

Committee : <b>Licensing Sub Committee</b>	Date	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
Report of <b>Colin Perrins</b> <b>Head of Trading Standards and Commercial</b>	Title <b>Licensing Act 2003</b> <b>Application for New Premises Licence for Rosa Restaurant, 12 Hanbury Street, London, E1 6QR</b>			
Originating Officer: <b>John Cruse</b> <b>Team Leader Licensing</b>	Ward affected <b>Spitalfields and Banglatown</b>			

## 1.0 Summary

Applicant: **Hanbury Street Investments Limited**  
Name and **Rosa Restaurant**  
Address of Premises: **12 Hanbury Street**  
**London E1 6QR**

Licence sought: **New Premises Licence under Licensing Act 2003**  
**The sale by retail of alcohol**  
**Provision of regulated entertainment**  
**Late Night Refreshment**

Objectors: **Environmental Protection**  
**Residents Association**  
**Local Residents**

## 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

**John Cruse**  
**020 7364 5024**

### 3.0 Background

- 3.1 This is an application for a new premises licence for Rosa Restaurant, 12 Hanbury Street, London E1 6QR.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The applicant has described the application as:  
The sale by retail of alcohol, on and off the premises.  
Provision of regulated entertainment  
Provision of late night refreshment
- 3.4 The application has been amended after consultation with Metropolitan Police – see **Appendix 2**
- 3.5 The hours that have been applied for are as follows:-
- Sale of Alcohol (on and off sales)**
- Sunday to Thursday from 11:00 hrs to 23:30 hrs
  - Friday and Saturday from 11:00 hrs to 01:00 hrs
- The Provision of Regulated Entertainment:  
Live Music, Recorded Music, Performance of dance and similar  
including Mobile Discos and Karaoke**
- Sunday to Thursday from 11:00 hrs to 23:30 hrs
  - Friday and Saturday from 11:00 hrs to 01:00 hrs
- The Provision of Late Night Refreshment:**
- Sunday to Thursday from 11:00 hrs to 23:30 hrs
  - Friday and Saturday from 11:00 hrs to 01:00 hrs
- Hours premises is open to the public:**
- Sunday to Thursday from 11:00 hrs to 23:30 hrs
  - Friday and Saturday from 11:00 hrs to 02:00 hrs
- 3.6 Members may wish to note that in relation to the sale of alcohol on Sunday to Thursday, this is the same as when the premises closes to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met. The problem, of course, is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the regulated activities and the time the premises closes to the public.
- 3.7 A map showing the relevant premises 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 revised policy came into effect on the 7<sup>th</sup> January 2008.
- 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](http://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, than 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 All the representations in this report have 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 representations have been made by the following:  
Environmental Protection - See **Appendix 5**  
Residents Association – See **Appendix 6**  
Local Residents – See **Appendix 7** for list and **Appendices 8-18** for representations.
- 5.11 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
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
- 5.12 In addition the application was required to be advertised in a local newspaper and by a blue poster. 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
- 5.13 The objections cover allegations of:
- Anti social behaviour from patrons leaving the premises
  - Acting as a magnet attracting the young who then engage in anti-social behaviour
  - Drug taking
  - Noise while the premise is in use
  - Disturbance from patrons leaving the premises on foot
  - Close proximity to residential properties
  - Noxious smells or light pollution
  - Noise leakage from the premises
  - Lack of planning permission

5.14 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.” (10.20)
  - ❖ 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 considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 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.
- 6.6 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)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In Appendices 19-27 Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.
- 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 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 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."
- 7.5 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.
- 7.6 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

- |                      |  |
|----------------------|--|
| <b>Appendix 1</b>    | A copy of the application  |
| <b>Appendix 2</b>    | Amendments to the application  |
| <b>Appendix 3</b>    | Maps of the area   |
| <b>Appendix 4</b>    | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations                              |
| <b>Appendix 5</b>    | Representation of Environmental Protection   |
| <b>Appendix 6</b>    | Representation of Residents Association  |
| <b>Appendix 7</b>    | List of residents making representation  |
| <b>Appendix 8-18</b> | Representations of Local residents   |
| <b>Appendix 19</b>   | Licensing Officer comments on Anti social behaviour from patrons leaving the premises                          |
| <b>Appendix 20</b>   | Licensing Officer comments on Acting as a magnet attracting the young who then engage in anti social behaviour |
| <b>Appendix 21</b>   | Licensing Officer comments on Drug Taking  |

- Appendix 22** Licensing Officer comments on Noise while the premises is in use
- Appendix 23** Licensing Officer comments on Access and Egress problems
- Appendix 24** Licensing Officer comments on Noxious Smells or light pollution
- Appendix 25** Licensing Officer comments on Noise leakage from the premises
- Appendix 26** Licensing Officer comments on Planning
- Appendix 27** Licensing Policy relating to hours of trading



# Appendix 1

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We Hanbury Street Investments Limited T/A  
(Insert name(s) of applicant)

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Rosa Restaurant 12 Hanbury Street			
<b>Post town</b>	London	<b>Post code</b>	E1 6QR
Telephone number at premises (if any)		T.B.A.	
Non-domestic rateable value of premises		£8100	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

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

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- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick yes

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

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

**(B) OTHER APPLICANTS**

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

Name Hanbury Street Investments Limited
Address 45 Tower Bridge Wharf 86 St Katharines Way London E1W 1UR
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) 0208 6431108
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start? **A.S.A.P**

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note1)

The original premises was used as a A3 café premises and is now under going refurbishment to be converted in to a modern fully licensed Thai Restaurant. The Restaurant will have approximately 70 covers and will also offer a take away service for food and alcohol sales. The premises will be operating close to the old Spitalfields Market site, therefore the premises will be applying for licensing hours similar to other existing businesses in the area as granted under the 1964 licensing Act. These variations in hours will only apply on Fridays and Saturdays only. The restaurant will cater for famlies and children until 10pm. singles and couples there after.

