

Appendix 1



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 WRIGHT BROTHERS SPITALFIELDS (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 16805

Part 1 – Premises details

8A LAMB STREET OLD SPITALFIELDS MATRKET		
Post town LONDON	Post code E1 6EA	

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 25968.60

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) x

In all cases complete boxes K, L and M

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	10am	Midnight	Please give further details here (please read guidance note 7)	Both	
Tue	10am	Midnight			
Wed	10am	Midnight			
Thur	10am	Midnight			
Fri	10am	Midnight			
Sat	10am	Midnight			
Sun	Noon	11.30pm			
			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

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)

N/A

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	10am	Midnight	
Tue	10am	Midnight	
Wed	10am	Midnight	
Thur	10am	Midnight	
Fri	10am	Midnight	
Sat	10am	Midnight	
Sun	Noon	11.30pm	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)

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

N/A

Please tick yes

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

x

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

Staff will be fully trained on the supply of Alcohol and the relevant licensing act, we have CCTV on the street covering the entire area.

c) Public safety

We will have dedicated seating outside & dedicated waiters looking after the area, as we are a food led outlet there will be no overcrowding as it is seated only we train our staff in fire safety & have trained first aiders on site.

d) The prevention of public nuisance

The area will be for dining only so there will be no overcrowding, we will happily move guests inside after 10pm so our neighbours are not disturbed.

e) The protection of children from harm

As this is a small external dining area, I do not envisage the use of foul language etc, we are a very family friendly restaurant.


CHECKLIST:

- | | |
|--|---|
| | Please tick <input type="checkbox"/> yes |
| ▪ I have made or enclosed payment of the fee | x |
| ▪ I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable | x |
| ▪ I understand that I must now advertise my application | x |
| ▪ I have enclosed the premises licence or relevant part of it or explanation | x |
| ▪ I understand that if I do not comply with the above requirements my application will be rejected | x |

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	20/04/2014
Capacity	Operations manager

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.

