

Appendix 1

The application for the new premises licence for Truck Stop was delivered by courier to the Town Hall on 30th April, 2015, at 5.15pm. The office hours for the Licensing Department are 9am to 5pm. Because the application was received after 5pm it was treated as being received on 1st May.

Because it was treated as being received on 1st May, the 28 day consultation period finished on 29th May. The representations of the Police and Environmental Health were received on 29th May.

The legal representative for the applicant, Mr Spiegler, has disputed this. He has claimed that because the application was delivered to the Town Hall on 30th April, the last day for consultations should have been 28th May. This would have made the representations of the Police and Environmental Health invalid on the grounds that they had been received too late.

The advice of The Council's Legal Department was sought on this matter. Their advice is that because the application was received after office hours it was correct to treat it as having been received on 1st May and so the last day for consultations was 29th May. Thus the representations of the Police and Environmental Health are valid because they were received before the end of the consultation period.

The relevant e-mails are attached. They are divided into 3 batches.

Alex Lisowski

From: [REDACTED]
Sent: 21 May 2015 10:59
To: Alex Lisowski
Subject: RE: West India Quay - New premises licence

Thanks Alex.

I'll certainly bear that in mind next time I courier applications your way!

Amy

Amy Catlin
Licensing Asslstant

Thomas & Thomas Partners LLP

From: Alex Lisowski [mailto:Alex.Lisowski@towerhamlets.gov.uk]
Sent: 21 May 2015 10:51
To: Amy Catlin
Subject: FW: West India Quay - New premises licence

Dear Amy,
I've looked at the delivery notice. The office hours of the licensing department are 9am to 5pm, Monday to Friday. The application wasn't delivered until 5.15pm. As such the application would be dealt with as being received on 1st May. In those circumstances, the last day for representations would be 29th May. I will be processing this application on the basis that the last day for representations is 29th May. Because we are very near to the end of the consultation period I don't think it would be reasonable to ask you to re-advertise the application.
Alex.

From: Amy Catlin [REDACTED]
Sent: 20 May 2015 14:45
To: Alex Lisowski
Subject: RE: West India Quay - New premises licence

Hi Alex,

Unfortunately I didn't receive a letter on this occasion.

I have just received a letter in relation to Tower Hamlets Cemetery Park though and I note that it doesn't include the date received or the last date for representations.

In this instance (Truck Stop) the application was couriered on 30th April (confirmation email attached) and the last date for representations that we have advertised is 28th May 2015.

Kind regards,

Amy

Amy Catlin
Licensing Asslstant

From: Alex Lisowski [<mailto:Alex.Lisowski@towerhamlets.gov.uk>]
Sent: 20 May 2015 14:40
To: Amy Catlin
Subject: FW: West India Quay - New premises licence

Dear Amy,

I'm the case officer for your application. The application was received on 5th May, 2015. Normally my department's admin team send an acknowledgement when an application is received. I apologise on their behalf for that not being done. The last day for representations is 2nd June, 2015.

Alex.

Mr A. Lisowski,
Licensing Officer,
The London Borough of Tower Hamlets.

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

Please note:
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Tel: 020 7364 7446
Fax: 020 7364 0863
Hotline: 0207 364 5008

General e-mail: licensing@towerhamlets.gov.uk

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

From: Andrew Heron
Sent: 20 May 2015 12:31
To: 'Amy Catlin'; Kathy Driver
Cc: Alex Lisowski
Subject: RE: West India Quay - New premises licence

Dear Ms Catlin,

Thank you for your email.

The Officer dealing with your application is Alex Lisowski, copied into this email.

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
Tel: 020 7364 2665
Fax: 020 7364 6935
www.towerhamlets.gov.uk

From: Amy Catlin [redacted]
Sent: 20 May 2015 12:27
To: Kathy Driver; Andrew Heron
Subject: West India Quay - New premises licence

Dear Kathy and Andrew,

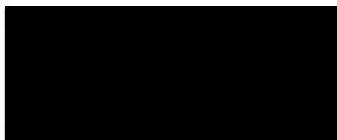
Apologies for emailing direct, but I've just realised that I don't appear to have an acknowledgement for an application that I lodged by courier on 30th April and I just wanted to make sure it was with you. It's for Truck Stop at West India Quay.

Many thanks!

Amy

Amy Catlin
Licensing Asslstant

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP



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Alex Lisowski

From: Alex Lisowski
Sent: 04 June 2015 11:55
To: Gurwinder Olive
Cc: John Mccrohan; Kathy Driver
Subject: Request for legal advice
Attachments: RE: West India Quay - New premises licence

Dear Gurwinder,

Please can I have legal advice concerning an application for a new premises licence under The Licensing Act, 2003.

