

Appendix 1

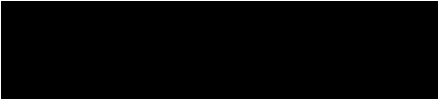
(Ottolenghi)
11 Artillery Passage
London
E1 7LJ

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 3rd August 2005
Variation :6th June 2014



TOWER HAMLETS

LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

18091

Part 1 - Premises details

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

(Ottolenghi)
11 Artillery Passage

Post town

London

Post code

E1 7LJ

Telephone number

N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Saturday, 11:00 hours to 00:00 hours
- Sunday, from 12:00 hours to 23:30 hours
- Christmas Day from 12:00 hours to 23:30 hours
- New Year's Eve, except on a Sunday, 11:00 hours to 00:00 hours
- On New Year's Eve on a Sunday, 12 hours to 23:30 hours

The provision of late night refreshment

- Monday to Saturday, 23:00 hours to 00:00 hours
- Sunday, from 23:00 hours to 23:30 hours
- Christmas Day from 23:00 hours to 23:30 hours
- New Year's Eve, except on a Sunday, 23:00 hours to 00:00 hours
- On New Year's Eve on a Sunday, 23:00 hours to 23:30 hours

For conditions relating to times for restaurants see Mandatory Conditions

The provision of regulated entertainment

Live Music, Recorded Music and Dancing

- Monday to Friday 23:00 hours to 01:00 hours the following day
- Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 11:00 hours to 22:30 hours

Non-Standard Timings

- 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 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

Ottolenghi Ltd
64 New Cavendish Street
London
W1G 8TB

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

04393165

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

Barbara Murphy

[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

Licence No: [REDACTED]

Issuing Authority: [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

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

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.

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

1. Maximum capacity shall be 80
2. Entertainment is restricted to the Bar Area
3. Regulated entertainment shall not be audible inside any residential property so as to cause a nuisance

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

Not applicable

Annex 4 - Plans

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

9th May 2014 - Ground Floor/1071/PL/110/ 9th May 2014
First Floor/1071/PL/111/ 9th May 2014
Second Floor/1071/PL/112/ 9th May 2014
Cellar/1071/PL/109/9th May 2014



Part B - Premises licence summary

Premises licence number

18091

Premises details

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

(Ottolenghi)
11 Artillery Passage

Post town

London

Post code

E1 7LJ

Telephone number

N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Saturday, 11:00 hours to 00:00 hours
- Sunday, from 12:00 hours to 23:30 hours
- Christmas Day from 12:00 hours to 23:30 hours
- New Year's Eve, except on a Sunday, 11:00 hours to 00:00 hours
- On New Year's Eve on a Sunday, 12 hours to 23:30 hours

The provision of late night refreshment

- Monday to Saturday, 23:00 hours to 00:00 hours
- Sunday, from 23:00 hours to 23:30 hours
- Christmas Day from 23:00 hours to 23:30 hours
- New Year's Eve, except on a Sunday, 23:00 hours to 00:00 hours
- On New Year's Eve on a Sunday, 23:00 hours to 23:30 hours

The provision of regulated entertainment

Live Music, Recorded Music and Dancing

- Monday to Friday 23:00 hours to 01:00 hours the following day
- Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 11:00 hours to 22:30 hours

Non-Standard Timings

- 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 opening hours of the premises

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

Name, (registered) address of holder of premises licence

Ottolenghi Ltd
64 New Cavendish Street
London W1G 8TB

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

On sales only

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

Not applicable

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

Barbara Murphy

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

No restrictions

Appendix 2

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 Ottolenghi Limited

(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 18091

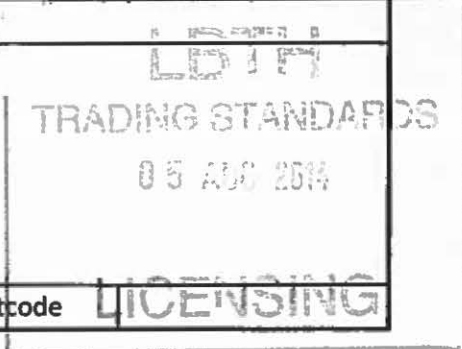
Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Ottolenghi 11 Artillery Passage			
Post town	London	Postcode	E1 7LF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£66,500

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	LICENSING



Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The premises will operate as a restaurant and an attached specialist delicatessen. The applicant operates various delis and restaurants in Central London and is known for its fine food; see www.ottolenghi.co.uk/.

