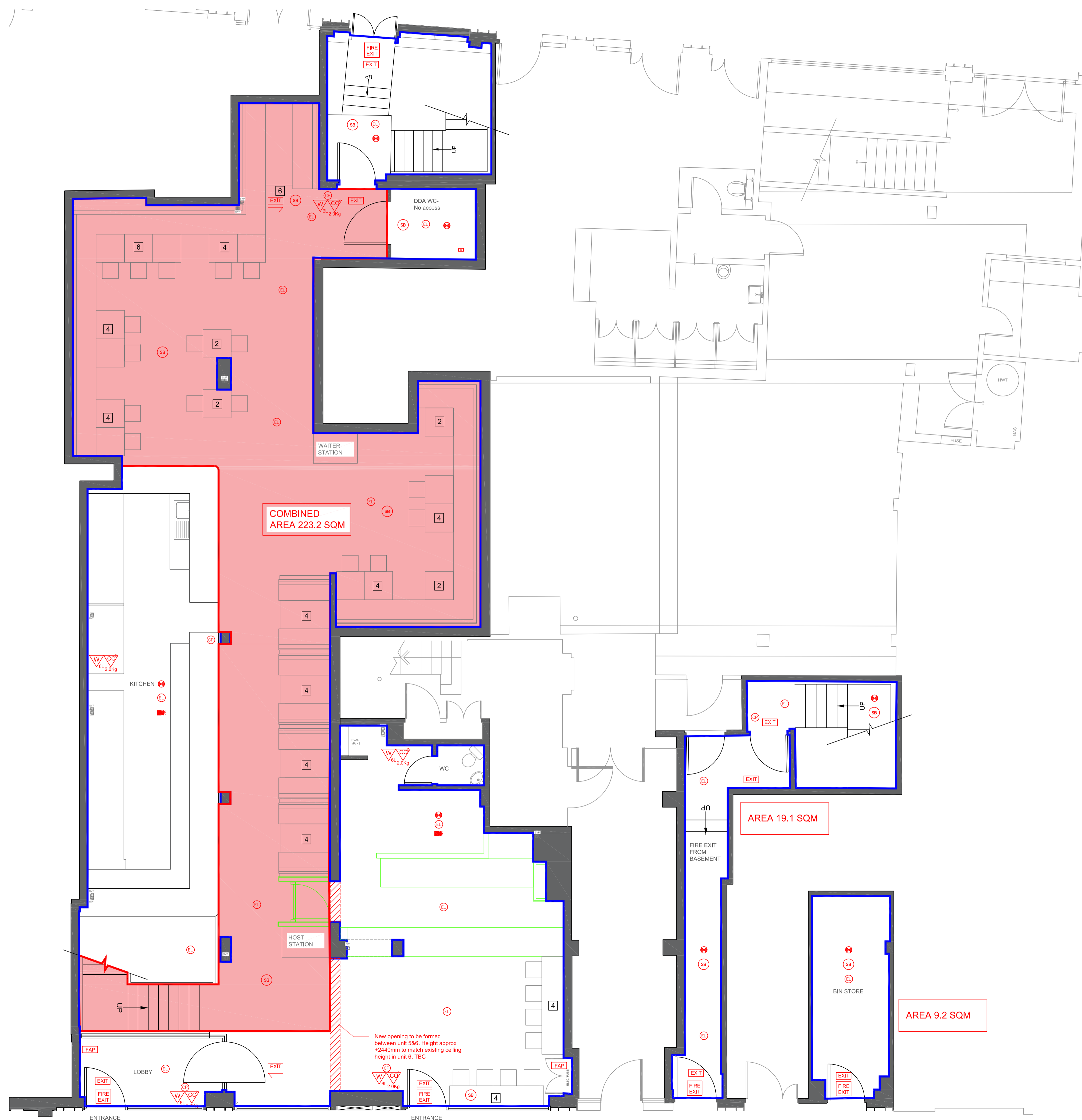
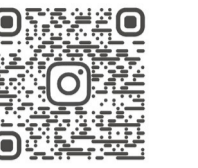
Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Appendix 2



LICENSING KEY

	INDICATES AREA OF LICENSABLE ACTIVITIES
	IN THE AREA HATCHED PINK ALCOHOL WILL ONLY BE SUPPLIED TO PATRONS AS AN ANCILLARY TO A MEAL
	WATER FIRE EXTINGUISHER
	CO2 FIRE EXTINGUISHER
	FOAM FIRE EXTINGUISHER
	WET CHEMICAL FIRE EXTINGUISHER
	FIRE BLANKET
	MANUAL FIRE ALARM CALL POINT
	LOCATION OF FIRE EXIT DOOR
	LOCATION OF FIRE EXIT SIGNAGE
	FIRE ALARM PANEL
	SMOKE DETECTOR
	HEAT DETECTOR
	FIRE ALARM SOUNDER
	FIRE ALARM SOUNDER FLASHING BEACON
	DISABLED ALARM
	EMERGENCY LIGHTING

NOTE:
 The location and type of any Fire Safety equipment will be advised by the Fire Safety Consultant. This may be subject to change following the completion of the works or following the Fire Officer/Appointed Fire Safety Consultant's assessment. Layouts may also be varied from time to time with the agreement of the Fire Officer or after any further Fire Risk Assessment. Management and Fire Safety Strategy advice must be incorporated into the new scheme.

