

Appendix 1



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

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

On-Line payments can be made at:

http://www.lowerhamlets.gov.uk/content_pages/pay_it.aspx

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

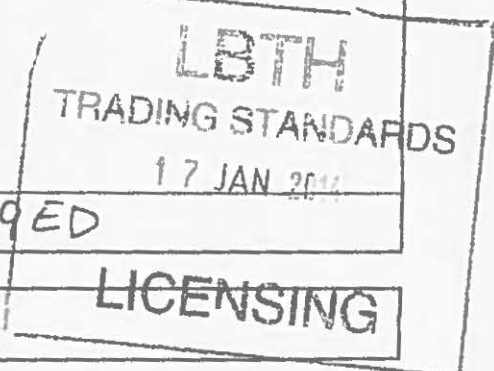
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep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

I/We (Insert name(s) of applicant) James Manero & Amechi Ihenacho

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
489 Hackney Road, London E2 9ED	
Post town	Post code
LONDON	E2 9ED



Telephone number at premises (if any)

--

Non-domestic rateable value of premises

£ 14,750

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

HANERO

First names

JAMES

I am 18 years old or over

Please tick yes



Current postal
address if different
from premises
address



Post Town

Daytime contact telephone

E-mail address
(optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

IHENACHO

First names

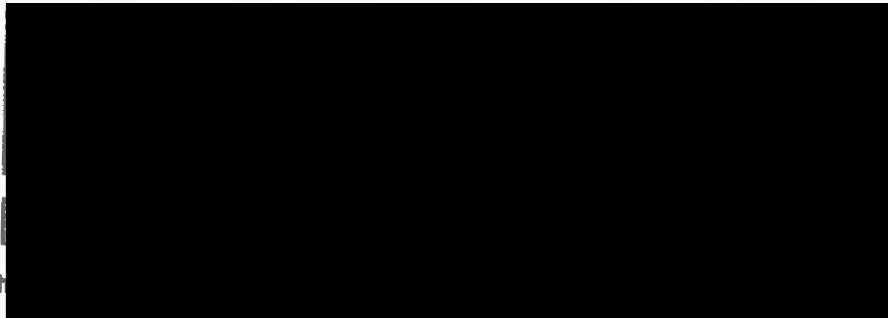
AMECHI

I am 18 years old or over

Please tick yes



Current postal
address if different
from premises
address



Post Town

Daytime contact telephone

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 (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

1	5	0	2	2	0	1	4
---	---	---	---	---	---	---	---

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

Day Month Year

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

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

--

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

THE PREMISES IS A SMALL BASEMENT UNIT APPROX. 40 PEOPLE STANDING CAPACITY WILL BE FITTED OUT WITH EMERGENCY LIGHTING & FIRE EXTINGUISHERS. THE PROPERTY HOUSES 2 TOILETS, ONE OF THEM BEING A DISABLED FACILITY.

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	12.00	03.00	Please give further details here (please read guidance note 3)	Both	
Tue	12.00	03.00			
Wed	12.00	03.00	State any seasonal variations for exhibition of films (please read guidance note 4)		
Thur	12.00	05.00			
Fri	12.00	05.00	Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12.00	05.00			
Sun	12.00	03.00			

C

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

D

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

E

Live music			Will the performance of live music take place indoors or outdoors or both - please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 5)				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>	
Mon	12.00	23.00	Please give further details here (please read guidance note 3)		
Tue	12.00	23.00			
Wed	12.00	23.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thu	12.00	23.00			
Fri	12.00	23.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12.00	23.00			
Sun	12.00	23.00			

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 5)				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>	
Mon	12.00	03.00	Please give further details here (please read guidance note 3) ANY RECORDED MUSIC WILL BE PLAYED THROUGH A NOISE LIMITER & AN ACOUSTIC REPORT WILL BE CONDUCTED BEFORE RECORDED MUSIC IS PLAYED		
Tue	12.00	03.00			
Wed	12.00	03.00	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thu	12.00	05.00			
Fri	12.00	05.00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12.00	05.00			
Sun	12.00	03.00			

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Mon			<u>Please give further details here</u> (please read guidance note 3)
Tue			
Wed			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
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	12.00	03.00	Please give further details here (please read guidance note 2)	Both
Tue	12.00	03.00		
Wed	12.00	03.00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Thur	12.00	05.00		
Fri	12.00	05.00		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)
Sat	12.00	05.00		
Sun	12.00	08.00		

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises
Day	Start	Finish		Off the premises
Mon	12.00	03.00	Please give further details here (please read guidance note 7)	Both
Tue	12.00	03.00		
Wed	12.00	03.00		State any seasonal variations for the supply of alcohol (please read guidance note 4)
Thur	12.00	05.00		
Fri	12.00	05.00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat	12.00	05.00		
Sun	11.00	03.00		