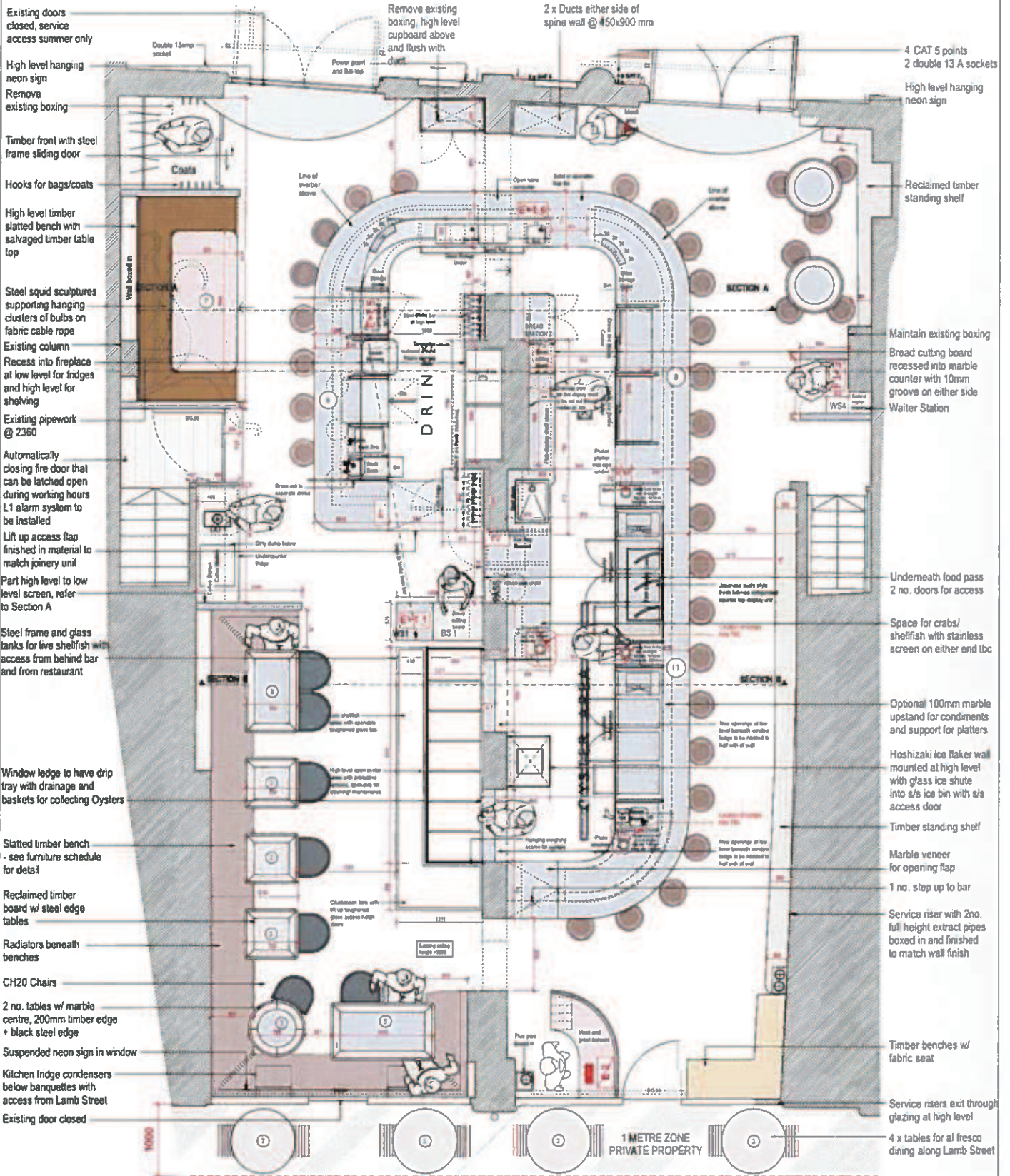
Signature	
Date	
Capacity	

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

Richard Seldon
8a Lamb Street
Old Spitalfields Market

Post town London	Post code E1 6EA
Telephone number (if any) 	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) Richard.seldon@thewrightbrothers.co.uk	

**GROUND FLOOR PLAN
INTERNAL LAYOUT
1:50 @ A3**



LAMB STREET

UNDERCOVER
ARCHITECTURE LTD

studio 7
4 Regent's Park Road
London NW1 7TU
T +44 20 7260 8200
E info@undercoverarchitecture.com

PROJECT TITLE The Wright Brothers Spitalfields
CLIENT The Wright Brothers

DATE 23rd June 2014
SCALE 1:50 @ A3 / 1:250 @ A1

PROJECT NO. Ground Floor GA
STATUS INFORMATION ON LY

This drawing is the property of Undercover Architecture Ltd and may not be copied, altered or reproduced in any way or manner without written authority. All dimensions are subject to site survey and site verification. Do not scale.


Appendix 2

**(W B Spitalfields Ltd)
8-9 Lamb Street
Spitafields
London
E1 6EA**

Licensable Activities authorised by the licence

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 14/10/05



Part A - Format of premises licence

Premises licence number

16805

Part 1 - Premises details

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

(W B Spitalfields Ltd)
8-9 Lamb Street
Spitafields

Post town
London

Post code
E1 6EA

Telephone number
[REDACTED]

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

See Mandatory Conditions for details of restrictions.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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

WB Spitalfields Limited
c/o Francis Clark
Lowin House
Tregolls Road
Truro
Cornwall
TR1 2NA

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

08269801

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

Richard Alan Seldon

[REDACTED]
[REDACTED]
[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

[REDACTED]
[REDACTED]

Annex 1 - Mandatory conditions

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

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

For restaurants

The licence is granted for premises structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises and the licence is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

It is an implied condition that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
premises

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

Hot Meals and Hot Drinks

Hot food and hot drinks may be sold for up to 30 minutes after the end of normal permitted hours

Annex 2 - Conditions consistent with the operating Schedule

None

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

None

Annex 4 - Plans

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

08 Aug 2005

Appendix 3

Alex Lisowski

From: Alkesh Solanki
Sent: 28 May 2014 12:12
To: Licensing
Cc: Alan.D.Cruickshank@met.police.uk; 'r [REDACTED]
Subject: FW: Variation. 6 Lamb Street. MAU:076002.

Please note the agreements below.

Regards,
Alkesh.

From: Richard Seldon [mailto:[REDACTED]]
Sent: 21 May 2014 18:03
To: Alkesh Solanki
Cc: Alan.D.Cruickshank@met.police.uk
Subject: Re: Variation. 6 Lamb Street. MAU:076002.

Dear Alkesh,

I am happy to agree to the terms stated below,

Thank you,

Kind Regards,

Richard Seldon.
[REDACTED]

On 21 May 2014, at 13:12, "Alkesh Solanki" <Alkesh.Solanki@towerhamlets.gov.uk> wrote:

Dear Richard,

Please agree to the following to form as conditions in your operating schedule:

- All external use for eating and/or drinking shall cease at 9pm; and
- Any patrons that smoke after 9pm will not be permitted to take any drinks out with them.

Regards,
Alkesh.

