

Committee: Licensing Sub-Committee	Date:	Classification: Unclassified	Report No. <i>LS0007/809</i>	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Mohshin Ali Licensing Officer	Title: Licensing Act 2003 Application for a variation of the Premises Licence for Rootmaster Ltd, Ely's Yard, The Old Truman Brewery, London E1 6QR Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Rootmaster Ltd**

Name and Address of Premises: **Rootmaster Ltd**
Ely's Yard
The Old Truman Brewery
London
E1 6QR

Licence sought: **Variation of premises licence under the Licensing Act 2003**

- **Extending the hours for the sale of alcohol**

Representations: **Environmental Protection**
Local Resident

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Mohshin Ali 020 7364 5498

3.0 **Background**

- 3.1 This is an application to vary the premises licence for Rootmaster Ltd, Ely's Yard, the Old Truman Brewery, London E1 6QR. The premises is a small restaurant within a converted Routmaster Bus.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

The current standard timings are as follows:

Alcohol (Inside)

- Monday to Saturday, 12.00 hours to 22.30 hours
- Sunday, 12:30 hours to 22.00 hours

Alcohol (Outside)

- Monday to Sunday, 12.00 hours to 21.00 hours

Hours premises are open to the public:

Opening hours of the premises (Inside)

- Monday to Saturday, 10:00 hours to 23:00 hours
- Sunday, 10:30 hours to 22:30 hours

Opening hours of the premises (Outside)

- Monday to Sunday, 10:00 hours to 21:30 hours

- 3.3 A copy of the variation application is enclosed as **Appendix 2**.

- 3.4 The applicant has described the nature of the variation as follows:
- Extending the hours for the sale of alcohol

- 3.5 The hours that have been applied for are as follows:-

Sale of Alcohol (on sales) – Inside and outside:

- Monday to Saturday, 12:00 hours to 23:00 hours
- Sunday, 12:00 hours to 22:30 hours

Hours premises are open to the public - Inside and outside:

- Monday to Saturday, 11:00 hours to 00:00 hours
- Sunday, 11:00 hours to 23:30 hours

- 3.6 A map showing the relevant premises in the area is included as **Appendix 3**.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 The representation in this report has been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003.
- 5.10 This hearing is required by the Licensing Act 2003, because relevant representation has been made by Environmental Protection and a local resident.
- 5.11 Please see **Appendix 5** for the representation of Environmental Protection.
- 5.12 Please see **Appendix 6** for the representation of the local resident.
- 5.13 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Protection
 - Trading Standards
 - Child Protection
- 5.14 The application was required to be advertised in a local newspaper and by a blue poster. In addition, the Licensing Authority notifies local residents and businesses within 40m.
- 5.15 Only objections that relate to the following licensing objectives are relevant:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.16 Essentially, the application is opposed because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
- the prevention of public nuisance

5.17 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.0 Licensing Officer Comments

6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the licensing Act 2003

- ❖ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ❖ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).

- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.”
 - ❖ Mandatory conditions must be imposed (7.67) and censorship avoided (7.69).
 - ❖ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (7.79). The Office of Fair Trading’s Advice also needs to be borne in mind.
- 6.3 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.4 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.5 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.6 Members will find advice on the issues relating to conduct on the premises and egress as follows:
- Appendix 7** Licensing Officer comments on noise while the premise is in use
 - Appendix 8** Licensing Officer comments on access and egress Problems
 - Appendix 9** Planning
 - Appendix 10** Licensing Policy relating to hours of trading

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Acts of religious worship, wherever performed are not licensable.
- 7.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."
- 7.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.5 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

- 8.1 The Council's legal officer will give advice at the hearing.