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

Name

JAMES HANERO

Address



Personal Licence number (if known)



Issuing licensing authority (if known)



K

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

[Empty box for highlighting concerns regarding children]

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12.00	03.00	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	12.00	03.00	
Wed	12.00	03.00	
Thur	12.00	05.00	
Fri	12.00	05.00	
Sat	12.00	05.00	
Sun	12.00	03.00	

M

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

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

- STAFF ARE TO BE REGULARLY TRAINED IN THE LICENSING REGULATIONS
- ALL REFUSALS ARE TO BE ENTERED INTO A REFUSALS BOOK WHICH IS TO BE MADE AVAILABLE TO THE POLICE OR LICENSING AUTHORITY UPON REQUEST

b) The prevention of crime and disorder

- THE PREMISES WILL ALSO IN COOPERATION WITH TOWER HAYLETS POLICE REGULARLY FACILITATE A PREMISES DRUG AUDIT
- TOILETS TO BE CHECKED BY STAFF RANDOMLY & ENTRY TO BE MADE IN A REGISTER
- LICENSE HOLDER SHALL MAINTAIN AN INCIDENT BOOK AT THE PREMISES TO REPORT ALL CRIMES, EJECTIONS, COMPLAINTS, INCIDENTS, SEIZURES
- INCIDENT BOOK ENTRIES TO BE COUNTERSIGNED BY DPS

c) Public safety

- CCTV TO OPERATE INSIDE & OUTSIDE OF PREMISES, RECORDINGS TO BE KEPT FOR 31 DAYS
- DURING BUSY PERIODS LICENSED SIA SECURITY WILL CONTROL ENTRY & EXIT TO PREMISES, MAX. CAPACITY 56 PEOPLE
- NON INTOXICATING BEVERAGES INCL. DRINKING WATER SHALL BE AVAILABLE DURING PERMITTED HOURS

d) The prevention of public nuisance

SEE SEPERATE PAGE

e) The protection of children from harm

STAFF WILL REQUEST PROOF OF AGE
SUCH AS PASSPORT OR DRIVERS LICENSE
TO PREVENT THE SALE OF ALCOHOL TO
A MINOR

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

CHECKLIST:

Please tick to indicate agreement

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

D) PREVENTION OF PUBLIC NUISANCE

- SIGNS DISCOURAGING NOISE TO BE DISPLAYED AT ENTRANCE, EXIT & QUEUE OF PREMISES
- NO ALCOHOL ALLOWED OUTSIDE BUILDING
- SMOKING AREA TO BE LIMITED TO 10 PEOPLE AT A TIME
- MEASURES TO BE IMPLEMENTED TO MAKE SURE PATRONS CANNOT TAKE GLASS OR OPEN CONTAINERS OUTSIDE PREMISES
- DETAILED ACOUSTIC REPORT TO BE CARRIED OUT BY COMPETENT PERSON TO BE SUBMITTED TO POLLUTION TEAM FOR THEIR APPROVAL. ALL RECOMMENDATIONS WITHIN THE REPORT WHICH HAVE BEEN APPROVED BY THE POLLUTION TEAM SHOULD BE COMPLETED PRIOR TO ANY REGULATED ENTERTAINMENT TAKING PLACE
- INSTALLATION OF SOUND LIMITING DEVICES APPROVED BY POLLUTION TEAM. LIMITING DEVICES SHOULD BE SET TO ENSURE INVARIABILITY WITHIN NOISE SENSITIVE PREMISES CERTIFICATE OF COMPLIANCE SUBMITTED TO POLLUTION TEAM
- WASTE OR RECYCLING BINS SHOULD NOT BE CHARGED BETWEEN 11 PM & 2 AM

Part 4 - Signatures (please read guidance note 10)

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 168 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

Signature

[Redacted Signature]

Date

15/01/2014

Capacity

MANAGING DIRECTOR

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

Signature

[Redacted Signature]

