

# Appendix 1

**(Cau Restaurant)**

Restaurant 1 Ground Floor and Mezzanine  
Commodity Quay  
St Katharine Docks  
London  
E1 8GP

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshment  
The provision of regulated entertainment (Recorded Music)

**See the attached licence for the licence conditions**

**Signed by**

**John McCrohan**   
**Trading Standards and Licensing Manager**

**Date: 3<sup>rd</sup> December 2014**

- 12<sup>th</sup> March 2015, licence amended following a minor variation

**Part A - Format of premises licence**

**Premises licence number**

18584

**Part 1 - Premises details**

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

**(Cau Restaurant)**

Restaurant 1 Ground Floor and Mezzanine  
Commodity Quay  
St Katharine Docks

**Post town**

London

**Post code**

E1 8GP

**Telephone number**

None

**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 (Recorded Music)

**The times the licence authorises the carrying out of licensable activities**

**Sale by retail of alcohol**

- Monday to Sunday, from 09:00 hours to 23:30 hours

**The provision of late night refreshment**

- Monday to Sunday, from 23:00 hours to 23:30 hours

**The provision of regulated entertainment**

**(Recorded Music)**

- Monday to Sunday, from 09:00 hours to 00:00

**The opening hours of the premises**

- Monday to Sunday, from 07:00 hours to 00:00

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

On and off sales

**Part 2**

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

Cau Restaurants Limited  
Fourth Floor  
7-9 Swallow Street  
London  
W1B 4DE

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

07381319

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

Abu Akhtar



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

**Personal 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

1.

- (1) The responsible person must 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;
  - (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 in a manner which carries a significant risk of undermining a licensing objective
  - (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 in a manner which carries a significant risk of undermining a licensing objective;
- (d) 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;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) 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 either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
4. The responsible person must 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;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula —  

$$P = D + (D \times V)$$
where —
- (i) **P** is the permitted price
  - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the operating Schedule**

1. 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.
2. 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.
3. The Licence Holder shall ensure that the details of all complaints are recorded in an occurrence book and such book shall be available for police inspection.
4. No music or amplified sound shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the nearest noise sensitive premises
5. Substantial food shall be available at all times
6. The premises shall operate as a restaurant with waiter and waitress service available
7. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
8. A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint and shall be advertised at the premises or on its website.
9. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
10. Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.
11. The premises shall operate a Challenge 21 Policy.



### **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:

20<sup>th</sup> February 2015 - Ground floor and Mezzanine Floor  
(*Drawing no 500, dated Jan 15*)



**Part B - Premises licence summary**

**Premises licence number**

**18584**

**Premises details**

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

**(Cau Restaurant)**

Restaurant 1 Ground Floor and Mezzanine  
Commodity Quay  
St Katharine Docks

**Post town**

London

**Post code**

E1 8GP

**Telephone number**

None

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 (Recorded Music)

The times the licence authorises the carrying out of licensable activities

**Sale by retail of alcohol**

- Monday to Sunday, from 09:00 hours to 23:30 hours

**The provision of late night refreshment**

- Monday to Sunday, from 23:00 hours to 23:30 hours

**The provision of regulated entertainment**

(Recorded Music)

- Monday to Sunday, from 09:00 hours to 00:00

The opening hours of the premises

- Monday to Sunday, from 07:00 hours to 00:00

Name, (registered) address of holder of premises licence

Cau Restaurants Limited  
Fourth Floor  
7-9 Swallow Street  
London  
W1B 4DE

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

On and off sales

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

07381319

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

Abu Akhtar

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

Not restricted

# Appendix 2



\* required information

## Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is the applicant's business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name

If the applicant's business is registered, use its registered name.

\* VAT number

Put "none" if the applicant is not registered for VAT.

\* Legal status

*Continued from previous page...*

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status

*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

132,000

### Section 3 of 19

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

#### Confirm The Following

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

### Section 4 of 19

#### NON INDIVIDUAL APPLICANTS

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

#### Non Individual Applicant's Name

Name

Cau Restaurants Limited

Details



Continued from previous page...