PARTITION LEGEND

	Site Boundary
	Proposed Works
	Interior Demolition
	Structural Demolition

COVERS

Ground Floor	64
Basement Floor	73
TOTAL	137

AREAS

GROUND FLOOR	251.5 SQM
BASEMENT FLOOR	295.9 SQM
TOTAL GROSS AREA	547.4 SQM

LICENSING DRAWING

NO.	DATE	ISSUE
A	29.01.21	Licensing Drawing

Project:
Delicious Pho
 3-6 Steward Street
 Spitalfield, London.E1 6FQ

Project No: 204
 Date: 29.012021

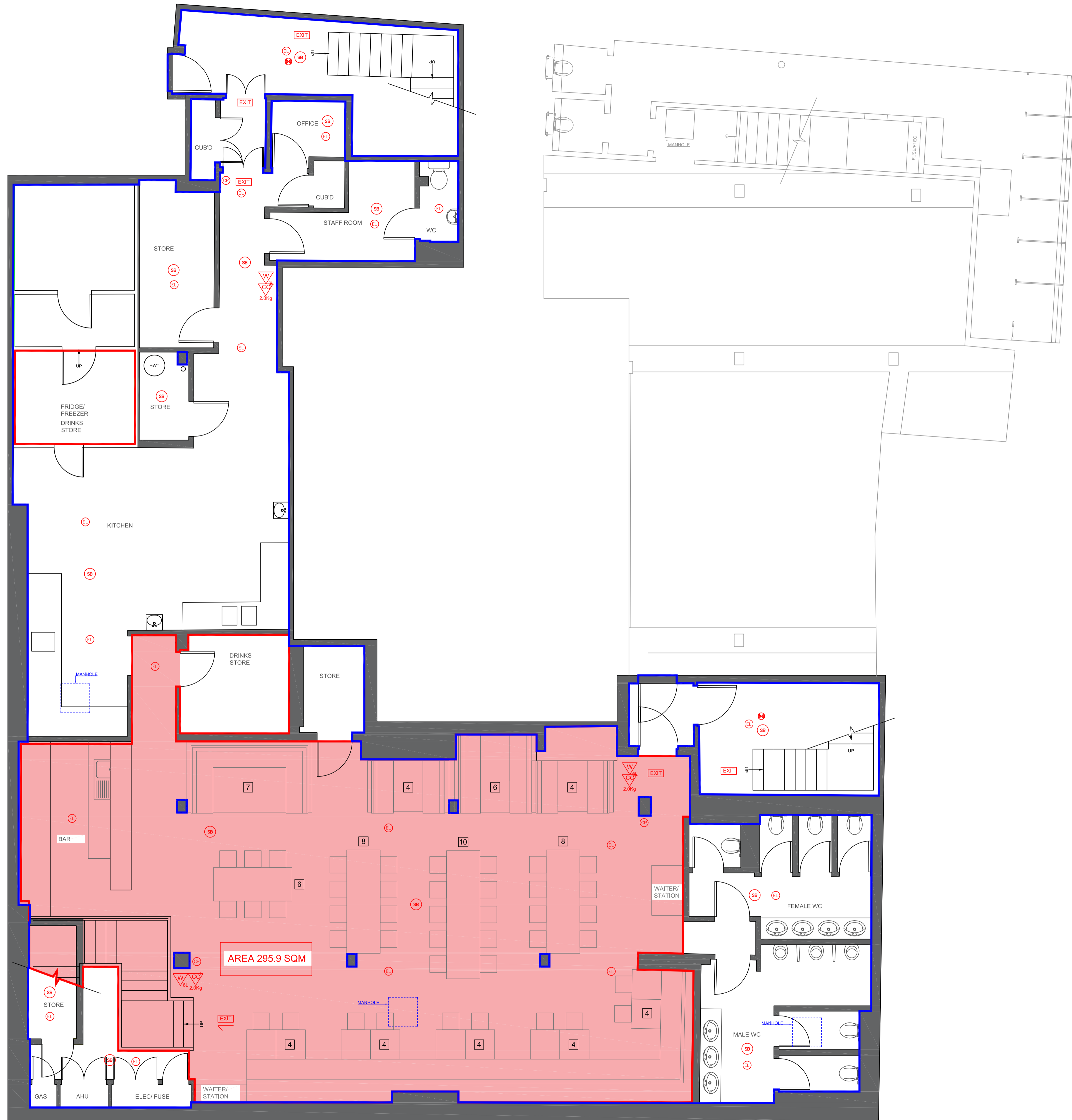
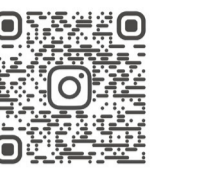
Sheet Title:
Proposed Ground Floor Plan

Sheet No:
204_2_00A_LICENSING

Scale: As Shown at A1
 Drawn By: HB

- NOTES:**
- THIS DRAWING MUST NOT BE SCALED.
 - FOLLOWING COMMENCEMENT OF WORK ON SITE, ISSUED DRAWINGS AND DETAILS MAY BE SUBJECT TO CHANGE DUE TO SITE CONDITIONS OR CONTRACTOR DESIGN MODIFICATIONS.
 - ALL WORKS HAVE BEEN INSTRUCTED TO BE CARRIED OUT TO THE SATISFACTION OF LOCAL AND STATUTORY AUTHORITIES. IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE.
 - ALL DIMENSIONS ARE TO BE VERIFIED WITH THE CONTRACTOR ON SITE PRIOR TO MANUFACTURE OR INSTALLATION.
 - FNSHD MUST BE INFORMED OF ANY AMENDMENTS TO THE DESIGN ON SITE.

Proposed Ground Floor
 Scale: 1:50@A1



LICENSING KEY

	INDICATES AREA OF LICENSABLE ACTIVITIES
	IN THE AREA HATCHED PINK ALCOHOL WILL ONLY BE SUPPLIED TO PATRONS AS AN ANCILLARY TO A MEAL
	WATER FIRE EXTINGUISHER
	CO2 FIRE EXTINGUISHER
	FOAM FIRE EXTINGUISHER
	WET CHEMICAL FIRE EXTINGUISHER
	FIRE BLANKET
	MANUAL FIRE ALARM CALL POINT
	LOCATION OF FIRE EXIT DOOR
	LOCATION OF FIRE EXIT SIGNAGE
	FIRE ALARM PANEL
	SMOKE DETECTOR
	HEAT DETECTOR
	FIRE ALARM SOUNDER
	FIRE ALARM SOUNDER FLASHING BEACON
	DISABLED ALARM
	EMERGENCY LIGHTING

NOTE:
The location and type of any Fire Safety equipment will be advised by the Fire Safety Consultant. This may be subject to change following the completion of the works or following the Fire Officer/Appointed Fire Safety Consultant's assessment. Layouts may also be varied from time to time with the agreement of the Fire Officer or after any further Fire Risk Assessment. Management and Fire Safety Strategy advice must be incorporated into the new scheme.

