

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	11 th APRIL 2006	Unclassified	LSC112/ 506	5.1

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for a New Premises Licence for City Spice, 138 Brick Lane, London E1 6RU
Originating Officer: Kathy Butler Consumer Services Officer	Ward affected Spitalfields & Banglatown

1.0 Summary

Applicant: **Shiraj Haque**
Name and Address of Premises: **City Spice**
138 Brick Lane, London E1 6RU

Licence sought: **New Premises License - Licensing Act 2003**

Provision of alcohol
Provision of Regulated Entertainment
Provision of Late Night Refreshment

Objectors: **London Fire & Emergency Planning Authority**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Kathy Butler 020 7364 5171

3.0 Background

3.1 This is an application for a new premises licence for City Spice, 138 Brick Lane, London, E1 6RU.

3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the nature of the variation as follows:

Provision of alcohol
Provision of Regulated Entertainment
Provision of Late Night Refreshment

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

Alcohol: -

Sunday to Thursday from 10:00 hours to 01:00 hours
Friday to Saturday from 10:00 hours to 02:00 hours

Regulated Entertainment (Recorded Music): -

Sunday to Thursday from 10:00 hours to 01:00 hours
Friday to Saturday from 10:00 hours to 02:00 hours

Late Night Refreshment: -

Sunday to Thursday from 23:00 hours to 01:00 hours
Friday to Saturday from 23:00 hours to 02:00 hours

Hours Premises is Open to the Public: -

Sunday to Thursday from 10:00 hours to 01:00 hours
Friday to Saturday from 10:00 hours to 02:00 hours

There are also various non-standard times. See **Appendix 5** ACPO comments on irregular times.

3.3 Maps showing the relevant premises is included as **Appendix 2**.

4.0 Licensing Policy and Government Advice

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.

- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It will also be available at the hearing.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 **Objections**

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authority:
London Fire & Emergency Planning Authority (**See Appendix 3**)
- 5.2 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.3 Essentially, the regulatory Authority oppose the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
public safety
- 5.4 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- ## 6.0 **Licensing Officer Comments**
- 6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the licensing Act 2003

- As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.4).
- Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (2.3).
- Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.”
- Conditions may not be imposed for the purpose other than the licensing objectives. “For example, conditions relating to night café and take away outlets operating from 11pm must relate to the night time operation of the premises.”(S7.1)
- Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (S.7.4).
- The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- In Letter to the Chief Executive from the DCMS 30 Sept 2005. There is no presumption in the Act for longer hours over objections from local people and organisations. When there are objections and the licensing committee believes that changing the hours would undermine the statutory licensing objectives, they can reject the application or grant it with appropriate conditions and/or different hours from those requested.

6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.

6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

6.6 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

7.0 Members will find advice on the issues relating to conduct on the premises and egress as follows:

Appendix 4 Licensing Officer comments on safety problems

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1 Copy of application for new Premises Licence

Appendix 2 Maps of the Area

Appendix 3 Representations of London Fire & Emergency Planning Authority

Appendix 4 Licensing Officer comments on safety problems

Appendix 5 APCO comments on irregular times

Appendix 1

[insert name and address of relevant licensing authority and its reference number (optional)]

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description	
CITY SPICE 138 BRICK LANE	
Post town	Post code
LONDON	E1 6RU

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

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

RECEIVED
13 FEB 2006

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

e-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname First names

I am 18 years old or over Please tick
✓ yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS.

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year

As soon as possible

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

Day	Month	Year

N/A

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

N/A

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

This is a well established Indian Restaurant in the town of Brix Lane which has traded for many years but without a liquor licence. The purpose of the application is only to trade alcohol is necessary to meals taken out of the restaurant or taken at the premises

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

Please tick ✓ yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

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

B

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

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

D

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

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

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Day	Start	Finish		Both	
Mon	1000	0100	Please give further details here (please read guidance note 3) Background to the bar		
Tue	1000	0100			
Wed	1000	0100			
Thur	1000	0100	State any seasonal variations for playing recorded music (please read guidance note 4)		
Fri	1000	0200			
Sat	1000	0200			
Sun	1000	0100	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) To 0200 on Sunday prior to Bank Holiday and to 0300 on New Years Eve		