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**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

Provide a general description of 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.

*Continued from previous page...*

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

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

Continued from previous page...

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes                       No

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

*Continued from previous page...*

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

### Section 16 of 19

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

N/A

### Section 17 of 19

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Premises is currently licenced. The landlord of St Katharine Docks has allowed an additional external area to be used up to 22:30. Further following condition is offered:

'The sale by retail of alcohol shall be ancillary to persons dining in the external area

b) The prevention of crime and disorder

Premises is currently licenced. The landlord of St Katharine Docks has allowed an additional external area to be used up to 22:30. Further following condition is offered:

'The sale by retail of alcohol shall be ancillary to persons dining in the external area'.

c) Public safety

Premises is currently licenced. The landlord of St Katharine Docks has allowed an additional external area to be used up to 22:30. Further following condition is offered:

'The sale by retail of alcohol shall be ancillary to persons dining in the external area

*Continued from previous page...*

d) The prevention of public nuisance

Premises is currently licenced. The landlord of St Katharine Docks has allowed an additional external area to be used up to 22:30. Further following condition is offered:

'The sale by retail of alcohol shall be ancillary to persons dining in the external area

e) The protection of children from harm

Premises is currently licenced. The landlord of St Katharine Docks has allowed an additional external area to be used up to 22:30. Further following condition is offered:

'The sale by retail of alcohol shall be ancillary to persons dining in the external area

## Section 19 of 19

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

635.00

### DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Continued from previous page...



Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="Jeffrey Green Russell Ltd"/>
* Capacity	<input type="text" value="Solicitors"/>
* Date	<input type="text" value="24"/> / <input type="text" value="06"/> / <input type="text" value="2015"/>
	dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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**

**OFFICE USE ONLY**

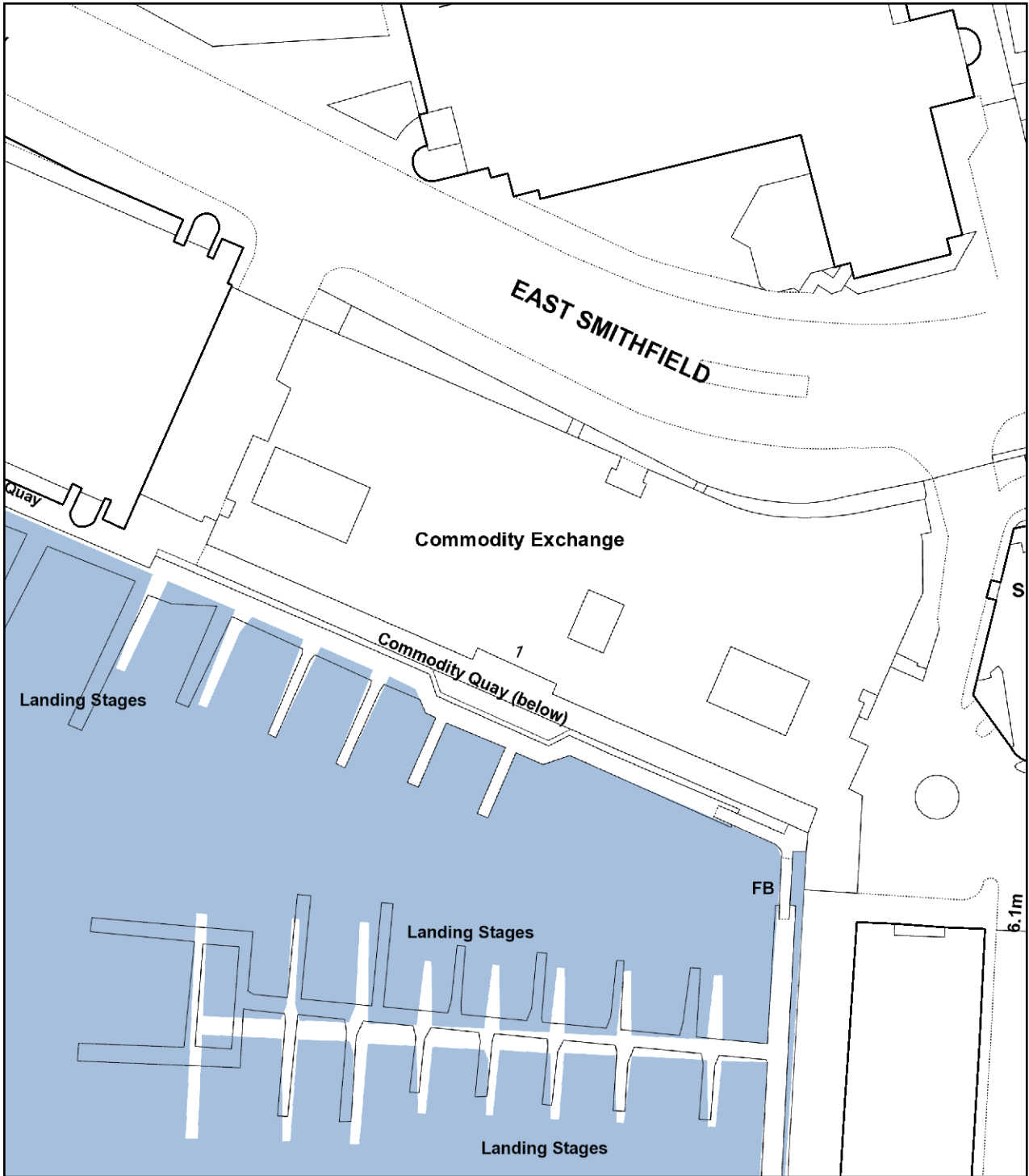
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Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
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Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
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Is Digitally signed	<input type="checkbox"/>