PARTITION LEGEND

- Site Boundary
- Proposed Works
- Interior Demolition
- Structural Demolition

COVERS

Ground Floor	64
Basement Floor	73
TOTAL	137

AREAS

GROUND FLOOR	251.5 SQM
BASEMENT FLOOR	295.9 SQM
TOTAL GROSS AREA	547.4 SQM

LICENSING DRAWING

NO.	DATE	ISSUE
A	29.01.21	Licensing Drawing

Project:
Delicious Pho
3-6 Steward Street
Spitalfield, London.E1 6FQ

Project No: 204 Date: 29.01.2021

Sheet Title:
Proposed Basement Floor Plan

Sheet No:
204_A2_01_A LICENSING

Scale: As Shown at A1 Drawn By: HB

- NOTES:**
- THIS DRAWING MUST NOT BE SCALED.
 - FOLLOWING COMMENCEMENT OF WORK ON SITE, ISSUED DRAWINGS AND DETAILS MAY BE SUBJECT TO CHANGE DUE TO SITE CONDITIONS OR CONTRACTOR DESIGN MODIFICATIONS.
 - ALL WORKS HAVE BEEN INSTRUCTED TO BE CARRIED OUT TO THE SATISFACTION OF LOCAL AND STATUTORY AUTHORITIES, IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE.
 - ALL DIMENSIONS ARE TO BE VERIFIED WITH THE CONTRACTOR ON SITE PRIOR TO MANUFACTURE OR INSTALLATION.
 - FNSHD MUST BE INFORMED OF ANY AMENDMENTS TO THE DESIGN ON SITE.

Proposed Basement Floor
Scale: 1:50@A1

Appendix 3

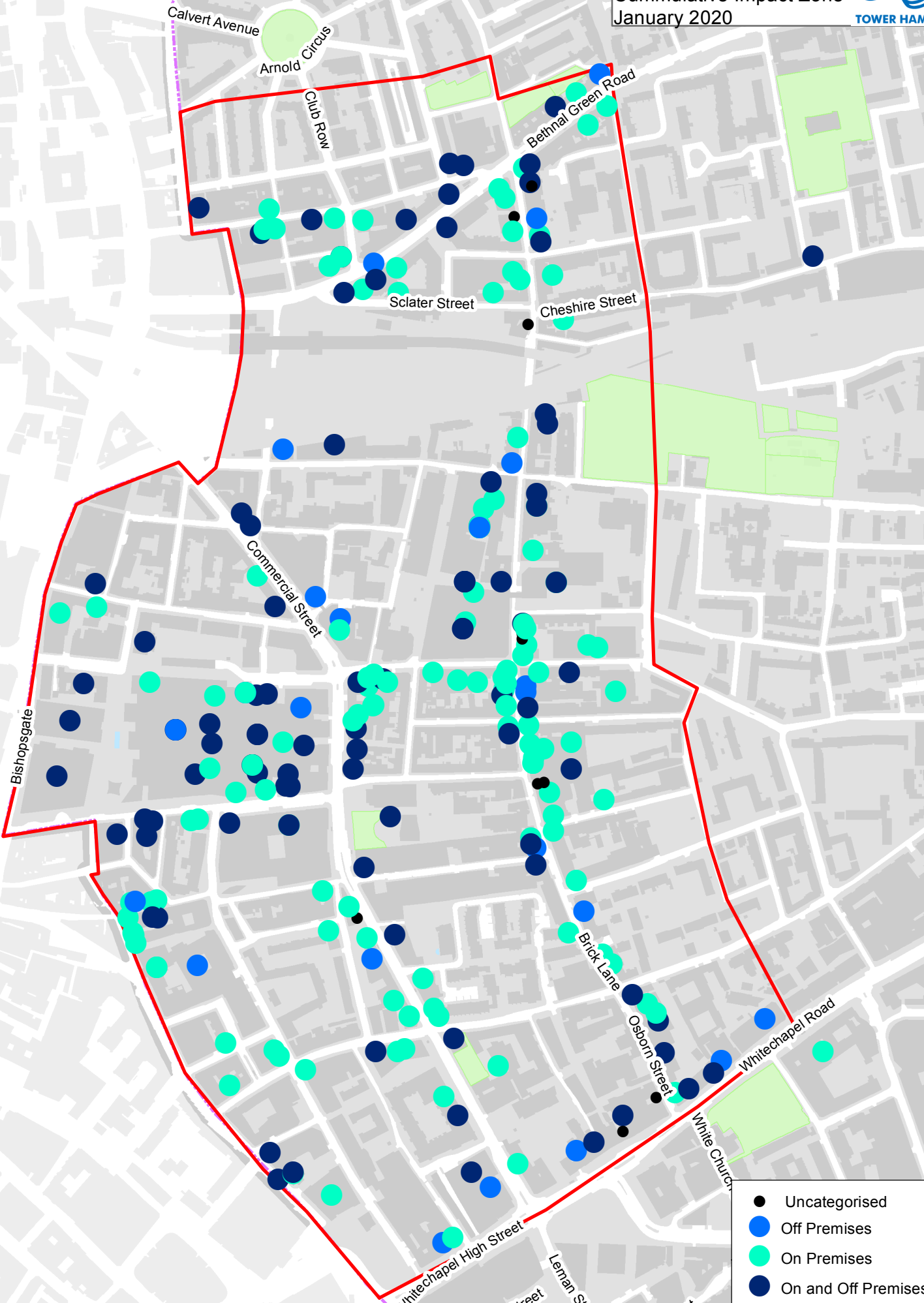
Delicious Pho- Map of local area



Delicious Pho Images of local area



Brick Lane Area
Cummulative Impact Zone
January 2020



- Uncategorised
- Off Premises
- On Premises
- On and Off Premises
- Brick Lane CIZ

Appendix 4

Delicious Pho – Nearby licensed premises

Name and address	Licensing activities	Opening times
<p>(Grapeshots) 2/3 Artillery Passage London E1 7LJ</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ul style="list-style-type: none"> a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December). <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p> <p>Late night Refreshment 23 00 hrs to 23 30 hrs Monday to Saturday Recorded Music (no restrictions as to hours)</p> <p>Note: 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.</p> <p>On sales only</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p>(Chick 'N Sours) 14 Artillery Passage London E1 7LJ</p>	<p>Sale of Alcohol: Monday to Thursday from 11:00 hours to 23:30 hours Friday and Saturday from 11:00 hours to midnight</p>	<p>Monday to Thursday from 11:00 hours to midnight Friday and Saturday from 11:00 hours to 00:30 hours</p>