Date

15/01/2014

Capacity

Partner

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



Post town

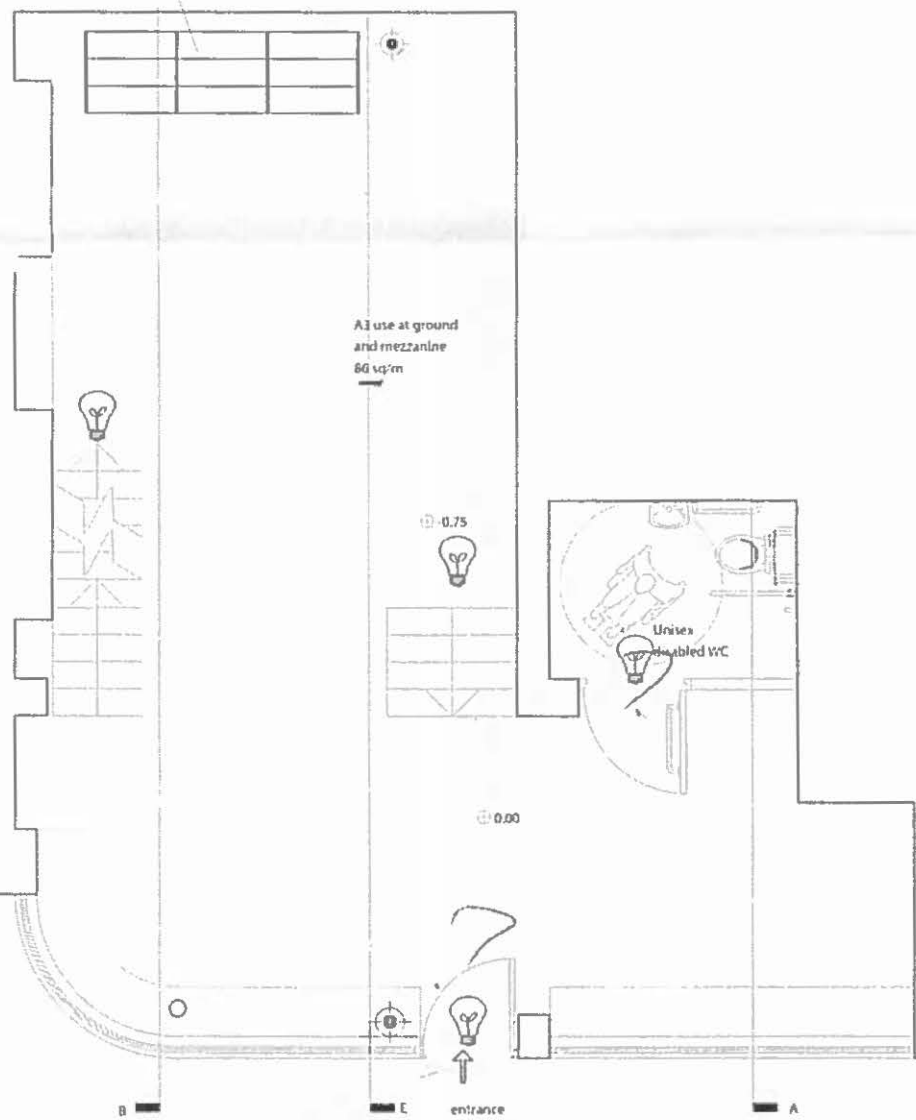
Post code

Telephone number (if any)

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

Approximate Bar Area

-  Fire Extinguisher (Water/CO2)
-  Emergency Light



LBTH
TRADING STANDARDS
17 JAN 2014
LICENSING

FOUR:TEN ARCHITECTS

489-491 HACKNEY ROAD
PROPOSED GROUND FLOOR
1:50 @ A3 NOV 11 D911/HR/P/1/1A



REV A: Flat 1 re-organised to sit behind 491 only
Extension to rear of existing building omitted
Amendments to A3
Amendments to residential entrance lobby





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Supplied by: www.ukmapcentre.com
Serial Number: 3271
Centre Coordinates: 534742.7, 183283.2

Plot Ref: Hackney Road

LICENSING

LICENSING
LBTH
TRADING STANDARDS
17 JAN

LICENSING
LBTH
TRADING STANDARDS
17 JAN 2014

Appendix 2

Andrew Heron

From: B [REDACTED]
Sent: 06 February 2014 12:50
To: [REDACTED]
Cc: Licensing; [REDACTED]
Subject: RE: New Premises Licence - 489, HACKNEY ROAD E2

Follow Up Flag: Follow up
Flag Status: Completed

Dear all,

Police can confirm that we have accepted the reduced hours from 0500 hrs to **0100 hrs** for the sale of alcohol and late night refreshment...

Regards,

Brendan O'Rourke|PC 291 HT

Licensing Team|London Borough of Tower Hamlets

Limehouse Police Station, 27, West India Dock Road, London, E14 8EZ

Office 020 7275 4950/4911 |Licensing Mobile 07825 850 906

HT-LicensingOffice@met.pnn.police.uk

[REDACTED]
Sent: 06 February 2014 12:34
[REDACTED]

Subject: Re: New Premises Licence - 489, HACKNEY ROAD E2

Hi Brendan,

Hope you are well.

Further to our conversation I would like to confirm that we are happy to accept a 1am license on the premises 489 Hackney Road.

Please let me know if you require any further information.

Regards

James Manero

On Tuesday, 21 January 2014, James Manero <manerojames@gmail.com> wrote:

Hi Brendan,

thanks for getting in touch. The premises does consist of a mezzanine and ground floor, with basement as storage. The plans that we have submitted only cover the ground floor as the mezzanine area of the premises is not where we will be operating. So we would not be looking to license the mezzanine area at this stage, and only the ground floor.