The application is for a new premises licence for "Truck Stop", West India Quay, Hertsmere Road, London, E14 4AE. The application is dated 30th April, 2015. It was delivered by courier at 5.15pm on 30th April. The application has been date stamped as received on 5th May and recorded on the Flare as being received on 5th May. I was not the officer who received the application and entered it on Flare.

Please see attached record of e-mails between the applicant's legal representative and myself. On 20th May I received an e-mail from Amy Catlin, on behalf of the applicant's legal representative, stating that she hadn't received any acknowledgement that my department had received the application. I replied the same day that the application had been received on 5th May and as such the last day for representations would be 2nd June, 2015. Amy Catlin replied to this on the same day stating that the application had been delivered by courier on 30th April, and that based on that the last day for representations would be 28th May. A copy of the couriers confirmation that the application had been delivered at 5.15pm on 30th April was attached to Amy Catlin's e-mail. On 21st May I replied to Amy Catlin. I pointed out that my department's office hours were 9am to 5pm. I then pointed out that as the application had been delivered after office hours it would be treated as not being received until 1st May and that the last day for representations would be 29th May. My e-mail was acknowledged by Amy Catlin the same day. She did not challenge 29th May being the last day for representations.

I do not know who the application was delivered to on 30th April. It may have been delivered to someone at reception at the Town Hall. If it was, I do not know who they gave it to and when they gave it to them.

Representations from Police and Environmental Protection were received on 29th May. Copies of these were sent to the applicant's legal representative on 1st June. Today, I received an e-mail from him stating that the last day for representations should be 28th May and that, therefore, the representations received were late and thus invalid. Copy of the e-mail and my reply below.

Please advise on which day should be the last day for representations in the above circumstances.

Thank you,

Alex.

Mr A. Lisowski,

Licensing Officer,

The London Borough of Tower Hamlets.

By post and personal callers:

Licensing Team,

6th Floor,

Mulberry Place,

5 Clove Crescent,

London, E14 2BG.

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From: Alex Lisowski
Sent: 04 June 2015 11:09
To: 'Jack Spiegler'
Subject: RE: New premises licence application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE

Dear Mr Spiegler,
Please see the attached e-mails between Amy Catlin and myself. Please note that I did not say that the application was received by my department on 30th April. I stated that the application was received after the end of my department's office hours on 30th April. Further, I did not say that a member of my department had received the application on 30th April. Please note my e-mail to Amy Catlin on 21st May stating that the last day for representations was going to be 29th May. You had the opportunity then to challenge when the last day for representations was going to be.
At present the application is still going to a licensing sub-committee hearing.
I have passed this matter to my legal department for advice. Until I have received that advice I have nothing further to say.

Yours sincerely,
Mr A. Lisowski,
Licensing Officer,
The London Borough of Tower Hamlets.

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From: Jack Spiegler [REDACTED]
Sent: 04 June 2015 08:08
To: Licensing
Cc: Alex Lisowski; Amy Catlin
Subject: RE: New premises licence application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE

Dear Sirs

We refer to the above Premises Licence application.

As you have acknowledged, the application was served on the Licensing Authority and Responsible Authorities on 30 April 2015. The consultation period therefore ended on 28 May 2015. No representations were made during the consultation period. Representations were made after 28 May 2015.

Regulation 22 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 states:

“(1) A responsible authority or any other person making representations to a relevant licensing authority, may make those representations [...] (b) [...] at any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.”

There is no doubt that the valid application was given to and properly served on the licensing authority on 30 April 2015. As a result any representations must have been received on or before 28 May 2015. The representations were dated after 28 May 2015 and are therefore out of time. In accordance with section 35(5) of the 2003 Act, a representation is only 'relevant' if it is made within the prescribed 28 day period.

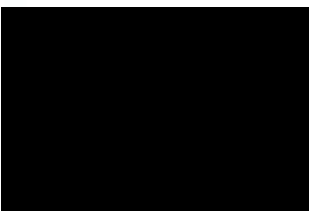
Furthermore, in *Corporation of the Hall of Arts and Sciences v Albert Court Residents' Association* [2011] EWCA Civ 430 the High Court and Court of Appeal ruled, *inter alia*, that, in accordance with the 2003 Act, there is no power to consider late objections and if there are no objections the application must be granted without a hearing. We refer to paragraphs 34 to 39 of the judgment of the Court of Appeal.