Delicious Pho – Nearby licensed premises

	<p>Sunday from 12:00 hours to 22:30 hours</p> <p>Late Night Refreshment and Recorded Music: Monday to Thursday until 23:30 hours Friday and Saturday until midnight</p> <p>In addition to the above: From end of permitted hours on New Years eve to start of permitted hours on New Years Day</p> <p>On and Off sales</p>	<p>Sunday from 11:00 hours to 23:00 hours</p> <p>From end of permitted hours on New Years eve to start of permitted hours on New Years Day</p>
<p>(Bean and Wheat) 13 Artillery Passage London E1 7LJ</p>	<p>Sale of Alcohol (on sales only) Monday to Sunday 12:00 hours – 19.30 hours</p> <p>On sales only</p>	<p>Monday to Friday 08:00 hours - 20:00 hours Saturday to Sunday 10:00 hours – 20:00 hours</p>
<p>(Ottolenghi) 11 Artillery Passage London E1 7LJ</p>	<p><u>Sale of Alcohol (on sales)</u></p> <ul style="list-style-type: none"> • Monday to Saturday from 08:00hrs to 00:00hrs (midnight) • Sunday from 08:00hrs to 23:30hrs <p><u>Sale of Alcohol (off sales)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 10:00hrs to 21:00hrs <p><u>The provision of late night refreshment</u></p> <ul style="list-style-type: none"> • Monday to Saturday, 23:00 hours to 00:00 hours • Sunday, from 23:00 hours to 23:30 hours • Christmas Day from 23:00 hours to 23:30 hours • New Year’s Eve, except on a Sunday, 23:00 hours to 00:00 hours • On New Year’s Eve on a Sunday, 23:00 hours to 23:30 hours <p><u>Non-Standard Timings</u></p> <ul style="list-style-type: none"> • On New Year’s Eve from the end of permitted hours on New Year’s Eve to the start of 	<p>There are no restrictions on the hours during which this premises is open to the public</p> <p><u>Non-Standard Timings</u> On New Year’s Eve from the end of permitted hours on New Year’s Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>

Delicious Pho – Nearby licensed premises

	<p>permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>On and off sales</p>	
<p>(Mudmee Thai Restaurant) 12A Artillery Passage London E1 7LJ</p>	<p>The times the licence authorises the carrying out of licensable activities Alcohol may be sold or supplied:</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises; (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals; (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises; Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Delicious Pho – Nearby licensed premises

	<p>or otherwise as an ancillary to meals served in the licensed premises.</p> <p>See Mandatory Conditions for details of restrictions.</p> <p>Note: 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.</p>	
<p>(Yuzu) 7a Artillery Passage London E1 7LJ</p>	<p>Sale by retail of alcohol</p> <ul style="list-style-type: none"> • Monday to Sunday, from 11:30 hours to 22:30 hours 	<ul style="list-style-type: none"> • Monday to Sunday, from 11:00 hours to 23:00 hours
<p>(8A) 8A Artillery Passage London E1 7LJ</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ol style="list-style-type: none"> a. On weekdays, other than Christmas Day, Good Friday or New Year’s Eve, 11 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year’s Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year’s Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year’s Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year’s Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December). <p>For conditions re. “drinking up time” see Annex 1 Mandatory Conditions</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Delicious Pho – Nearby licensed premises

	<p>Note: 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.</p> <p>On and Off Sales</p>	
<p>(HSBC Insurance Brokers Ltd) Bishops Court 27-33 Artillery Lane London E1 7LP</p>	<p>The sale by retail of alcohol only Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 08:00 hours to 23:00 hours.</p> <p>On and off sales</p>	<p>24 hours seven days a week.</p>
<p>(Bengal Trader) 1 Parliament Court 44 Artillery Lane London E1 7NA</p>	<p>The times the licence authorises the carrying out of licensable activities Alcohol may be sold or supplied:</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises; (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Delicious Pho – Nearby licensed premises

	<p>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;</p> <p>(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;</p> <p>Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.</p> <p>See Mandatory Conditions for details of restrictions.</p> <p>Note: 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.</p> <p>On sales only</p>	
<p>Brother Marcus 2 Crispin Place London E1 6DW</p>	<p>The sale by retail of alcohol: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 08:00 hours to 23:30 hours.</p> <p>Late Night Refreshment: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday until 23:30 hours.</p> <p>The external seating area shall not be used for licensable activities after 22:00 hours on Sunday, Monday, Tuesday, Wednesday and Thursday and no later than 23:00 hours on Friday and Saturday.</p> <p>Note:New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 08:00 hours to midnight.</p> <p>Note: the external seating are shall not be used after 22:00 hours on Monday to Thursday and 23:00 hours on Friday and Saturday.</p> <p>Note: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.</p>

Delicious Pho – Nearby licensed premises

	<p>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.</p> <p>On and off sales</p>	
<p>(The Grocer) Unit 4 Crispin Square Crispin Place London E1 6DW</p>	<p>The sale by retail of alcohol The on sale of alcohol, Monday to Saturday, 10.00am to 22.30pm. Sunday, 10.00am to 21.30pm.</p> <p>On sales only</p>	<p>Monday to Saturday, 10.00am to 23.00pm. Sunday, 10.00am to 22.00pm.</p>
<p>(Leon) 3 Crispin Place London E1 6DW</p>	<p>The sale by retail of alcohol: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 10:00 hours to midnight Late Night refreshment: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday until midnight</p> <p>Note: 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 between the end of permitted hours on New Years Eve until the beginning of the permitted hours on the New Years Day.</p> <p>On and off sales</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 07:00 hours to 00:30 hours the following day.</p>
<p>(Crispin) Unit 11 London Fruit & Wool Exchange Crispin Street E1 6EN</p>	<p>The sale of alcohol (on & off sales) Monday – Sunday 08:00 – 22:00 hours</p>	<p>Monday to Sunday 08:00 – 22:30 hours</p>
<p>(Scarlet Spice RM) Unit 4 Crispin Square Crispin Place London E1 6DW</p>	<p>Sale by retail of alcohol</p> <ul style="list-style-type: none"> • Monday to Saturday, 10:00 hrs to 23:00 hrs • Sunday, 10:00 hrs to 22:00 hrs <p>On sales</p>	<p>Monday to Saturday, 10:00 hrs to 23:00 hrs Sunday, 10:00 hrs to 22:00 hrs</p>
<p>Market Stall The Fine Food Market - Spitalfields</p>	<p>The sale by retail of alcohol Monday to Sunday from 10:00 hours to 18:00 hours Off sales only</p>	<p>Monday to Sunday from 10:00 hours to 18:00 hours</p>