Please let us know when you would like to come and see the property.

Regards

James

On 21 January 2014 18:16, [REDACTED]

Dear Mr. Manero & Mr Ihenacho,

The Police have received a copy of your application for a premises licence for 489 Hackney Road and I would like to arrange to meet you and conduct a site visit at the premises location.

The description in the operating schedule states "the premises is a small basement unit, approx 40 people standing". Could I confirm how many floors the business will operate on, as I understand the premises to consist of a ground and mezzanine floor, with the basement being for storage only (unless this has changed)?

It would appear too, that from the plans submitted that with the application, that there is a ground floor only?

Regards,

Brendan O'Rourke|PC 291 HT

Licensing Team|London Borough of Tower Hamlets

Limehouse Police Station, 27, West India Dock Road, London, E14 8EZ

Office 020 7275 4950/4911 |Licensing Mobile 07825 850 906

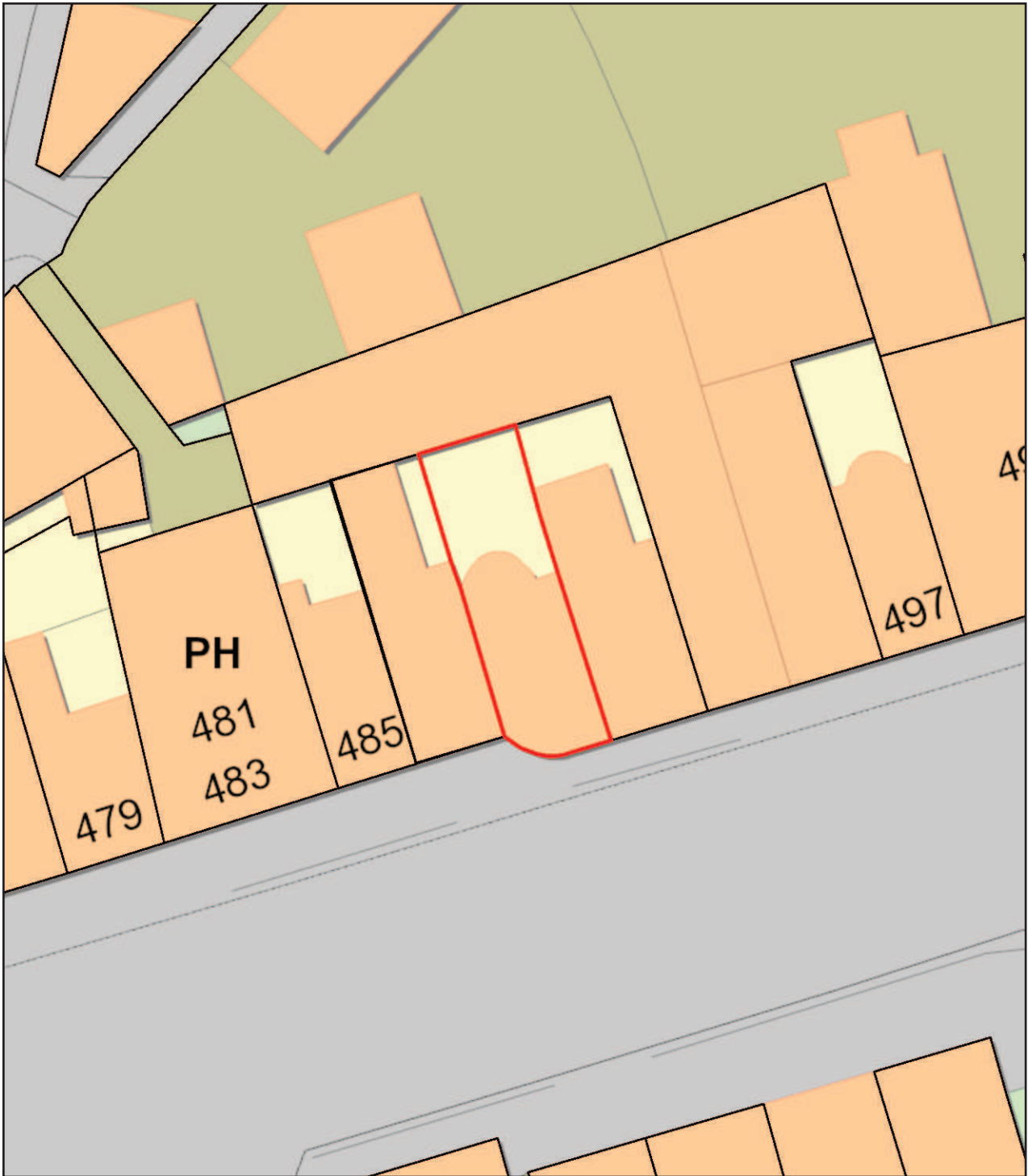
HT-LicensingOffice@met.pnn.police.uk

