

Appendix 1

(Boho Mexica)
151 - 153 Commercial Street
London
E1 6BJ

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

Date: 11th August 2009

- Licence varied following the licensing sub-committee hearing of 10th May 2011
- Licence varied on 19th October 2011, following a minor variation



Part A - Format of premises licence

Premises licence number

15763

Part 1 - Premises details

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

(Boho Mexica)
151 - 153 Commercial Street

Post town

London

Post code

E1 6BJ

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment consisting of recorded music only
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale of alcohol:

- Sunday to Thursday from 11:00 hours to 23:00 hours
- Friday and Saturday from 10:00 hours to 23:30 hours

Regulated entertainment consisting of Recorded music only:

- Sunday to Thursday from 11:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 24:00 hours

Late Night refreshment:

- Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to 24:00 hours

The opening hours of the premises

- Sunday to Thursday from 11:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 24:00 hours

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

On sales only

Part 2

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

Boho Mexica (Mexica Ventures Limited)
151-153 Commercial Street
London
E1 6BJ

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

6826027

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

Enrique B. Vivas

[REDACTED]

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

Licence No: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
6. No supply of alcohol may be made under the premises licence-
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
7. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted.
2. Noise limiter to be employed in a separate and remote (from the volume control) lockable cabinet or room fitted to the music amplification system. No supplementary sound systems to be used;
3. Amplified music shall not be played at a level which is audible within surrounding residential properties;
4. Notices shall be displayed internally at exits and also in key areas, requesting the public to respect the needs of the local residents by keeping noise to a minimum when using both the outside areas of the Premises, and when leaving the premises and the area, to do so quickly and quietly. All such signs must be in a permanent form, prominently placed and legible;
5. All reasonable steps and regular monitoring by the Landlord and his staff shall take place to ensure that customers entering and leaving the premises do so in an orderly manner so as not to cause disturbance to nearby residential properties or annoyance to people passing the premises;
6. Waste materials shall no be placed in the external bins during the night hours (22:00 hours to 8:00 hours the following day) ;

Annex 3 - Conditions attached after a hearing by the licensing authority

1. Sale of alcohol shall cease half an hour before the premises closes to the public;
2. No drinks to be taken outside by any customers, including those going outside to smoke;
3. The number of smokers outside to be limited to ten (10) at any one time;
4. A receptacle for the safe and tidy disposal of cigarette butts to be provided for the use of smokers outside;
5. No furniture to be placed outside on the pavement;
6. No speakers to be utilised outside.

Conditions attached following the licensing subcommittee hearing of 19th May 2011:

1. All doors to the licensed premises must be kept closed while regulated entertainment is in progress except the front doors only, which may be left open between 11:00 hours to 19:00 hours.
2. All windows opening on to the courtyard must be kept closed during operation of the premises.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

8th June 2009 - (Plan No: BM – FP – 01)



Part B - Premises licence summary

Premises licence number

15763

Premises details

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

(Boho Mexica)
151-153 Commercial Street

Post town
London

Post code
E1 6BJ

Telephone number
020 7377 8418

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment (recorded music only)
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

<p>The sale of alcohol:</p> <ul style="list-style-type: none">- Sunday to Thursday from 11:00 hours to 23:00 hours- Friday and Saturday from 10:00 hours to 23:30 hours <p>Regulated entertainment consisting of Recorded music only:</p> <ul style="list-style-type: none">- Sunday to Thursday from 11:00 hours to 23:30 hours- Friday and Saturday from 10:00 hours to 24:00 hours <p>Late Night refreshment:</p> <ul style="list-style-type: none">- Thursday, from 23:00 hours to 23:30 hours- Friday and Saturday, from 23:00 hours to 24:00 hours

The opening hours of the premises

<ul style="list-style-type: none">- Sunday to Thursday from 11:00 hours to 23:30 hours- Friday and Saturday from 10:00 hours to 24:00 hours

Name, (registered) address of holder of premises licence

<p>Boho Mexica (Mexica Ventures Limited) 151-153 Commercial Street London E1 6BJ</p>

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

<p>On sales only</p>

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

<p>6826027</p>

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

<p>Enrique B. Vivas</p>

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

<p>No restrictions</p>

Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

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

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

Application to vary a premises licence 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.

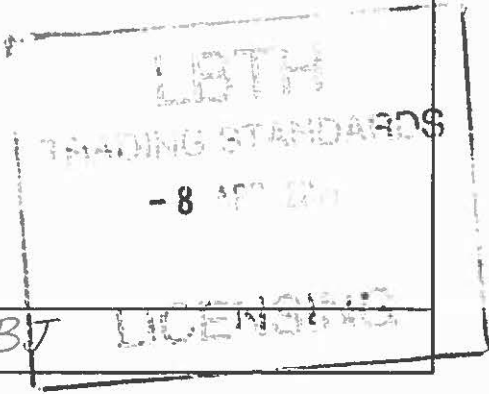
I/We ENRIQUE BARRIENTOS VIVAS (Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number 15763

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>151 - 153 COMMERCIAL STREET</u> <u>LONDON</u>	
Post town	Post code <u>E1 6BJ</u>



Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ <u>38,250</u>

Part 2 - Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes

If not, when do you want the variation to take effect from?

Day	Month	Year

Please describe briefly the nature of the proposed variation (please see guidance note1)

1. On Monday evenings only we wish to display films via a projection screen during the hours of service. The films can be viewed from all areas inside the restaurant
2. We wish to have tables and chairs outside of the restaurant for customer use. We will be serving food and beverage in this area and playing recorded music. This would take place from the front wall of the restaurant to approximately two metres onto the sidewalk. This is seven days a week
3. On Friday and Saturday evenings we wish to extend the sale of alcohol until 12:30am and then close the restaurant by 1:00am. Recorded music would be played until 1:00am

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			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						
Sat				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)		
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	17:00	23:30	Please give further details here (please read guidance note 3) FILMS TO BE SHOWN ON PROJECTION SCREEN. SOUND AMPLIFIED	Both		
Tue						
Wed				State any seasonal variations for exhibition of films (please read guidance note 4)		
Thur						
Fri						
Sat				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)		
Sun						

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon	11:00	23:30	Please give further details here (please read guidance note 3) WANT TO EXTEND THE TIME OF PLAYING RECORDED MUSIC ON FRIDAYS AND SATURDAYS UNTIL 1:00 AM	Both		
Tue	11:00	23:30				
Wed	11:00	23:30		State any seasonal variations for playing recorded music (please read guidance note 4) EXTENDING MUSIC PLAYING TIMES BY ONE HOUR ON FRIDAYS AND SATURDAYS		
Thur	11:00	23:30				
Fri	10:00	25:00		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	10:00	25:00				
Sun	11:00	23:30				

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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance) WISH TO EXTEND THE SERVICE OF LATE NIGHT REFRESHMENT ON FRIDAYS AND SATURDAYS ONLY TO 1:00 AM		
Tue					
Wed					
Thur	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) EXTENDING LATE NIGHT REFRESHMENTS BY ONE HOUR ON FRIDAYS AND SATURDAYS		
Fri	23:00	25:00			
Sat	23:00	25:00	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)		
Sun					

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	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	23:00	Please give further details here (please read guidance) WISH TO EXTEND THE SALE OF ALCOHOL ON FRIDAYS AND SATURDAYS ONLY TO 1:00 AM		
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 4) EXTENDING THE SALE OF ALCOHOL BY ONE HOUR ON FRIDAYS AND SATURDAYS		
Fri	10:00	24:30			
Sat	10:00	24:30	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)		
Sun	11:00	23:00			

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)

1. The movies we wish to display may have a rating on 15+. We will not be allowing children under the age of 15 on to the premises in the allocated times of films being shown
2. All customers using the outdoor seating area will be kept under supervision. Responsible service of alcohol will be maintained
3. Children will not be allowed on to the premises during the extended closing time on Fridays and Saturdays

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	11:00	23:30	ON FRIDAYS
Tue	11:00	23:30	
Wed	11:00	23:30	
Thur	11:00	23:30	
Fri	10:00	25:00	
Sat	10:00	25:00	
Sun	11:00	23:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked on of those boxes please fill in reasons for not including the licence, or part it below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.