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

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri					

sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Sun			

Provision of facilities for making music standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing																															
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr><td>Mon</td><td></td><td></td></tr> <tr><td>Tue</td><td></td><td></td></tr> <tr><td>Wed</td><td></td><td></td></tr> <tr><td>Thur</td><td></td><td></td></tr> <tr><td>Fri</td><td></td><td></td></tr> <tr><td>Sat</td><td></td><td></td></tr> <tr><td>Sun</td><td></td><td></td></tr> </tbody> </table>			Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2) <table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>		Indoors		Outdoors		Both	
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			Please give further details here (please read guidance note 3)																															
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)																															
			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)																															

Provision of facilities for dancing standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2) <table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>		Indoors		Outdoors		Both																						
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Day	Start	Finish																													

Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thu			
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

Provision of facilities for entertainment of a similar description to that falling within I or J standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor
Mon				Outdoor
				Both
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	2300	0100	Please give further details here (please read guidance note 3) Refreshment van		
Tue	2300	0100			
Wed	2300	0100	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	0100			
Fri	2300	0200	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) To 0200 on Sunday and Bank Holiday To 0300 on New Year Eve		
Sat	2300	0200			
Sun	2300	0100			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	1000	0100	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	1000	0100			
Wed	1000	0100			
Thur	1000	0100	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) To 0200 on Sunday and Bank Holiday To 0300 on New Year Eve		
Fri	1000	0200			
Sat	1000	0200			

UI:	1000 0100	
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State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name..... ALFU MVAH

Address.....

Postcode.....

Personal Licence number(if known)

Issuing licensing authority (if known).....

N

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

None

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	1000	0100	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>To 0200 on Sunday prior to Bank Holiday</p> <p>To 0300 on Sun. Tron Eve</p>
Tue	1000	0100	
Wed	1000	0100	
Thur	1000	0100	
Fri	1000	0200	
Sat	1000	0200	
Sun	1000	0100	

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

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

No bouling for trade in Brick Lane

b) The prevention of crime and disorder

Tags will be ordered for patrons on request

c) Public safety

No alcohol on pavement

d) The prevention of public nuisance

Notice requiring patrons to have regard to
interests of local residents when leaving

e) The protection of children from harm

Children will always be accompanied in the
restaurant

Please tick ✓ yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature [Handwritten Signature] TV EDWARDS

Date 06 02 01

Capacity Sole trader to be applicant

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

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
TV EDWARDS (REG AG)	
29 MILE END ROAD	
Post town	Post code
LONDON	E1 4TP
Telephone number (if any)	
0207 790 7000	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
ate @ tvedwards.com	

Notes for Guidance

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

Appendix 2

Map



Scale 1:2500

Map of:

Notes:

138 Brick Lane

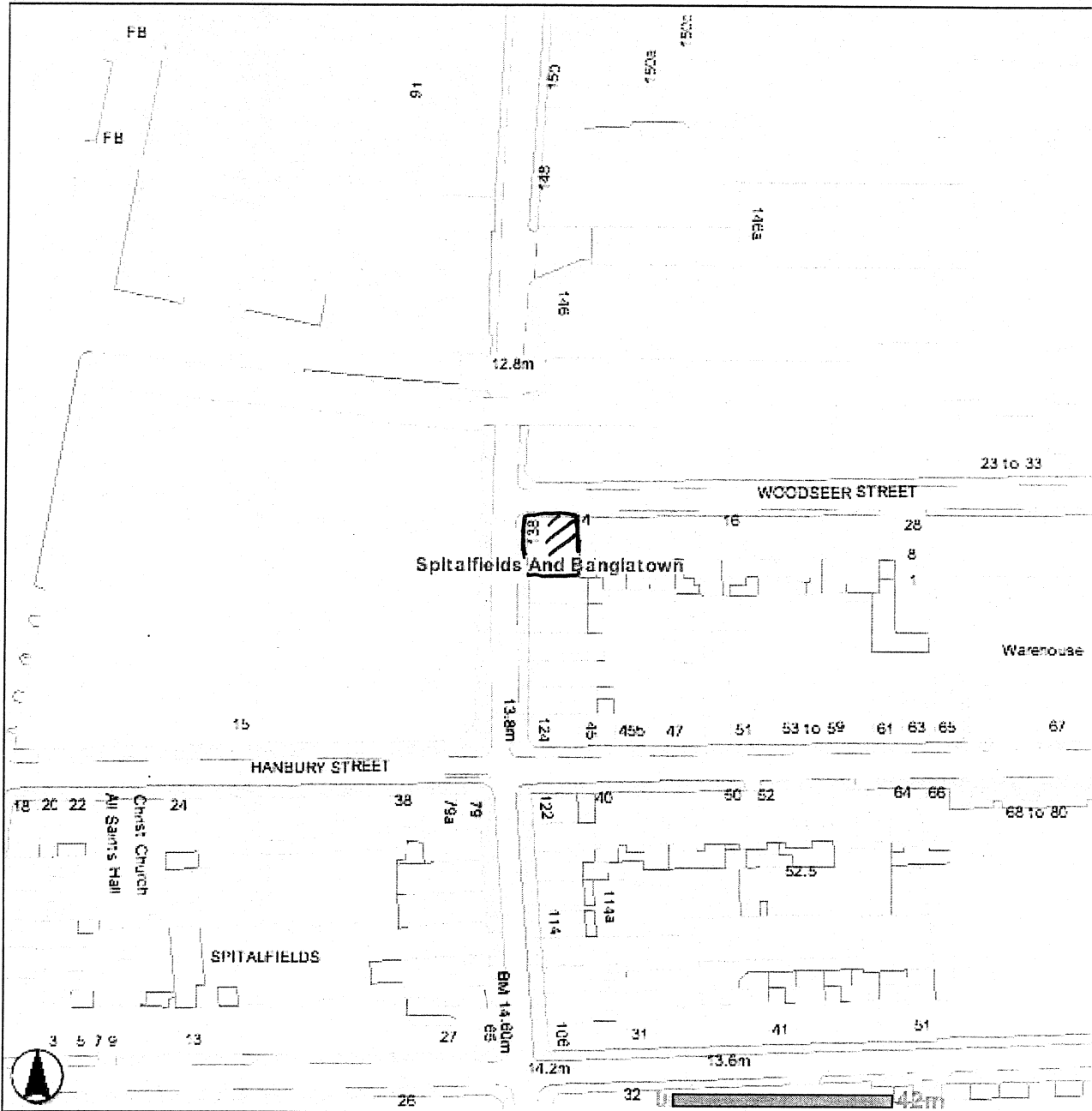
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:1250

Map of:

Notes:

138 Brick Lane

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Appendix 3

FIRE AND COMMUNITY SAFETY DIRECTORATE
Roy Bishop Deputy Commissioner

Date
07 March 2006

Our Ref.
05/012700/BA

Your Ref.
AE/CC/HAQUECS

Addressee
T V Edwards Solicitors
Park House
29 Mile End Road
London
E1 4TP

Please reply to
Colin Dewis
Inspection Officer

Direct Telephone
020 7587 2950

Direct Fax
020 7587 2959

Direct E-mail
towerhamletsgroup@london-fire.gov.uk

Dear Sir or Madam,

LICENSING ACT 2003

Premises: CITY SPICE, 138 BRICK LANE, LONDON E1 6RU

With reference to the application dated 6TH February 2006, in respect of the above mentioned premises, I have received insufficient information on which to determine the adequacy or otherwise of the fire safety arrangements in the premises.

Please submit to this office, within the next 5 working days the following additional information:

- 1) Confirmation that the current safe capacity for the premises should be 50 persons.
This number takes into consideration that there is only one door for members of the public and this door is inward opening. If these measures are improved then the safe capacity may be increased.
- 2) Certificates for both the Fire Alarm and Emergency Lighting System should be forwarded to this office.
- 3) Confirmation that the alternate means of escape from the kitchen will be available at all times the premises is occupied and provided with a Fire Exit sign.
- 4) Confirmation that the door separating the kitchen from the restaurant will be effectively self closing.

I enclose a copy of our guidance note for applicants for premises licences to assist you.