The premises are (just) situate within the Brick Lane special policy area. The applicant acknowledges and recognises that there is a presumption to refuse new or varied premises licence applications. However, the limited scope of the application is to "amend" the licence so as to:

- 1) to allow the sale of alcohol off the premises in the shop area outlined green on the deposited plan. The area in question was until recently licensed for on-sales and the current proposal is still effectively a reduction of the original on-sales area. (Off-sales of alcohol to commence at 08:00; the hours for on-sales to remain unchanged).
- 2) to allow the sale of alcohol without a table meal in a small bar area as shown on the plan subject to substantial food being available at all times.

NB. the plans currently attached to the licence, other than the ground floor, remain unchanged. No change to the other terms of the licence.

The applicant submits that there is a de minimus impact upon the local amenity and indeed a potential positive impact. The applicant therefore believes that the licensing objectives engaged have not been undermined and the application is not contrary to the intentions and underlying reasons of the council's special policy.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings* (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 6)	On the premises	<input type="checkbox"/>
			<i>*NB. the permitted hours for on-sales of alcohol remain unchanged.</i>	Off the premises	<input type="checkbox"/>
Day	Start	Finish	<i>The hours on the left are those proposed for off-sales in the delicatessen.</i>	Both*	<input checked="" type="checkbox"/>
Mon	08:00*	00:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Tue	08:00*	00:00			
Wed	08:00*	00:00			
Thur	08:00*	00:00	<u>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</u> (please read guidance note 6) no change		
Fri	08:00*	00:00			
Sat	08:00*	00:00			
Sun	08:00*	23:30			

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	no	change	
Tue	-"-	-"-	
Wed	-"-	-"-	
Thur	-"-	-"-	
Fri	-"-	-"-	
Sat	-"-	-"-	
Sun	-"-	-"-	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) no change

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.

removal of duplicate condition in annex 1 - see attached schedule

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

UPDATED LICENCE HAS NOT BEEN RECEIVED FOLLOWING RECENT APPLICATION TO VARY THE DPS.

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 and e) (please read guidance note 10)

Amend conditions in Annex 1 and add conditions as per attached schedule. The remaining conditions currently endorsed on the licence to remain unchanged.

b) The prevention of crime and disorder

See attached schedule and conditions currently endorsed on the licence

c) Public safety

See attached schedule and conditions currently endorsed on the licence

d) The prevention of public nuisance

See attached schedule and conditions currently endorsed on the licence

e) The protection of children from harm

See attached schedule and conditions currently endorsed on the licence

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON 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 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	5 th August 2014
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant

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 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) AT/TB/OTT.1.1 Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Post code	WC2H 9EP
Telephone number (If any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 			

OTTOLENGHI, 11 ARTILLERY LANE E1 7UF

APPLICATION FOR VARIATION OF PREMISES LICENCE

PROPOSED AMENDMENTS TO CONDITION

Amend the following conditions in *Annex 1 – Mandatory Conditions*:

...

~~Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises in all parts of the premises where intoxicating liquor is sold or supplied.~~

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 in the area hatched green on the deposited plan 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.

~~Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.~~

Add the following condition in respect of off-sales:

In the retail area outlined green on the deposited plan, alcohol shall only be sold as an off-sale in sealed containers for consumption off the premises.

DESIGN NOTES
 1. THE DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. THE DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
 3. THE DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.

