

Appendix 1

Insert name and address of relevant licensing authority and its reference number (optional)

Licensing Section,
Mulberry Place
(AH), PO Box 55739, 5 Clove Crescent,
London E14 1BY

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

XWe A Filo Limited
(Insert name(s) of applicant)

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

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Unit 9 Ground Floor (Block B), 6 Richmix Square	
Post town London	Post code E1 6LD
Telephone number at premises (if any)	not known
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii as a partnership | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over	<input type="checkbox"/>			Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over	<input type="checkbox"/>			Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

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

Name A Filo Limited
Address C/O Shelley Stock Hutter LLP 1st Floor, 7 - 10 Chandos Street London W1G 9DQ
Registered number (where applicable) 08607072
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
a	s	a	p				

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

DD		MM		YYYY			

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

n/a

Please give a general description of the premises (please read guidance note 1)
A delicatessen/cafe/restaurant.

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

Please tick any that apply

Provision of regulated entertainment

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

Provision of 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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place <u>indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	23.30	Please give further details here (please read guidance note 3) Provision of hot food and drink.	Both	<input type="checkbox"/>
Tue	23:00	23.30			
Wed	23:00	23.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	23.30			
Fri	23:00	00.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00.00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption <u>- please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10.00	23.30	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	10.00	23.30			
Wed	10.00	23.30			
Thur	10.00	23.30	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)		
Fri	10.00	00.00			
Sat	10.00	00.00			
Sun	10.00	22.30			

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

Name Elena Sozzi	
Address [REDACTED]	
Post code	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

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).

No activities give rise to concern in respect of children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Day	Start	Finish	
Mon	08.00	23.30	
Tue	08.00	23.30	
Wed	08.00	23.30	
Thur	08.00	23.30	
Fri	08.00	00.00	
Sat	08.00	00.00	
Sun	09.30	22.30	

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

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

Please see Annex A

b) The prevention of crime and disorder

Please see Annex A

c) Public safety

Please see Annex A

d) The prevention of public nuisance

Please see Annex A

e) The protection of children from harm

Please see Annex A

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 - Signatures (please read guidance note 10)

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

Signature	[REDACTED]
Date	18 July 2014
Capacity	Joelson Wilson LLP Solicitors and duly authorised agents on behalf of the Applicant

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


Signature	
Date	
Capacity	
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Mark McDermott Joelson Wilson LLP 30 Portland Place	
Post town London	Post code W1B 1LZ
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]	


ANNEX A


1. A designated taxi number shall be available.
2. There will be no draught sales of alcohol.
3. There shall be no self-service of spirits on the premises except for spirit mixers below 5.5% Alcohol by Volume.
4. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
5. No alcohol shall be consumed more than 30 minutes after the permitted hour for the supply of alcohol.
6. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
8. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
11. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.



15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) all seizures of drugs or offensive weapons
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
18. All sales of alcohol for consumption away from the immediate outside of the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. The supply of alcohol shall be by waiter or waitress service only.
20. All outside tables and chairs shall be rendered unusable by 22.30 Monday to Saturday and 22.00 on Sunday.

LICENSING PLAN






RED LINE all licensable activities with take place. 

EXTENT OF OWNERSHIP 

LOCATION OF MOVABLE FURNITURE FOR INDICATIVE PURPOSES ONLY. 

FIRE EXTINGUISHER
 Carbon dioxide 
 Gas water 

The current location of fire safety equipment is subject to variation in the future with the agreement of the Fire Officer or after a fire risk assessment.