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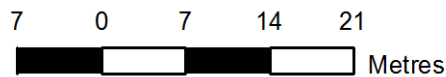
# Appendix 3

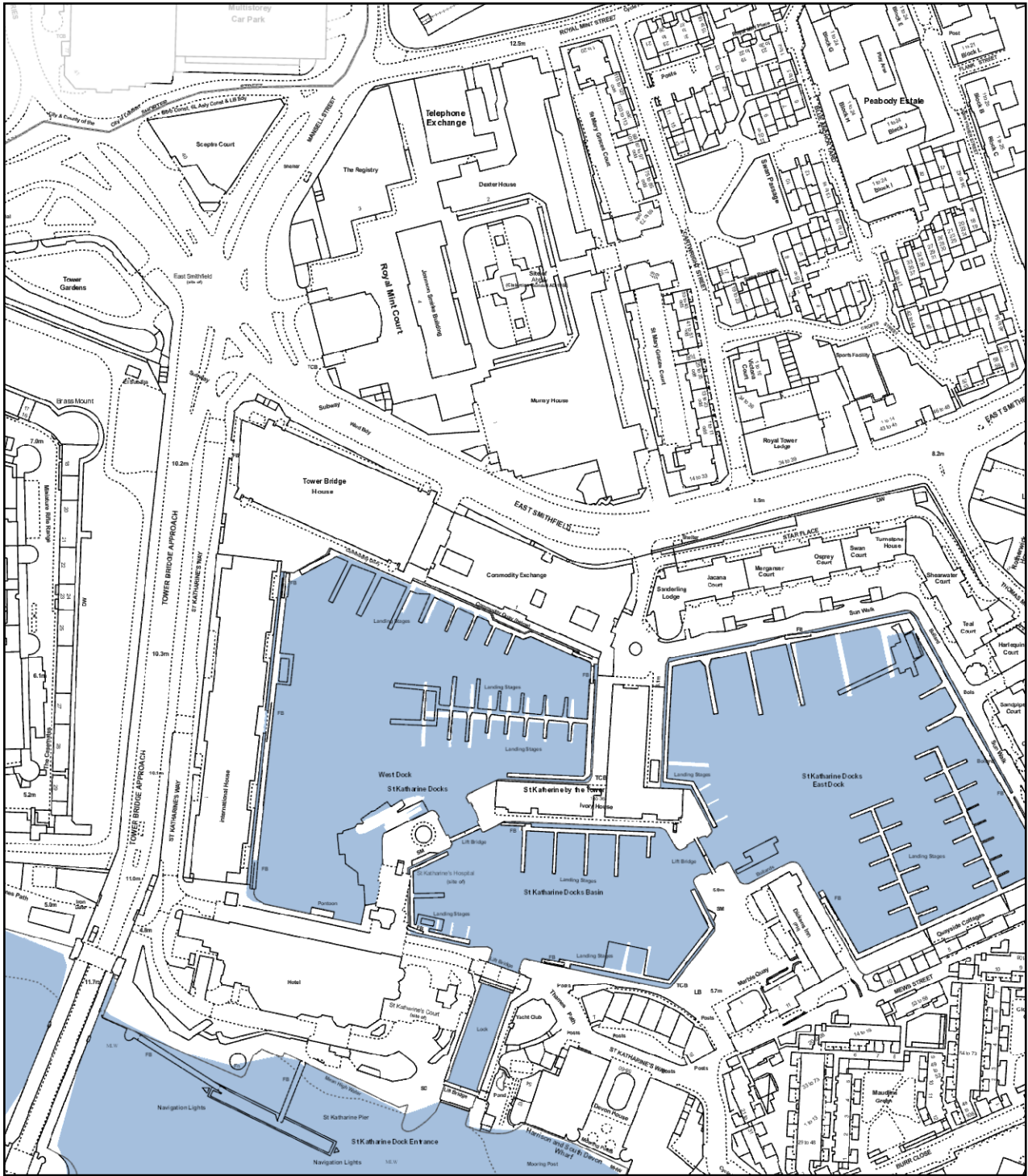


# Cau Restaurant



Scale 1:769

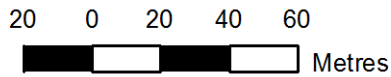




# Cau Restaurant



Scale 1:2690



# Appendix 4

## **Section 182 Advice by the Home Office Updated on March 2015**

### Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

# Appendix 5



## Mohshin Ali

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**From:** Andrew Heron on behalf of Licensing  
**Sent:** 22 July 2015 13:09  
**To:** Mohshin Ali  
**Subject:** FW: Application for premises licence, CAU restaurant, St Katharine Docks

**Importance:** High

---

**From:** Colin Mitchell [REDACTED]  
**Sent:** 22 July 2015 12:59  
**To:** Licensing  
**Subject:** Application for premises licence, CAU restaurant, St Katharine Docks  
**Importance:** High

Dear Sirs

**Cau Restaurant  
Commodity Quay  
East Smithfield  
London**

We are writing to make representations on the application by Cau Restaurants dated 24/06/2015 for a premises licence for "the external terrace outside Cau Restaurant". The Friends of St Katharine Docks (FOSKD) represent over 350 residents of the dock and its immediate vicinity and has been recognised by the Council in a Cabinet Decision dated 5 February 2014 as the representative group for the St Katharine Docks area.

FOSKD is extremely concerned about the overall level of licensing in St Katharine Docks and the incremental effect of licences on residents. We would therefore ask that any licence granted should contain the following conditions:

- 1) All the conditions currently imposed on Cau's existing licence granted 05/01/2015 (incidentally we are surprised that Cau has lodged an "Application for a premises licence" rather than an "Application to vary a premises licence");
- 2) The condition offered by the applicant in its application, namely that "The sale by retail of alcohol shall be ancillary to persons dining in the external area";
- 3) The following conditions imposed on the licence granted to the immediately adjacent Tom's Kitchen & Deli, Unit 2, Commodity Quay on 06/01/2014:-
  - a) "All appropriate steps will be taken to ensure that local residents and local businesses are not disturbed by any licensable activity at the premises. Waiting staff will continually exercise supervision throughout the premises" - Condition 5 in Tom's Kitchen;
  - b) "All persons under the age of 16 will be accompanied by an adult on the premises at all times" - Condition 6 in Tom's Kitchen; and
  - c) "All staff will be trained in their responsibilities towards children under the Licensing Act 2003" - Condition 7 in Tom's Kitchen;
- 4) The closing time for the licensable activities on the external area should be 21:00 hours Monday to Sunday. This is to protect the amenity of the residents of nearby premises; and is in line with the existing conditions placed by the Landlords on other food retailers with outside seating in the nearby Ivory House.