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

0

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick 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:**

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

**B**

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

**C**

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



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)			
Wed						
Thur			<b><u>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</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

**E**

Live music Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	23.30	<b>Please give further details here</b> (please read guidance note 3) On festive occasions live music and entertainment may be provided by the restaurant for it's customers. Some entertainment will include amplified music.		
	am	pm			
Tue	11.00	23.30			
	am	pm			
Wed	11.00	23.30	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4) christmas eve, new years eve and chinese new year		
	am	pm			
Thur	11.00	23.30			
	am	pm			
Fri	11.00	01.00	<b>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</b> (please read guidance note 5) All live music will be restricted to 1am on Fridays and Saturdays or any day deemed as a festive occasion such as new years day or eve.		
	am	am			
Sat	11.00	01.00			
	am	am			
Sun	11.00	23.30			
	am	pm			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3) Low level amplified back ground music will be provided by the restaurant for it diners. The restaurant will be licensed by the Phonographic Performances Ltd.  <b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4) christmas eve, new years eve and chinese new year  <b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) none		
Mon	11.00	23.30			
	am	pm			
Tue	11.00	23.30			
	am	pm			
Wed	11.00	23.30			
	am	pm			
Thur	11.00	23.30			
	am	pm			
Fri	11.00	05.00			
	am	am			
Sat	11.00	05.00			
	am	am			
Sun	11.00	23.30			
	am	pm			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.30	23.30	<u>Please give further details here</u> (please read guidance note 3) customers of the restaurant may dance on festive occasions such as new years day, new years eve etc...		
	am	pm			
Tue	11.00	23.30			
	am	pm			
Wed	11.00	23.30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) christmas eve, new years eve and chinese new year		
	am	pm			
Thur	11.00	23.30			
	am	pm			
Fri	11.00	01.00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) new years eve, chinese new year, christmas until 1am.		
	am	am			
Sat	11.00	01.00			
	am	am			
Sun	11.00	23.30			
	am	pm			

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p><b><u>Please give a description of the type of entertainment you will be providing</u></b> The restaurant will on occasion provide entertainment which will be amplified, such as mobile discos and karaoke. This will normal take place on special festive occasions.</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	11.00 am	23.30 pm		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11.00 am	23.30 pm	<p><b><u>Please give further details here</u></b> (please read guidance note 3) music will be amplified.</p>		
Wed	11.00 am	23.30 pm			
Thur	11.00 am	23.30 pm	<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4) christmas eve, new years eve and chinese new year</p>		
Fri	11.00 am	01.00 am			
Sat	11.00 am	01.00 am	<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) we intend the premises to be licensed on special festive occasions for amplified music untill 1 am on which ever day that the occasion may fall. example new years eve, chinese new year and christmas eve.</p>		
Sun	11.00 am	23.30 pm			

I

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

J

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

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 5)		
Sat					
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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p><b>Please give further details here</b> (please read guidance note 3) the restaurant will serve table meals but will also offer a take away service to its clients.</p> <p><b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4) christmas eve, new years eve and chinese new year.</p> <p><b>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</b> (please read guidance note 5) christmas eve, new years eve and chinese new year on which ever day it will fall we intend for the premises to remain open until 5am.</p>		
Mon	11.00	23.30			
	am	pm			
Tue	11.00	23.30			
	am	pm			
Wed	11.00	23.30			
	am	pm			
Thur	11.00	23.30			
	am	pm			
Fri	11.00	05.00			
	am	am			
Sat	11.00	05.00			
	am	am			
Sun	11.00	23.30			
	am	pm			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) christmas eve, new years eve and chinese new year	Both	<input checked="" type="checkbox"/>
Mon	11.00	23.30			
	am	pm			
Tue	11.00	23.30			
	am	pm			
Wed	11.00	23.30			
	am	pm			
Thur	11.00	23.30		<b>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</b> (please read guidance note 5) christmas eve, new years eve and chinese new year on which ever day it will fall we intend for the premises to remain open until 5am.	
	am	pm			
Fri	11.00	05.00			
	am	am			
Sat	11.00	05.00			
	am	am			
Sun	11.00	23.30			
	am	pm			

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

<b>Name</b> Ms Pattaraporn Boonchan	
<b>Address</b> 74 Malden Road Sutton Surrey	
<b>Postcode</b>	SM3 8QZ
<b>Personal Licence number (if known)</b> TBA	
<b>Issuing licensing authority (if known)</b> London Borough of Sutton	

**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)**

None

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) christmas eve, new years eve and chinese new year on which ever day it will fall we intend for the premises to remain open until 5am.
Day	Start	Finish	
Mon	11.00	23.30	
	am	pm	
Tue	11.00	23.30	
	am	pm	
Wed	11.00	23.30	
	am	pm	
Thur	11.00	23.30	
	am	pm	
Fri	11.00	05.00	
	am	am	
Sat	11.00	05.00	
	am	am	
Sun	11.00	23.30	
	am	pm	
			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5) christmas eve, new years eve and chinese new year on which ever day it will fall we intend for the premises to remain open until 5am.