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

b) The prevention of crime and disorder

STRONG SUPERVISION OF ALL PEOPLE BOTH INSIDE AND OUTSIDE THE PREMISES

RESPONSIBLE SERVICE OF ALCOHOL WILL BE MAINTAINED AT ALL TIMES

c) Public safety

d) The prevention of public nuisance

1. FILMS WILL BE PLAYED NO LOUDER THEN THE RECORDED MUSIC WE ARE CURRENTLY LICENSED TO PLAY

2. OUTDOOR BEHAVIOURS WILL BE CLOSELY WATCHED

e) The protection of children from harm

ADVERTISING ON OUR WEBSITE AS TO THE CHANGES THAT WILL BE HAPPENING

VERBAL WARNING TO CUSTOMERS WHEN BOOKING OR ENTERING THE PREMISES

CHECKLIST:

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

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

Signature		
Date	27/03/14	
Capacity		

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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)

ENRIQUE BARRIENTOS VIVAS
151-153 COMMERCIAL STREET
LONDON

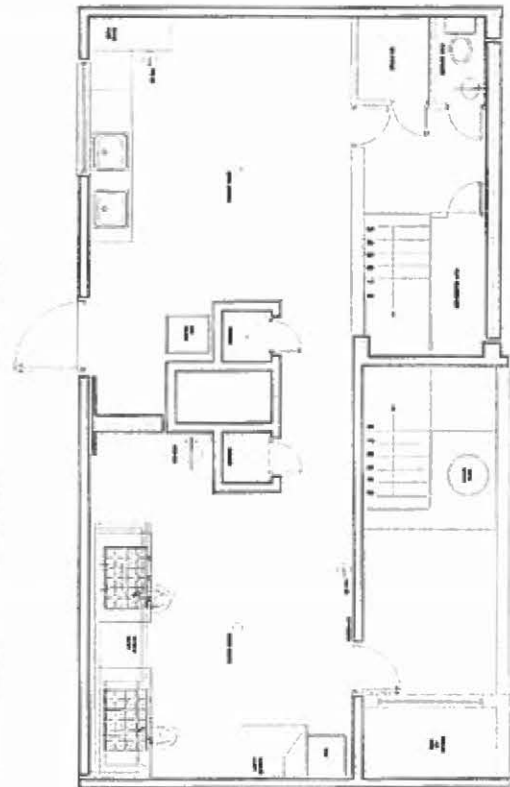
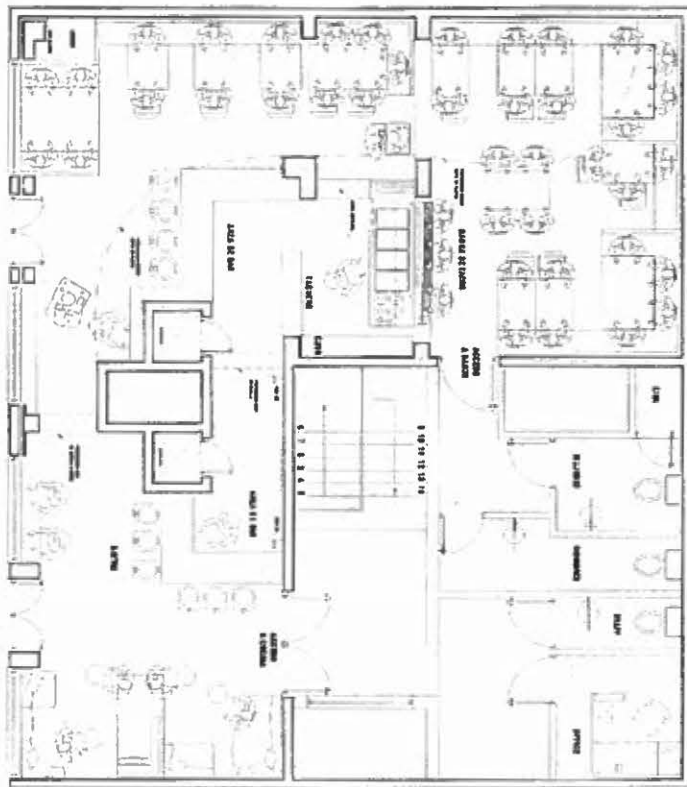
Post town

Post code

E1 6BJ

Telephone number (if any)

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

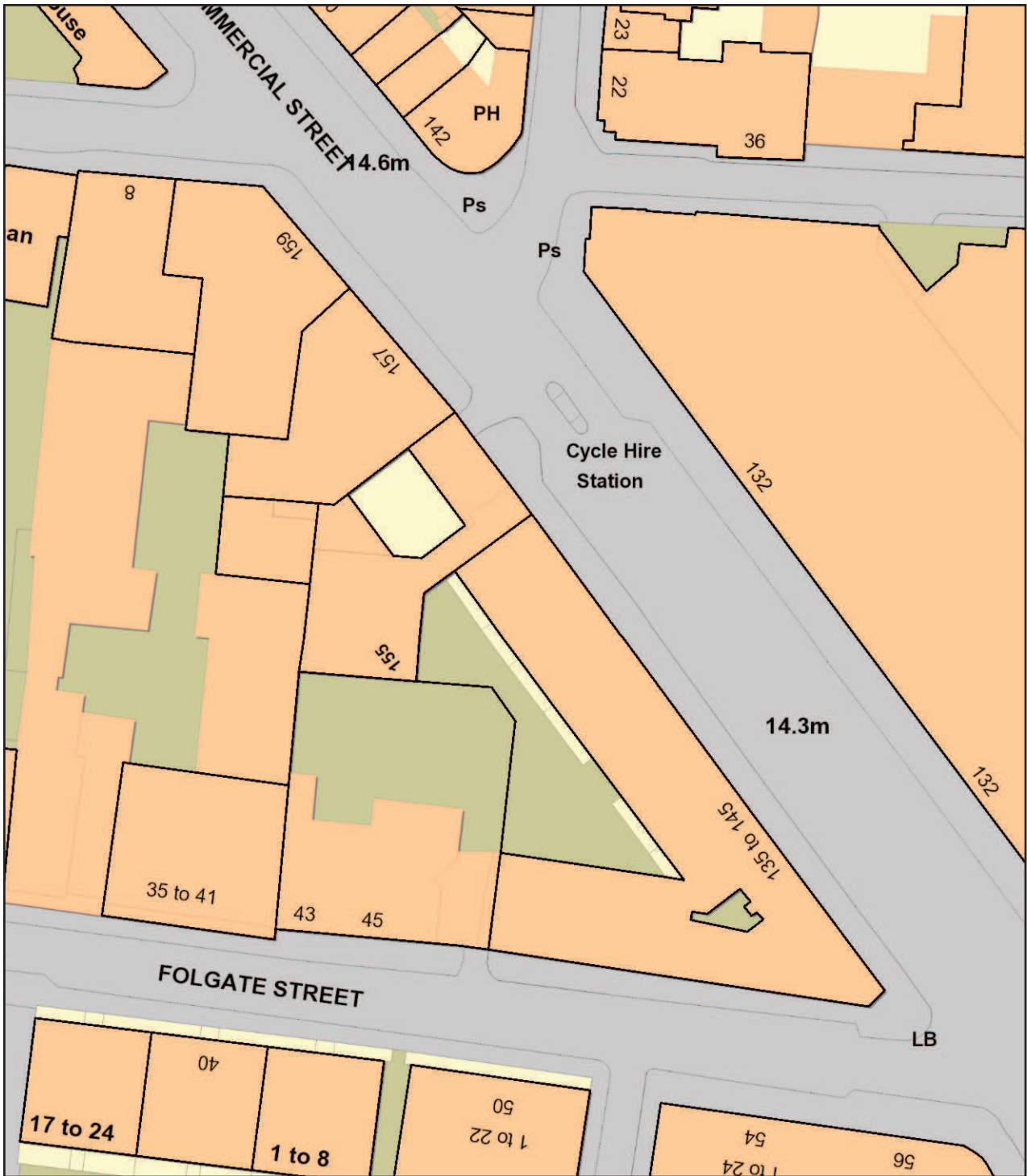


CRTH
 TRADING STANDARDS
 - 2 APR 2014
 LICENSING

VIZARQ
 Arquitectos.
 PLANEACION Y DIRECCION DE OBRAS
 123 AV. CANAL REBERTO LEYVA
 PULQUILLA, PUEBLA, MEXICO
 (0199) 5160-0868 / (0199) 5513-7162

DISEÑO ARQUITECTÓNICO		DESCRIPCION	PLANO No.
DISEÑO	ARQ. ALEJANDRO VIVAS ZURITA	boho mexico	BM - FP - 01
DIBUJO	ARQ. ALEJANDRO VIVAS ZURITA		PLANO:
ACOTACIONES : METROS		ESCALA : 1:100	ARQUITECTONICO

Appendix 3

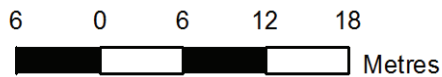


151-153 Commercial Street

Map 1



Scale 1:668



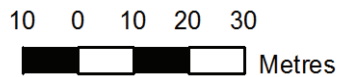


151-153 Commercial Street

Map 2



Scale 1:1669



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

Andrew Heron

From: Tessa Abineri [REDACTED]
Sent: 02 May 2014 10:48
To: Andrew Heron
Subject: Boho Mexica, 151-153 Commercial Street, E1 6BJ - Application to vary Licence Conditions

Re Application to vary Licence Conditions

Boho Mexica
151-153 Commercial Street
London E1 6BJ

Dear Sir

I am writing to object strongly to the application of Boho Mexica to vary its Licence Conditions.