5) The licence should extend only to one single row of tables for two persons only at each table and not to the 40 covers requested. The single row of tables should be placed in such a way as to minimise the impact on the pedestrian flow on the walkway and placement should be agreed with the Landlord. This is in an attempt to help keep the pedestrian flow moving on the walkway in front of Commodity Quay in pursuance of the 'Reasons for Grant" in PA/12/00135 and PA/12/00138.

We wish to attend any hearing on this application.

Please acknowledge receipt of this email.

Kind regards,  
Colin Mitchell

Honorary Secretary on behalf of the Friends of St Katharine Docks



# Appendix 6

## Mohshin Ali

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**From:** [REDACTED]  
**Sent:** 22 July 2015 20:05  
**To:** Licensing  
**Subject:** Licensing Act 2003 and Cau Restaurant Limited, St Katharine Docks, E1W 1AT, Premises Licence application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**Reply To:** Dr David Breeze at [REDACTED]

Dear Sir,

Licensing Act 2003 and Cau Restaurant Limited, St Katharine Docks, E1W 1AT, Premises Licence application

I am writing in relation to the application dated 24 June 2015 for a licence for the above premises, situated in Commodity Quay of St Katharine Docks, to which I wish to object.

I have lived in [REDACTED], the building immediately adjacent to Commodity Quay for 35 years. My bedroom and living room windows overlook CAU.

I was part of the group of local residents who objected to Commodity Quay being demolished some years ago. When the same group agreed to the plans to re-develop just the interior of the building submitted by Prestbury/ Max Property Group it was with the firm agreement that the two restaurant units in the ground floor of the building would never have any outside seating as the space outside them is a very busy walkway, not a terrace.

The walkway was expanded during this redevelopment to cope with the increased footfall which was carefully counted and recorded. Soon the nearby Thomas More Square offices on the eastern edge of St Katharine Docks will be re-let after their redevelopment bringing approximately another 5000 more pedestrians along this walkway every day to and from Tower Hill tube. Additionally the development of the London Docks will have 1800 new homes, offices and retail space and possibly a High School which will mean many thousands more people walking along this walkway every day once that development is complete.

Granting CAU a licence to serve alcohol with food on this walkway will mean tables and chairs outside will severely restrict the passage of pedestrians on the walkway - if they were to be allowed the 40 covers they are requesting it would mean a loss of 50% of the width of the amenity of the walkway.

In 2005 I was diagnosed with Parkinson's disease. My walking has deteriorated to the extent that I now walk with the aid of a four wheeled walker and even with this, I walk quite slowly. If the walkway from my home around the dock is cut down by 50% I will inevitably hold up a lot of people when I need to walk along it. I think I would find the pressure of this situation quite intimidating as would other disabled people.

The flats in Ivory House are already surrounded or directly above a number of licensed premises including the Medieval Banquet, Bravas Tapas, Zizzis, and Kilikya's. In general, the level of licensing in what is also a residential area is very high, and this proposal would only add to what is already an unacceptable level of noise and public nuisance - as well as potentially further jeopardising the prevention of crime and disorder.

For these reasons I object to the application and would like to attend any hearing on this application.

Please acknowledge receipt of this email.