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

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

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Appendix 3

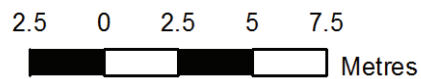


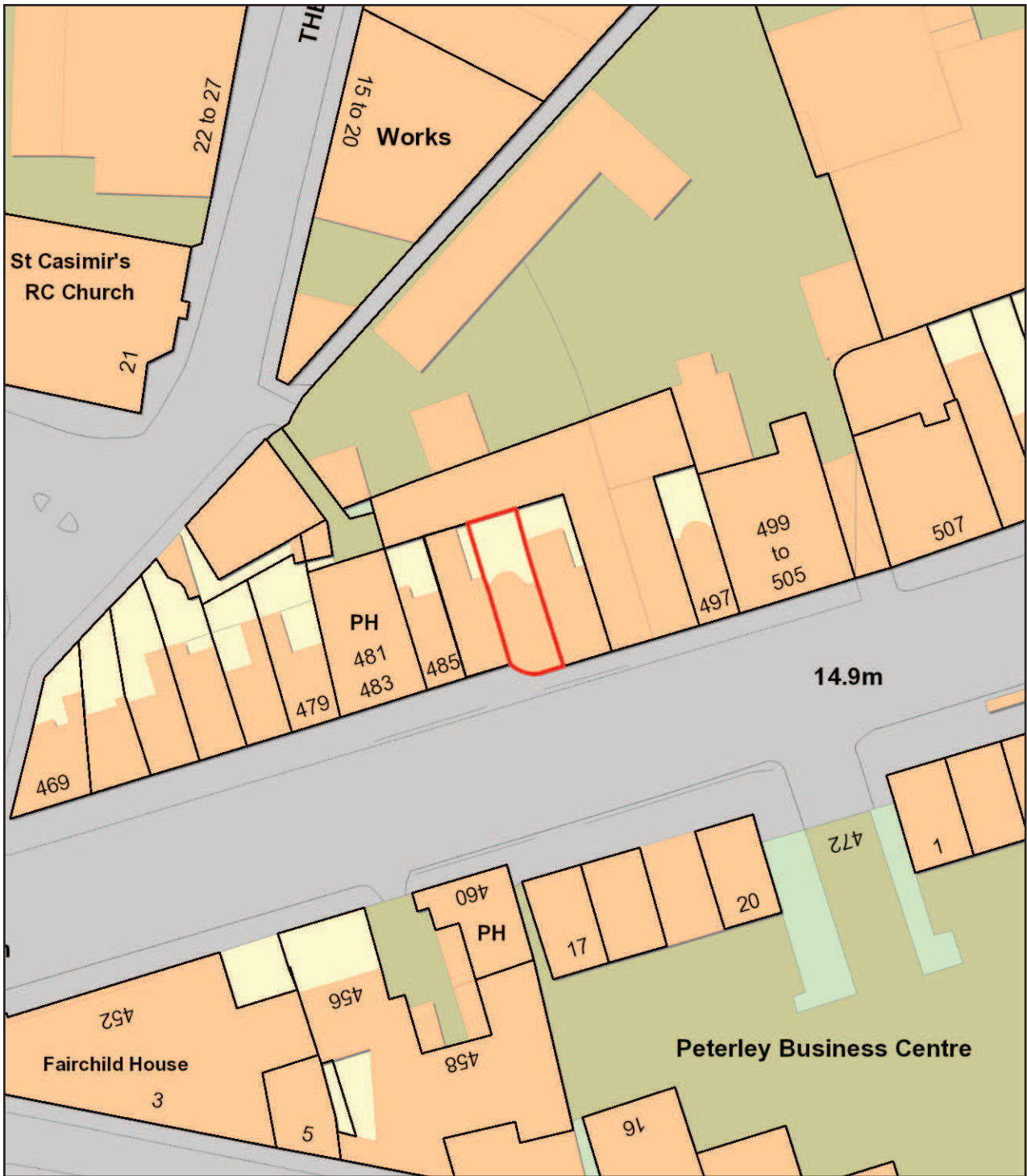
489 Hackney Road

Map 1



Scale 1:312



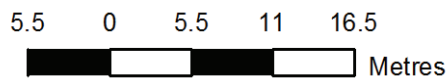


489 Hackney Road

Map 2



Scale 1:624



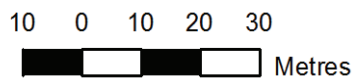


489 Hackney Road

Map 3



Scale 1:1561



Appendix 4

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

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

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

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

Appendix 5

Caliopi Ellis and Damian Kelleher
[REDACTED]

5 February 2014

Dear Sir or Madam

Re: Notice of Application for a Premises Licence
re: 489 Hackney Road, London E2 9ED

We would like to make an official objection to the proposed application for the provision of regulated entertainment, live music, sale of alcohol, Sunday to Saturday midday until 5am at the above address.