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

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

Both the premises licence holder and the designated premises supervisor fully understand their role and responsibilities concerning the four licensing objectives obtained within the 2003 licensing act, a comprehensive break down of these objectives and how to ensure they are met are detailed below. The designated premises supervisor is a personal license holder and has attended the (NCPLH) level 2 training qualification. She will take the responsibility of ensuring all staff, including new members of staff are trained and have full knowledge of any licensing issues under the 2003 Licensing Act.

**b) The prevention of crime and disorder**

Our Clients Hanbury Street Investments Limited and the Directors are fully aware of their roll and responsibilities as premises owners. Our client will endeavour to satisfy any recommendations made by either the police licensing or crime prevention officer for the local area. They have ensured that the Designated Premises Supervisor will instruct all members of staff in respect to the prevention of crime and disorder.

**c) Public safety**

Hanbury Street Investments Limited and the Directors will be responsible for conducting a fire risk assessment and also health and safety risk assessments for the licensed premises. The Company will also formulate a written Health & Safety policy and provide additional training to all staff members on manual handling and food hygiene. The company will endeavour to comply with FSA requirements at all times. All notices in relation to public health and safety will be displayed at the premises. The DPS will ensure the premises will be operated in line with the health and safety act and any environmental health issue will be the responsibility of both the licence holder for the premises and the designated premises supervisor.

**d) The prevention of public nuisance**

The designated premises supervisor/premises licence holder fully understand that it is their duty to prevent there business being responsible for any nuisance to local residents or businesses. They will monitor the internal premises area and also monitor activities outside of the premises in relation to any anti social behaviour or public nuisance as the Act requires.

The premises will only accept any trade deliveries or rubbish collections during normal working hours.

The DPS will also monitor the exterior of the premises to ensure litter is kept to a minimum. In the event of any anti social behaviour both inside and outside of the premises, the DPS will act to prevent such an occurrence.

**e) The protection of children from harm**

The Company and the DPS will be responsible for ensuring all staff working within the premises will be fully trained and aware of the challenge 21 rule, the restaurant will only accept valid identification such as, photo driving licence, valid passport and home office approved identity cards bearing the national proof of age standard scheme (PASS hologram).

All customers under the age of 21 will be challenged to prove their identity when purchasing alcohol. Identification will also be required for the purchase of cigarettes & tobacco products, if on sale.

Any notices regarding the protection of children from harm will be displayed at the premises including notices for adults purchasing alcohol on behalf of minors.

Please tick yes

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

**IT IS AN OFFENCE, LIABLE ON 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 4 – Signatures** (please read guidance note 10)

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

Signature	<i>Sheeha</i>
Date	23.05.2008
Capacity	LTTA Licensing Consultants on behalf of Hanbury Street Investments Limited

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b> Licesned Trade Training Academy Ltd 19 Pershore Road South Cotteridge			
<b>Post town</b>	Birmingham	<b>Post code</b>	B30 3EE
<b>Telephone number (if any)</b>	0121 459 6080		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> amy.richards@lta.co.uk			

### Notes for Guidance

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

# Appendix 2

## Kathy Butler

---

**From:** John Leslie [john.leslie@lta.co.uk]  
**Sent:** 26 June 2008 12:00  
**To:** Kathy Butler  
**Subject:** Copy of e-mail sent to Paul Johnson EH

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

Hi Paul,

Further to our telephone conversation this morning I can confirm that PC 189HT Alan Cruickshank; Licensing Officer at Bethnal Green Police Station has spoken with Saiphin Poole ( proposed DPS) with regard to the trading hours on Fridays & Saturdays, the agreed changes are as follows

- 1 Recorded music until 0130
- 2 Late Night Refreshment until 0100 (last food order)
- 3 Alcohol until 0100
- 4 The premises to be open until 0200

This I hope will resolve any issues regarding proposed trading hours;

With respect to your concerns re; live music & entertainment the application was submitted to cover any festive oriental celebration such as New Years dragon dance or possible wedding breakfast. As both of these activities will be extremely limited we will be happy to apply for any regulated entertainment under a Temporary Event Notice. I have also spoken to my client regarding your comment on general spoken noise levels & your request for an acoustic report is being dealt with. Bearing in mind the building has been a restaurant / cafe previously I hope we will also be able to resolve this issue.

I also understand that interested parties have objections & hope to address the concerns if & when a hearing is requested. I will contact Kathy Butler over the next day or so to keep the Licensing Authorities informed