Delicious Pho – Nearby licensed premises

<p>Crispin Place London E1 6DT</p>		
<p>(Coqbull Spitalfields) 65a Brushfield Street London E1 6AA</p>	<ul style="list-style-type: none"> • The sale by retail of alcohol • Late Night Refreshment <p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ol style="list-style-type: none"> a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00hrs to 23:00hrs b. On Sundays, other than Christmas Day or New Year's Eve, 12:00hrs to 22:30hrs c. On Good Friday, 12:00hrs to 22:30hrs. d. On Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs e. On New Year's Eve, except on a Sunday, 11:00hrs to 23:00hrs f. On New Year's Eve on a Sunday, 12:00hrs to 22:30hrs g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00hrs (midnight) on 31st December). <p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ol style="list-style-type: none"> a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00hrs to 23:00hrs b. On Sundays, other than Christmas Day or New Year's Eve, 12:00hrs to 22:30hrs c. On Good Friday, 12:00hrs to 22:30hrs. d. On Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs e. On New Year's Eve, except on a Sunday, 11:00hrs to 23:00hrs f. On New Year's Eve on a Sunday, 12:00hrs to 22:30hrs g. On New Year's Eve from the end of permitted hours to the start of permitted 	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Delicious Pho – Nearby licensed premises

	<p>hours on the following day (or, if there are no permitted hours on the following day, 00:00hrs (midnight) on 31st December).</p> <p>Supper Hours Certificate Alcohol may be sold or supplied (for one hour following the hours set out above and) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply. In addition on Christmas Day for the purposes set out under Supper Hours Certificate the permitted hours shall extend between the first and second parts of the general licensing hours</p> <p>Late Night Refreshment Hot drinks and hot food can be served up to 30minutes after the last permitted sale of alcohol. Thus Monday to Saturday until 00:30hrs (the following day) Sunday 00:00hrs (midnight)</p> <p>For conditions re. “drinking up time” see Annex 1 Mandatory Conditions</p> <p>Note: 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 23:00hrs on New Years Eve and 11:00hrs on New Years Day.</p> <p>On and off sales</p>	
<p>(Chilango) 32 Brushfield Street London E1 6AT</p>	<p>The sale by retail of alcohol The sale by retail of alcohol (on and off sales)</p> <ul style="list-style-type: none"> • Monday to Sunday from 11:00hrs to 21:00hrs 	<p>Monday to Sunday from 11:00hrs to 21:30hrs</p>

Delicious Pho – Nearby licensed premises

	On and off sales	
Bottles 67 Brushfield Street London E1 6AA	<p>The sale by retail of alcohol The provision of late night refreshment</p> <p>The sale by retail of alcohol (both on and off premises)</p> <p>Monday to Saturday from 10:00hrs to 23:00hrs Sunday from 10:00hrs to 22:00hrs</p> <p>The provision of late night refreshment (both indoors and outdoors) Monday to Saturday from 23:00hrs to 23:30hrs</p> <p>On and off sales</p>	<p>Monday to Saturday from 08:00hrs to 23:30hrs Sunday from 08:00hrs to 22:30hrs</p>
(Market Coffee House) 50-52 Brushfield Street London E1 6AG	<p>The sale by retail of alcohol The provision of regulated entertainment</p> <p><u>Sale of alcohol</u> Monday to Saturday 08:00 hours – 22:30 hours Sunday 10:00 hours – 18:30 hours</p> <p><u>Regulated entertainment</u> Live music: Monday to Sunday 15:00 hours – 22:00 hours Recorded music: Monday to Sunday 08:00 hours – 22:30 hours</p> <p>On sales only</p>	<p>Monday to Saturday 08:00 hours – 23:00 hours Sunday 09:00 hours – 19:00 hours</p>
Pavilion 37 Brushfield Street London E1 6AA	<p>Basement only The sale by retail of alcohol The provision of regulated entertainment consisting of recorded music</p> <p>Sale of Alcohol (on sales only) Monday to Sunday 10:00 hours to 23:30 hours Provision of Regulated Entertainment (recorded music only) Monday to Sunday 10:00 hours to 23:30 hours On sales only</p>	<p>Monday to Sunday 07:00 hours to 23:30 hours</p>

Delicious Pho – Nearby licensed premises

<p>(Wagamama) Old Spitalfields Market 9 Horner Square London E1 6EW</p>	<p>Sale by retail of alcohol</p> <p>Supply of Alcohol</p> <ul style="list-style-type: none"> Monday to Saturday, from 12:00 hours to 22:30 hours Sunday, from 12:00 hours to 19:30 hours 	<p>Monday to Saturday, from 12:00 hours to 23:00 hours Sunday, from 12:00 hours to 20:00 hours</p>
<p>(Pho) 48 Brushfield Street London E1 6AG</p>	<p>The sale by retail of alcohol Monday to Saturday – 10:00 to 00:00 (midnight) Sunday 12:00 - 23:30</p> <p>The provision of late - night refreshment Monday to Saturday – 23:00 – 00:30 the following day Sunday 23:00 – 00:00 (midnight)</p> <p>The provision of regulated entertainment (in the form of recorded music) Monday to Saturday – 10:00 to 00:00 (midnight) Sunday 12:00 – 23:30</p> <p>Note: 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 from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p> <p>On sales only</p>	<p>The opening hours of the premises</p> <p>Monday to Saturday – 23:00 – 01:00 the following day Sunday 23:00 – 00:30 the following day</p> <p>Note: 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 from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p>
<p>(The Gun) 54 Brushfield Street London E1 6AG</p>	<p>The sale by retail of alcohol (on and off sales)</p> <ul style="list-style-type: none"> Monday to Thursday 11.00 hours to 23.00 hours Friday and Saturday 11.00 hours to 23.30 hours Sunday 12:00 hours to 22.30 hours <p>The provision of regulated entertainment – Indoors (Recorded Music)</p> <ul style="list-style-type: none"> Monday to Thursday from 11:00 hours to 23:00 hours 	<ul style="list-style-type: none"> Monday to Thursday 11.00 hours to 23.30 hours Friday and Saturday 11.00 hours to 00:00 hours (midnight) Sunday 12:00 hours to 23.00 hours <p><u>Non-Standard Timings</u> An additional one hour to the terminal hour on the Sunday preceding all</p>