Boho Mexica is surrounded by a great number of residential flats. My building, immediately opposite, has 100 flats and there are hundreds of others in the immediate area, including of course the building in which the restaurant is located, The Cloisters. The local population has quite enough to contend with already, with noise and disruption from nearby establishments.

We have long experience of various aspects of “public nuisance” in this area – and so do the Council – and the Police! The noise at night-time is already a big problem. Outside operation would of course make things a lot worse, as would further extended opening hours, and any additional music or films.

I had understood that the restrictions imposed by Licensing last time the application was reviewed were specifically designed to try to control the “public nuisance” factors. As nothing has changed, nor should their Licensing Conditions. Also, if outside operation were allowed at this point, then many, many other such applications would be made, by other local establishments, expecting to be allowed the same.

The peace-loving local residents are already suffering with the over-saturation of social venues in this area. We have a lot of noise late at night, drunkenness, anti-social behaviour of all kinds, police sirens, traffic problems, etc. It would be terrible and irresponsible if the Council were to add to these problems unnecessarily.

Please do not allow any of the requested amendments to Boho Mexica’s Licensing Conditions. I think that the Council should be protecting its residents from public nuisance, whenever it can.

Thank you for your consideration of this letter.

Yours faithfully

Tessa Abineri

[Redacted signature block]

Appendix 6

Andrew Heron

From: Andrew Heron on behalf of Licensing
Sent: 28 April 2014 14:04
To: Andrew Heron
Subject: FW: Andrew Heron

Follow Up Flag: Follow up
Flag Status: Completed

From: Katherine Aspinall [REDACTED]
Sent: 28 April 2014 09:23
To: Licensing
Subject: FAO: Andrew Heron

Dear Mr Heron,

I am writing to object to the proposed Variation to its Alcohol Licence for:

Boho Mexica
151-153 Commercial Street
London E1 6BJ
T:020 7377 8418

I am the owner of [REDACTED] Commercial St, which is in the same building as Boho Mexica. The former is on the Commercial Street side of the building and the latter is on the courtyard, but is entirely (including the bedroom) beneath Boho Mexica's premises as well as sharing a wall with their kitchen. I do not want my name and address(es) to be listed publicly.

I object to the proposed changes, which would impact me in two ways: they will cause a public nuisance in terms of increased anti-social behaviour and new noise nuisances (outdoor music as much as patrons leaving later at night hailing taxis and talking at the bus stop); and secondly the strain that increased patrons will put on the building's waste pipes risk putting children in harm's way via fecal contamination.

The former is particularly a problem for Flat [REDACTED], which is on the Commercial Road side of the building. We have already had problems with unlicensed music from Taylor and Taylor and Urban Outfitters, which travels extremely well up the building and causes serious disruption. Hailing taxis, talking at the bus stop and shouting are also persistent problems that the increased hours will exacerbate.

Noise is also a serious issue for Flat [REDACTED], where the chopping in the kitchen, vibrations from music and the extractor fan as well as the flushing of toilets, hum of conversation, footsteps and the shuffling of tables and chairs all penetrate the thin walls. This is particularly a problem around closing time, which is marked by shuffling of furniture that wakes us up in the early hours of the morning.

Most serious however, is that the building's waste pipe's capacity cannot support a restaurant.

The increased hours and tables from the outdoor seating would further the strain. This is particularly a problem because when blockages occur, which our third party plumbers have assured us is the result of too much strain because of the restaurant, waste water including fecal matter pours through the ceiling of the bedroom and the hallway of Flat [REDACTED]. The same blockage also caused waste water, including toilet paper and excrement clumps to bubble over the manhole in the outdoor walkway, which is held in common and

accessible to all residents of the building. The plumbers informed us that blockages will continue to occur as long as the restaurant is on premises, because the Victorian water pipes cannot handle the strain. This means that our apartment as well as part of the courtyard have been and continue to be at risk of contamination by excrement. As said before, increasing the number of patrons would further increase the toilet use above us and thus exacerbate these blockages, which given that there are both children resident in the building and we regularly receive visits from my young nieces, puts children in danger as well as being a nuisance.

Thank you for your time and assistance.

Best regards,

Dr Kate Aspinall

--

[REDACTED]
[REDACTED]

Appendix 7

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:34
To: Andrew Heron
Subject: FW: FAO Andrew Heron: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street, London E1 6BJ.

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

From: CRA [REDACTED]
Sent: 06 May 2014 23:34
To: Licensing
Subject: FAO Andrew Heron: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street, London E1 6BJ.
Importance: High

Dear Mr Heron

RE: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street, London E1 6BJ.

I write as owner/resident of a Cloisters flat on the front facade of the building at 145 Commercial Street E1 6EB; in which Boho Mexica forms a substantial double sized unit running beneath. I therefore wish to voice a number of concerns relating to the public nuisance; that experience teaches; will increase should the sought on-street use & late finish be granted.

Many of our neighbours; with whom I have recently spoken; also share my grave concerns about the impact of this entire variation application; which if granted will further negatively impact on our sleep; as it does already with flue noise & music reaching into our building. Neither the existing acoustic dampening within the premises – nor promised good management inside or out - protects our flats from current nuisance & any extension of hours or outside use will subject us further to: -

- Smokers; diners & drinkers sitting for hours out on pavements directly beneath our flats; especially bad in hot weather as smoke & voices rise through our open windows; really unacceptable any weekday & especially until 1.30am during Fri & Sat. Loud voices of customers are already audible in our flat; even with windows shut; as they compete with traffic noise; so shout/yell/scream louder & this will simply be a greater; later public nuisance if on-street use; late operation & the playing of recorded music is permitted outside. The volume of said music will also likely be increased to be heard over ambient noise; all adding to the cumulous impact of disturbance.
- The inevitable noisy customer departures; people who have been drinking are incapable of talking at normal levels; certainly as we know all too well; once out on our streets. With the very best will management *cannot* prevent inebriated departing adults; walking away; past our lengthy facade; whistling for cabs; shouting or messing about. All the many visitors to this area see is the road; they never look up to all the hundreds of residential windows through which their noise rises; carrying up over lower night traffic levels. This is already bad enough at any hour but nuisance worsens hugely over-night; so we don't need Boho Mexica's late departures increasing this public nuisance.

- The proposal to have outside tables for diners; smokers & drinkers holds a particular threat to our flats – where currently there is only that of standing smokers – which is bad enough as their overly loud voices & smoke reach above windows. I therefore ask the committee - please uphold the intentions of previous committees; to protect our residential amenity when they; very wisely imposed the current conditions that prevent these customers from lingering even longer; by barring smokers from drinking outside; having no outside music or tables & chairs plus insisting on closed doors after 7pm.

FYI: The original licence was granted in 2009 & there was another attempt to vary it on 10/05/11. Thankfully the sought increase in hours of operation with outside use was refused & the only condition varied was no: 2; allowing doors to remain open up to 7pm. I clearly recall the many assurances given to past committees; that this venue would respect its special position in a listed residential block. Disappointingly - not the case - as both Licensing & Planning applications (outside planning permitted hours of operation with close at 23.00hrs Mon-Sat & 22.30 Sun) continue to seek variations that stand to further ruin the peaceful enjoyment of our homes.

Boho Mexica also appears to want to serve alcohol as late as 1.30am Fri & Sat – right up to when it proposes closing to the public; which seems wrong. This would simply result in those already in the venue stockpiling a couple more rounds & attract others desperate for a last minute late drink. Then as there's no finishing up time; unless Boho Mexica intends breaking the law to allow them to stay to do so; otherwise it can only eject them onto our pavements, drinks in hand, which in turn encourages crime & disorder. More public urination & broken glass the least of the uncomfortable prospects for any local residents.