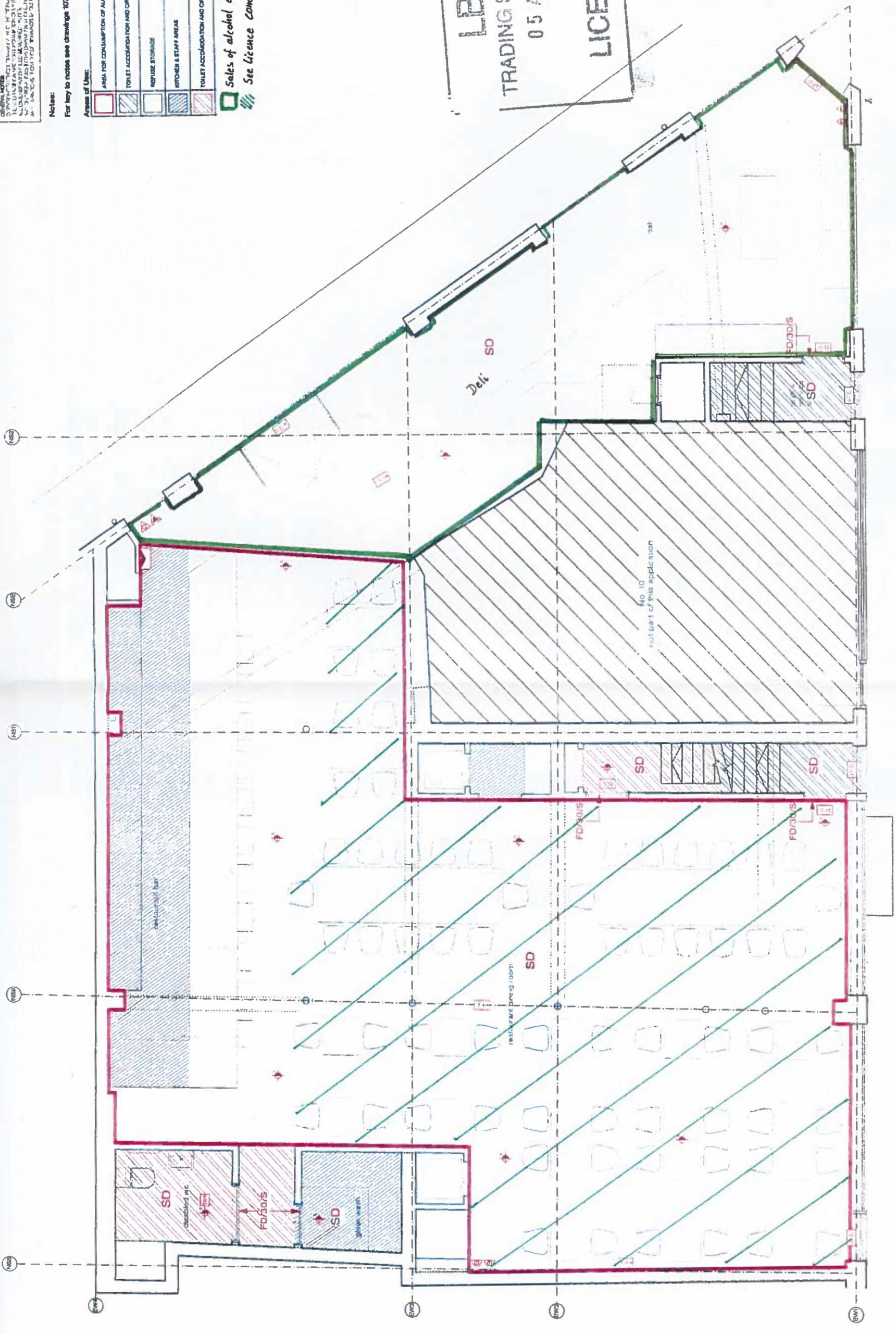
Notes:
 For key to notes see drawings 1071PLU109.