Delicious Pho – Nearby licensed premises

	<ul style="list-style-type: none"> Friday and Saturday from 11:00 hours to 23:30 hours Sunday from 12:00 hours 22:30 hours <p><u>Non-Standard Timings</u> Sale by retail of alcohol and recorded music – an additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.</p> <p>On and off sales</p>	Bank Holidays, Christmas Eve and New Year's Eve.
(Anthropologie) 18-28 Brushfield Street London E1 6AN	<p><u>Sale of Alcohol (off sales)</u> Monday to Saturday 08:00 hours – 21:00 hours Sunday 10:00 hours – 21:00 hours</p> <p>Off sales</p>	Monday to Saturday 08:00 hours – 21:00 hours Sunday 10:00 hours – 21:00 hours
(Hotel Chocolat) 27-33 Brushfield Street London E1 6AN	<p>The sale by retail of alcohol <u>The supply of Alcohol (both on and off sales)</u></p> <ul style="list-style-type: none"> Monday to Saturday from 09:00hrs to 23:00hrs Sunday from 09:00hrs to 22:30hrs <p>On and off sales</p>	<ul style="list-style-type: none"> Monday to Saturday from 09:00hrs to 23:00hrs Sunday from 09:00hrs to 22:30hrs
(Rapha Racing Cycle Club, Cafe & Store) Spitalfields Market 61-63 Brushfield Street London E1 6AA	<p>The sale by retail of alcohol The provision of regulated entertainment (Films)</p> <p>Sale by retail of alcohol</p> <ul style="list-style-type: none"> Monday to Sunday, from 11:00 hours to 21:00 hours <p>The provision of regulated entertainment – Indoors <u>Films</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 08:00 hours to 21:00 hours <p>On sales only</p>	Monday to Sunday, from 08:00 hours to 21:30 hours
(Rola Wala) 36 Brushfield Street London E1 6AT	<p>The sale by retail of alcohol Monday to Saturday 12:00 hours to 22:00 hours Sunday from 12:00 hours to 20:00 hours</p>	Monday to Friday from 11:00 hours to 22:00 hours Saturday from 12:00 to 22:00 hours Sunday from 12:00 hours to 20:00 hours

Delicious Pho – Nearby licensed premises

<p>Barber Barber) 51 Brushfield Street Spitalfields London E1 6AA</p>	<p>Sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> Monday to Saturday, from 09:00 hours to 21:00 hours <p>Sunday, from 09:00 hours to 19:00 hours</p> <p>On sales only</p>	<p>Monday to Saturday, from 09:00 hours to 21:30 hours</p> <p>Sunday, from 09:00 hours to 19:30 hours</p>
<p>(The Daily Grind) 71 Brushfield Street Spitalfields London E1 6AA</p>	<p>Alcohol</p> <ul style="list-style-type: none"> Monday to Sunday from 07:00hrs to 22:00hrs <p>On and off supplies</p>	<ul style="list-style-type: none"> Monday to Sunday from 07:00hrs to 22:30hrs
<p>(Patisserie Valerie) 37 Brushfield Street London E1 6AA</p>	<p>Supply of alcohol and regulated entertainment (recorded music only)</p> <p>Monday to Sunday 07 00 hrs to 23 30 hrs</p> <p>On and Off sales</p>	<p>Monday to Sunday 07 00 hrs to 23 30 hrs</p>
<p>(Pilpel Spitalfields) 38 Brushfield Street London E1 6AT</p>	<p>The sale by retail of alcohol</p> <p>Monday to Sunday, from 10:00 hours to 21:00 hours</p> <p>On and off sales</p>	<p>Monday to Sunday, from 10:00 hours to 21:00 hours</p>
<p>(Spianata & Co) 41 Brushfield Street London E1 6AA</p>	<p><u>Sale of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 11:00hrs to 21:30hrs 	<p>Monday to Friday from 07:30hrs to 22:00hrs</p> <p>Saturday & Sunday from 11:00hrs to 22:00hrs</p>
<p>(Sausage & Mash Café) 48 Brushfield Street London E1 6AG</p>	<p>Alcohol and Regulated Entertainment (Recorded Music)</p> <ul style="list-style-type: none"> Monday to Saturday – 10:00hrs to 00:00hrs (midnight) Sunday – 12:00hrs to 23:30hrs <p>Late Night Refreshment</p> <ul style="list-style-type: none"> Monday to Sunday – 23:00hrs to 00:30hrs the following day <p>On sales</p>	<ul style="list-style-type: none"> Monday to Saturday – 10:00hrs to 01:00hrs the following day Sunday – 12:00hrs to 00:00 (midnight)
<p>(Adnams Cellar & Kitchen Store) 73 Brushfield Street London E1 6AA</p>	<p>The sale by retail of alcohol</p> <p><u>Sale of alcohol by retail.</u></p> <p>Monday to Saturday 09:00 hours – 22:00 hours</p> <p>Sunday 10:00 hours – 20:00 hours</p> <p>On and off sales</p>	<p>Monday to Saturday 09:00 hours – 22:00 hours</p> <p>Sunday 10:00 hours – 20:00 hours</p>

Delicious Pho – Nearby licensed premises

<p>(A.Gold) 42 Brushfield Street London E1 6AG</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ul style="list-style-type: none">a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.d. On Good Friday, 8 a.m. to 10.30 p.m. <p>See Mandatory conditions for drinking up time</p> <p>On sales only</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
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Appendix 5

Place Directorate Public Realm

Head of Environmental Health & Trading
Standards **David Tolley**

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

Tel [REDACTED]
Fax **020 7364 0863**
Enquiries to **Corinne Holland**

[REDACTED]
www.towerhamlets.gov.uk

Licensing Authority
John Onslow House
1 Ewart Place
London
E3 5EQ

Email: Licensing@towerhamlets.gov.uk

21st May 2021

My reference: LIC/137564/CH

Dear Sir/Madam,

Licensing Act 2003

New premises licence application: Delicious Pho, 3-6 Steward Street, London,
E1 6FQ

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application on the grounds of:

- *the prevention of public nuisance*

Cumulative Impact Policy

On 1st November 2013, Tower Hamlets Council adopted a Cumulative Impact Policy in the Brick Lane Area. The Council Cumulative Impact Zone (CIZ) was revised alongside this Statement of Licensing Policy on the 1st November 2018. *Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough (19.3).*

The Licensing Authority is 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 Brick Lane area is having a cumulative

impact on the licensing objectives and has therefore declared a cumulative impact zone within the area. The Brick Lane CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in the area and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.

The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:

- *New Premises Licences applications,*
- *New Club Premises Certificates applications*
- *Provisional Statements,*
- *Variation of Premises Licenses and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).*

The Licensing Authority expects such applications to have regard for and make reference to the CIZ (19.5).

The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused (19.6).

Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- *Genuinely exceptional circumstances,*
- *Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,*
- *Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),*
- *Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,*
- *Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues (19.7)*

This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane CIZ if they wish to rebut this presumption.