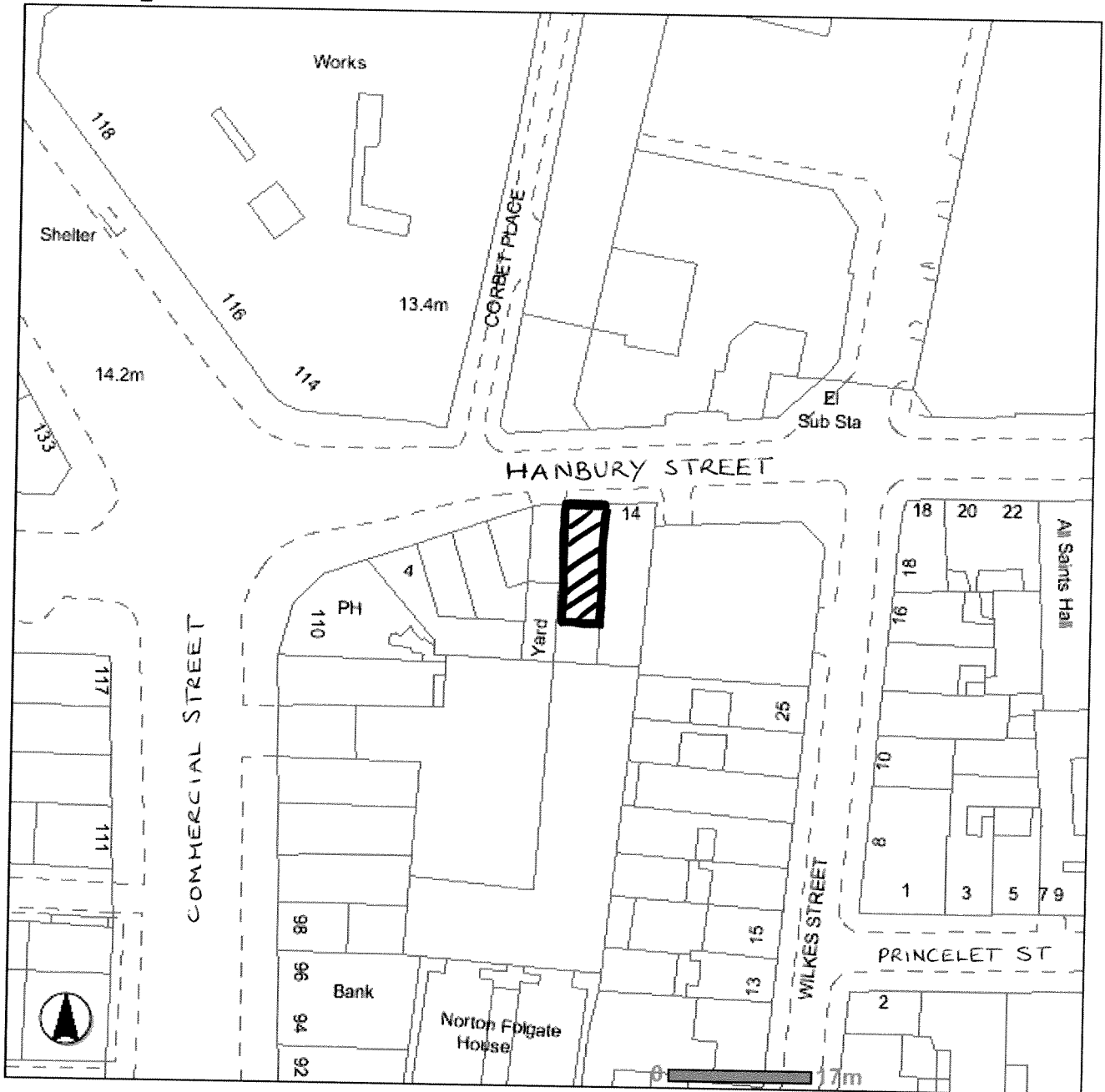
regards

John Leslie  
LTTA



# Appendix 3

# Map



Scale 1:750

Map of:

Notes:

## 12 Hanbury Street

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Licence Number: LA100019288

# Map



Scale 1:2500

Map of:

## 12 Hanbury Street

Notes:

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Licence Number: LA100019288

# Appendix 4

## Section 182 Advice by the DCMS

Updated Jan 08

### 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

---

**From:** Paul Johnson  
**Sent:** 16 June 2008 16:08  
**To:** Jacqueline Randall  
**Cc:** Iain Pendrigh  
**Subject:** FW: 12 Hanbury Street, London E1 - Application for a new premises license

Hi Jackie,

Environmental Health object to the above premises application on the grounds of public nuisance.

EH feel that the premises is not capable of controlling and containing the noise created from live music within its structure. Also, Noise from customer access and egress and persons potentially congregating around premises up to the proposed times and smoking outside will potentially cause public nuisance to the surrounding residential, particularly residential above. There are numerous residential properties that potential public nuisance could effect.

EH feel that the proposed operating times are excessive.

Please find attached email below that was sent to applicant requesting further information as the the acoustic integrity of the building.

I normally request conditions at this and propose operating hours however I would like to do so at a later stage when the applicant has come back to me.

Regards,

Paul Johnson  
Environmental Health Enforcement Officer  
Environmental Protection

Postal Address

01/07/2008



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

Location Address

Anchorage House, 2 Clove Crescent, London, E14 2BE

Telephone : 020 7364 6617

Website : <http://www.towerhamlets.gov.uk>

---

**From:** Paul Johnson

**Sent:** 16 June 2008 16:00

**To:** 'liz.czyz@lta.co.uk'

**Subject:** 12 Hanbury Street, London E1 - Application for a new premises license

Hi Liz,

As per our conversation earlier, Environmental Health are objecting to the above premises License on the grounds of public nuisance.

The two main issues are the ability of premises to contain noise and the proposed hours.

EH feel that the premises is not capable of controlling and containing the noise created from live music within its structure. Also, noise from customer access and egress and persons smoking outside up to the proposed hours will potentially cause public nuisance to the surrounding residential, particularly residential above. It is quite high density residential above and around applicants premises.

I recommend that you arrange for an acoustician or a competent person re noise matters to meet you on site to provide some advice as to if they feel that noise from live music can be contained within your venue and what measures would be necessary to potentially allow live music. EH would then request sight of a report assessing sound insulation of premises and recommendations to address the weak points of the premises. To confirm what EH will expect and what will be a condition in future premises License. As per IOA Good Practice Guide on the Control of Noise from Pubs and Clubs - inaudibility from regulated entertainment inside nearest noise sensitive property at any time (with windows open). Follow guidance within this guidance as to what EH expect within report.