Areas of Use:

[Red outline]	AREA FOR CONSUMPTION OF ALCOHOL ON THE PREMISES
[Blue hatched]	TOILET ACCOMMODATION AND CIRCULATION STAFF
[Green hatched]	REFUSE STORAGE
[Blue hatched]	KITCHEN & STAFF AREAS
[Red hatched]	TOILET ACCOMMODATION AND CIRCULATION CUSTOMERS

Sales of alcohol off the premises
 See licence conditions

LPTH
 TRADING STANDARDS
 05 AUG 2014
LICENSING



milk
 Ground Floor Licensing Plan
 Artery Passage
 1071
 15089A2
 30 April 2014
 1071PLU110

Scale 1:50 @ A2

1:50
 1:20
 1:10
 1:50
 1:20
 1:10

Appendix 3

Andrew Heron

From: Tilly Burton [REDACTED]
Sent: 28 August 2014 12:49
To: 'Alan.D.Cruickshank [REDACTED]
Cc: Licensing; Alun Thomas
Subject: RE: Ottilenghi , 11 Artillery Passage
Attachments: CONDITIONS - amended (police) 27 08 14.docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Alan

I am instructed that your proposed hours for off-sales and CCTV condition are acceptable and accordingly I confirm that our operating schedule is amended as per the attached.

Kind regards
Tilly

Tilly Burton
Thomas & Thomas Partners LLP
38a Monmouth Street, London WC2H 9EP
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 24 August 2014 21:52
To: Tilly Burton
Cc: [REDACTED]
Subject: Ottilenghi , 11 Artillery Passage

Dear all

Please find my representation re: the above variation application.

Regards

Alan Cruickshank PC 189HT

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

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

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OTTOLENGHI, 11 ARTILLERY LANE E1 7UF

APPLICATION FOR VARIATION OF PREMISES LICENCE

PROPOSED AMENDMENTS TO CONDITION

Amend the following conditions in Annex 1 – Mandatory Conditions:

...

~~Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises in all parts of the premises where intoxicating liquor is sold or supplied.~~

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 in the area hatched green on the deposited plan 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.

~~Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.~~

Add the following condition in respect of off-sales:

In the retail area outlined green on the deposited plan, alcohol shall only be sold as an off-sale in sealed containers for consumption off the premises between the hours of 0900 – 2300.

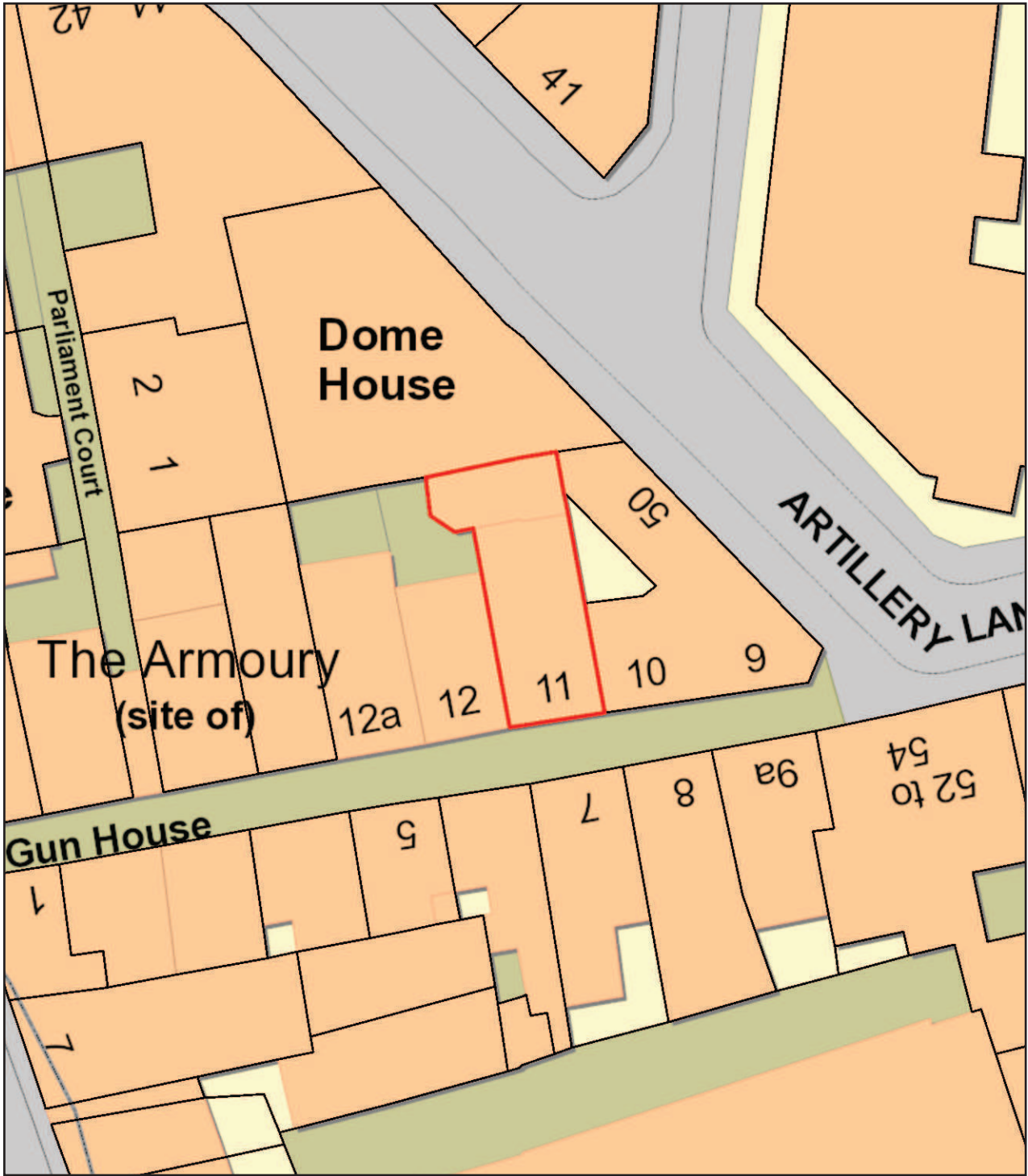
CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