This community had hoped Boho Mexica; having been granted in '09 by licensing; opening Fri & Sat 1.5 hours beyond planning permitted hours of 23.00; would have been satisfied but clearly not. To push this to 2.5 hours beyond is absolutely unacceptable & if granted will result in us sadly having no choice but to; waste yet more time & council resources; asking planning to enforce its currently permitted hours.

So for the sake of so many people's continued enjoyment of their homes; to protect the residential amenity of The Cloisters & it's many neighbouring blocks; we ask the committee to refuse all the proposed variations to the existing licence & to uphold all the current, protective conditions. Those safe-guards already in place; both the planning hours of permitted use & the current license conditions are the only things preventing Boho Mexica further blighting our lives.

Thank you very much for your patience & for taking the time to consider these points.

Yours Truly

Mrs H Bagshaw



Appendix 8

Andrew Heron

From: Uncleeric Bagshaw [REDACTED]
Sent: 07 May 2014 17:26
To: Andrew Heron
Subject: FW: Andrew Heron - Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street E1 6BJ

Importance: High

Dear Mr Heron,

RE: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street E1 6BJ

Boho Mexica proposes to serve alcohol; food and play recorded music until 23.30pm weekdays and 1.30am on Fridays and Saturdays; both inside and for outside tables (which it also wants in place 7 days a week). It also wants to show amplified 15+ films on Mondays 17:00 to 23:30.

I wish my following objection to the above application be lodged; In terms of the four licensing objectives as I believe there will be an increase in problems for our block; the users of hire bikes and pedestrians:-

The prevention of crime and disorder The bar is embedded within our residential block and the numbers smoking outside on the street already cause disorder with loud voices and obstruction of other passers-by. This situation will be exacerbated by both the extended opening and addition of tables; which is likely to cause disputes with careless users of the bike rack; who often back into people even now. Outside users phones and handbags will also be targeted by our ever present thieves.

Public safety The majority of the pavement directly in front of the premises is occupied by a 'Boris Bike Rack'. It's already difficult at times to pass when the street is busy – so the addition of tables; chairs and more customers will expose all pavement users to a considerable increase in risk of injury from being caught between bike users and street furniture.

The prevention of public nuisance Noise of gathered crowds of smokers outside this venue is already an issue for flats on the Cloisters main facade; such as ours; those above and the Porters flat below the premises. This nuisance will be exacerbated by extended opening and the addition of tables.

The protection of children from harm I am concerned that given the small space in which the venue proposes to show 15+ films; with street facing windows down one entire side and all areas visible from the pavement; that passing children will stand to be subjected to unsuitable images.

This latest application is; in large part simply a repeat of the 2009 original and 2011 variation; applications (which I also feel is simply a waste of the committee's precious time and the council's budget!); both of which the committee fully considered and thankfully, from the point of view of residents, rejected the late opening sought and placed a number of residential amenity safeguarding conditions upon the venue – which I ask should stand.

I also request that for all the above; this application be refused in its entirety, as nothing whatsoever has changed since the last time when later hours and outside use were also sought. I urge the committee to

reach the same conclusion and reject this application at very least on the grounds of prevention of public nuisance.

Yours truly
Mr Eric Bagshaw

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 9

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:33
To: Andrew Heron
Subject: FW: FAO of Andrew Heron

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

From: Katrina Bradley [REDACTED]
Sent: 06 May 2014 22:18
To: Licensing
Subject: FAO of Andrew Heron
Importance: High

Dear Sir,

I wish to complain in the strongest possible terms about the application from Boho Mexico in Commercial Street.

The extensions they are asking for will only add to the misery we already suffer from people leaving late night drinking establishments in the nearby vicinity. My weekends are frequently disturbed by people coming down the street from these places. There is a lot of shouting, swearing, screaming and often fighting in the street outside my home, this often happens in the early hours of the morning so my sleep is disturbed. Adding another such licensed premise to this list will only add to the public nuisance that we are already experiencing.

Thanking you in anticipation

Yours faithfully

Katrina Bradley (Ms)

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

Appendix 10

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 07 May 2014 10:01
To: Andrew Heron
Subject: FW: Boho Mexica - 151/153 Commercial St - Variation to Alcohol Licence

Follow Up Flag: Follow up
Flag Status: Completed

From: Andy Bridger [REDACTED]
Sent: 06 May 2014 10:47
To: Licensing
Subject: Boho Mexica - 151/153 Commercial St - Variation to Alcohol Licence

FAO: Andrew Heron,

Andrew,

As both an owner of a property in the Cloisters block (in which Boho Mexica is situated) and a volunteer member of the board of directors of the management company for this residential block, I am very aware that many of the tenants are very concerned about the requested variation of alcohol licence.

As a result I would like to formally object to the extension on the basis of public nuisance.

The request to stay open and play music until 23:30pm on weekdays and 1:30am on Fridays and Saturdays (both in and outside the restaurant) will cause considerable adverse impact to those living in the block and the wider area.

Given that it takes about 30 mins for the sound to die down, post closing, this means for many residents they will be unable to get to sleep until at least midnight during the week and 2 am on Friday and Saturday!

There are residential flats directly above and below this restaurant (which preceded the restaurant by many decades) which already suffer public nuisance (in the form of noise pollution to their flat due to limited noise insulation) when the restaurant is open – this extension will make that problem considerably worse.

The restaurant's exist opening hours are sufficient – prior requests for their extension have been turned down and I would request that on behalf of those living above, below and nearby this restaurant, that you refuse their opening hours extension.

Thanks,

Andy

Andy Bridger
[REDACTED]

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Appendix 11

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:34
To: Andrew Heron
Subject: FW: Boho Mexica License Variation Application

Follow Up Flag: Follow up
Flag Status: Completed

From: Fiona Buxton [REDACTED]
Sent: 06 May 2014 23:47
To: Licensing
Subject: Boho Mexica License Variation Application

For the attention of Andrew Heron

As I see it Boho Mexica wants to serve alcohol and food, and also play recorded music until 23.30 weekdays and 01.30 on Fridays & Saturdays, both inside and outside. Boho Mexica also wants to show films, with sound on Mondays 17.00 to 23.30.

For residents this means that there will be more nuisance from drinkers and smokers in the area. There will be music all week long on the street, and on Friday and Saturday it will go on until gone 01.30 after which people will have to move on. This will then be followed by people leaving the area noisily passing homes, calling for cabs or just from sheer "joie de vivre" talking loudly, shouting, laughing, singing or on occasion violently and argumentatively.

The last time Boho Mexica applied for a similar License change the Committee specifically applied regulations to avoid problems:

The doors to the entrance and windows be kept closed whilst regulated entertainment (music) is in progress

All doors and windows are to be kept closed during operation of the premises

No drinks be taken outside by any customers; including those going outside to smoke

No furniture to be placed outside on the pavement

These were applied to avoid noise, prevent smokers drinking outside and to stop the pavement being used for potentially noisy dining/drinking.

I don't know what has changed since Boho's Last application - in fact there is an extra complication from Boris's Bike Rack situated on the curb directly in front of Boho.

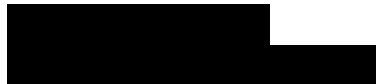
Boho Mexica is situated in a 69 flat residential building.

The License Variations is outside the Permitted Hours of Operation as defined by the venue's Planning Consent which states that a Close to Public of 23.00 Monday to Saturday and 22.30 Saturday to Sunday.

I object to this Variation Application on the grounds of Prevention of Public Nuisance.

Yours sincerely

Fiona Buxton



Appendix 12

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 07 May 2014 09:59
To: Andrew Heron
Subject: FW: Andrew Heron - Boho Mexica Commercial St Licensing Objection

From: Becca Caddy [REDACTED]
Sent: 05 May 2014 19:35
To: Licensing
Subject: FAO: Andrew Heron - Boho Mexica Commercial St Licensing Objection

Hello Andrew,

I'm writing to you today in regards to a recent licensing request from Boho Mexica on Commercial Street, London that myself and my boyfriend would like to object to.

We are residents in [REDACTED] [REDACTED] and our names are Rebecca Caddy and Michael Carthy.

As you can see from our address, we live directly above Boho Mexica and we are on the first floor. This means we currently encounter problems from the venue already, including noise from within the venue and a lot of vibrations coming from both inside the venue through the floors and outside the venue when people leave, including noise from people hailing taxis and having arguments, etc. This has proved to be a disturbance as we fall to sleep and we've considered making a complaint on numerous occasions.

As you can imagine, the license application for later hours, tables and chairs outside and playing music outside too really concerns us given we're so close to the venue.