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the existing licence
- Appendix 2** A copy of the variation application
- Appendix 3** Maps of the area
- Appendix 4** Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
- Appendix 5** Representation of the Environmental Protection
- Appendix 6** Representation of the local resident
- Appendix 7** Licensing Officer comments on noise while the premise is in use
- Appendix 8** Licensing Officer comments on access and egress Problems
- Appendix 9** Planning
- Appendix 10** Licensing Policy relating to hours of trading

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

12251

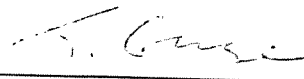
(Rootmaster Ltd)
Ely's Yard
The Old Truman Brewery
London
E1 6QR

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse 
Team Leader Licensing

Date: 08 November 2007

FOR OFFICE USE

Receipt Number 19022 Fee Paid £315.00 Fee Req. - Date 6/11/07 Initial JC



Part A - Format of premises licence

Premises licence number

12251

Part 1 - Premises details

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

(Rootmaster Ltd)
Ely's Yard
The Old Truman Brewery

Post town
London

Post code
E1 6QR

Telephone number
07912 389 314

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol (Inside)

- Monday to Saturday, 12.00 hours to 22.30 hours
- Sunday, 12:30 hours to 22.00 hours

Alcohol (Outside)

- Monday to Sunday, 12.00 hours to 21.00 hours

The opening hours of the premises

Opening hours of the premises (Inside)

- Monday to Saturday, 10:00 hours to 23:00 hours
- Sunday, 10:30 hours to 22:30 hours

Opening hours of the premises (Outside)

- Monday to Sunday, 10:00 hours to 21:30 hours

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

On sales

Part 2

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

Rootmaster Ltd
7 Brompton Place
London
SW3 1QE

Tel: 07912 389 314

Email: sylvia@root-master.co.uk

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

None

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

Sylvia Garcia
7 Brompton Place
London
SW3 1QE

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

Issuing Authority: Lambeth Council
Personal Licence Number: 01789

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

Times

Alcohol (Inside)

- Monday to Saturday, 12.00 hours to 22.30 hours
- Sunday, 12:30 hours to 22.00 hours

Alcohol (Outside)

- Monday to Sunday, 12.00 hours to 21.00 hours

Annex 2 - Conditions consistent with the operating Schedule

1. Photo identification to be sought from anyone appearing to be under the age of 21. Only UK photo card driving licence or a valid passport to be accepted.
2. Children are not allowed on or within the premises unless accompanied by an adult who is responsible for their supervision at all times.

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

None

Annex 4 - Plans

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

6 September 2007



Part B - Premises licence summary

Premises licence number

12251

Premises details

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

(Rootmaster Ltd)
Ely's Yard
The Old Truman Brewery

Post town

London

Post code

E1 6QR

Telephone number

07912 389 314

**Where the licence is time limited
the dates**

N/A

**Licensable activities authorised
by the licence**

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol (Inside)

- Monday to Saturday, 12.00 hours to 22.30 hours
- Sunday, 12:30 hours to 22.00 hours

Alcohol (Outside)

- Monday to Sunday, 12.00 hours to 21.00 hours

The opening hours of the premises

Opening hours of the premises (Inside)

- Monday to Saturday, 10:00 hours to 23:00 hours
- Sunday, 10:30 hours to 22:30 hours

Opening hours of the premises (Outside)

- Monday to Sunday, 10:00 hours to 21:30 hours

Name, (registered) address of holder of premises licence

Rootmaster Ltd
7 Brompton Place
London
SW3 1QE

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

On sales

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

None

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

Sylvia Garcia
7 Brompton Place
London
SW3 1QE

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

No

Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Sujana Garcia (Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number 12251

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>Romania Ltd</u> <u>Elpis Road</u> <u>The Old Truman Brewery</u> <u>Hambury St</u>	
Post town	Post code
<u>London</u>	<u>E1 3AG</u>

30 APR 2008

Telephone number at premises (if any)

079912 337 311

Non-domestic rateable value of premises

£ 50,000

Part 2 - Applicant details

Daytime contact telephone number		07512 599 811	
E-mail address (optional)		S...@... .co.uk	
Current postal address if different from premises address		4 Symonds Ave L... ..	
Post Town	L... ..	Postcode	SN3 1EG

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes

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

Day	Month	Year

Please describe briefly the nature of the proposed variation (please see guidance note1)

We are applying to extend our opening hours and the hours of our bar. We are also applying to use the premises for events and to sell alcohol for consumption on the premises.