There is no lobby shown on plans. If this is going to be the case, measurements as to future noise levels inside and how these effect neighbouring properties must be made when front doors to premises are open. Will this premises have air conditioning? Where will the air con unit be positioned if air conditioning? If you have any questions, please do not hesitate to contact me on the details below.

Regards,

Paul Johnson

Environmental Health Enforcement Officer  
Environmental Protection

Postal Address

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

Location Address

Anchorage House, 2 Clove Crescent, London, E14 2BE

Telephone : 020 7364 6617

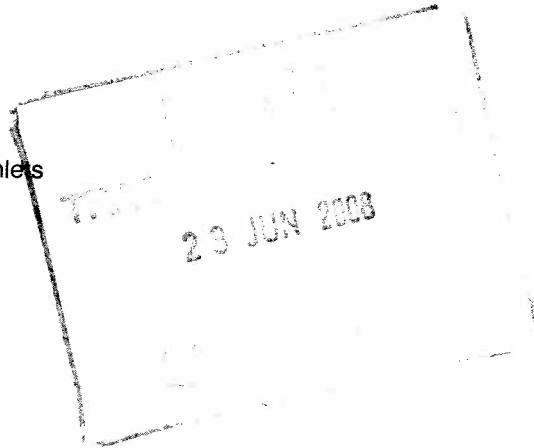
Website : <http://www.towerhamlets.gov.uk>

01/07/2008

# Appendix 6

# THE SPITALFIELDS SOCIETY

John Cruse  
Licensing Department  
London Borough of Tower Hamlets  
Mulberry Place  
PO Box 55739  
5 Clove Crescent  
London  
E14 2BG



18 June 2008

Dear Mr Cruse

## **Application for Premises Licence for 12 Hanbury Street**

I write on behalf of the Spitalfields Society regarding the application for the above premises. I understand that an application has been made for a licence for these premises for the sale of alcohol, late night refreshment and recorded music together with performances of dance and similar entertainment such as mobile discos and karaoke. The hours are Sunday to Thursday from 11 a.m. to 23.30pm and Friday and Saturday from 11 a.m. to 5 a.m. (1 a.m. for the entertainment).

I write to object in the strongest possible terms to this application. These premises are only a few steps away from the residential properties in Hanbury Street, Wilkes Street, Fournier Street and Princelet Street and in particular from the back of these properties on the west side of Wilkes Street. The rear of these properties generally comprise bedrooms, many occupied by young children, and the rear of no.12 Hanbury Street is both close to and clearly visible from these rooms. Any noise at all will be easily audible from these rooms over what are presently quiet back yard areas. The notion that such a premises should be granted a licence, let alone one that will run to 5.00am is wholly unreasonable.

As you will recall from the recent public meeting that you attended many of the residents have previously voiced their concerns at the proliferation of bars and restaurants in this area, which has lead to a substantial increase in crime of varying degrees from public disorder to drug dealing and assault. Yet another property serving alcohol and entertainment in such close proximity will exacerbate the problems.

The proposed hours of use are excessive and the noise from people arriving and particularly leaving late at night, whether in states of drunkenness or not, smoking outside etc. will leave us unable to work in the evening and get a proper nights sleep. The constant rubbish, vomit, urine and worse deposited on the pavements and the street by visitors to these bars, who see the residential streets as an extension to the bars and an open-air toilet, will only worsen.

The premises concerned are small and are wholly unsuited to use as a bar or for entertainment events.

If you are minded, notwithstanding our objections, to grant an alcohol licence then it should be with the following conditions, which must be strictly monitored and enforced by your department:-

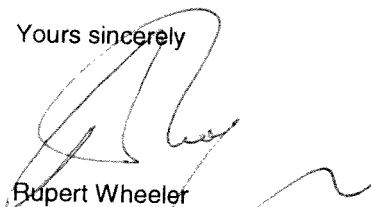
- 1 Alcohol should only be served in conjunction with food, i.e. as ancillary to a restaurant use. This being the previous use of the premises, and there having been no application for the change of this use, we would assume that this condition would inevitably comply. Please will you confirm this point?

- 2 The hours of sale/supply of alcohol should be restricted and should be no later than 22.30 hours on any day.
- 3 There should be no live or recorded music and no grant of any separate entertainment licence.
- 4 All windows should be sealed so as not to allow the escape of any noise and suitable air-conditioning units installed with no externally audible plant located on the roof or rear of the premises.
- 5 An adequate number of toilet facilities should be installed.
- 6 There should be no use allowed of rear garden or yard areas or the roof terrace, which we understand has been recently constructed without the benefit of planning permission.
- 7 Adequate door control should be exercised at all times from the Hanbury Street entry and exit point and patrons are to be escorted to the corner of Commercial Street in accordance with managerial controls to be agreed with the council and the residents
- 8 No alcoholic or non-alcoholic beverages are to be taken outside the premises at any time. No smoking permitted outside the premises
- 9 The front door is to be kept closed to prevent noise breakout.

The fact that it would appear that the owners of this premises have recently extended the building and constructed a roof terrace without any of the necessary planning and building regulation consents makes us very doubtful that they will comply with any other such regulations. It is therefore very important that the Council investigates their true intentions very rigorously, and that any conditions that might be applied to any consent should be effectively and clearly worded and vigorously monitored and enforced.

Please would you also ensure that the owner and/or tenant has complied with all other legislation, such as planning and building control, before any licensed operations are permitted to commence

Yours sincerely



Rupert Wheeler

Cc; Eleanor Jones.

cc. Spitalfields Society committee members and local residents.