When it comes to the tables outside and music being played outside, the main reason we're concerned is noise (and possibly smoke) coming in through our windows. We already experience a lot of noise from outside the venue and if revellers are eating and drinking outside throughout the night this will be extremely disruptive to our lives.

This is all made the more concerning by the fact the venue wants to stay open later. Already the noise and vibrations tend to disturb us as we're going to bed, but if they'll be later it'll become more disruptive to our lives than it already is.

Thank you for taking the time to read our objection. As you can see from the main points I've highlighted above, we're very concerned that outdoor entertainment coupled with later opening hours will have a big impact on our quality of life here in our flat given we're so close to the venue.

I hope you consider our objections and if you'd like further information or details from us, then please do not hesitate to get in touch. I've written all of our details below again.

Thank you and all the best,

Becca

Rebecca Caddy and Michael Carthy

Appendix 13

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:32
To: Andrew Heron
Subject: FW: For the attention of Andrew Heron: Objection to Boho Mexica's application for a Variation to its Alcohol Licence, from Timothy Simon Couzens

-----Original Message-----

From: [REDACTED]
Sent: 06 May 2014 21:41
To: Licensing
Subject: For the attention of Andrew Heron: Objection to Boho Mexica's application for a Variation to its Alcohol Licence, from Timothy Simon Couzens

Objection to Boho Mexica's application for a Variation to its Alcohol Licence, from Timothy Simon Couzens

Dear Mr Heron,

I am the owner of Flat [REDACTED]

I wish to object to the abovequoted application by Boho Mexica for a Variation to its Alcohol Licence.

This proposed variation would contribute to public Nuisance: there will be drinkers, smokers and music out on the pavement (directly beneath The Cloisters, a residential block of 69 flats) for the entire week until 23.30pm; &until 1.30am on Fridays&Saturdays. The clients will continue their public nuisance after Boho Mexica's official closing time, as the clients will wend their way noisily out of the area, passing more homes, hailing taxis, and soliciting prostitutes.

All of Boho Mexica's sought Licence Variations are outside the Permitted Hours of Operation as defined by Boho Mexica's Planning Consent, which stipulates a Close to Public of 23:00 Monday-Saturday; &22:30 on Sundays. The current Licence already exceeds these times - so perhaps enough is enough?

The proposed amplified 15+ films on Mondays (up till 23:30); &the proposed in situ outside tables will both add to the public nuisance inflicted upon The cloisters' residents, &other local residents.

All of the existing Conditions imposed on Boho Mexica should stand, to prevent Public Nuisance.

Yours faithfully, T.Simon Couzens [REDACTED]

Appendix 14

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:32
To: Andrew Heron
Subject: FW: Attention: Andrew Heron

Follow Up Flag: Follow up
Flag Status: Completed

From: Julie Dey [REDACTED]
Sent: 06 May 2014 19:27
To: Licensing
Subject: Attention: Andrew Heron

Dear Mr. Heron,

Regarding the application: Boho Mexica at 151-153 Commercial Street E1 6BJ

It has come to my attention that this establishment has applied to serve food and alcohol and play recorded music until 23:30 on weekdays and until 01:30 on Fridays and Saturdays. This application is being sought for inside and outside seating. Also the application seems to ask for amplified films on Monday evenings until 23:30.

As far as I am aware, these variations are ALL outside of the Permitted Hours of Operation as defined by the venue's Planning Consent which stipulates a Close to Public of 23:00 Mon to Sat & 22.30 Sun. Doesn't the current Licence already exceed these times? If so, **perhaps more resources should be put to monitoring / policing current licenses and violations rather than seek to unreasonably extend them.**

Boho Mexica, (which is currently considered to by our household to be a valuable part of our local dining culture), would no longer be so regarded if it were to be granted these variations. It is a double-fronted restaurant and bar that exists directly underneath residential flats that are privately owned and occupied - many of whom have lived there for years, and contributing to Spitalfields long before the area became safer and "trendy". And, it should be mentioned, well before any of the late-night restaurants.

Our house is one street away from Boho Mexica on Calvin Street. We are all affected by what impacts the neighbourhood and long-term neighbours / residents. This application would affect us on Calvin Street in a very negative way as it would create a lot of late-night/early-morning foot traffic of rowdy people and music inside and out until very, very unreasonably late and then departing upon closure. It is a busy area; however, this late-night activity is unsuitable for that area of Spitalfields as it is **so highly populated by residents on our street and ALL of the surrounding ones** - in the Exchange Building, surrounding 17th century Huguenot homes, and numerous peaceful residents on our Calvin Street. Of course there is also the spillover effect that it would have on neighbours beyond the hundreds I include here already.

If these variations in license were to be granted, your office would be demanding that Spitalfields residents tolerate late-night drinkers, smokers, loud music and loud departures AND THEN ALSO the early-morning opening and high traffic of the Spitalfield Market on Sunday morning.

I implore you to consider the consequences of granting this license and thus pushing limits of the existing neighbourhood. Our families and homes and futures all rely heavily upon such decisions.

Regards,

Julie Dey

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 15

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 07 May 2014 10:18
To: Andrew Heron
Subject: FW: Register concerns regarding application to vary premise licence

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]
Sent: 06 May 2014 12:10
To: Licensing
Subject: Register concerns regarding application to vary premise licence

Hi,
I have been made aware that a local restaurant Boho Mexico, 151-153 Commercial St, is applying to change its licence - I wanted to register my concerns as a local resident, regarding the proposal. Is there a process to do this?

The application I am referring to is here: http://alcohol-entertainment.towerhamlets.gov.uk/Civica-elr-3.2_live/resource.ashx?resourcetype=document&filename=L11_CommercialSt151-153.pdf

The restaurant is located in the middle of a residential area, with many surrounding apartments' windows facing the property, including my own. I am very concerned that adding outdoor tables and outdoor music will significantly increase noise levels, and prevent residents from being able to sleep. I have similar concerns that extending the opening hours on Friday and Saturday nights will also increase noise levels and commotion outside our flats, again impacting residents sleep.

Many thanks for your help,

Dave Halstead

[REDACTED]

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Appendix 16

Andrew Heron

From: heard nora [REDACTED]
Sent: 04 May 2014 15:19
To: Licensing; John Mccrohan
Cc: Andrew Heron
Subject: Boho Mexica , application to vary licence

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. McCrohan,

Re: application for Variation of Licence, Boho Mexica, 151-153, Commercial Street E1 6BJ:
- on Fridays and Saturdays, to extend the sale of alcohol to 00.30 and close the premises at 1am, with recorded music played till 1am (i.e all one hour later than permitted by their current licence)
- to have tables and chairs outside the restaurant where food and beverages will be served, and recorded music played, 7 days a week
- to play 15+ films in the restaurant during hours of opening

I wish to register an objection to the above application, which relates to premises located on the ground floor of The Cloisters, the large residential building (containing 68 flats) in which I live.

My objection is mainly on the grounds of public nuisance. Local residents already have to put up with significant noise disturbance and anti-social behaviour from customers of the many licensed premises in the area: this includes people shouting, singing, arguing, gathering in noisy groups to smoke, blaring car stereos, urinating in doorways, vomiting in the street.....and will obviously be exacerbated if these extended weekend hours are approved, with residents of the flats above and around Boho (i.e. in The Cloisters) particularly affected.

The proposed outside tables and recorded music would cause even greater disturbance to the residents; as well as potentially loud talking and laughing from customers sitting outside, the noise from the music would be completely unacceptable (especially given the level at which it would probably have to be played in order for the customers to hear it above the traffic). Residents would also be subjected to unpleasant fumes from people smoking.

A separate issue relating to the proposed outside tables is the fact that there is insufficient space for tables on that stretch of pavement, with the 'Boris bike' rack immediately outside the premises - so the safety of passing pedestrians, forced to step out onto the road, could be compromised, as indeed could that of customers sitting at the tables, from cyclists returning to the bike rack.

Boho's current licence already exceeds the hours laid down in their Planning Consent, so it would be very perverse to allow the weekend hours to be extended even further; it would also go against the current Tower Hamlets policy regarding licensing hours, which specifies a closing time of 24.00 on Fridays and Saturdays (and 22.30 Sundays, 23.30 Mon.to Thurs.) 'to ensure that extended licensing hours do not result in alcohol-related antisocial behaviour persisting into the night and early hours of the morning'.