Thomas & Thomas
27.08.2014

Appendix 4



11 Artillery Passage

Map 1



Scale 1:334



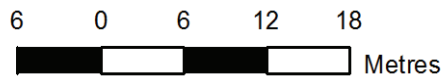


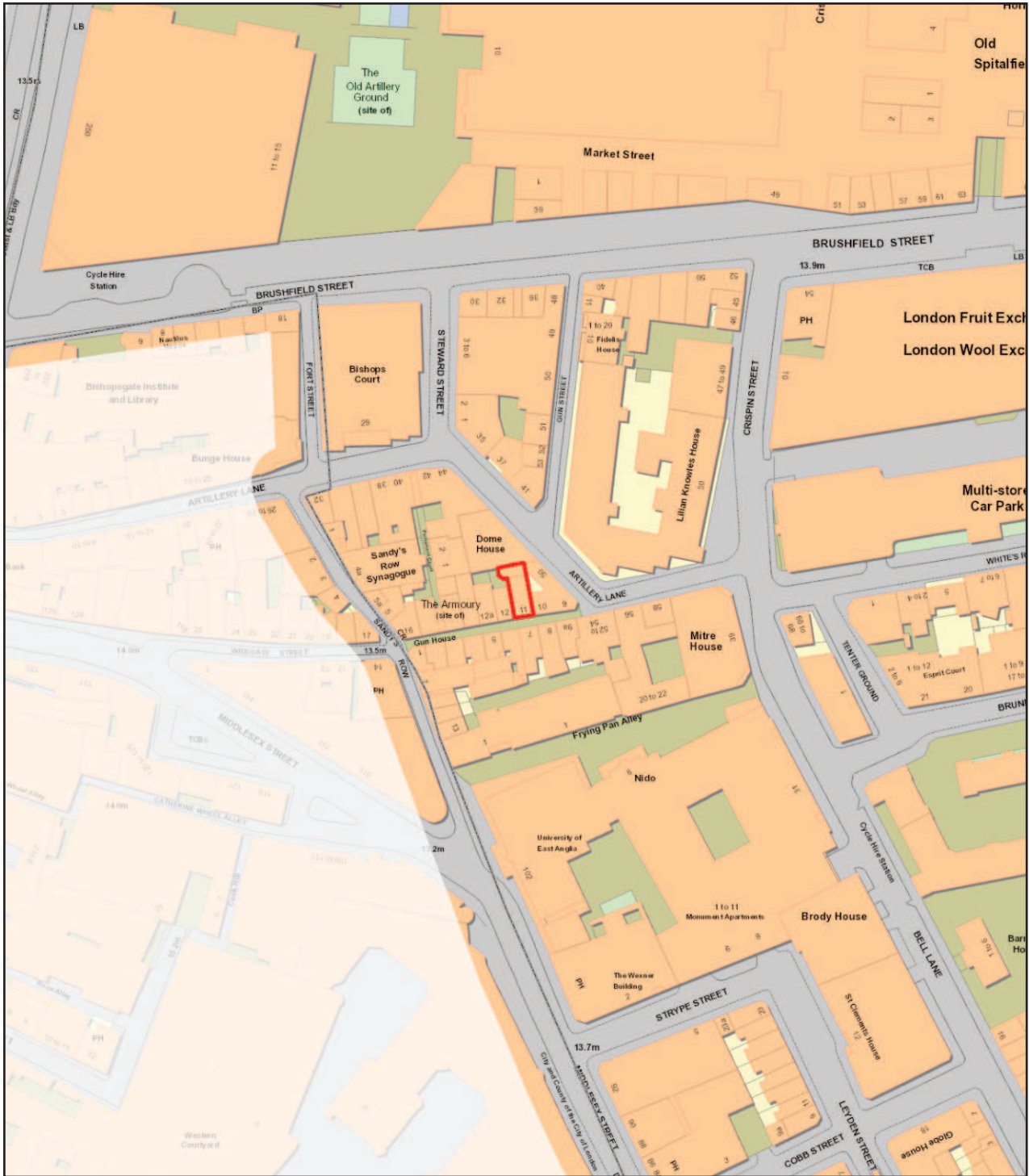
11 Artillery Passage

Map 2



Scale 1:668



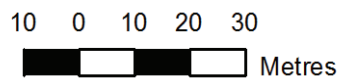


11 Artillery Passage

Map 3



Scale 1:1669



Appendix 5

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 6

Finlagen Property Company Ltd

51 Gun Street
London
E1 6AH

August 15, 2014

Kathy Driver
The Licensing Section
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 2BG

RE: Licensing Act 2003, Ottolenghi, 11 Artillery Passage, E1 7JU

Dear Kathy Driver:

Regarding your letter dated 5th August, I object to the license application. I represent the six residents who reside in flats 1-6 at 52 Gun Street. Due to the quiet nature of this street, our residents already experience problems from passersby urinating and defecating on the doorstep of the residential block at 52 Gun Street. Having a license that permits sale of alcohol past 23.00 hrs will significantly increase the number of disturbances to those residents in addition to disrupting their sleeping patterns. I realize that this letter will become a public document and ask you to keep me informed of any further news on this matter.

Sincerely,


Robin Moore



Andrew Heron

From: Robin Moore <[REDACTED]>
Sent: 19 August 2014 13:17
To: Andrew Heron
Cc: Marie Wade
Subject: Ottolenghi - 11 Artillery Passage

Dear Mr Heron,

Thank you for your swift email following our letter. Finlagen Property Company Ltd own the freehold of the 6 apartments at 52 Gun Street, and as landlords we act with the best interests of our tenants who all hold Assured Short Hold tenancy agreements with our company. Our main issue is that Gun Street is used as a cut through to Brushfield Street and the Spitalfields Market/Bishopsgate. Because Gun street is a secluded street, we are polluted with people who take the opportunity to Urinate & Defecate & even fornicate in the region of our building @ number 52 and this causes stress to our tenants who are disturbed by these anti-social activities during a typical evening. By creating a late night licensed premise around the corner, the anti-social behaviour will continue into the early hours of the morning and cause added distress to our tenants ability to seek a "good night's sleep. It will also cause us as Landlords who occupy the office at number 51 Gun Street further inconvenience as we are tasked with cleaning up the mess.