It is therefore the Council's statutory duty to grant the applications on the terms applied for without a requirement for a hearing. If the Council does not confirm the application is granted, our client reserves its rights and remedies accordingly. This includes, but is not limited to: (a) assuming the application has been granted in full; and/or (b) making an application to the High Court for a declaration the application must be granted under the 2003 Act.

We look forward to receiving the new Premises Licence accordingly.

Yours faithfully

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP



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From: Alex Lisowski [<mailto:Alex.Lisowski@towerhamlets.gov.uk>]
Sent: 01 June 2015 12:14
To: Jack Spiegler
Subject: RE: New premises licence application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE

Dear Jack,
I'm fine. Hope you are as well.
The reps came in last thing Friday evening, so this morning was my first opportunity to ask Democratic Services to set up a hearing. It's difficult to say when it will be heard as a lot of cases are waiting to be heard.
Alex.

From: Jack Spiegler [<mailto:JSpiegler@tandtp.com>]
Sent: 01 June 2015 12:00
To: Alex Lisowski
Cc: Amy Catlin
Subject: RE: New premises licence application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE

Dear Alex

I hope you are well.

Thanks for sending these through.

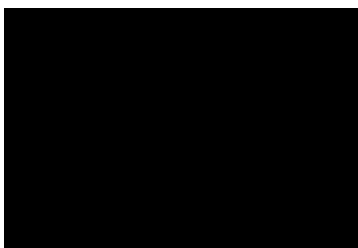
Please can you let me know when you expect the hearing to be.

Thanks and kind regards

Jack

Jack Spiegler
Associate

Thomas & Thomas Partners LLP
38a Monmouth Street
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From: Alex Lisowski [<mailto:Alex.Lisowski@towerhamlets.gov.uk>]
Sent: 01 June 2015 11:11
To: Amy Catlin
Subject: New premises licence application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE

Dear Amy,
Police and the Council's environmental health team have made representations against the application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE. The representations are attached.
Alex.

Mr A. Lisowski,
Licensing Officer,
The London Borough of Tower Hamlets.

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Alex Lisowski

From: Alex Lisowski
Sent: 06 July 2015 14:51
To: Gurwinder Olive
Subject: RE: New premises licence application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE

Dear Gurwinder,
Thank you for answering my enquiry. Much appreciated.
Alex.

From: Gurwinder Olive
Sent: 06 July 2015 14:39
To: 'JSpiegler@tandtp.com'
Cc: Alex Lisowski; Janet Grant
Subject: New premises licence application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE

Dear Mr Spiegler,

Licensing officer, Alex Lisowski, has forwarded to me a copy of correspondence between himself and Amy Caitlin and latterly between him and yourself.

Whilst your comments in respect of *Corporation of the Hall of Arts and Sciences v Albert Court Residents' Association [2011]* are noted, the Council accept the case law and agree with the premise but simply do not accept your assertion that the representations are out of time as you have calculated from the incorrect date of application. The Council's Legal Services has reviewed the details of the submission of the application and the correspondence. It is this council's considered view that the application was deemed served on 1 May. The 28 days for representations are therefore to be taken from 2 May, giving the opportunity for responsible authorities to make representations up to and including the 29th May. As such the representations received are in time and they do trigger the need for a hearing. Accordingly a hearing will be convened for the application to be heard.

Please note that we have looked carefully at the 2005 Regulations and the Home Office Guidance and have noted that there is nothing specifically about service/submission of written applications. What is expressly stated however is that an application shall be given in writing and that it shall not be treated as "given" until the application, the fee, plan or other document or information has been received by the relevant licensing authority. Reference is made to electronic submission of applications, where the regulations provide that the application must, inter alia, be capable of being accessed by the recipient. It is our view that the legislation is not intended to be any more onerous for electronic applications than hard copy applications and therefore this criteria would apply equally, we say, to applications not submitted electronically, in that a document is received when it is received by someone capable of accessing it (whether they access it or not). This is analogous to the accepted legal position for deemed service. The application was served after hours on 30 April, after the licensing department was closed. As such it was deemed as "given" on 1 May. This position was made clear to Ms Caitlin and she took no issue with this at the time.