It would be equally perverse to go against the Conditions imposed on Boho when their current licence was granted, in 2009:

- the doors to the entrance and windows to be kept closed whilst regulated entertainment (music) is in progress
- all doors and windows to be kept closed during operation of the premises
- no drinks be taken outside by any customers; including those going outside to smoke
- no furniture to be placed outside on the pavement

.....which were imposed to prevent noise from the restaurant carrying out onto the street, and to ensure that the pavement was not used by customers who were drinking. If these Conditions were felt necessary in 2009, nothing has changed since then that would justify them being lifted now.

For all of the above reasons, I urge the council to reject this application.

With best wishes,

(Ms.) Nora Heard, 

P.S. Incidentally, I have never seen 25.00 hours used to indicate 1am (as in this application)! - and can't help wondering if it is officially acceptable, given that, as far as I'm aware, such a time does not actually exist??

Appendix 17

Andrew Heron

From: [REDACTED]
Sent: 30 April 2014 16:31
To: Andrew Heron
Subject: License extension application, Boho Mexica, 151-3 Commercial Street E1 6BJ

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Heron,

I understand that the restaurant referenced above (Boho Mexica) has submitted an application to extend hours of operation, to extend the serving hours for alcohol until later into the night, and to create an outdoor seating area for its customers.

Given the residential nature of this part of Commercial Street, with large blocks of flats on both sides of the streets, I would like to lodge an objection to this application. Over the 12 years that I have lived in the Exchange Building at 132 Commercial Street, noise, light, EMF radiation, and other issues have proliferated dramatically. These problems have significantly eroded the quality of life for residents of this area. Alcohol misuse has already been shown to be a serious problem in the area and providing further opportunities for drinking - and especially for drinking outdoors - will only aggravate the problem. The addition of outdoor seating will only increase the noise levels that residents of the Cloisters and the Exchange Building who face Commercial Street already have to endure.

Experience has also shown that previous planning constraints and noise issues have not been adequately enforced by the Council. Until the Council can demonstrate that they are able to regulate and enforce the terms of existing licensing and planning agreements, they should refrain from granting additional rights.

Sincerely,

James Hurlin
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 18

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:33
To: Andrew Heron
Subject: FW: Boho Mexica - Licence Variation of Hours & Conditions

Follow Up Flag: Follow up
Flag Status: Completed

From: clancey von kappelhoff [REDACTED]
Sent: 06 May 2014 23:22
To: Licensing
Subject: RE: Boho Mexica - Licence Variation of Hours & Conditions

F.A.O. Andrew Heron

Dear Mr Heron,

I object to the variations in licence and new hours that Boho Mexica 151-153 Commercial Street E1 6BJ have applied for.

The existing conditions of doors and windows closed during operating hours and entertainment; no drinks or furniture outside, should remain. I believe these should remain as a Prevention of Public Nuisance.

This is a residential area and the majority of residents work and need a night of sleep, without disturbance, in order to work productively and enjoy their homes. I believe that if these new hours and variances are granted then this will have a detrimental effect on the area and residents.

I represent 80 plus residents of Celia Blairman House and Philip Blairman House, including myself.

Yours sincerely,

Clancey Von Kappelhoff
Secretary of Newlon Housing Association's Residents' Association

[REDACTED]

Appendix 19

Attention: Mr Andrew Heron

Dear Mr Heron

RE: Premises Licence Variation Application for BOHO MEXICA at 151-153 Commercial Street, London E1 6BJ.

We write concerning the above as serving Directors of the Spitalfields Cloisters (Management Co) Ltd (SCMC LTD); with the legal remit to look after the interests of both the residents & building at The Cloisters, 145 Commercial Street, E1 6EB but also personally, being leaseholders of flats. The directors have a number of concerns; relating to potential increase in public nuisance should this application to allow outside operation; by removing a number of valuable & protective existing conditions; succeed.

The Cloisters is a residential block comprising 69 flats with 140+ residents; over 4 floors; with the main facade in Commercial St, over a row of 6 shop units; of which Boho Mexica at 151-153 forms a double fronted unit. Therefore 16 of our flats are directly over this premises; the nearest; most vulnerable 4 on the 1st floor at only just over a metre above. To allow this venue to operate until 1.30 a.m. Friday and Saturday will therefore impact badly on the residents of the above flats; all of whom already report problems with music nuisance.

Being a Victorian Grade II listed block The Cloisters has numerous shared chimney stacks; vents; pipes, ducts, load bearing structural walls; all running from the basement via the shops & all flats above to the roof. We are therefore by reason of the building's structure; totally vulnerable to high levels of inter-flat & inter-shop unit noise transference yet alone noise emanating from a late night, music playing licensed venue beneath us.

We note with further concern the proposal for outside tables & playing of recorded music. There is already nuisance caused by the smokers who currently stand outside the venue during operation. This new proposal would place yet more diners; drinkers; smokers & now speakers directly under the windows of Flat 10 & 11 as well as the floors above; which will all become even more vulnerable to the noise of loud voices competing with traffic noise and smoke rising through their windows.

Boho Mexica runs to the back of the building & is also entirely over our resident Porter's flat at basement level. He's a staff member for whom we have a duty of care & we consider his flat to be particularly vulnerable to noise nuisance; as he has already reported hearing; during the late evenings both footfall and the beat of music. Granting this variation will severely undermine his quality of life and as with the above flats; considerably increase the level of public nuisance already suffered.

I wish to re-emphasise that to avoid noise break-out; prevent smokers drinking outside and to stop the pavement being used for potentially noisy dining/drinking:

1. The doors to the entrance and windows be kept closed whilst regulated entertainment (music) is in progress.
2. All doors and windows are to be kept closed during operation of the premises.

Appendix 20

Andrew Heron

From: Personne, Yoann [REDACTED]
Sent: 02 May 2014 17:35
To: Andrew Heron
Subject: Boho Mexica licensing application

Follow Up Flag: Follow up
Flag Status: Completed

Dear Andrew

It recently came to my attention that Boho Mexica has requested licensing authority to put tables and chairs outside on the pavement, and to open later at night. I live directly opposite the restaurant in the Exchange Building and strongly believe that they should not obtain the authorisation to do so.

The noise nuisance is already high enough as it is and this street does not need another alcohol selling place late at night for safety reasons. It would however be a good idea to make the street more pedestrian friendly; with the number of shops expanding in the area it has become increasingly dangerous for pedestrians; It would be good to do something before a tragedy happens.

I hope I live in the borough where the voice of the residents is considered.

Best regards,
Yoann Personne

Dr Yoann Personne

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

Appendix 21

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 28 April 2014 13:47
To: Andrew Heron
Subject: FW: Boho Mexico - Attention Andrew Herron

From: Lynn Richardson [REDACTED]
Sent: 27 April 2014 18:03
To: Licensing
Subject: Boho Mexico - Attention Andrew Herron

Dear Mr Herron

I notice there is a licence application for Boho Mexico to increase it's hours of opening. As you will be aware Boho Mexico sits right under a residential building and so the hours being asked for are excessive and the application should be refused.

Requesting a licence until 1.30am on Friday and Saturday and until 23.30pm weekdays is way too late. In addition to sitting right under the Cloisters there are numerous other residential units and houses both alongside, over the road and further down Folgate and other streets nearby.

Extended hours will cause public nuisance crime and disorder

The area has undergone significant transformation since I brought my flat in the block in 1986. It has gone from being commercial (Spitalfields market, wholesalers etc) to residential with shops alongside to cater for those residents and workers nearby. It must be remembered that to have a premises beneath your home that it open until 1.30am is completely inappropriate.

It will cause a high level of public nuisance. People will come to the premises and use it as a 'venue' for late night drinking. This is something many boroughs try to avoid at all costs and Tower Hamlets should be no different. With these late night visitors comes noise and nuisance both on arrival and especially on leaving. The fact there are tables outside 7 days a week adds to these problems.

Public disorder & crime will always follow when you have a premises open this late on such a regular basis.

The Cloisters is unique in that residents live there for years. It is a large block with over 60 individual homes. There are still many residents still there from 1986 when I purchased my flat. We should all be entitled to the peaceful use of our properties.

Yours sincerely
Lynn Richardson
[REDACTED]

Appendix 22

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:33
To: Andrew Heron
Subject: FW: FAO Andrew Heron

Follow Up Flag: Follow up
Flag Status: Completed

From: Rose [REDACTED]
Sent: 06 May 2014 23:07
To: Licensing
Subject: FAO Andrew Heron

Re: Boho Mexica Restaurant

151-153 Commercial Street E1

I am writing to object to the recent application from the owners of the above named business to be allowed to vary the terms of their license on the grounds of 'prevention of public nuisance'.