 Smoke Detector
 Heat Detector
 Running man - Emergency Lighting to BS 5266 Part 1 2005
 Emergency Lighting
 CCTV CAMERA

Client
A FILO LIMITED
 FIRST FLOOR
 7-10 CHANDOS STREET
 LONDON W1G 9DQ

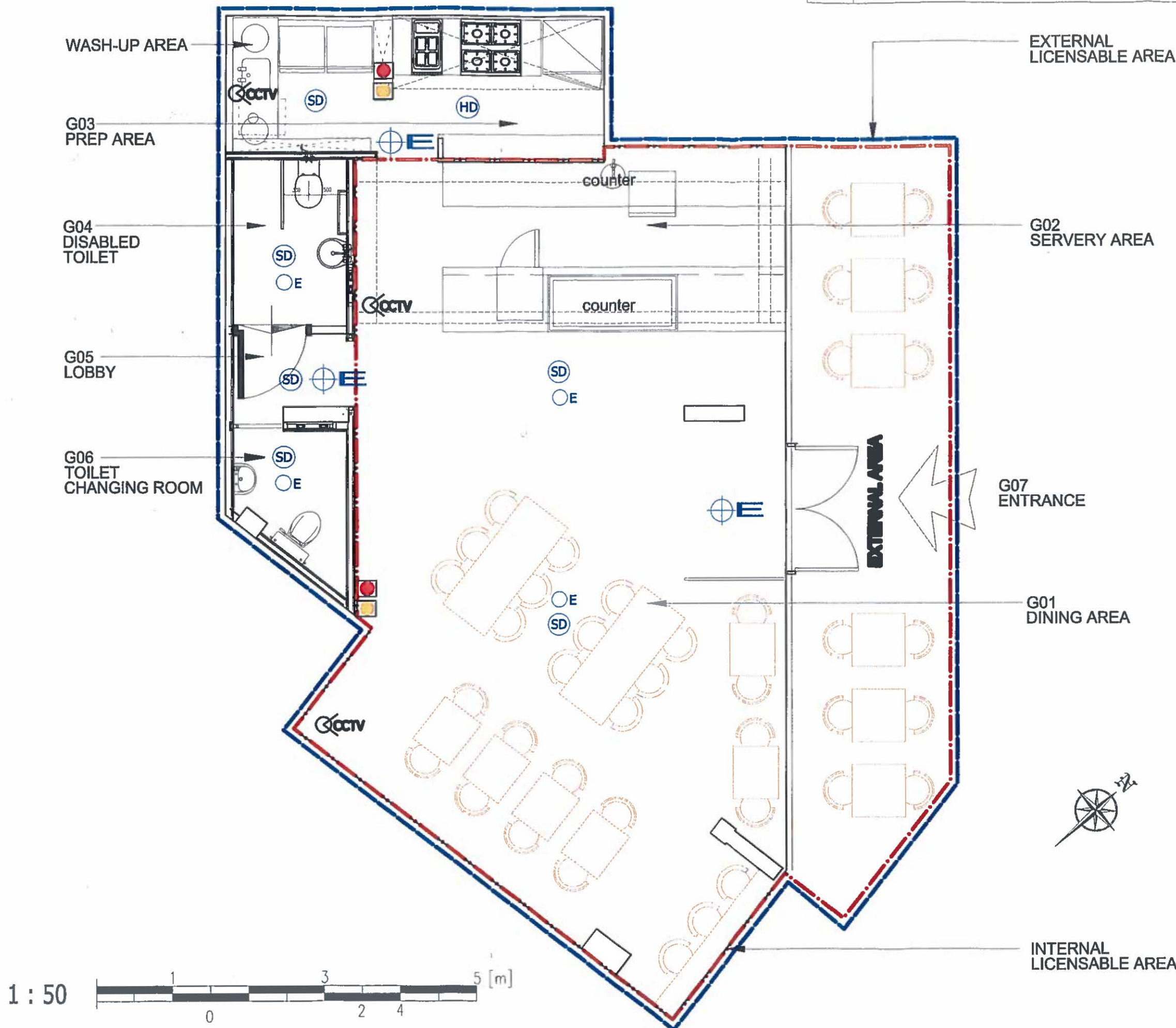
Job Title
 'A FILO'
 UNIT 9 (BLOCK B)
 6 RICHMIX SQUARE
 LONDON E1 6LD

ADMERLIN.COM
 1 ALEXANDRA MEWS
 LONDON N2 9HA
 M 07912876119

Drawing Title
LICENSING PLAN

Scale	Date	Drawn	Checked / Date
1:50	15 JULY 2014	AM	-
Job No.	Drawing No.	Revision	
A D M 0 7 1 4	L 1 0 0	A	