Kind regards,

Gurwinder Kaur Olive (Mrs)
Senior Lawyer
Enforcement and Litigation Team
London Borough of Tower Hamlets, Legal Services,
Mulberry Place, 5 Clove Crescent, London E14 2BG

DX:

Tower Hamlets Legal Dept.
42656 Isle of Dogs

Tel 020 7364 4814
Fax 020 7364 4804/4861

gurwinder.olive@towerhamlets.gov.uk
www.towerhamlets.gov.uk

From: Alex Lisowski
Sent: 04 June 2015 11:09
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Yours sincerely,
Mr A. Lisowski,
Licensing Officer,
The London Borough of Tower Hamlets.

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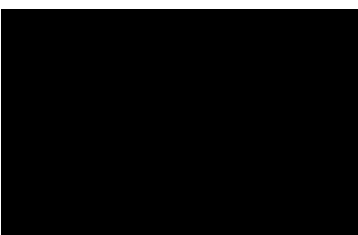
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Alex.

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Sent: 01 June 2015 12:00

To: Alex Lisowski

Cc: Amy Catlin

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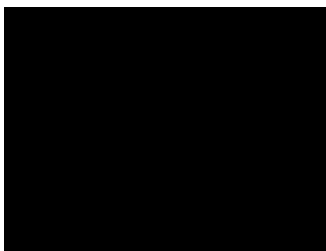
Thanks and kind regards

Jack

Jack Spiegler

Associate

Thomas & Thomas Partners LLP
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From: Alex Lisowski [<mailto:Alex.Lisowski@towerhamlets.gov.uk>]

Sent: 01 June 2015 11:11

To: Amy Catlin

Subject: New premises licence application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE

Dear Amy,

Police and the Council's environmental health team have made representations against the application for Truck Stop, West India Quay, Hertsmere Road, London, E14 4AE. The representations are attached.

Alex.

Mr A. Lisowski,
Licensing Officer,
The London Borough of Tower Hamlets.

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Appendix 2

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **Big Eater 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 I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

| | | | |
|---|--------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description Truck Stop West India Quay Hertsmere Road (as shown on the appended plan) | | | |
| Post town | London | Postcode | E14 4AE |

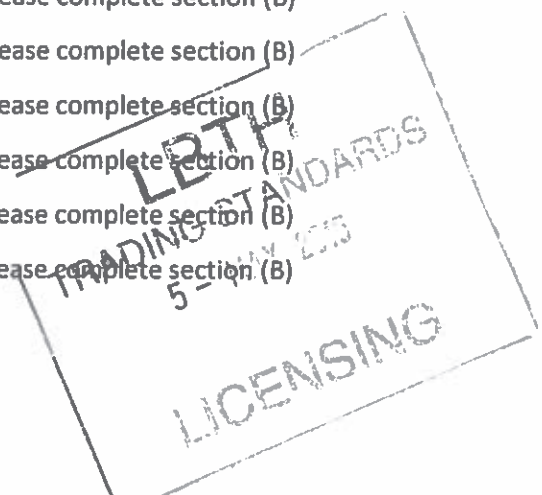
| | |
|---|--------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £5,000 |

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 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 | | | | Postcode | |
| 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 | | | | Postcode | |
| 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 Big Eater Limited |
| Address Studio 4 19-23 Kingsland Road London E2 8AA |
| Registered number (where applicable) 09566837 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited 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 | | | |
| ┆ | ┆ | ┆ | ┆ | ┆ | ┆ | ┆ | ┆ |

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

| | | | | | | | |
|----|---|----|---|------|---|---|---|
| DD | | MM | | YYYY | | | |
| ┆ | ┆ | ┆ | ┆ | ┆ | ┆ | ┆ | ┆ |

Please give a general description of the premises (please read guidance note 1)
Street food market operating until 10pm on West India Quay.

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

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)

Provision of regulated entertainment

Please tick any 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)

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

| | | | | | |
|---|--------------|---------------|--|-----------------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 3) | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sun | | | | | |

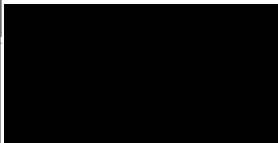

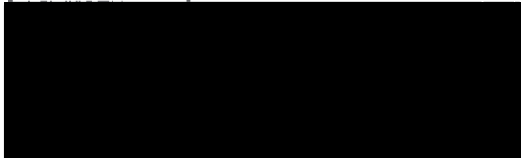
I

| | | | | | |
|---|--------------|---------------|---|----------|--------------------------|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here (please read guidance note 3)</u> | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</u> | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>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)</u> | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

J

| | | | | | |
|--|--------------|---------------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 7) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Mon | 1000 | 2200 | | | |
| | | | | | |
| Tue | 1000 | 2200 | | | |
| | | | | | |
| Wed | 1000 | 2200 | | | |
| | | | | | |
| Thur | 1000 | 2200 | | | |
| | | | | | |
| Fri | 1000 | 2200 | | | |
| | | | | | |
| Sat | 1000 | 2200 | | | |
| | | | | | |
| Sun | 1000 | 2200 | | | |
| | | | | | |

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

| | |
|---|---|
| Name Jonathan Cowley | |
|  | |
| Postcode |  |
|  | |

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).