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

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Part 4 Operating Schedule

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			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)

D

Boxing or wrestling entertainment 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	
Day	Start	Finish	Please give further details here (please read guidance note 3)	Outdoors	
Mon				Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
			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)		

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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
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 [Y] (please read guidance note 2)	Indoors
Day	Start	Finish		Outdoors
Mon			Please give further details here (please read guidance note 3)	Both
Tue				
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)
Thur				
Fri				Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) 5)
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	
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g). (please read guidance note 4)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

1

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing			
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)		Indoor	
					Outdoor	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
			State any seasonal variations for the facilities for making music (please read guidance note 4)			
			Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing					
			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor				
				Outdoor				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						State any seasonal variations for the facilities for dancing (please read guidance note 4)		
						Non standard timings. Where you intend to use the premises for the facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
			Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	Please give further details here (please read guidance		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or k (please read guidance note 4)			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>	
Day	Start	Finish		Off the premises		
Mon	12.00	03.00	Please give further details here (please read guidance)	Both		
Tue	12.00	03.00				
Wed	12.00	03.00		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	12.00	03.00				
Fri	12.00	03.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	12.00	03.00				
Sun	12.00	03.00				

N

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)

Can be offering in adult entertainment
Services within the premises

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	24.00	
Tue	11.00	24.00	
Wed	11.00	24.00	
Thur	11.00	24.00	
Fri	11.00	24.00	
Sat	11.00	24.00	
Sun	11.00	24.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

We wish to have our opening hours extended to those which were first applied for in our initial application. I do not feel an extra hour of business will prevent us from maintaining & achieving the four licensing objectives, but for us as a small business, it will make an enormous difference in the amount of cases we are able to serve in an evening which in a restaurant of our size is vital.

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.

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

Since we have opened, we have received no complaints and have not failed to meet either of the licensing objectives. We have now created an established business which is managed responsibly and which is now viewed by many as an asset to the area. We uphold the safety of any person in our restaurant with the utmost importance and now have strong systems in place which ensure us to do so.

b) The prevention of crime and disorder

Since opening we have had few crime related incidents. All of which involved theft from the business and affected no customer or staff. We have since established a good working relationship with the local police and feel in all cases we were able to deal with the situations professionally, safely and quickly. All CCTV & security measures in the yard remain in place and

c) Public safety

As the area is getting busier & busier, more security have been placed on duty for all evening shifts. They are all highly trained & very experienced in dealing with the public. We have also developed strong working relationships with all of the security team of the Old Truman Brewery.

d) The prevention of public nuisance

We are applying for a license extension so that we may turn over our tables 3 times in one evening. Presently we are only able to do this 2 times. This does not mean our existing customers will have longer to drink, it means we as a business will be more sustainable. We have had no problems to date with persons becoming overly drunk as all of our customers are also drinking with their ~~own~~ drinks.

e) The protection of children from harm

We feel the way Rotterdam is managed with this licensing objective very well. I do not believe children will be affected by our opening later as the majority of our customers will come with children do so earlier in the evenings and never have stayed until close. We will maintain our policy on asking for proof of age from anybody who appears to be under the age of 21.