LBTH
 TRADING STANDARDS
 21 JUL 2014
LICENSING



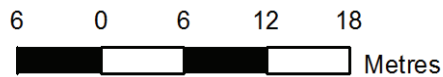
Appendix 2



Rich Mix Square



Scale 1:668



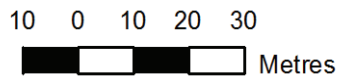


Rich Mix Square

Map 2



Scale 1:1669



Appendix 3

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 4

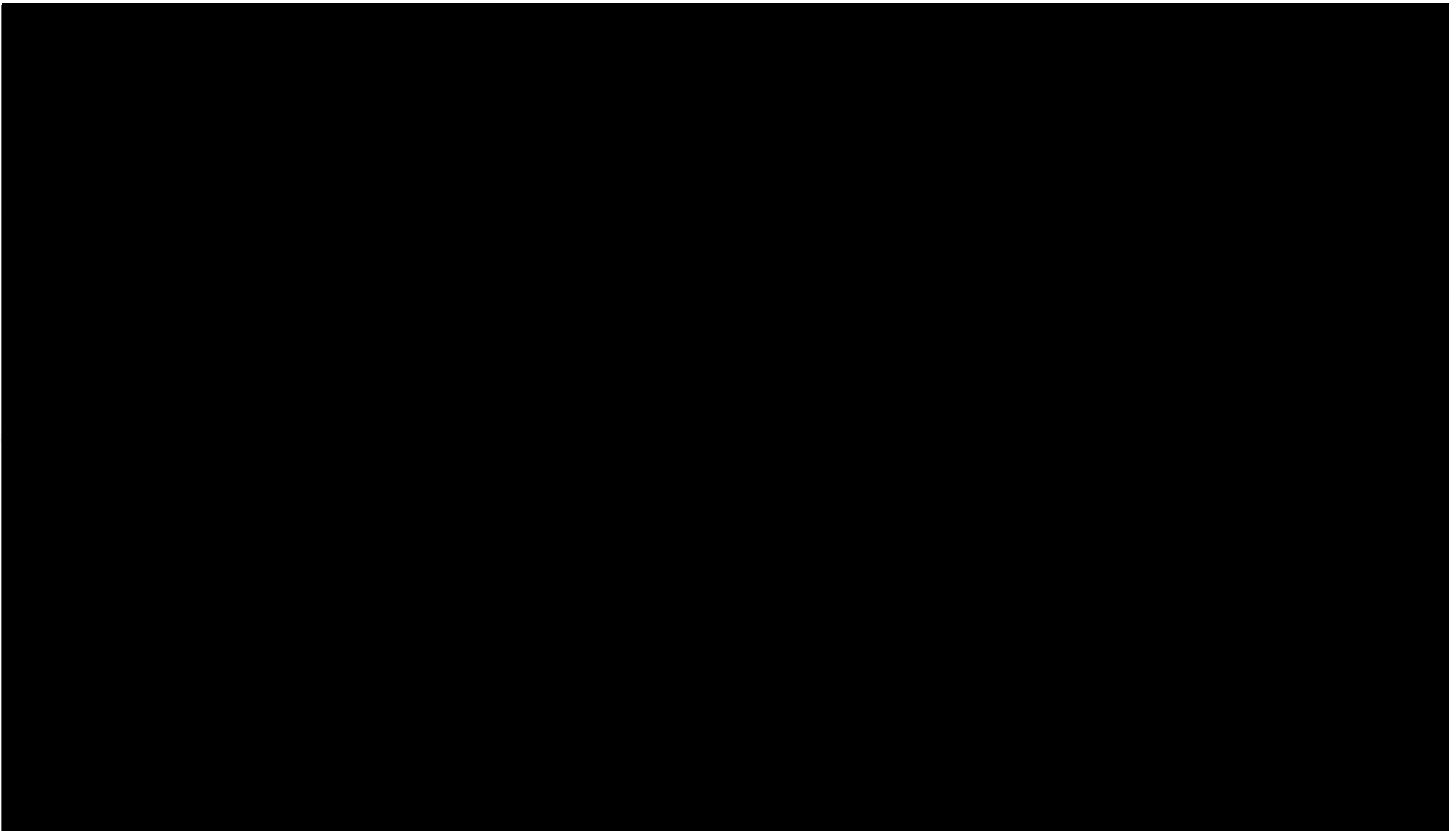
13/08/2014

REF: TSS/LIC/077148

REF: NMM.MJM A00260/0001

Petition against A Filo Ltd application for a premises Licence.