None

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) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | 1000 | 2230 | <p><u>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 5)</u></p> |
| | | | |
| Tue | 1000 | 2230 | |
| | | | |
| Wed | 1000 | 2230 | |
| | | | |
| Thur | 1000 | 2230 | |
| | | | |
| Fri | 1000 | 2230 | |
| | | | |
| Sat | 1000 | 2230 | |
| | | | |
| Sun | 1000 | 2230 | |
| | | | |

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 refer to the attached schedule of conditions to ensure the promotion of all four Licensing Objectives.

The applicant is an extremely experienced and professional operator. Comprehensive management procedures will be implemented to ensure the street food market is operated responsibly. The application follows consultation with the Responsible Authorities.

b) The prevention of crime and disorder

Please refer to the attached schedule of conditions

c) Public safety

Please refer to the attached schedule of conditions

d) The prevention of public nuisance

Please refer to the attached schedule of conditions

e) The protection of children from harm

Please refer to the attached schedule of conditions

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 | |
| Date | 30/04/2015 |
| Capacity | Thomas & Thomas Partners LLP, Solicitors 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)

Amy Catlin (RED.3.4)
 Thomas & Thomas Partners LLP
 38a Monmouth Street

| | | | | |
|---|--------|--|----------|----------|
| Post town | London | | Postcode | WC2H 9EP |
| Telephone number (if any) | | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | | |
| | | | | |

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Truck Stop West India Quay

Proposed Conditions:

1. Stewards and/or SIA registered supervisors shall be employed on an operational risk assessment basis.
2. A telephone number to the duty manager shall be available to local residents.
3. There shall be a written dispersal policy, a copy of which shall be kept on the premises and produced to police or an authorised officer upon request.
4. The premises shall operate a dispersal policy and all staff shall be trained in its implementation.
5. Customers shall be supervised when leaving the premises and shall be asked to leave quietly.
6. Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
 - (a) All crimes reported;
 - (b) All ejections of patrons;
 - (c) Any incidents of disorder;
 - (d) Seizure of drugs or offensive weapons;
 - (e) Any refusal of the sale of alcohol;
 - (f) Any visit by a relevant authority or emergency service.



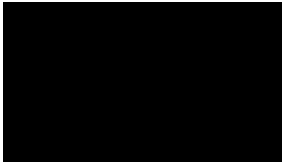
Consent of individual to being specified as premises supervisor

Jonathan Cowley

I

[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

Date of birth:

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New premises licence

[type of application]

by

Big Eater Ltd

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

Truck Stop
West India Quay
Hertsmere Road
London E14 4AE

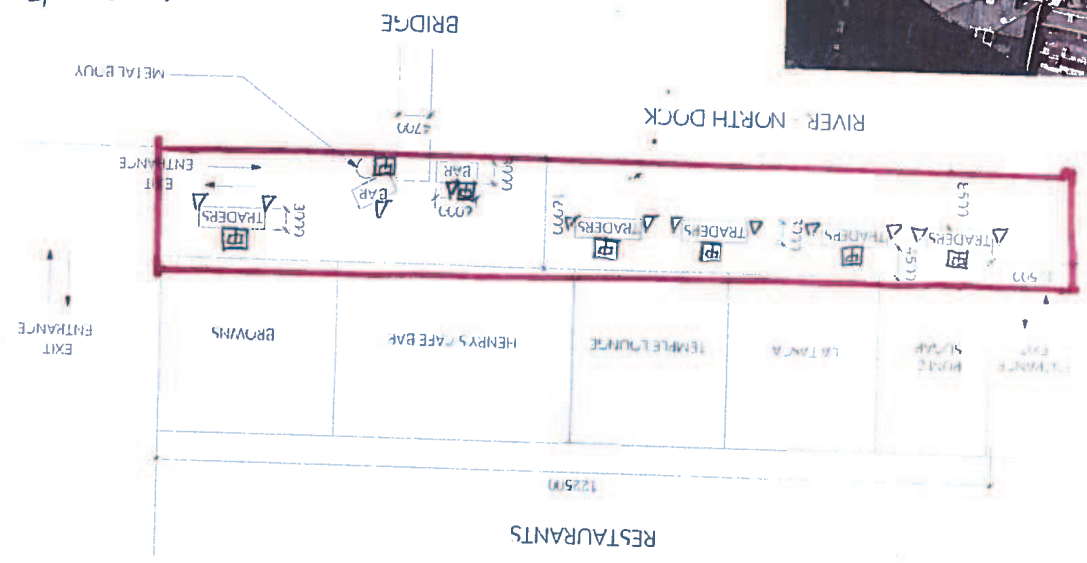
[name and address of premises to which the application relates]



| | | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| NO. 1 | NO. 2 | NO. 3 | NO. 4 | NO. 5 | NO. 6 | NO. 7 | NO. 8 | NO. 9 | NO. 10 |
| | | | | | | | | | |

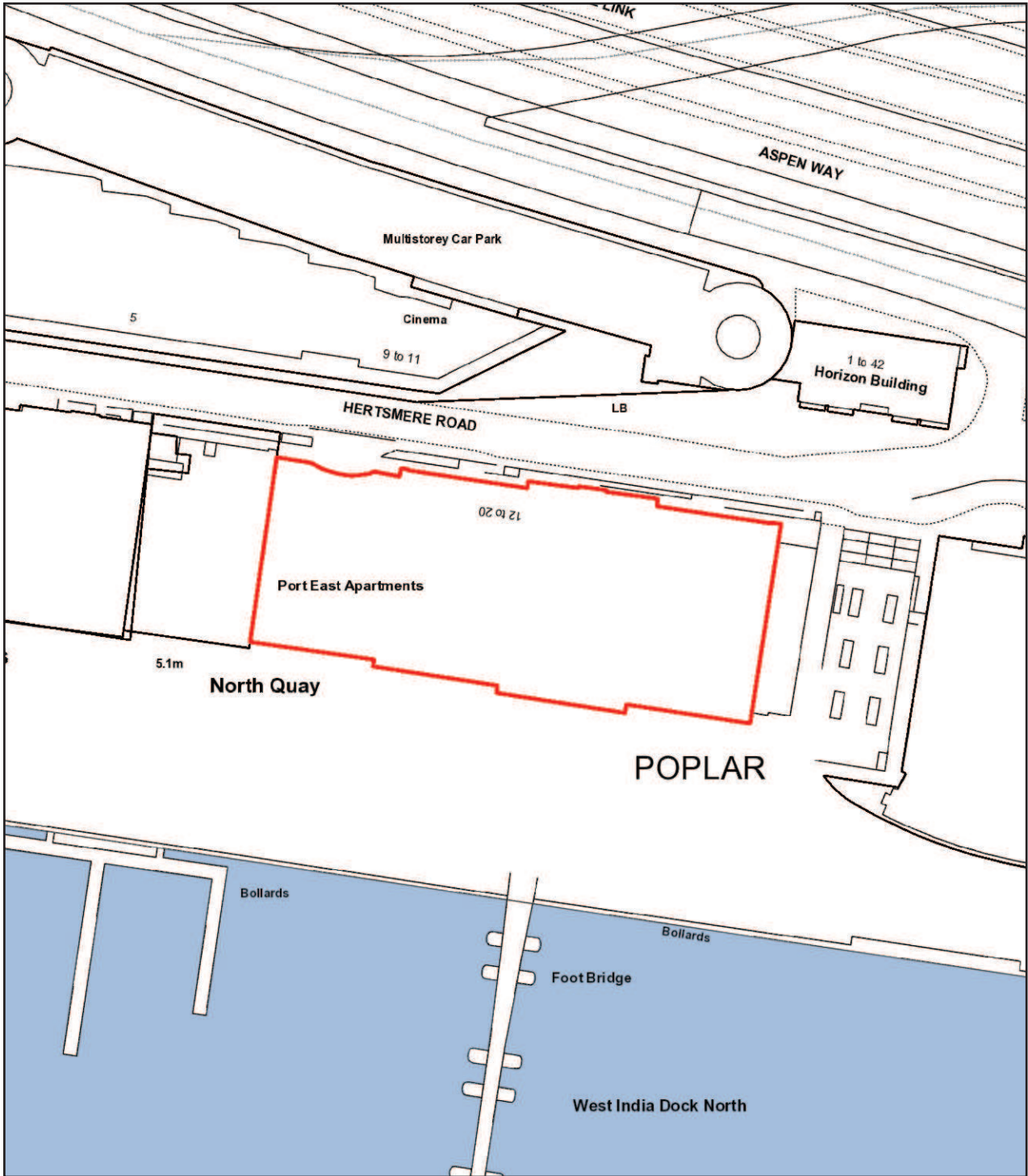