# Appendix 7

## Appendix 7

Name	Address1	Address2	Address3	Appendix
Rupert Wheeler, The Spitalfields Society	32 Monthope Road	London	E1 5LS	6
Claire Johnston	3 Princelet Street	London	E1 6QH	8
Roy and Pascale Adams	5 Princelet Street	London	E1 6QH	9
Natalia Puigdemasa and Fred Biver-Puigdemasa	8 Wilkes Street	London	E1 6QF	10
Adriana Paice	10 Wilkes Street	London	E1 6QF	11
John and Sandy Critchley	14 Wilkes Street	London	E1 6QF	12
Anne Hartnett	15 Wilkes Street	London	E1 6QF	13
Jane Curtis	16 Wilkes Street	London	E1 6QF	14
Keith Bowler	16 Wilkes Street	London	E1 6QF	15
Pat Jones	21 Wilkes Street	London	E1 6QF	16
Juliet McKoen	23 Wilkes Street	London	E1 6QF	17
Sue Rowlands	25 Wilkes Street	London	E1 6QF	18

# Appendix 8

FROM: CLAIRE JOHNSTON [mailto:benandclaire162@btinternet.com]  
Sent: 18 June 2008 17:45  
To: John Cruse  
Cc: Paul Johnson  
Subject: Rosa Restaurant, 12 Hanbury Street, London, E1 ("the Property") - Licensing Act 2003

Dear Mr Cruse,

I note that an application has been made for a Premises Licence for the Property to sell intoxicating liquor for consumption on and off the Property, provision of late-night refreshment and further the provision of regulated entertainment. I also note the somewhat extensive trading hours which have been applied for.

I should be most glad if you could please accept this e-mail as a strong objection to the said application.

My reasons are set out below:-

1. Visitors to this area have no regard for the local community and surrounding areas. This is evidenced by the litter, drinking/smoking on the streets and general loutish and anti social behaviour which has become part of our every day life;

2. As ever, it is the residents who will suffer. Our streets are very narrow and the noise caused by these "visitors" (loud obnoxious behaviour, smashing of glass) reverberates. The streets next to and surrounding the Property are principally residential and occupied by families. Have we not enough clubs of this type already? Surely, we have a right to live and sleep peacefully in our homes?

3. I am also anxious that more "people traffic" on the streets late at night will encourage the drug dealers and the beggars to loiter for longer periods;

4. I have lost count of the number of times I have witnessed urinating and sexual encounters in my doorway and that of my neighbours;

In recent months we have seen a massive upturn in public nuisance, crime and disorder on our streets.

Accordingly i would very much hope that you will consider my very reasonable objections properly and not grant the Licence.

Yours faithfully

Claire Johnston



# Appendix 9

## 5 Princelet Street London E1 6QH

22.06.08

Dear Mr Cruse,

### **Application under Licensing Act 2003 for Rosa Restaurant, 12 Hanbury Street, London E1 6QR**

We note with dismay that yet another application has been made for a Premises Licence in Spitalfields, this time for Rosa's Restaurant, 12 Hanbury Street, London E1 6QR. We object most strongly to this application and ask the Licensing Section of Tower Hamlets Council not to grant a licence. to sell intoxicating liquor for consumption on and off the premises, provision of late-night refreshment and the provision of regulated entertainment.

The trading hours applied for - Monday to Thursday, 11.00am to 23.30pm, Friday and Saturday, 11.00am to 05.00am and Sunday, 11.30am to 23.30pm - and the location of what would become licensed premises so close to homes will cause distress and severe loss of amenity to the residents of Hanbury Street, Wilkes Street, Puma Court and the surrounding residential area, including Princelet Street.

Problems of invasive noise from music from the premises, from people entering and leaving the premises, smoking outside in groups and moving noisily through our streets would be inevitable if the licence were granted. We are also concerned that "regulated entertainment" may end up as lap-dancing, in the same way as the neighbourhood experienced to its misfortune at "Edge".

We have experienced the negative effects of the many other licensed premises in the area, We suffer already through noise, open consumption of alcohol in the street, open drug dealing, use of the streets as a toilet, sexual congress in our doorways, and other related drunken and drug-affected behaviour at all times of the day and night. This is already unbearable to the point that families with children (of which we are one) are seriously thinking of leaving the area.

There are already too many clubs and off-licences in this area, so that the neighbourhood is saturated with noisy and anti-social young people at almost all hours of the day and night. We are already woken regularly at night by noise and anti-social behaviour in the streets. The result of further intrusion will be a greater demand on the personnel of Tower Hamlets being called upon to regulate noise and on the Police to deal with anti-social behaviour.

This application, at premises just yards from the nearest residence, and with trading requested until 5.00am on Saturday and Sunday mornings will not be able to meet the licensing objectives of Tower Hamlets Council. Please do not grant a licence at all because restricted hours are unenforceable and licensees do not observe them.

Yours sincerely,

Roy and Pascale Adams

# Appendix 10

---

**From:** natalia puigdemasa pujadas [mailto:npuigdemasa@gmail.com]  
**Sent:** 21 June 2008 17:21  
**To:** John Cruse  
**Cc:** Paul Johnson; Frédéric Jean Biver; Spitalfields.snt@met.police.uk  
**Subject:** Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR

Dear John Cruse,

**Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR**

We note that an application has been made for a Premises Licence for Rosa Restaurant, 12 Hanbury St, London E1 6QR, to sell liquor by retail for consumption on and off the premises, provision of late-night refreshment and the provision of regulated entertainment.

We further note that the trading hours applied for are:

Monday to Thursday, 11.00am to 23.30pm  
Friday and Saturday, **11.00 to 05.00am**  
Sunday, 11.30 to 23.30pm

WE OBJECT most strongly to this application and as the Licensing Section of Tower Hamlets council NOT to grant a license to this business.