We the undersigned oppose A Filo Ltd Unit9, Block B, 6 Richmix Square E1 6LD a licence. We strongly believe that opening of a new licenced premises to supply alcohol for consumption on the premises and have late night refreshment (past 23:00hrs) or regulated entertainment up until Mon-Thurs. 23:30 Fri-Sat 00:00 will have a cumulative impact on anti-social behaviour, disorder and public nuisance as a consequence a negative impact on children. The residents of Edison heights and their children who live metres across the courtyard from the main entrance of these premises will be directly affected by the rise of noise caused by people seated outside the premises moreover leaving the premises after 23:30 weekdays and 00:00 weekends. This premises is also located in a saturation policy zone and we believe that this license will contribute to the late night problems at Richmix Square and Brick lane and therefore should be rejected by the members of the licensing committee.



Reference Number: NMM.MJM A00260/0001

Petition against this premise: A FILO LIMITED, Unit 9 Ground Floor (Block B) , 6 Richmix Square London E1 6LD

Flat Number	Address	Name	people living in (Adult + children)	Signature
103	Edison Heights E1 6GP	MR SHADWI ALLALI		
701	Edison Heights	MR J MASON		
702	Edison Heights	Robert - Tennant		
503	Edison Heights	R. YUSUF		
411	Edison Heights	Muhammad TADIR		
415	Edison Heights	SALEH AHMED		
412	Edison Heights	Nafisa Choudhury		
413	Edison Heights	Alya Haque		
409	Edison Heights	NATALIA AFONSO		
305	Edison Heights	MUHAMMAD		
307	Edison Heights	Carlos MUNOZ		
308	Edison Heights	SUREJA		

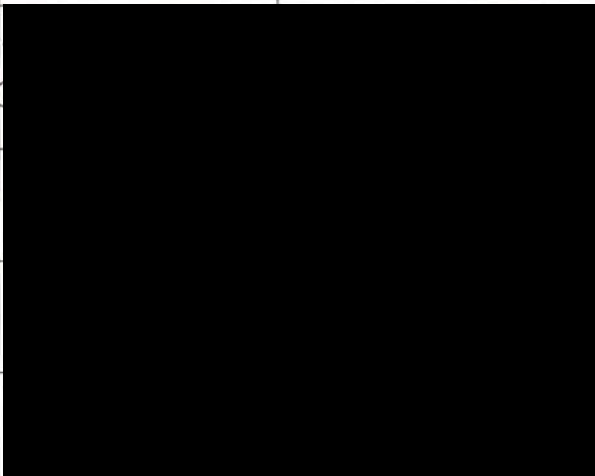
Reference Number: NMM.MJM A00260/0001

Petition against this premise: A FILO LIMITED, Unit 9 Ground Floor (Block B) , 6 Richmix Square London E1 6LD

Flat Number	Address	Name	people living in (Adult + children)	Signature
312	Edison Heights	ABDELLAH CHOWDHURY		
310	Edison Heights	CALLISTE YEBOAH		
303	Edison Heights	Mahmud Begum		
104	Edison Heights	Faisal Ahmed		
112	Edison Heights	L. JEBUSE		
101	Edison Heights	Jacqueline Martini		
102	Edison Heights	Nicole Aslam		
106	Edison Heights	Shah Madhu		
114	Edison Heights	Roksana Farver		
111	Edison Heights	Beauti Nessa		
113	Edison Heights	Rushna Begum		
408	Edison Heights	MR FARONI		