- Licensed Area
- ▣ - Fire bell
- △ - Fire extinguisher



SENSING

Appendix 3

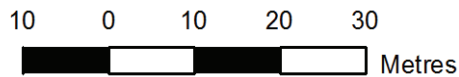


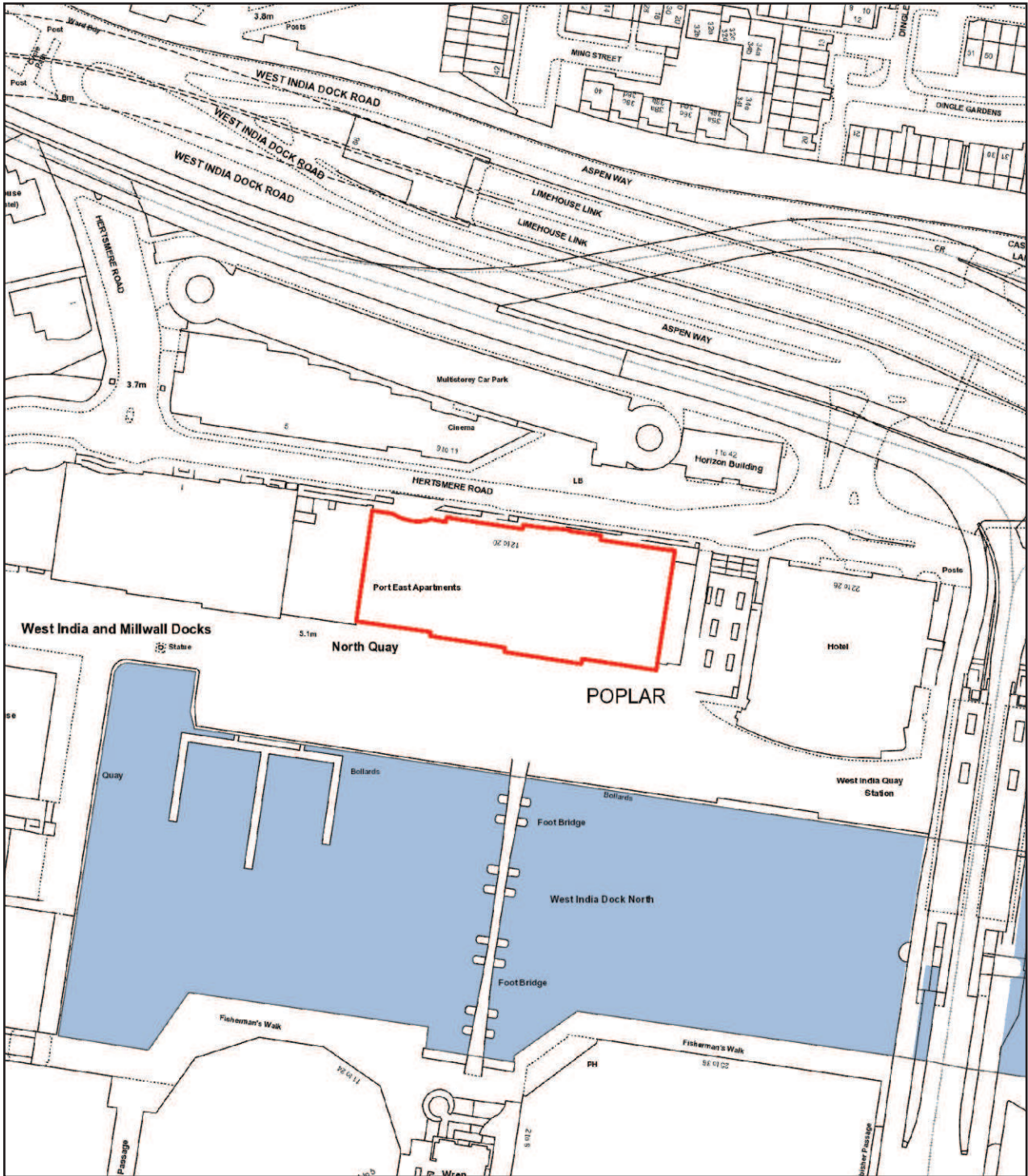
Truck Stop.