Kathy Driver

From: Richard Seldon [REDACTED]
Sent: 23 July 2014 16:11
To: Kathy Driver
Subject: Re: LambSt8a.LARep

Hi Kathy,

As we are a restaurant and it will be prime seating, I would be more than happy to agree.

Regards,

Richard A Seldon
Restaurant Operations Manager
[REDACTED]
[REDACTED]

From: Kathy Driver <Kathy.Driver@towerhamlets.gov.uk>
Date: Wednesday, 23 July 2014 15:59
To: Richard A Seldon <[REDACTED]>
Subject: RE: LambSt8a.LARep

Apologies for the delay in responding.

I would like to discuss whether we can come to agreement on following condition.

No consumption of alcohol outside other than by those seated and as part of a substantial meal.

If you are happy to accept the above condition, I will withdraw my representation.

Regards

Kathy Driver
Principal Licensing Officer
Toby Club, Naudrey Close

By Post and personal callers:
Licensing Team
6th Floor
Mulberry Place
5 Clove Crescent
London E14 2BG

Please note:
Meetings with Licensing Officers are by prearranged appointment only.

Tel: 020 7364 5171
Fax: 020 7364 0863
Hotline: 0207 364 5008

General email: licensing@towerhamlets.gov.uk

See our regular licensing news pages at www.towerhamlets.gov.uk (Business/Alcohol and Street Trading)

Appendix 4

The screenshot displays the 'Tower Hamlets Maps Default Map' interface. At the top, there is a blue header bar containing the title 'Tower Hamlets Maps Default Map', a 'Query Map' button, a 'Base Maps' button, a 'Navigator Scale' dropdown set to '1:750', and a help icon. Below the header is a toolbar with icons for home, person, edit, and other functions, along with a 'Zoom to Ward' dropdown menu. The map itself shows a street grid with 'LAMB STREET' and 'Place' labeled. Building footprints are outlined in black, with some containing numbers like 31, 21, 17, 16, 15, 14, 13, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1. A blue vertical bar highlights a specific building footprint. A compass rose is visible on the left side of the map. The bottom of the map shows a blue footer with copyright information: '© Crown copyright and database rights 2014 Ordnance Survey, London Borough of Tower Hamlets 100019288' and coordinates 'X = 533690.76, Y = 181923'.

The screenshot displays the Tower Hamlets Maps Default Map interface. At the top left, the title "Tower Hamlets Maps Default Map" is shown next to a magnifying glass icon. The top navigation bar includes buttons for "Query Map", "Base Maps", "Navigator Scale 1:1750", and a help icon. Below this is a toolbar with icons for various map functions and a "Zoom to Ward" dropdown menu. On the left side, there is a compass rose and a vertical zoom slider. The main map area shows a detailed street map of the Spitalfields Market area, with streets labeled: Spital Square, Lamb Street, Hanbury Street, Crispin Place, Spitalfields Market, Market Street, Fournier Street, and Puma Court. A blue vertical bar highlights a specific building on Lamb Street. At the bottom, the copyright information reads "© Crown copyright and database rights 2014 Ordnance Survey, London Borough of Tower Hamlets 100019288" and the coordinates are "X = 533761.72, Y = 181978.63".

Appendix 5

Section 182 Advice by the Home Office

Updated October 2010

Relevant, vexatious and frivolous representations

- 9.8 A representation would only be “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 businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the Home Office website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.
- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving 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 subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.12 The Home Secretary recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 6

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 27 May 2014 09:44
To: Alex Lisowski
Subject: FW: Wright Brothers, Lamb Street, E1 6EA
Attachments: 20140525_132813.jpg

Importance: High

From: Lesley Forrester [mailto: [REDACTED]]
Sent: 26 May 2014 15:04
To: Licensing
Subject: Wright Brothers, Lamb Street, E1 6EA
Importance: High

I have just noticed the attached in the window of this restaurant.
I live opposite these premises and have not had any notification that this restaurant has applied to vary their licence.
I cannot find the relevant part of your website to view the application.

I would like to strongly object to these premises being given permission to serve alcohol outside from noon to 10pm for the following reasons-

- **Public Nuisance** – There are homes & bedrooms of homes immediately facing this restaurant. The previous occupiers traded successfully for 20+ years without the need to have table on the pavement. The current occupiers could see the situation before they took over the premises. (Within the last 2 years). Having diners eating and drinking on this part of the street would be totally unacceptable and should neighbours should not have to put up with the noise and nuisance this will cause.
- **Public Safety** – The pavement on this part of the street is only 6 or 7 feet wide. If tables were placed outside, this would restrict the width and cause difficulty for prams/pushchairs and wheelchairs to safely navigate the remaining part of the pavement. One would also have to run the gauntlet of cigarette smokers as you walked past.
- **Protection of Children from harm** – I think from the government's recent support on promoting plain packaging of cigarette cartons, there is now enough evidence to show that if children see people smoking in an everyday setting; they are more likely to start themselves. We should be doing all we can to stop smoking in areas immediately outside restaurants.