CHECKLIST:

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	29.04.09
Capacity	

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

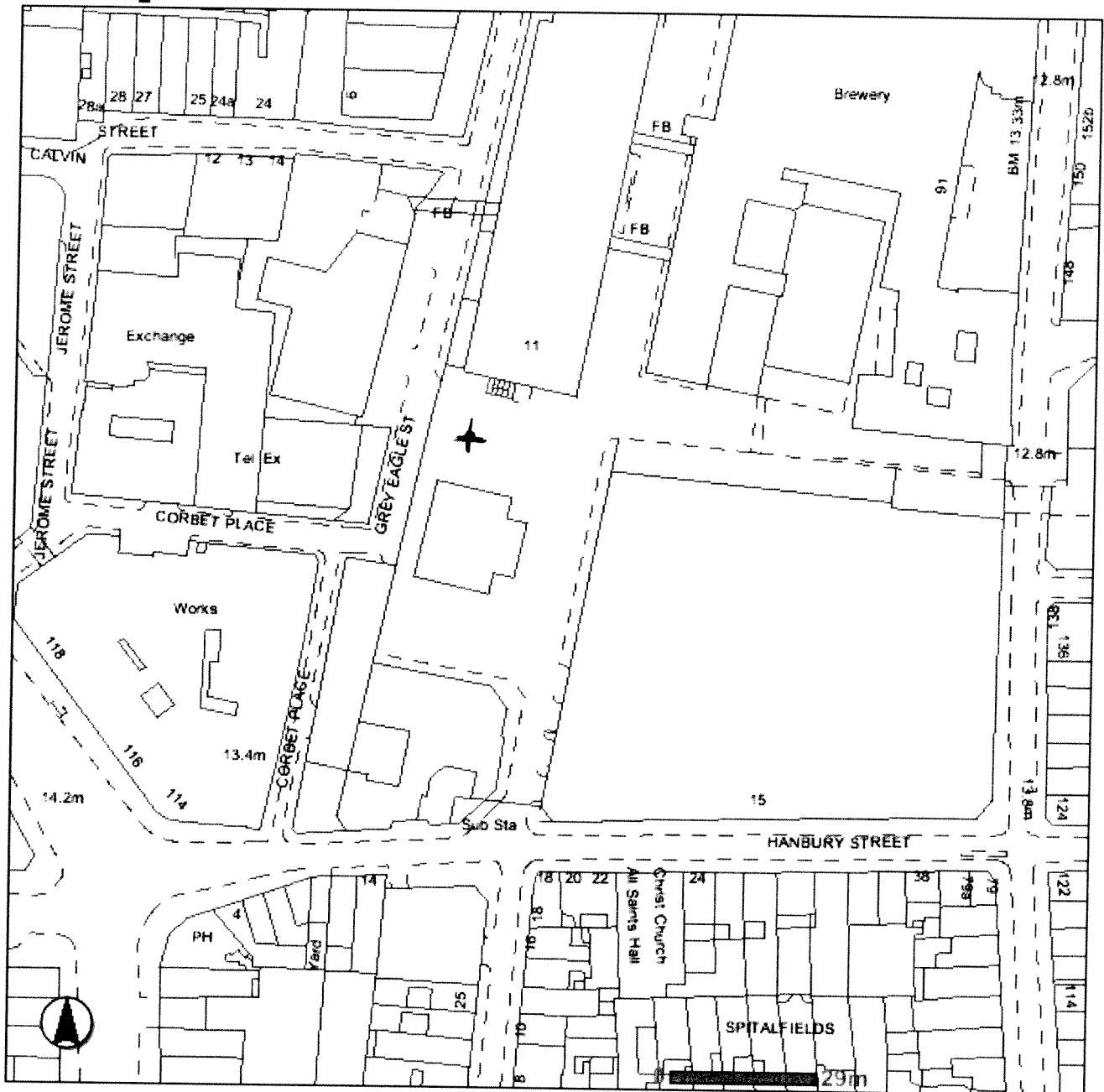
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Sylvia Garcia
7 Brompton Place

Post town	London	Post code	SW3 1BE
Telephone number (if any)	0207 589 5663		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
Sylvia.garcia@marston.co.uk			

Appendix 3

Map



Scale 1:1250

Map of:

Rootmaster

Notes:

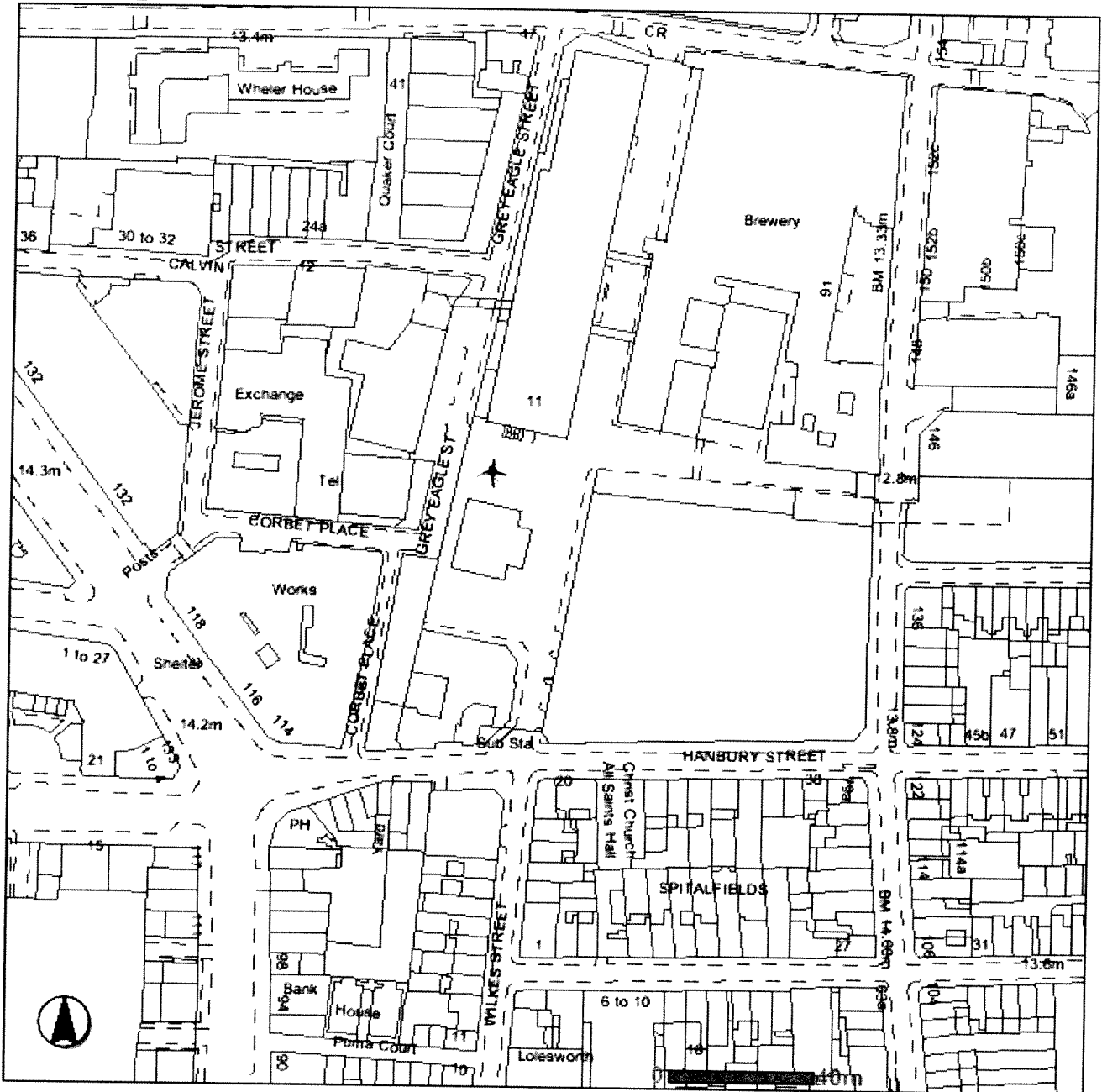
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Map