Yours faithfully,  
David C Breeze PhD

# Appendix 7

## Mohshin Ali

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**From:** Andrew Heron on behalf of Licensing  
**Sent:** 22 July 2015 10:00  
**To:** Mohshin Ali  
**Subject:** FW: Licensing Act 2003 and Cau Restaurant Limited, St Katharine Docks, E1W 1AT, Premises Licence application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Michael Wilshire [REDACTED]  
**Sent:** 22 July 2015 06:23  
**To:** Licensing  
**Cc:** Heather Corben (EU)  
**Subject:** Licensing Act 2003 and Cau Restaurant Limited, St Katharine Docks, E1W 1AT, Premises Licence application

Dear Sir,

Licensing Act 2003 and Cau Restaurant Limited, St Katharine Docks, E1W 1AT, Premises Licence application

We are writing in relation to the application dated 24 June 2015 for a licence for the above premises, situated in Commodity Quay of St Katharine Docks, to which we wish to object. Our understanding is that although this is a new application it is intended to extend the area of the restaurant to include the terrace outside it and to allow sales of alcohol to customers on that terrace, subject to being served with food. The application, if granted, would allow the terrace to be open from 7am to 10.30pm every day with sales of alcohol from 9am to 10pm every day. Our understanding is that the current premises are being expanded substantially through tables and chairs with 34 or more new external covers - situated in what was previously a walkway for pedestrians.

I (Michael Wilshire) am the owner of [REDACTED], which is one of a number of residential flats just opposite the restaurant - and married to Heather Wilshire. The north part of my flat looks out onto the Northern Dock and hence Cau Restaurants is just a short distance away. Windows in the lounge, kitchen and a bedroom of the flat are directly affected by noise in that area, which carries readily across the water. We are concerned that these proposals will substantially add to the noise problems already experienced by Ivory House Residents. In the past we have experienced noise from licensed premises in or near the Ivory House, which has required us to involve the Environmental Noise Unit within Tower Hamlets. The flats are already surrounded or directly above a number of establishments licensed to serve alcohol, including the BeefEater, The Dickens Inn pub, Zizzis, Kilikya and the River Lounge restaurant. In addition, most if not all of the of the more recently opened restaurants just across the West Dock water are licensed and noise from these premises and the people entering and leaving them also permeates into Ivory House. In general, the level of licensing in what is also a residential area is very high, and this proposal would only add to what is already an unacceptable level of noise and public nuisance - as well as further jeopardising the prevention of crime and disorder.

There is often late night noise already from premises in the area due to people congregating outside or exiting late at night or even during the day in an intoxicated state. We are concerned that the long hours requested will result in noise levels from unnecessarily early in the morning until late into the evening - from tables that are just a short distance away. People leaving the restaurant may also continue to smoke and talk loudly outside after consuming considerable amounts of alcohol - and there is inevitably an additional risk of late night drunkenness in what is a mixed residential and commercial area.

The flats were redeveloped and sold during 2005-2006. In view of the mixed use (and primarily residential) nature of the Ivory House, and the previous history described above, and the need for sleep / freedom from noise disturbance of the adults and children in the flats close to Cau Restaurants, we believe that the licensing authorities should not allow any further worsening of the current position.

Furthermore, when the previous landlord of the St Katharines' Dock Estate (Prestbury/Max Properties) applied for planning permission for redevelopment of Commodity Quay we were told by their representative Ben Walford, that

there was no question of the terrace adjacent to Cau Restaurants being used for serving food or drink, and that this would be a walkway only - with all restaurant activities being contained within the building. We are checking whether the planning permission included this restriction and it is possible that the current seating is not in line with what was granted. In any event, we relied on this assurance in not opposing this planning application - and had we known that tables and chairs would be used for dining and alcohol immediately opposite our flats, we and other residents would certainly have objected at the time. This reinforces our view that this licensing application should not be granted.

Whilst we do not believe that the application should be granted at all, we noticed that the proposed opening hours are longer than those agreed for Kilikya (a restaurant that is part of Ivory House where we believe the licensing hours are from noon to 9pm from Sunday to Thursday and from noon to 9.30 pm Friday and Saturday). Other licensing hours such as those for Zizzi have also been restricted. However, we very much hope that the application will be rejected in its entirety, for the reasons given above.

I wish if possible to attend any hearing on this application, as would my wife, Heather Wilshire who shares these objections and is a signatory to this email. Please can you ensure that we are informed of the date and time. Email is fine, but the best address for any written correspondence is [REDACTED].