I hope this clarifies our position? Please don't hesitate to contact me directly with any further questions.

Yours sincerely,

Robin Moore

Finlagen Property Company Limited

51 Gun Street
London
E1 6AH

This e-mail and any attachment are intended for the named addressee only.
This e-mail and any attachment may contain information which is confidential and unless you are the named addressee, please do not copy, use, or disclose this e-mail nor any attachment, to anyone else and, please delete this e-mail and any attachment from your system. If you have received this e-mail in error, we would be grateful if you would notify us immediately by return. If you need assistance, please phone (020) 7377 0884. We thank you for your co-operation.

From: Andrew Heron [REDACTED]
Sent: 19 August 2014 11:30
To: MooreRobinson Info
Subject: Ottolenghi - 11 Artillery Passage

Dear Mr Moore,

I am in receipt of your letter of representation in relation to the above premises application.

Unfortunately at this time I cannot accept this as a valid representation. You state in the correspondence that you represent 6 properties; however you have not formally stated how you represent them, or how the occupants residing at those addresses have given permission for you to communicate an objection on their behalf.

Please respond to this this email with more information as to your connections with the properties.

I look forward to hearing from you.

Regards,

Andrew Heron
Licensing Officer

Licensing Section
London Borough of Tower Hamlets
Mulberry Place (TC)
6th Floor Mulberry Place
5 Clove Crescent
London, E14 2BG

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Appendix 7



The Licencing Section
London Borough of Tower Hamlets
Town Hall (6th Floor)
Mulberry Place
5 Clove Crescent
London E14 1BY

2 September 2014

Re: Ottolenghi, licence application at 11 Artillery Passage E1 7JU

Your ref: TSS/LIC/077425

Dear Sirs,

We are writing to appeal against a variation of licence No. 18091 to allow the sale of alcohol after 11.00pm, especially since such sales will be served without the need to purchase a meal. We also note that this application includes the provision of a large bar area which will mean that this establishment will become an after-hours drinking place, something which we vigorously oppose.

Prior to the closing of the Eat and Drink restaurant we experience considerable nuisance with late-night drinkers. Because the restaurant had an after-hours drinking licence, people would arrive, often in a highly inebriated state, having left other places that closed at 11.00pm to continue drinking for as long as they could. This was exacerbated by the smoking ban which meant patrons had to leave the premises to smoke outside thus creating a further noise nuisance, and all of this would continue well past midnight during week days. We had planned to send a letter of complaint to Tower Hamlets and had obtained signatures from local residents to support our protest.

When we were informed that the new owners would be Ottolenghi, a high class operation with middle-eastern cuisine we were delighted. They applied for an alcohol licence allowing them to serve drinks to their patrons up until 11.00 p.m. which is in line with all of the other eating establishments in the passage; Davy's wine bar; Olive and Figs; Mud Mee and Enotec Super Tuscan. Our only concern was that they would not be allowed to have Karaoke entertainment or to extend their licence beyond 11.00pm. Ottolenghi have three other delicatessen/restaurants but none is open after 10.00pm, so we felt assured that this would not occur. We were also informed that they had given an undertaking to the Council that there would not be a nuisance with the entertainment.

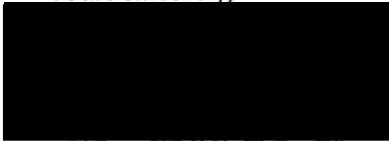
Ottolenghi have now applied for a substantial area of their premises to have a bar where they can serve patrons who are not obliged to purchase food (i.e. a pub) and for this bar to be licensed until beyond 11.00pm with regulated entertainment! If this application were to be approved we anticipate a return to the bad old days when the passage was home to late night drunkenness and singing beyond midnight and this is a real problem for residents who need to get up for work the next day.

We would argue that if Ottolenghi are a quality operation serving excellent cuisine, as they have suggested, then they will be capable of running a good business in normal hours, similar to their competitors within the passageway, without the need to operate an out of hours drinking bar.

Similarly, the application to have a delicatessen open until midnight, whilst all other premises in the area are closed at that hour is difficult to understand.