We own the flat directly above 489 Hackney Road and when we bought it almost exactly a year ago, we asked the vendors what type of shop was planned directly below us. We were assured it was to be a café/restaurant, and as a result, went ahead with our purchase of the property.

Now we hear a late-night drinking club is proposed for the site, and we are heartily dismayed that the freeholder has reneged on our agreement.

There are two flats directly above this site, and others in the immediate vicinity, and we do believe that an establishment playing live music until 5am every night is not conducive to the well-being of neighbouring residents in this area.

We believe this application is in direct contravention of the planning permission granted at the time of the building's conversion (dated 27.9.12) and available to view online ref PA/12/00595, Alt Ref: PP-01842490). It clearly states:

'The proposed cafe use is compatible with the residential units above and would provide additional A3 facility in the area.'

However, this change of usage is clearly not compatible with residential units. It would provide both noise and disturbance to neighbouring residents.



The planning permission also clearly states:

The restaurant/cafe use allowed by this permission shall not take place other than between the hours of: -

08:00 to 23:00, Mondays - Saturdays

09:00 to 2200, Sundays and Bank Holidays

Reason: As requested by the applicant and to safeguard the amenity of local residents and

the area generally in accordance with policy SP10(4) and policy DEV2 of the Tower

Hamlets Unitary Development Plan (1998).

This new application extends far beyond the limits of this approved application.

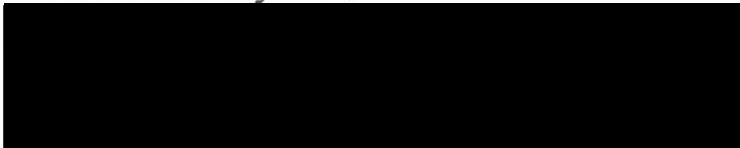
As an A3 usage, the shop is clearly not suited to be an all-night drinking club/live music venue that is being proposed. It is a small confined space, and there is only one entrance/exit. There are obvious health and safety issues at stake here.

Furthermore, there is no smoking provision to the rear of the building, so anyone drinking in the bar wishing to smoke would be forced to assemble outside the building on a narrow strip of pavement on a busy road. This would result in both noise and air pollution for residents living above, and there are obvious safety issues on this busy arterial road, too.

The current owner of the shop operates a computer repair business that he says he intends to run in tandem with his new members club. From the outset, this sounds like an ill-conceived hybrid project that will only generate noise and disturbance around the clock for neighbours.

We would respectfully request that this notice for application is rejected.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Caliopi Ellis and Damian Kelleher

Andrew Heron

From: Damian Kelleher [REDACTED]
Sent: 17 February 2014 16:45
To: Andrew Heron
Subject: TSS/LIC/74147

Dear Mr Heron

Re: Licensing Act 2003 Re: 489 Hackney Road, London E2 9ED

Thank you for your letter dated 7 January 2014 (think you meant 7 February) regarding my representation with regard to application for premises licence at the above address.

I believe several of the points you highlighted were covered in the letter I sent you on 5 February 2014.

- Crime and disorder

There are two flats directly above this site, and others in the immediate vicinity, and we do believe that an establishment playing live music until 5am every night is not conducive to the well-being of neighbouring residents in this area.

I do not believe that a club serving alcohol and playing music until 5am in the morning is going to enhance the area, and late night drinking until the early hours of the morning will, I believe, increase the potential risk of altercations and potential crime in the immediate area dramatically.

- Public nuisance

I pointed out in my last letter:

there is no smoking provision to the rear of the building, so anyone drinking in the bar wishing to smoke would be forced to assemble outside the building on a narrow strip of pavement on a busy road. This would result in both noise and air pollution for residents living above, and there are obvious safety issues on this busy arterial road, too.

We all know, outside pubs and clubs, drinkers assembling to smoke cause noise and pollution. Standing, drinking and smoking directly beneath residential flats will inevitably cause public nuisance and disturbance to the residents who live nearby.

- Public safety

As an A3 usage, the shop is clearly not suited to be an all-night drinking club/live music venue that is being proposed. It is a small confined space, and there is only one entrance/exit. There are obvious health and safety issues at stake here.

I do not believe that the space is safe for this purpose and on those grounds alone, the licence should be denied.

- The protection of children from harm

There is a small child in our building and inevitably it will be like living above an all-night pub for this child.

Again, we would respectfully ask you to reconsider this application.