South of Port East Apartments



Scale 1:1078



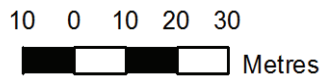


Truck Stop

South of Port East Apartments



Scale 1:1797



Appendix 4

Section 182 Advice by the Home Office



Relevant, vexatious and frivolous representations

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

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

Appendix 5

Alex Lisowski

From: Ian Wareing
Sent: 29 May 2015 21:57
To: Licensing
Cc: HT-licensingoffice@met.police.uk
Subject: Time Limited Application - Truck Stop - West India Quay, Hertsmere RD

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam, please accept this as a representation to the above application. If granted this area would effectively become a 'Licensed Premises' and able to have 'background recorded music'. If several stalls have this then the cumulative impact would directly affect the residents of West India Dock.

The other issue is that of noise from customers. West India Quay residents, on the whole, accept the bars on the quayside and despite occasional issues, they sit side by side pretty well. If there was to be an increase in customer noise from high spirits etc, this again would affect local residents and the peaceful enjoyment/rest of their own homes.

It is for those reasons, that Environmental Protection feel that the Licensing Objective of Prevention of Public Nuisance cannot be met and therefore this application be rejected unless it is heavily amended by the applicant.

Regards,

Ian

*Ian Wareing
Technical Officer
Environmental Protection
John Onslow House
1 Ewart Place
London
E3 5EQ*

Appendix 6



Mr John McCrohan,
Tower Hamlets Council Licensing,
Toby Club,
Vawdry Close

HT - Tower Hamlets Borough

Licensing Office
Toby Club,
Vawdry Close

████████████████████
Facsimile:
Email: Mark.j.perry@met.police.uk
www.met.police.uk

Your ref:
Our ref:
29th May 2015

Dear Mr McCrohan,

Re: Application for Time Limited Premises Licence for
Truck Stop - West India Quay

I write with reference to the above application which was received by Tower Hamlets
Police Licensing.

Please accept this letter as notification that the police as a responsible authority wish to
object to this application on the following licensing objectives:

The prevention of Crime and Disorder, and Public Nuisance

This application is asking to put five food stalls and two bars into a narrow area that
already has several licensed premises. Three of these premises are very busy bars and
there are also several restaurants. The area is also and linked to Canary Wharf Estate by

a bridge. Canary Wharf has dozens of busy bars and restaurants and is rapidly expanding with new licensed premises opening up.

The applicant has not consulted with any of the licensed premises who operate in West India Quay, in-fact the licensed premises were unaware of the application until I spoke to them and asked if they had any views on it. I also spoke to Canary Wharf security and they also were unaware of the Truck Stop application.

Given the fact that Truck Stop would be working in very close proximity to so many licensed premises it is very concerning that they have not made contact with any of the premises in West India Quay or Canary Wharf to co-ordinate security, and plans to deal with problem customers.

Police have concerns that if someone is refused entry or removed from one of the bars at West India Quay that they will be then end up causing problems at Truck Stop, which is open to the public and has no physical barrier to stop drunk people coming in. The reverse is also a concern, in that people removed from or refused access to the Truck Stop could then cause problems to the licensed premises in West India Quay.

As there has been no attempt at co-ordination between security or management at Truck Stop and the Licensed Premises in West India Quay or Canary Wharf Police worry that this will lead to confusion and increase the chance of disorder and nuisance in dealing with drunk or problem customers.

This application has placed the bars right by the bridge connecting West India Quay and Canary Wharf. This bridge is busy especially in the afternoon and evenings when there are lots of people going between different licensed premises in Canary Wharf and West India Quay. To have two bars one each side of the bridge will in the Polices view lead to problems as people queue for drinks will block people trying to use the bridge. This could lead to disorder, especially in the evenings when people have consumed alcohol.

As the area on West India Quay is quite small there are concerns as to where the several hundred customers will eat their food and drink their beverages. There is no seating available, other than the seats outside the other licensed premises in West India Quay, which they will not be allowed to use. Police fear that people will either block the Quay for people trying to use it to get to the DLR station or Canary Wharf, or result in people taking their food and drink into other areas and littering and causing nuisance, especially at night.

In short this application has not put sufficient plans or procedures in place to deal with the concerns of preventing Crime and Disorder and Public Nuisance, in what is a confined area that has several licensed premises, and is home to substantial residential properties.

Tower hamlets Police therefore ask that this application is rejected.

Regards

Pc Mark Perry 748HT

Police Licensing Officer

Appendix 7

Anti-Social Behaviour On The Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (S2.7-2.11).

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 8

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 9

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy, and also Section 12.5**).

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Appendix 10

Planning

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

Appendix 11

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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