Yours sincerely

Michael Wilshire  
Heather Wilshire

Michael Wilshire | [REDACTED]



# Appendix 8

## Mohshin Ali

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**From:** Paul Garwood [REDACTED]  
**Sent:** 22 July 2015 15:49  
**To:** Licensing  
**Subject:** CAU Restaurant - St Katharine Docks

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am writing to object to the application for a license to sell alcohol on the External Terrace of the CAU Restaurant on the 1st Floor of Commodity Quay in St Katharine Docks.

There is a separate (non-licensing) issue about whether restaurant seating should be allowed on the External Terrace. Objections to this are being pursued separately. However, even if such seating is allowed, then I would contend that serving alcohol in that area will exacerbate the basic issue.

That issue concerns essentially congestion (and the potential for rowdiness) on the boardwalk and side walk along the North side of the West basin of St Katharine Docks. This was a considerable point of focus in the proposal for the re-furbishment of Commodity Quay a few years ago and that re-furbishment I believe did a good job of reducing congestion along a pathway used by many people.

At peak times that whole area can involve many people moving between the Wapping area and the Tower Hill transport facilities. My wife and I often join this throng.

The provision of outside seating effectively cuts the capacity of the walkways in half (this is being pursued separately) but, over and above that, the granting of the licensing application would exacerbate this congestion in 3 ways:

- Firstly, wait staff serving drinks will themselves occupy walk space which would otherwise be used by pedestrian traffic;
- Secondly, if the serving of alcohol is permitted, then the possibility of adverse interaction between a customer and a passing pedestrian will be significantly increased, particularly if the pedestrian is having trouble penetrating the crowd of people. We should note in this context that the external terrace is directly adjacent to a Dock where the water is many feet deep and where drownings have occurred in the past.
- Thirdly, there is the possibility that customers of the CAU restaurant, either while waiting for a table, or grouping together and chatting after a meal, will continue to consume alcohol on the external terrace without using the seating provided (if indeed this seating is permitted). This could interfere very significantly with the passage of foot traffic along the walkway.

For all these reasons, I urge the rejection of the proposal.

I would make a few other comments on the specifics of the proposal:

- Section 11 says there will be no recorded music. It may indeed be that there are intended to be no loudspeakers on the Terrace (thank Heaven for small mercies at least!). However, recorded music from the body of the restaurant is very audible on the Terrace - indeed, with the main

restaurant fully open (as it is on pleasant Summer days/evenings) the main restaurant music can be considered excessively loud on the Terrace.

- Section 14 says that there will be no "Late Night" service. I am not sure of the definition of "Late" but I would note that the restaurant hours extend to 22:30 which I assume is the time that orders cease to be taken rather than consumption ends. I also note the oddity that, despite closure at 22:30, sale of alcohol is said to end at 22:00. In practice I don't think I've ever been in a restaurant which stops serving alcohol before ceasing food orders.

- I also note that sale of alcohol is supposedly going to take place for consumption "off the premises" as well as on those premises. This seems very odd for a restaurant.

- This last point also seems to be contradictory to the statement at several points in Section 18 that "Sale by retail of alcohol shall be ancillary to persons dining in the external area". The natural meaning of this, I think, is that alcohol will only be sold to people with food being served in the external area - thereby excluding sales for consumption off the premises.

Can you please advise me of next steps in relation to this application?

Thank you.

Paul D. Garwood



# Appendix 9

## **Noise while the premise is in use**

### General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

### Licensing Policy

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

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 12.11)**.

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 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 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

### Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (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 (2.36) 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 (2.38).

### Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

# Appendix 10

## **Access and Egress Problems**

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

Egress only is referred to-if necessary access can be added or substituted in.

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 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 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

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 15.5**)

The Council has adopted a set of framework hours (**See 15.8 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 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. (2.19).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

# Appendix 11

## **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 Section 6 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 3 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 pool of conditions, adopted by the Council is recommended (Annexe D).

The key role of the Police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

Customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.7).

#### Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

#### 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 12

## **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 4.15 and 4.16 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 6.2 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 3 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 7 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 key role of the Police is acknowledged (2.1).

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 (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.14 – 2.20).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). 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 but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.20).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (13.13).

## 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 13

## **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 14

## **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