Scale 1:1750

Map of:

Rootmaster

Notes:

Ely's Yard

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Appendix 4

Section 182 Advice by the DCMS

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 DCMS 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 Secretary of State 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

Mohshin Ali

From: Derrick Harrington
Sent: 12 May 2008 15:33
To: Mohshin Ali
Cc: John Cruse; Iain Pendrigh; Kathy Butler; Cain Duncan; Stephen Irvine; Alkesh Solanki
Subject: Re: APPLICATION FOR A VARIATION OF THE PREMISES LICENSE-ROOTMASTER LTD, ELYS YARD E1

Mohshin

**Re: THE LICENSING ACT 2003
APPLICATION FOR A VARIATION OF THE PREMISES LICENSE
ROOTMASTER LTD , ELYS YARD, THE OLD TRUMAN BREWERY, HANBURY ST E1**

I have just received an application from Rootmaster Ltd, (Ms Sylvia Garcia, 7, Brompton Place, London, SW3 1QE) received on the 1st May last for a variation of the existing Premises License. The applicant wishes to remain open an additional hour every night of the week presumably in order to capitalise on increased sales etc.

Regrettably, the applicant still does NOT have planning permission for the installation of a low level kitchen extract ventilation system serving this red double decker bus which is provided within the ground floor of the bus where cooking and frying of vegetarian foodstuffs is carried out. Currently the existing installation is unsatisfactory.

Although to date, we have not received any complaints from adjoining residents regarding noise or smell nuisance from frying of foods, I regret that I have no alternative but to OBJECT to this application since the current installation does NOT have planning permission from the Council, despite the business being in operation now for over 12 months and does not comply with the relevant British Standards. Unless or until a proper planning application is submitted and approved by the Council, then I feel obliged to object to this application.

In addition to the above, despite the managerial controls proposed by the applicant, I am also concerned about the possibility of an increase in anti-social behaviour activities including the likely increase in drunkenness, foul language and other forms of anti-social behaviour that would impact upon an already hard pressed community.

D C Harrington
Principal Environmental Health Officer

20/05/2008

Appendix 6

Mohshin Ali

From: Jane Curtis [j1curtis@hotmail.com]
Sent: 27 May 2008 13:35
To: John Cruse; Mohshin Ali
Subject: Rootmaster Ltd Ely's Yard

Dear Mr Cruse and Mr Ali

Change to licence: Rootmaster Ltd, Ely's Yard, Old Trumans Brewery, London E1 6QR

I note that the Rootmaster has applied to increase its licensing hours.

Does this variation increase the hours for the licensing activities outside the premises? This is currently 21:00, with opening hours set at 21:30 hours.

Whilst I do not have any real problems with a small increase in the hours for the supply of alcohol inside the bus I am concerned about any increase of outside drinking in this part of Ely's Yard.

My concerns are that the times of 9pm, and 9:30pm for use, was set because of the problem of sound carrying from groups of people gathered in this part of the Yard which carries into homes in nearby Wilkes Street and Corbet Place. Whilst there have only been a few tables outside, this has increased of late.

I therefore have concerns about the proximity to residential properties and noise whilst the premises is in use.

I am also concerned that these premises do not have any toilet facilities!

I would also object if the variation included the playing of music outside, as this would indeed be heard very clearly in residential premises.

The current licence holders seem to be reasonable, however I do have concerns, which have been borne out in other local licensed premises, that licences can change hands and problems can increase for locals which take years to fight (like Public Life). Can it be a condition of an increase in the hours that the licence is revoked if Rootmaster Ltd leaves these premises? I assume it is the bus which is licensed and not the site where the bus stands?

Thank you for your consideration of these points.

I hope my concerns will be addressed and we will not have to take this to the Licensing Committee.

Jane Curtis

16 Wilkes Street
London E1

Appendix 7

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music

- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 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 8

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 9

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 10

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