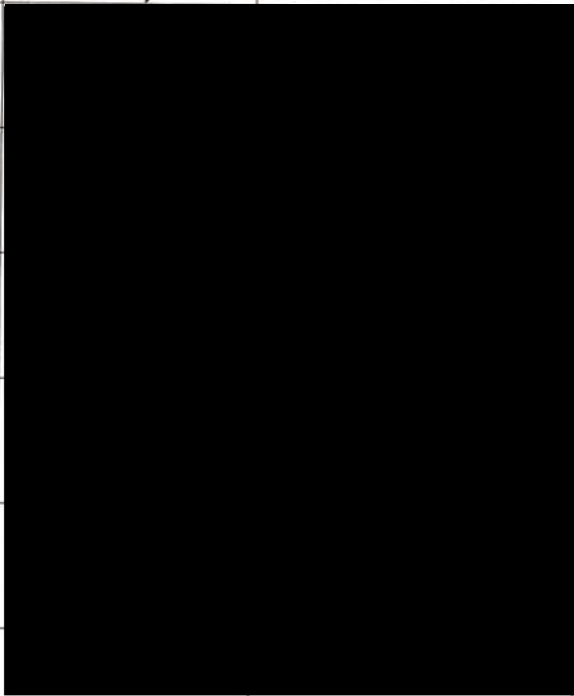
Reference Number: NMM.MJM A00260/0001

Petition against this premise: A FILO LIMITED, Unit 9 Ground Floor (Block B) , 6 Richmix Square London E1 6LD

Flat Number	Address	Name	people living in (Adult + children)	Signature
B 301	CIRRUS APT E1 6FL	Ann-marie king		
202	Cirrus Apartment	Thufayel Ahmed		
13	E1 6LF Bacon Street	Joyal Ahmed		

Reference Number: NMM.MJM A00260/0001

Petition against this premise: A FILO LIMITED, Unit 9 Ground Floor (Block B) , 6 Richmix Square London E1 6LD

Flat Number	Address	Name	people living in (Adult + children)	Signature
407	Edison Heights	SOBIA IGBAL		
404	Edison Heights E1 6GP	SIERRA		
401	Edison Heights E1 6GP	HARRIET ASARE		
	Edison Heights			
	Edison Heights			
	Edison Heights			

Appendix 5

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 19 August 2014 10:26
To: Andrew Heron
Subject: FW: A Filo Ltd, Unit 9 Ground floor (block B), 6 Richmix Square

Follow Up Flag: Follow up
Flag Status: Completed

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

From: Robin Fellgett [REDACTED]
Sent: 18 August 2014 17:30
To: Licensing
Cc: [REDACTED]
Subject: A Filo Ltd, Unit 9 Ground floor (block B), 6 Richmix Square

Dear Sirs,

In accordance with the policy of the Jago Action Group (JAG), which is a recognised residents' and tenants' association in the area, I write to object to this application for a premises licence under the Licensing Act 2003.

The premises fall within the Cumulative Impact Zone effective 1st November 2013.

Under the licensing authority's policy (para 8.4) the license should be refused as this representation has been received; and I understand several other objections are being tabled too.

To rebut the presumption of a refusal the applicant would need to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises would not add to the cumulative impact already being experienced. Nothing in the application on the TH website even attempts to do so (although annex A has not been uploaded). The cumulative impact of the very large number of licensed premises in the CIZ includes: excessive noise, both from drinkers and from those establishments that play loud music; public nuisance and petty crime including public urinating, vomiting and littering; aggressive behaviour; drug taking and dealing including a recent surge in the mis-use of nitrous oxide (laughing gas) as well as harder drugs. These impacts are particularly unwelcome to families with children; it is therefore especially regrettable that several families have recently felt forced to move out of the area to get away from the worst excesses of the night-time economy, brought about by having too many licensed premises catering to too many people. Any addition is bound to add to some extent to the problem.