We therefore appeal to the Council to reject this application.

Yours sincerely,

A large black rectangular redaction box covering the signature of the sender.

Jean and David Richards

We also attach a list of other Artillery Passage residents who have joined us in this appeal.

Tenant Name

Address

Signature

Telephone/email

JESUS BURGOS

SHYAM GHAZIAL

Owen Grunjes

ANDRZEJ JASZCZYK

Magala Jssmer

.....

.....

.....

.....

Appendix 8

Communities, Localities & Culture
Safer Communities

Mr and Mrs Richards



Head of Consumer and Business Regulations
David Tolley

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

2nd September 2014

My reference: TSS/LIC/: 77148
Your reference:



www.towerhamlets.gov.uk

Dear Mr and Mrs Richards,

Licensing Act 2003
Re: Ottolenghi – 11 Artillery Passage – Variation Application

Thank you for your representation, the contents of which are noted.

I accept that this is a valid representation on your behalf; however, I have some concerns in relation to the addition of surrounding names and addresses. You can submit a petition, but for it to be legally acceptable it needs to:

- Contain a header outlining the premises name and address, the fact that it is a representation, and the reasons for the representation at the top of every page
- Give the name and address of each signatory
- Nominate a spokesperson to receive details about the hearings etc. from the licensing authority and who may be willing to speak on behalf of the petitioners at the hearing.

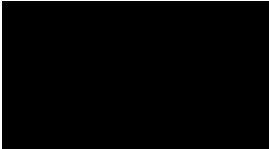
Whilst I accept that you are the spokesperson for the additional signatories, the page that contains the signatures, names and addresses unfortunately makes no reference to the covering letter itself. In essence, the applicant could argue that the signatories did not know what they were signing.

However, I will add this as a petition to the final report and allow Members of the Licensing Sub Committee to decide whether or not the additional signatories are acceptable.

In relation to your letter, please note that the applicant is entitled to a full, un-redacted copy of your representation. They may wish to contact you to mediate an amendment of their application, in order to address your concerns; with a view to you potentially withdrawing your objection. Should you wish to withdraw, please advise in writing to the email address listed above.

Alternatively, as previously stated, your representation will be added to the final Licensing Sub Committee report and you will be written to by Democratic Services to be advised as to the time and date of the Hearing, which you will be invited to attend. If you do not attend the Hearing, the decision may still be made in your absence. Should you wish to make additional comments to the Committee in your absence, please advise Democratic Services directly.

Yours sincerely,



Andrew Heron
Licensing Officer

Appendix 9

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:
24 August 2014

Dear Mr McCrohan

Re: application to vary a premises licence

Ottolenghi, 11 Artillery Passage, E1 7LF

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

LBTH has adopted a Saturation Policy / Cumulative Impact Policy which includes Artillery Passage St and nearby streets. I accept it is on the fringe of the CIZ. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

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

This passage can be very busy, as it provides a cut through to Liverpool St Station. This objection is not a reflection on the applicant but a response to the Saturation Policy. Since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises or variations however small or well run, will only compound the problems in the CIZ

It is yet another premise that will have the ability to sell alcohol in the area which is already "saturated" Although it will be using the original licence, the off sales does raise concerns.

I accept that it will not attract street drinkers etc, but the early hours requested offers another opportunity for someone to top up their alcohol intake.

At present, Tower Hamlets Police Licensing Unit's policy is to object to all new licences or variations in the CIZ as set out by the Saturation Policy. If no objection was forthcoming from the police, then LBTH Licensing at present would object to the application.

This provides the opportunity to the committee to scrutinize the application and for the applicant to demonstrate how their application will not have a negative cumulative impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

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

If the committee is to grant a licence, I would ask that they consider the following:

1. Off sales hours (all week): 0900 - 2300

2. CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority,

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

Alan Cruickshank PC 189HT

Appendix 10

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 11

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 12

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 13

Appendix 13

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(See 12.8 of the licensing policy)

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

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

Appendix 14

Appendix 14

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