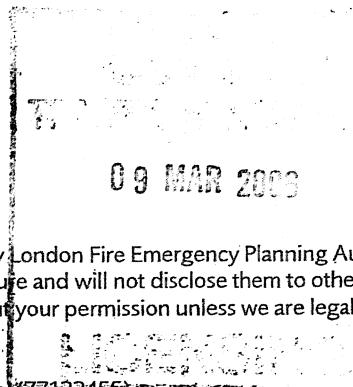
If the information requested is not supplied within the specified time, the Fire Authority will make a representation to the licensing committee that the Public Safety objective of the Licensing Act may not have been properly addressed.

Any queries regarding this letter should be addressed to the person named at the top of the letter. If you are dissatisfied in any way with the response given, please speak to the Team Leader quoting our reference.

Yours faithfully,



for Assistant Commissioner
C.C.: Licensing Authority
Encl: FS_GN_71



Data Protection Act 1998: The information you have given on this form will be processed by London Fire Emergency Planning Authority for the purpose of **fire and emergency planning and control**. We will keep your details secure and will not disclose them to other organisations or third parties (except contractors or suppliers working on our behalf) without your permission unless we are legally required to do so.

For more information about how we use your personal information, see our notification entry (Z7122455) www.informationcommissioner.gov.uk or visit: www.london-fire.gov.uk

Appendix 4

Safety problems

General Advice

Members need to bear in mind the substantial amount of primary legislation in this area, and to only impose conditions where they are both proportionate to identified problems and not adequately covered by primary legislation.

The larger and more complex a premises before Members, the more likely it is that specific conditions will be proportionate and necessary.

Licensing Policy

Premises should be constructed so as to minimise public safety risks. (See 7.1).

The Licensing Authority expects applicants to seek advice from both the relevant Health and Safety body and also the Fire and Emergency Planning Authority. (See 7.2). The applicant should identify where existing legislation is not adequate. (See 7.3).

The Licensing Authority will consider attaching conditions to ensure public safety and these may include Conditions drawn from the Model Poll of Conditions relating to public safety. (See Appendix 2 Annex E, F and I of the Licensing Policy). In particular Members may wish to consider the following headings: (this list is not exhaustive):

Annex E

- Adequate arrangements for people with disabilities, inc. their awareness of them.
- Escape routes
- Safety checks
- Curtains, hangings, decorations, upholstery etc.
- Accommodation limits
- Fire action notices
- Emergency procedures
- Water
- Emergency vehicle access
- First aid
- Lighting
- Temporary electrical installations
- Alterations to the premises
- Special effects

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

The guidance commends the Model Pool of Conditions adopted by our licensing policy in relation to public safety (7.31).

The public safety objective is the physical safety of the people using the relevant premises," not public health (7.32).

It is permissible to require certificates or checks provided this does not duplicate other legislation. Responsible authorities should make their expectations clear to applicant's (7.33).

"Safe capacities " should only be imposed where necessary for the promotion of public safety or the prevention of disorder." (7.34). So conditions of a fire certificate should not be reproduced. Setting a capacity is necessary for any "exemptions" claimed by an applicant, who will need to consult the fire authority."

Other Legislation

The Health and Safety at Work Act 1974, and various regs. Inc. the Management of Health and Safety at Work Regulations 1999.

Fire Precautions (Workplace) Regulations

Other Guidance

Model National and Standard Conditions for Places of Public Entertainment and Assoc. Guidance

The Event Safety Guide

Managing Crowds Safely

5 Steps to Risk Assessment

Safer Clubbing

Safety Guidance for Street Art etc.

Various BS and ISO standards

Appendix 5

ACPO comments on irregular times

Association of Chief Police Officers

The Association of Chief Police Officers (ACPO) has issued standard advice on unusual opening hours. As well as limiting the number they are anxious that the Police are given reasonable notice and an absolute veto on any event. Their policy is as stated below.

ACPO suggest that the following approach be applied to applications that include unspecified hours.

- *No more than 12 extensions per premises per year (excluding applications made under TENS) should be allowed.*
- *An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions to be completed.*
- *A minimum of 7 days notice to police and the licensing authority.*
- *An absolute veto for police in respect of any of these occasions.*