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- *small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,*
- *premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,*
- *instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.*

*Examples of factors the Licensing Authority will **not** consider as exceptional include:*

- *that the premises will be well managed and run,*
- *that the premises will be constructed to a high standard,*
- *that the applicant operates similar premises elsewhere without complaint (19.8).*

Licensable activities and times

All applications have to be considered on their own merits and the Council has however adopted a set of framework hours (14.8) as follows:

- *Monday to Thursday, until 23:30 hours*
- *Friday and Saturday, until 00:00 hours (midnight)*
- *Sunday, until 22:30 hours*

Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.

a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).

b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.

*c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder **and** the prevention of public nuisance.*

d) Where the premises have been previously licensed, the past operation of the premises.

e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.

f) *The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.*

The Home Office guidance under Section 182 of the Licensing Act 2003 (8.42) says:

“Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants’ proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.”*

Application

This application is for a premise licence for sale of alcohol, late night refreshments and recorded music.

The hours and licensable activities applied for are:

The sale of alcohol (on & off sales)

Monday – Sunday 10:00 – 00:00 (midnight)

Late Night Refreshments:

Monday – Sunday 23:00 – 00:00 hours (midnight)

Recorded Music

Monday – Sunday 10:00 – 00:00 (midnight)

Opening hours:

Monday – Sunday 10:00 – 00:00 (midnight)

The application is for both ‘on & off sales’ of alcohol although within the operating schedule it states ‘Alcohol will only be served with table meals by waiter/waitress service’. This must be for the restaurant area only therefore there is nothing in the operating schedule as to how ‘off sales’ of alcohol will be managed via the take away section. Are off sales required to sell to people walking into the premises or for online/phone delivery options? There is no mention of deliveries in the application. This could lead to customers purchasing and consuming their food and alcohol in the street.

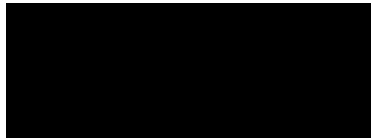
The premise is within the Brick Lane CIZ where the Licensing Authorities policy is to refuse the application unless the applicant can demonstrate there are exceptional circumstances to granting it. The applicant has not made any reference to the premises being within the Brick Lane CIZ within the operating schedule.

The Licensing Policy states there could be an exceptional circumstances to a licence being granted within the CIZ, if the applicant can show there would be no negative impact on any of the Licensing Objectives, if it is a small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours. The applicant states that the capacity of the restaurant is 138 customers so this is not a small capacity restaurant and the proposed hours exceed framework hours therefore it would not fit this possible exception.

As the applicant states there are residents living above and although the actual premises may be soundproofed this would not prevent residents being disturbed beyond midnight as customers leave the premises, many of which would leave at closing time and could be in high spirits after consuming alcohol.

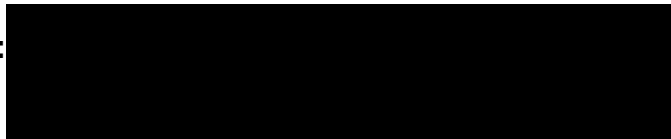
On considering this application as it stands I feel it does not uphold the licensing objective of the 'prevention of public nuisance' and therefore the Licensing Authority feel that the application should be rejected.

Yours faithfully



Corinne Holland
Licensing Officer
(Acting as a Responsible Authority)

CC: Applicant:
Applicants Age



Appendix 6

[REDACTED]

From: Nicola Cadzow
Sent: 29 April 2021 11:02
To: Licensin
Cc: [REDACTED]
Subject: 137064 - MAU REPRESENTATION New premises license application for Chau-UK Ltd 3-6 Steward Street, London

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

Having considered the premises license application for Chau-UK Ltd 3-6 Steward Street, London and I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity. Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

Also, there is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance, and the condition “**Noise levels will be limited to recorded background music only**” is unclear, where recorded music is a licensable activity and background music is not.

Noise Sensitive premises: residential premises in close proximity to 3-6 Steward Street, London

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents,
- Access & egress to and from the venue, of delivery vehicles, and idling outside the premises whilst the premises is in operation

CONCLUSION

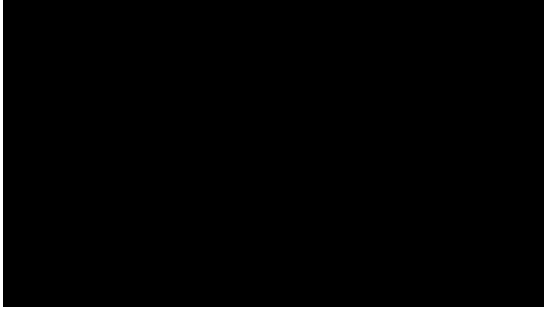
Environmental Protection does not support the application for Chau-UK Ltd 3-6 Steward Street, London as the applicant has provided insufficient information to show how they will promote the licensing objective for the prevention of public nuisance, and consideration has to be given to the fact that the premises is in Brick Lane Cumulative Impact Zone.

If the committee are minded to grant this application I would ask that the following conditions apply:

- (1) Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- (2) All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
- (3) Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
- (4) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

Kind regards

Nicola Cadzow



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Appendix 7

Noise while the premise is in use

General Advice

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

The hours of operation also need to be considered (see below).
If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 9.1 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 14.10**).

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 9.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance. 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 where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

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 (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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

Appendix 8

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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. (2.15).

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. (2.19)

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 (2.19) 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 9

Prevention of Public Nuisance

- 9.1 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.
- 9.2 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.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

Appendix 10

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Public nuisance

- 2.15 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.
- 2.16 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.
- 2.17 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 16). 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.
- 2.18 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.

- 2.19 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.
- 2.20 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.
- 2.21 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 11

Planning

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

Appendix 12

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

In considering the applicability of framework 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 applicant's 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 14.9 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

Appendix 13

Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

- 19.1 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 for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council recognised 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.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area.

- 19.4 The Licensing Authority is 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 Figures One and Two is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within these areas. The Brick Lane and Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.
- 19.5 The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:

- New Premises Licences applications,
- New Club Premises Certificates applications
- Provisional Statements,
- Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

The Licensing Authority expects such applications to have regard for and make reference to the CIZ.

19.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.

19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues).