Yours sincerely

Caliopi Ellis and Damian Kelleher

Appendix 6

[REDACTED]
[REDACTED]
[REDACTED]

20th January 2014

Dear Tower Hamlets,

RE: Notice of Application For Premises License- 489 Hackney Road, e2 9ed

We have recently become aware of an application for licensing at the above address. Provision of Regulated Entertainment, Live Music and Sale of Alcohol. It states Sunday – Saturday, Midday - 5am. We take this to mean 7 days a week.

I must state categorically that this application should not go through and that the granting of a late alcohol licence past 11pm would be a terrible decision. We live above the property at 491. This is a double fronted property and so the retail unit sits directly below our property. This is a residential area and the playing of live music no matter how minimalist the music, would cause severe noise and nuisance.

We are young family living in our first property. The litter, noise and anti-social behaviour caused by a downstairs late night drinking establishment would make for very unpleasant living conditions. Currently litter piles up outside our door when their bin reaches capacity. Imagine what this would be like with a packed bar of people? When we purchased the property we were told that the retail unit would function as a small café. We do not want another Dolphin on our doorstep, bringing with it loud, drunken and anti-social behavior between the hours of midnight and 5am. This would be a complete nuisance.

There is a newly refurbished property within the building which is currently empty. So please take this as a letter of very strong protest against the granting of any license.

Yours sincerely,

Keremi Gawade & Peter Owens
[REDACTED]

LBTH
TRADING STANDARDS
22 JAN 2014
LICENSING

Appendix 7

London, 2014/02/05

**Communities, Localities & Culture
Consumer & Business Regulations**
Licensing Section
Mulberry Place (AH)
6th Floor
5 Clove Crescent
London E14 2BG



**Subject: Objection to Application For Premises License
- 489 Hackney Road, E2 9ED**

Dear Mr. McCrohan,

**RE: Notice of Application For Premises License
- 489 Hackney Road, E2 9ED**

We are writing to object the premises license application for the above address. Provision of Regulated Entertainment, Live Music and Sale of Alcohol, which states Sunday – Saturday, Midday - 5am.

We occupy the flat directly above the applicant and we strongly object to this application to sell alcohol and play live music because:

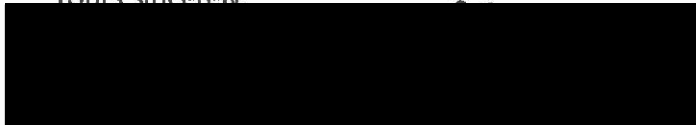
- The location of the premises is not meant to deal with the new proposed usage. The sidewalk on Hackney Road at this point narrows to barely more than 1 meter wide, so there is literally no spill out space for this premise without disrupting the flow of pedestrians. Further, there is no designated drop off areas for this premise. And we doubt that the premises have planned to provide exterior space for smokers to avoid the smokers simply going out onto the sidewalk with the inevitable mess and noise that this involves. Overall this would result in air and noise pollution for all the neighbouring dwellings.
- The internal layout of the premises does not provide a dedicated enclosed space for the performance of live music nor an acoustic lobby in between the premises and the street. The lack of any physical acoustic breakout will lead to noise disturbance to local residents.

- The materials and construction of the premises do not control the problem of noise derived from the proposed new usage. The space lacks adequate sound insulation for the performance of live music. This will have a direct negative impact on all adjacent properties by creating noise annoyance.
- The operation of the premises will lead to further disturbance and annoyance to all the residents in the area. Examples could include: customers entering and leaving the premises, deliveries of goods and stock in an area where there is no designated parking space and refuse collection and bottle emptying on the pavement. Car parking may cause problems with engine noise, slamming of car doors, misfiring vehicle alarms. Furthermore, the licence to sell alcohol all night inevitably results in anti-social behaviour by intoxicated customers, with all the negative impact on security and noise levels that it implies.

As the above illustrates, there is many reasons for us to object this application. The premises currently has an approved A3 usage, for cafeteria or restaurant. The approval of this application will change the usage of the space that, as illustrated above, is not adequately equipped to deal with the proposed new usage.

Therefore, we must categorically object to the application. Not only in our interest but to avoid the deterioration of the area, we hope that the Council will reject this application.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Jana von Mackensen and Blanca Bravo Reyes

Appendix 8

Luke Streatfeild &
Chrysothemis Brown

10th February 2014

Tower Hamlets
Planning and Building Control
Mulberry Place
5 Clove Crescent
London
E14 2BG

OBJECTION TO NEW PREMISES LICENCE APPLICATION FOR 489 HACKNEY ROAD

Dear Sir or Madam,

We would like to object to the new premises licence application for no.489 Hackney Road.

Whilst we respect the wishes of the applicant to develop its business at 489 Hackney Road, and do not object to the use of this site as a bar within reasonable hours, we feel that as it stands their current application is not acceptable. We would like to object on the following grounds.