The thought of 7 days a week of operation up to 2330h on weekdays and 0130h on Friday & Saturday with tables outside as well as in is worrying in the extreme. The noise from the recorded music, alcohol fuelled exchanges not to mention the amplified sound track of 15+ certificate films from 1700-2330h on Mondays cannot fail to substantially affect the wellbeing of residents living in the vicinity. The installation of tables & chairs on this busy pavement will also prove a hazard to passers by.

I would like the present conditions which were previously imposed by the licensing committee to remain in place i.e. that windows & doors be kept closed during the hours of operation and definitely while music is played; that no drinks are to be consumed outside; that furniture is not allowed on the pavement.

I strongly urge the committee to put the interests of local residents above those of a commercial premises and reject this application.

Yours Sincerely,

Rose Sheldon
[REDACTED]

Appendix 23

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:31
To: Andrew Heron
Subject: FW: FAO Andrew Heron

Follow Up Flag: Follow up
Flag Status: Completed

From: Linda Skinner [REDACTED]
Sent: 06 May 2014 19:09
To: Licensing
Subject: FAO Andrew Heron

Dear Mr. Heron,

3rd application by Boho Mexica to drastically extend their opening hours;
& permission for placement of tables and chairs on the pavement of Commercial Street.

As the owner of [REDACTED], I once more wish to add my voice to those who ask for balance and common sense to be applied when considering the sweeping licence variations being requested by Boho Mexica,

Those who make The Cloisters their home should have protection from the excesses of rowdy and anti-social behaviour that would inevitably follow such wholesale opening hours, not to mention tables and chairs on the pavement, in particular at night.

Long-term residents have no delusions about what this would mean in terms of increased nuisance, i.e. all the usual Night-time Economy excesses from inebriated customers.

Has anybody been to Commercial Street recently? It really IS the last place that tables and chairs on the pavement could be considered an appropriate option. Traffic volumes are extremely high at all times, day and night, but particularly at night as it is a main approach for the club life of Shoreditch. It is madness to contemplate putting tables and chairs on the pavement of a street that is so heavily used. It will endanger lives, especially as the evening wears on and more alcohol is consumed. Who is going to protect the road-users: the drivers, the cyclists? Who is going to protect pedestrians on the pavement trying to get past, who will be obliged to step into the road?

It defies all logic and I ask that this not be granted.

Similarly, the extension of opening hours is detrimental to the general good order of the Commercial Street area, which has suffered a lot in the recent past from urban blights such as prostitution, left over from the Spitalfields Market era, i.e. April 1991 onwards. Until circa 2000, it looked unlikely that this stretch of Commercial Street would ever free itself from its murky and unsavoury past. I personally doubted that the area would ever come good, but now it has, and that should be protected. It has been a surprise and a pleasure to see the area drag itself up as it has; there is big money being invested, both in commercial properties and private dwellings. These incoming investors will have brought with them a

reasonable expectation of good order being encouraged and maintained. (If it isn't, they won't stay. It's as simple as that. Plenty of other London areas provide a similar offering now.)

How much more so, then, do long-term Cloisters residents have the right (yes - more than most) to the reasonable expectation of Boho Mexica continuing to function under the same, limited opening hours as they currently enjoy. These have been successful in helping keep the excesses of the Night-time Economy in check.

There is no commercial justification for their request. The area is extremely well-served in establishments providing the same service as Boho Mexica. However, it is Boho Mexica that is housed within a residential building, and that brings with it responsibilities.

The Cloisters is a Listed Building, as I am sure you know. George Peabody set a high standard, and left a heritage to be proud of. The building has a noble past, which deserves to be protected, not squandered for the sake of some short-termism by those whose profit-margin is predicated on the sale of as much alcohol as possible, in the shortest possible time - and never mind the consequences. I'm sure the ethos of LBTH would be sympathetic to this argument.

In short:

- > the tables and chairs would be dangerous
- > the extended hours could quickly contribute to deterioration of social order on a street that is extremely busy, and which is on the brink of becoming a street to be proud of, not ashamed of.
- > having premises within a residential building, particularly one of such historical importance, brings special responsibilities. It is not a free-for-all situation.

Be assured of my good intention at all times.

Best regards,

Linda J. Skinner

Appendix 24

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 29 April 2014 10:35
To: Andrew Heron
Subject: FW: licensing application at Boho Mexica Restaurant, 151-153 Commercial Street, E1 6BJ

Follow Up Flag: Follow up
Flag Status: Completed

From: Spitalfields Community Group [REDACTED]
Sent: 28 April 2014 21:57
To: Licensing
Cc: Alan Cruickshank
Subject: licensing application at Boho Mexica Restaurant, 151-153 Commercial Street, E1 6BJ

Dear Sir/Madam,

Spitalfields Community Group OBJECTS to the licensing application at Boho Mexica Restaurant, 151-153 Commercial Street, E1 6BJ, for a variation to its existing licence.

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

Commercial Street has a high concentration of licensed premises currently, jeopardising the quality of life of surrounding residents, and of other non-licensed businesses operating in the area. Indeed, LBTH recently designated a "Cumulative Impact Zone" in recognition of the excessive number of licensed premises in the area. Boho Mexica is sited within the Cumulative Impact Zone.

Residents living in this zone face problems of noise, nuisance, street urination and vomiting, litter and vandalism as a result of these premises and the unmanageable number of visitors they attract. LBTH is insufficiently resourced to enforce these premises and so fails to protect residents' right to the peaceful enjoyment of their homes, and that of local businesses to operate unhindered.

Above Boho Mexica on Commercial Street is a large block of flats housing over 100 residents, called The Cloisters. Cloisters residents are already directly affected by noise and nuisance from the patrons of Boho Mexica. The restaurant's application to extend hours for the provision of alcohol and food, and the playing of recorded music until 2330 Sun – Thurs and until 0130 Fri and Sat, is clearly excessive, given the negative impact it will have on the lives of residents. The restaurant proposes outside seating for which there is inadequate space on the public highway given the existence of a Barclays cycle hire docking station nearby. It would therefore pose a risk to public safety. Noise nuisance from patrons sitting outside would cause greater disturbance to residents than those inside the restaurant, and smoking from outside tables would inevitably intrude into the homes of residents overhead, which is clearly unacceptable.

For these reasons Spitalfields Community Group OBJECTS to the licensing application at Boho Mexica, 151-153 Commercial Street E1 6BJ.

From and on behalf of SCG

Appendix 25

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 07 May 2014 10:34
To: Andrew Heron
Subject: FW: Mr. Andrew Heron re: licence application Boho Mexica at 151-153 Commercial Street E1 6EB

From: Elizabeth Williamson [REDACTED]
Sent: 06 May 2014 23:39
To: Licensing
Subject: Mr. Andrew Heron re: licence application Boho Mexica at 151-153 Commercial Street E1 6EB

For the attention of Andrew Heron.

We are writing to you to strongly object to the application by Boho Mexica regarding extension of working hours of the restaurant and placing the tables in front of the venue.

Our objection is primarily on the grounds of public nuisance.

We are representing the tenants of flats 25 and 55 , The Cloisters, 145 Commercial Street E1 6EB. The premises are situated directly below these flats.

Both of these flats are at the end of the corridors, next to the vent erected in the light well. This is a source of constant, very loud noise and unimaginable stench of fried food and burned fat while the premises is open. Please, go and experience it one day. Extending the licence will make this even worse.

When the restaurant was to be opened we belonged to a scarce group of people, who did not object.

We've regretted it bitterly since.

Boho Mexica has been a constant source of Public nuisance and Noise pollution. Granting it with extra opening hours means only that the situation will get worse.

The pavement at this point in commercial street is narrow and is further restricted by a Boris bike rack and a pedestrian crossing.

These just isn't room for tables in the street at this point. It will become unpleasant and dangerous for pedestrians trying to get past.

At throwing out time the noise of drunken revellers gets very bad.

Already the noise, screaming , swearing , cigarette smoke from outside Boho is so intense , that they can be heard very well in the flats, despite the nuclear double glazing, that we installed in all our windows.

There are already groups of customers, who noisily block the pavement, and are abusive to pedestrians.

Extending the hours or adding outside tables will make this much worse.

These tenants won't be able to get to sleep until after 1:30 – this is surely not acceptable.