19.8 **This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.**

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,

- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

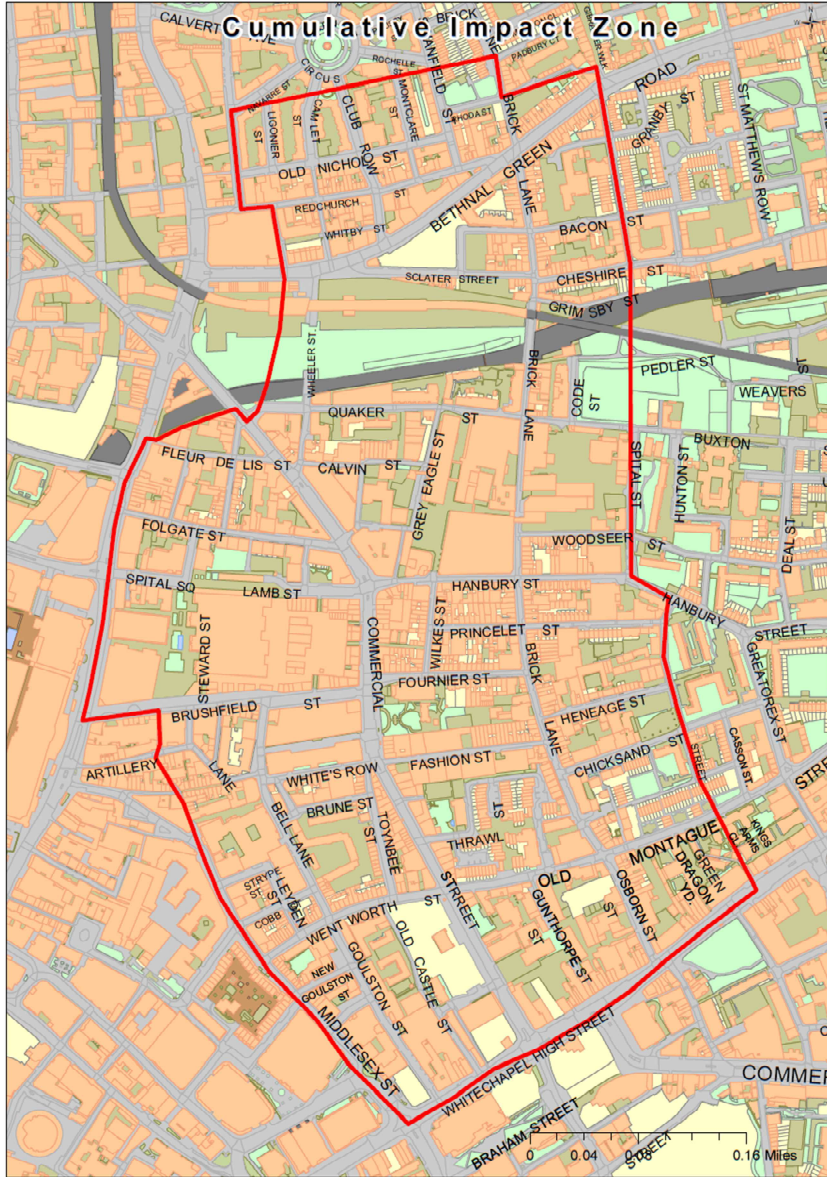
- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

19.9 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 Zones:

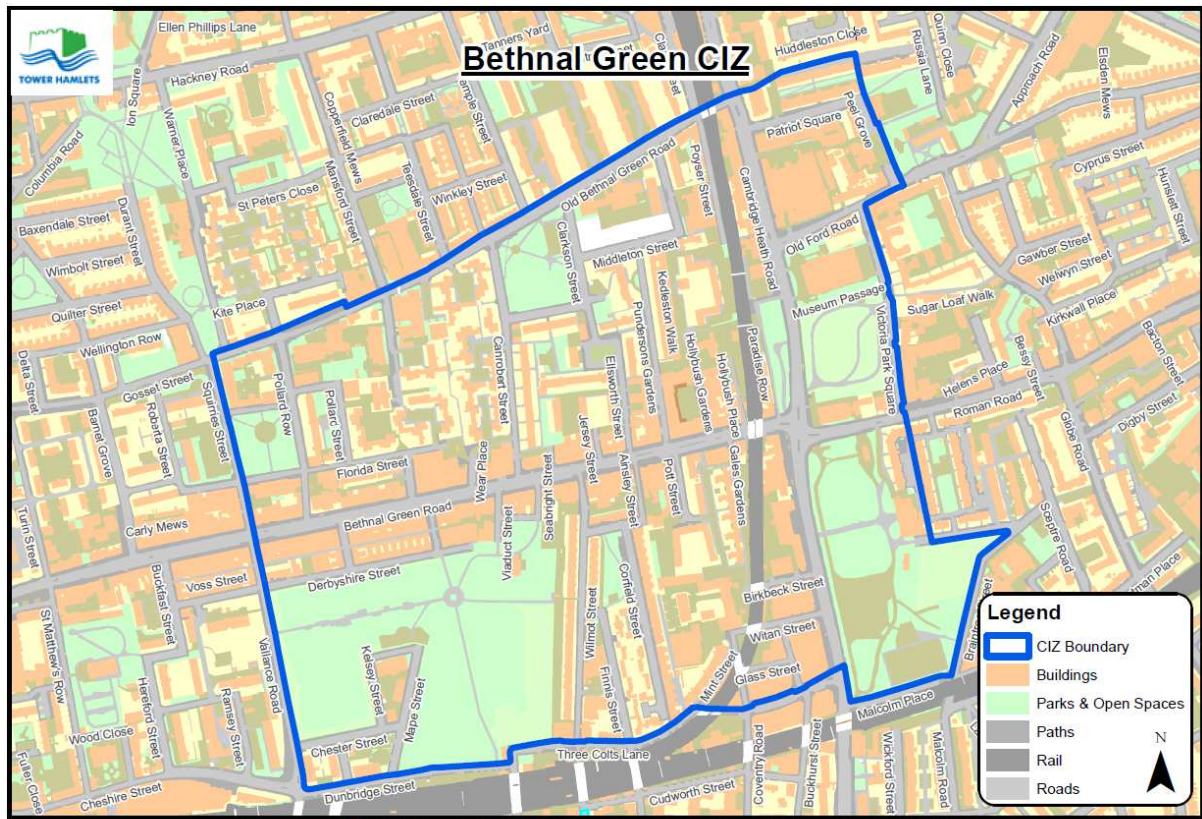
Figure One

Brick Lane area:



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Figure Two:
Bethnal Green Area



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