Licensed premises located so close to home will cause severe loss of amenity to the residents of Hanbury Street, Wilkes Street, Princelet Street and Puma Court and the surrounding residential area. Problems of invasive noise from music from premises, from the people and specially drunk patrons entering and leaving the premises, smoking outside in groups and moving noisily through our streets would be inevitable if the license were granted. We strongly believe that the area is already having problems to cope with the amount of entertaining clubs, bars and restaurants. Tower Hamlets Council have been showing till the present a very good will to give licenses but not to take care of the residents and the area in terms of cleaning and safe keeping of the neighbors & visitors. We would like to make a remark that gratefully this area is not SOHO, and we don't want to be like

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this district either.

Spitafields and the Jack the Ripper streets have been lately becoming a realm for tourists, youngsters of all the ages. I think Tower Hamlets shall look carefully the management of the entire area and create a Action Plan for it.

We have experimented to our considerable detriment the negative effects of the many other licensed premises in the area, open alcohol intake in the streets, drug dealing and abuse, use the streets and our front doors as a toilet, sexual congress in our doorways, and other related drunken and drug-affected behavior at all the times of the day and night. We would like to remember the Council that most of the residents are having young children and sadly this area is becoming not a save place to have a family at all.

We would like to remind you that there area already too many clubs and off-licenses in this area, so that the neighborhood is saturated with noisy and anti-social young people at almost all hours of the day and night.

This application, at premises just yards from the nearest residence, and with trading requested **until 05.00am on Friday and Saturday** will not be able to meet the licensing objectives of Tower Hamlets Council. Please do not grant a license at all because restricted hours are unenforceable and licensees do observe them.

Yours Sincerely,

Natalia and Fred Biver-Puigdemasa, 8, Wilkes Street, London E1 6QF

--

Natalia Puigdemasa.

This transmission is confidential and intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient please notify the sender immediately by return e-mail and delete this e-mail from your system. You should not copy or use the information for any purpose nor disclose it to any other person. Please check this transmission for computer viruses. Natalia Puigdemasa does not accept liability for any damage arising from this transmission.

# Appendix 11

**From:** Adriana Paice [mailto:[adriana@adrianapaice.com](mailto:adriana@adrianapaice.com)]

**Sent:** 18 June 2008 18:42

**To:** John Cruse

**Subject:** Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London, E1 6QR

Dear John Cruse,

Please find attached my objection to the Licensing proposal for Rosa Restaurant, 12 Hanbury Street, London E1 6QF. I am very concerned about the level of noise and disruption caused by the existing bars and off-licenses in the area, which are having a detrimental impact on my once quiet neighbourhood. I urge you to take into consideration my objection when reviewing the proposal.

With kind regards,

Adriana

--

Adriana Paice  
10 Wilkes Street  
London E1 6QF  
07803 175 232

20/06/2008

adriana paice

Wednesday, 18 June 2008

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

Re: Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR

Dear John Cruse,

It has been brought to my attention that an application has been made for a Premises License for Rosa Restaurant, 12 Hanbury Street, London E1 6QR, to sell intoxicating liquor by retail for consumption on and off the premises, provision of light night refreshment and the provision of regulated entertainment.

I further note that the trading hours applied for are:  
Monday-Thursday 11am to 23:30pm  
Friday and Saturday, 11am to 05:00am  
Sunday, 11:30am to 23:30pm.

I object **strongly** to this application and ask the Licensing Section of Tower Hamlets Council **NOT** to grant a license.

I would like to stress that this is a residential area and we are already plagued by invasive noise and disruption from the many other licensed premises in the area, most of which are further from us than 12 Hanbury Street. Another licensed establishment would seriously effect the quality of life of the people who live in this neighborhood (Wilkes Street, Princelet Street, Hanbury Street and Puma Court).

There are already too many clubs and off-licenses in this area and my neighborhood is saturated with noisy and anti-social young people at almost all house of the day and night. I am regularly awoken at night by people shouting and screaming, drinking in the street, urinating in the street, openly taking drugs and even fornicating on my doorstep. It is simply intolerable and it is seriously affecting our right to live peacefully in our homes.

This application, at premises only feet away from the nearest residence, and with **trading requested until 05:00am on Saturday and Sunday mornings** will not be able to meet the licensing objectives of Tower Hamlets Council. Please do not grant a license at all because restricted hours are unenforceable and licensees do not observe them.

Yours sincerely

Adriana Paice



# Appendix 12

**John Cruse**

**From:** Critchley [critchley@dial.pipex.com]  
**Sent:** 16 June 2008 22:57  
**To:** John Cruse  
**Cc:** Paul Johnson; critchley@dial.pipex.com  
**Subject:** Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR

Dear John Cruse,

**Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR**

We note that an application has been made for a Premises Licence for Rosa Restaurant, 12 Hanbury Street, London E1 6QR, to sell intoxicating liquor by retail for consumption on and off the premises, provision of late-night refreshment and the provision of regulated entertainment. We further note that the trading hours applied for are:

Monday to Thursday, 11.00am to 23.30pm  
Friday and Saturday, 11.00am to 05.00am  
Sunday, 11.30am to 23.30pm.

We object most strongly to this application and ask the Licensing Section of Tower Hamlets Council not to grant a licence.