Elizabeth Williamson
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 26

John McCrohan
Licensing Section
Mulberry Place (AH)
6th Floor
5 Clove Crescent
London E14 2BG

Shuk Yeung

27th April 2014

RE: Licensing Act 2003 and Boho Mexica, 151-153 Commercial Street, London E1 6BJ

Dear Mr. McCrohan,

I am writing to object to the above application for a variation of premises license, on the following grounds:

- ~~Extended hours, external seating and externally audible music would bring about unacceptable noise disturbance in a residential stretch of Commercial Street, and disrupt sleep to residents in flats in the same building as Boho Mexica. Flats in the same Cloisters building exist on the 1st floor and above; noise from the street is clearly audible from the bedrooms. Any noise other than general background noise has potential to disrupt sleep of residents.~~
- Although the applicant states the external seating will be supervised, this will be insufficient to adequately limit noise disturbance from the customers' combined chatter and laughter.
- Late licensing would encourage minicab drivers to park on the road immediately outside the residential flats. There is significant risk that their loud late-night conversations would create noise disturbance and disrupt sleep.
- Granting Boho Mexica this license would set a precedent for other restaurants/cafes to obtain the same permissions on this residential stretch of road. The cumulative impact would create noise disturbance that is unacceptable for a residential area.
- Noise nuisance would be even worse during the summer, when the heat and humidity requires one to sleep with an open window.

I would appreciate it if you would inform me of your decision.

Yours sincerely,

Shuk Yeung



Appendix 27

Andrew Heron

From: Neil Feinson [REDACTED]
Sent: 24 April 2014 19:56
To: Licensing
Subject: Licensing Application 15763 - Boho Mexica Commercial Street E1
Attachments: L11_CommercialSt151-153.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

I wanted to write to object to this application. I live in [REDACTED] which contains approximately 100 flats and lies directly across the road from Boho Mexica. We already suffer considerable noise and nuisance from Boho Mexica due to the gathering of customers outside late on Friday and Saturday evenings.

Placing tables on the pavement for the serving of alcohol and food will lead to an increase in noise on its own, but the application also proposes playing recorded music outside until 1.00 am. I believe this is contrary to the spirit if not the letter of the saturation policy for this district.

I therefore ask that you reject this application because of the serious impact it will have on large numbers of local residents living in blocks on both sides of Commercial Street.

http://alcohol-entertainment.towerhamlets.gov.uk/Civica-elr-3.2_live/resource.ashx?resourcetype=document&filename=L11_CommercialSt151-153.pdf

Yours truly

N R Feinson

Sent from my iPad

Appendix 28

John McCrohan
Trading Standards and Licensing Services Manager
Mulberry Place
5 Clove Crescent
E14 2BG



15 April 2014

BOHO MEXICA, COMMERCIAL STREET, E1

Dear Mr McCrohan

Thank you for your letter regarding the above's application for a variation of premises.

I live directly above the above restaurant at 

I don't know the detail of the application. However, my flat is immediately above Boho Mexica. The proprietor in y view is not a thoughtful neighbour with loud music at varied times often late at night. I haven't been able to log all of this but I noted the following in my diary.

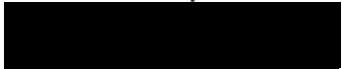
Wednesday 2 April 19.30 Loud Thumping music

Thursday 3 April 18.30 Loud Thumping music

Friday 4 April 21.30 Loud Thumping music and again 00.20 – 00.30 am

Please note I very rarely stay at the flat weekends but I am aware that other residents have had problems. I, therefore, oppose this application. In fact I wish you would consider revoking the license as it stands now. The proprietor has a cavalier attitude to the noise. It's not as though we haven't mentioned it to him.

Yours faithfully



John Last



John McCrohan

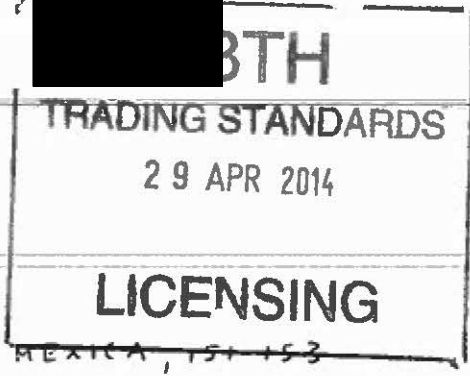
Licensing Section

Mulberry Place (AH)

6th Floor

5 Clove Crescent

London E14 2BQ



Dear Mr McCrohan

LICENSING ACT 2003 and BOHO MEXICA, 151-153
COMMERCIAL ST E1 6BJ

I write further to you following my letter to you objecting to a variation of the premises licence for me above. I do so because it has been brought to my attention that in order for my objection to be valid I am obliged to address the (4) principals of the Act.

I, therefore, object under the Public Nuisance heading. I am already bordered by random, noisy music which 'thumps' and vibrates. I have no doubt that should the application be allowed this would increase. Also, understand Boho ~~also~~ wants to extend the food ~~service~~ service. This will entail juke operation noise into the small houses. I don't welcome this.

Yours sincerely



Appendix 29

Andrew Heron

From: Douglas Powrie [REDACTED]
Sent: 25 April 2014 11:31
To: Andrew Heron
Subject: Variation of Alcohol License

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Heron,

I am writing to object to the "Variation of Alcohol Licence" applied for by Boho Mexica at 151-153 Commercial Street. I am a leaseholder in the Cloisters and feel the times they wish to extend to could cause public nuisance due to disruption and noise on patrons exiting the premises at a time when residents in the same building are normally sleeping.

Yours Sincerely

Douglas Powrie [REDACTED]

Appendix 30

LBTH Licensing

Toby Club
Vawdrey Close
E1 4UAHT - Tower Hamlets Borough
HH - Limehouse Police Station
Licensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZwww.met.police.uk

Your ref:

Our ref:

25 April 2014

Dear Mr McCrohan

Re: Application to vary a premises licenceBoho Mexica, 151-153 Commercial St, E1 6BJ

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

The prevention of crime and disorder

The prevention of public nuisance

The applicant wishes to extend the sale of alcohol on Friday and Saturday until 0030 , closing at 0100

Late night refreshments and recorded music reflect the above hours.

LBTH has adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane

Area. This policy was adopted due to the concerns about the number of licensed

premises in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.

This part of Commercial Street falls within the Cumulative Impact Zone (CIZ) and also the Shoreditch Triangle, featuring the busiest parts of Tower Hamlets, Hackney and Islington. There has been a steady increase in bars, restaurants and fast food premises.

One more late night opening venue will only compound the problems in the CIZ. Since the implementation of this policy, licences have been granted in the CIZ. However, the slow drip-drip of either new licences or variations will only compound the issues that lead to the policy implementation.

The availability of alcohol until 0030 then closing at 0100, will mean more people staying for longer within the CIZ.

This area suffers from a high amount of anti-social behaviour, to the extent that police statistics show that between 22:00 hours on Friday and 02:00 hours on Monday the London Borough of Tower Hamlets is second only to Westminster (West End/Soho/Covent Garden) for Anti-Social Behaviour (ASB) calls to Police in London.

The premises also falls within the ‘Shoreditch Triangle’, which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

Peak times are between Friday 20:00 hours to Saturday 04:00 hours and Saturday 20:00 hours to Sunday 04:00 hours and these 16 hours are responsible for 21% of all the offences.

25% of all crime in Spitalfields and Banglatown ward is committed between 20:00 hours to 02:00 hours Friday to Sunday. 20% of all crime in Weavers ward is committed between 20:00 hours to 02:00 hours Friday to Sunday.

The hours applied for falls into the above peak hours.

At present there is a joint response with our colleagues at Hackney and Islington. It means more officers in the CIZ and they aim to target crime and disorder, including ASB.

Further to this, two negative effects of the “Night Time Economy” are demonstrated in the data provided by the Director of Public Health. This information was provided to the full Licensing Committee in October 2013.

The data in table 1 highlights both Spitalfields and Banglatown and Weavers wards They both have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%

Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

Can the applicant reassure the committee that they will not contribute to ASB when their patrons leave the venue?

Can the applicant provide evidence that the operation of the premises will not add to the negative cumulative impact already being experienced in this area?

I therefore ask the committee to refuse this application as it falls within the CIZ.

I understand however that each application is scrutinized by the committee on an individual basis.

If they are to consider extending the licensable hours, I would ask that they consider the following condition.

1. Install / maintain CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority,

(Can one camera be placed o/s the entrance)

Alan Cruickshank PC 189HT

Appendix 31

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 32

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 33

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 34

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 35

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(See 12.8 of the licensing policy)

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

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

Appendix 36

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

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

The following map shows the outline of the LBTH CIZ.

Cumulative Impact Zone