Other points I want to mention, but you are not allowed to consider.....

The restaurant already has outside tables in the market area at the back of the restaurant
None of the local residents or the residents associations were informed of this application to my knowledge

If permission is granted, a restriction after 8pm as per the recent granting at 4 Crispin Place would be reasonable in the circumstances.

Can you please confirm receipt of my email as the deadline for representation is 29th May 2014.

Lesley Cousins

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 09 June 2014 14:18
To: Alex Lisowski
Subject: FW: Wrights Oyster Bar - 8a Lamb Street, Spitalfields Application for Variation of Premises Licence

From: Jon Shapiro [\[mailto: \[REDACTED\]\]](#)
Sent: 09 June 2014 14:09
To: Licensing
Subject: Wrights Oyster Bar - 8a Lamb Street, Spitalfields Application for Variation of Premises Licence

Dear Sir or Madam,

I would like to object strongly to the above application on the grounds of:

- > Noise nuisance
- > Public safety.

The proposal to place tables and chairs on the narrow pavement in Lamb Street would cause total obstruction to pedestrians, and hence potential accidents with people being forced to divert into the roadway. This pavement is already obstructed particularly when market traders are setting up and taking down. But even at less busy times, there is a continual flow of people, trolleys and goods in and out of Old Spitalfields Market. No further intrusion onto this pavement should be allowed.

The pavement is also immediately opposite the largest concentration of flats in the St George development who already suffer from the constant noise emanating from the Market. To place diners on the pavement opposite the flats, would aggravate this noise nuisance and should not be allowed.

Additionally I do not understand why the Oyster Bar should be applying for an Off-Licence. Since this would be irrelevant to their request to use seating on the pavement, no licence for Off-Licence sales should be granted – particularly not considering that the premises are inside the Brick Lane area “Cumulative Impact Zone – CIZ”.

I request that the total application should be refused.

Yours faithfully,
Jon Shapiro.

[REDACTED]

Alex Lisowski

From: Mohshin Ali on behalf of Licensing
Sent: 30 May 2014 10:15
To: Alex Lisowski
Subject: FW: 8a Lamb Street, Spitalfields. Variation of premises licence

From: StGeorgeResidents'Association [mailto: [REDACTED]]
Sent: 29 May 2014 23:50
To: Licensing
Subject: 8a Lamb Street, Spitalfields. Variation of premises licence

From: St George Residents' Association Spitalfields,
[REDACTED]

Dear Licensing Officer,

St George Residents' Association represents the owners and residents in 193 flats on the north side of Lamb Street. A significant proportion of the flats face directly opposite the Wright Bros Oyster restaurant at 8a Lamb Street. The flats in residential buildings closest to the restaurant are at 31 Lamb Street, the back of 50 Folgate Street, parts of 54 and 56 Folgate Street and 20 Lamb Street.

Residents in this locality endure considerable noise during the evenings from nearby pubs and from people walking rowdily along Lamb Street. An open air environment with background traffic from Commercial Street would encourage diners to talk more loudly than they would inside the restaurant. We understand that the restaurant has permission for inside music, but this will get out to the neighbourhood when waiters pass through the open door to serve at outdoor tables.

We understand that the restaurant has A3 Use, but once outdoor tables are occupied it will be likely that diners will sit drinking for some time before and after the meal is served.

The pavement is used by many people in the evening, often walking in groups. Vehicles are parked in the parking bays right to the pavement edge. Tables surrounded by chairs would obstruct public access along the street. Waiters carrying hot food might even cause accidents.

SGRA asks that the Application for Variation to the Premises Licence to serve alcohol at outside tables is refused on the grounds of potential noise nuisance and safety to the public.

Yours faithfully

Margaret Gordon - Chairman, St George Residents' Association Spitalfields.

Appendix 7

Anti-Social Behaviour On The Premises

Licensing Policy

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

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (Annex D).

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 (S2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003
Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 8

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 9

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.

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 Sections 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 Sections 8.2 of the Licensing Policy, and also Section 12.5)**.

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 will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll 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 pool of conditions, adopted by the council is recommended (13.20 and Annex D).

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods 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).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Appendix 10

Planning

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

Appendix 11

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:

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(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 12

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.

Figure One

The Cumulative Impact Zone in the Brick Lane area

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