Public Nuisance

We live in 495 Hackney Road, adjacent to 489 Hackney Road. The proprietors of 489 Hackney Road have applied for a licence to serve alcohol and play music until 3am on Sunday and weeknights and until 5am from Thursday to Saturday.

This will inevitably involve the following public nuisance:

- Noise from those occupying the smoking area from 11pm until 3am or 5am.
- Noise from those entering and exiting the premises between 11pm and 3am / 5am.
- Noise from live music and recorded music between 11pm and 3am / 5am.
- Disorderly behaviour from patrons exiting the premises drunk between 11pm and 3am / 5am -- this could pose a threat to public safety on the street.

This is currently a daytime commercial and residential area. We live in the flat directly adjacent and our bedroom is directly above where the entrance and exit to the premises would be if the licence is granted, and above where any outside smoking area would be. We are asleep between 11am and 3am / 5pm. Any additional noise will be a considerable nuisance, and a change from the current quiet environment, particularly to the rear of the property.

We do not object to the grant of a licence to serve alcohol, show films, and play live and recorded music up to and including 11pm. However a licence for these activities outside those times would be a change to the amenity of the area, and would be a significant disturbance to local residents, ourselves included.

On our property there is a second flat that is currently uninhabitable and unoccupied (493A Hackney Road), which will shortly be renovated. Once there are tenants in this flat there will also be tenants in this property who will also be inconvenienced if this licence application is granted.

Yours faithfully,

Luke Streatfeild & Chrysothemis Brown

Appendix 9

Appendix 9

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” (**See Section 4.10 and 4.11 of the Licensing Policy**).

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

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

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 6 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (13.20).

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (s.2.7-2.11).

There is also guidance issued around the heading of "public nuisance as follows

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures "within the direct control of the licence holder" (2.38).

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 10

Appendix 10

Noise while the Premise is in Use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19)

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

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

Other Legislation

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

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

Appendix 11

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

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

Appendix 12

Noxious smells or Light Pollution

General Advice

Members need to be satisfied that any problems cannot be adequately addressed by existing legislation. Conditions must relate proportionately to the licensable activity. Thus for example, a café that is emitting noxious smells does so whether or not it is permitted to open past 23:00hrs.

Any nuisance from bright lights needs to be balanced against potential crime and disorder benefits from bright lights.

Other Legislation

The Environmental Protection Act 1990

Part 111 of the Act gives Environmental Health Officers the power to deal with statutory nuisances including smells

Planning legislation may restrict external lighting.

Appendix 13

Noise Leakage from the Premises

General Advice

Extending hours may bring issues about noise leakage to the fore, as many premises are close to residential properties (or even sometimes commercial).

The obvious areas for Members to consider, if they believe there is a problem and it is proportionate to consider conditions are:

- Can internal works, actions or equipment reduce the noise leakage
- Does the problem justify curtailing the activities that are licensed. If Members are minded to do this they must ensure conditions are clear and readily enforceable. For example “Jazz Music Only” is not capable of legal definition and is unenforceable.
- Does the problem justify limiting the hours or place of particular activities. For example “no music in the beer garden at any time and no music past 22:30hrs” although the premises can stay open until 01:00hrs.

Members also need to bear in mind the statutory exemptions under the Act (see below).

Licensing Policy

The Licensing Authority expects applicants to have sought advice and to be able to explain how they will address problems. **(See Sections 8. 1-2)**, especially where a negative impact is likely on local residents or businesses **(See 12.1 for core licensing hours)**.

The Licensing Policy recognises that staggered hours can make a positive contribution to alcohol related issues but that consideration will be given to imposing stricter conditions in respect of noise control where premises are close to residents. **(See 12.4)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to public nuisance. **(See Appendix 2 Annex G of the Licensing Policy)**. In particular Members may wish to consider the following: (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 be 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

Police Powers

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

Licensing Act 2003

Schedule 1 Part 2 states that entertainment in churches, morris dancing and accompanying music if live and unamplified and incidental music are not licensable activities-that is no conditions can be set for them.

Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200 additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08:00hrs and 00:00hrs (midnight), no additional conditions should be set relating to the music.

Section 177 can be disapplied on a licence review if it is proportionate to do so.

Public Nuisance Guidance issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (13.20).

The prevention of the public nuisance could include low level nuisance, perhaps affecting a few people living locally (2.33). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36), but it is “essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

It may be appropriate to require take-aways to provide litter bins. (2.40).

Other Legislation

Environmental Health Officers have extensive powers under the Environmental Protection Act 1990 to control a noise nuisance, including a power of immediate closure.

Appendix 14

Appendix 14

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(See 12.8 of the licensing policy)

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

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