Steps that might help moderate the impact of yet another licensed establishment in the neighbourhood include: restricting the supply of alcohol to drinks that accompany a substantial meal (i.e. a restaurant not a bar license); restricting the supply of alcohol to 'on' not 'off' sales; restricting the hours, preferably to daytime meals (say up to 7pm) and possibly - exceptionally - 9 or 10pm as the worst effects of the night time economy are felt later; for the premises owners to adopt effective policies to manage noise, dispersal etc.

If the applicants offered to take these steps, I expect JAG would consider if they were sufficient.

yours faithfully,

Robin Fellgett
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 6

Dear Sir/ Madame

Objections to licensing application from A Filo, Unit 9, Block B, 6 Richmix Sq, E1 6LD.

Tower Hamlets Council acknowledges that “over the last decade, Brick Lane has developed into one of London’s major night time economies and it has the highest concentration of licensed premises in Tower Hamlets with more than 200 licensed premises”.

“The continued development and increasing number of restaurants, late night takeaways, off licences and bars, has the potential to lead to public disorder and anti-social behaviour in the area. This would place a considerable strain on police resources and of other responsible authorities e.g. council, fire service and health services. It could also have a debilitating effect on the quality of life for the people that live, work and visit the area”.

The Council has voted to introduce a Saturation Zone, introduced through the Licensing Act in 2003, as a response to crime, disorder and nuisance problems arising from the cumulative effect of having a number of licensed premises operating in close proximity to each other in the Brick Lane area.

New licenses within the Saturation Zone must first demonstrate that the grant of the application will not add to the existing problems, known as a ‘presumptive rebuttal’.

We believe that this license and its proposal to sell alcohol in a seated area on Rich Mix Square will have a debilitating effect on the quality of life for the people that live on Rich Mix Square, many of whom are families with young children living in Eddison Heights.

Throughout the week and on weekends Rich Mix Square is a hot spot for anti-social behaviour and street drinkers which the Council and other agencies have failed to remove. The addition of a restaurant with outside tables will exacerbate this problem. Many of the patrons will be hassled by the street beggars who also work in the area.

Having patrons drinking, smoking and congregating in Rich Mix Square will add to the noise nuisance in the area, particularly after midnight when the venue closes and as patrons leave the premises in this residential area.

Based on this, we believe that the prevention of crime and disorder and the prevention of public nuisance would not be promoted if this licence is granted and therefore members of the committee should refuse this application.

There is also no evidence from the proposed application that A Filo Ltd has met the requirement of a ‘presumptive rebuttal’ under the rules of our Saturation Zone policy.

Yours faithfully,

Cllr John Pierce and Cllr Abdul Mukit

Appendix 7

John McCrohan
LBTH Licensing
Toby Club
Vawdrey Close
E1 4AU

HT - Tower Hamlets Borough
HH - Limehouse Police Station
Licensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZ



Your ref:
Our ref:
15 August 2014

Dear Mr McCrohan

Re: Application for a Premises Licence
Unit 9, 6 Richmix Square, E1 6LD

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 has applied for the following hours in relation to alcohol:

Sunday: 1000 - 2230
Monday - Thursday: 1000 - 2330
Friday - Saturday: 1000 - midnight

Late night refreshments reflect the above hours.

LBTH has recently 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.

Richmix Square 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 in this immediate area.

One more late night opening venue will only compound the problems at the top end of the CIZ. One more venue open until midnight will mean more people staying for longer within the CIZ. The continual build up of licensed premises is the reason why the CIZ was introduced.

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 on a Friday and Saturday falls into the above peak hours.

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 am also concerned that the outside area may attract low level ASB in terms of raised voices even if in good spirits.

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.

In terms of hours, if the licence is to be granted I would ask the committee to consider the following hours

Alcohol

Sun: 1000 - 2200

Mon - Thur: 1000 - 2300

Fri - Sat: 1000 - 2330 (allows a half hour drinking up time)

Opening Hours: as per application

Conditions.

The committee may wish to consider limiting the numbers of smokers outside at one time after 2200

The outside area will only be used for licensable activities between the hours of 1000 - 2200 (all week)

Alan Cruickshank PC 189HT

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

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 10

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 11

Appendix 11

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