Licensed premises located so close to homes will cause severe loss of amenity to the residents of Hanbury Street, Wilkes Street, Puma Court and the surrounding residential area. Problems of invasive noise from music from the premises, from people entering and leaving the premises, smoking outside in groups and moving noisily through our streets would be inevitable if the licence were granted. We are also concerned that "regulated entertainment" may end up as lap-dancing, in the same way as the neighbourhood experienced to its detriment at Edge.

We have experienced to our considerable detriment the negative effects of the many other licensed premises in the area, most much further from us than 12 Hanbury Street:- we suffer through noise, open alcohol intake in the street, drug dealing, using the streets as a toilet, sexual congress in our doorways, and other related drunken and drug-affected behaviour at all times of the day and night.

We would add that there are already too many clubs and off-licences in this area, so that the neighbourhood is saturated with noisy and anti-social young people at almost all hours of the day and night. We are already woken several times a night by noise and anti-social behaviour in the streets.

This is a built up and residential area and it is well documented that sound carries along the narrow Georgian streets and seems to be amplified into our homes, preventing sleep and taking away our right to live peacefully in houses which many of us were encouraged to move into by Tower Hamlets Council.

This application, at premises just yards from the nearest residence, and with **trading until 5.00am on Saturday and Sunday mornings** will not be able to meet the licensing objectives of Tower Hamlets Council. Please do not grant a licence at all because restricted hours would be unenforceable and the licensee would not observe them.

Yours sincerely,

John and Sandy Critchley

14 Wilkes Street, London E1 6QF

# Appendix 13

**From:** Anne Hartnett [mailto:ahartnett75@hotmail.co.uk]

**Sent:** 22 June 2008 23:37

**To:** John Cruse

**Subject:** Licensing Act 2003 amd Rosa Restaurant, 12 Hanbury Street, London,E1 6QR

Dear John,

I am writing with regard to the Licensing application that has recently been made for Rosa's restaurant asking for the following trading hours:

Monday to Thursday, 11.00am to 23.30pm

Friday and Saturday, 11.00am to 05.00am

Sunday, 11.30am to 23.30pm.

I object most strongly to these trading hours.

As you will be aware Spitafields has seen huge developments very recently and we have seen a number of bars opening, in the surrounding area, which has resulted in a disruption to the local residents in Hanbury Street, Wilkes Street, Puma Court and Fournier Street. Fights and arguments happen on a regular basis outside residents houses which generally are fuelled by alcohol from local restaurants. This also increases the level of prostitution within the area and an increase in rubbish which is not cleared on a daily basis by the council. This will then be an area that people will stay away from rather than enjoy!

The City Beach application was refused last year because of the disruption to the local neighbourhood and as a business I would not want Rosa's to close down but would prefer they amend their licensing hours to close at 23.00pm at the latest on a daily basis.

I would like the Licensing Section of Tower Hamlets not to grant a license for the hours outlined above.

Yours sincerely

Anne Hartnett

27/06/2008

**Kathy Butler**

---

**From:** Anne Hartnett [ahartnett75@hotmail.co.uk]  
**Sent:** 28 June 2008 09:35  
**To:** Kathy Butler  
**Subject:** RE: Rosa, 12 Hanbury Street

My address is 15 Wilkes Street, London, E1 6QF.

Thanks,

Anne

# Appendix 14

From: j1curtis@hotmail.com  
To: john.cruse@towerhamlets.gov.uk; mohshin.ali@towerhamlets.gov.uk  
Subject: 12 Hanbury Street  
Date: Mon, 23 Jun 2008 19:20:36 +0000

Licensing Department  
London Borough of Tower Hamlets

Dear Mr Cruse

**Application for Premises Licence for 12 Hanbury Street**

I wish to object to the licence application for the above premises on the grounds that the licensing objectives can not be met.

The hours and activities which have been applied for will create problems of noise and antisocial behaviour to local residents. Customers leaving a premises late at night and in the early hours, until 5am, will have spent many hours drinking and will inevitably disturb residents, preventing sleep and taking away their right to live peacefully in their homes. These premises are part of a 19th century building which is impossible to sound proof. Any noise will disturb residents and local businesses. There are residential flats above and to either side of the premises and residential streets within yards of the premises. Also the premises backs onto an almost entirely residential street and sound break out is

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inevitable causing disturbance to families, many with young children who sleep to the rear of their houses.

The area is already suffering from alcohol-related antisocial behaviour and granting a licence for these premises will add to it making lives intolerable.

I therefore object to this license application on the following grounds.

- The location of the premises in a residential and business area.
- The proposed hours during which licensable activities would take place and which customers will be permitted to remain on the premises would lead to noise disturbance for local residents.
- The applicant has not adequately addressed problems of noise break out, the prevention of crime and disorder, public nuisance and anti social behaviour..
- The previous use of these premises was as a cafe and as such closed at about 5pm. This was in line with the residential properties surrounding it.
- Customers leaving the premises will cause disturbance to residents living above and to either side of the premises and will pass by many residential homes in order to reach public transport, creating noise nuisance for many residents.
- Other licensed premises in the area have to stop licensable activities at 11 in order to minimise disturbance to residents accepting that this is an area of narrow streets where sound carries and is amplified by the built up environment.

I therefore ask the Licensing Committee to reject this application on the grounds that the application cannot meet the licensing objectives.

Thank you for your consideration

Jane Curtis  
16 Wilkes Street  
E1 6QF

# Appendix 15



**From:** Keith Bowler [mailto:keith@kbowler.freemove.co.uk]

**Sent:** 23 June 2008 11:21

**To:** John Cruse

**Cc:** Mohshin Ali; Derrick Harrington; Alkesh Solanki

**Subject:** Re: rosas cafe hanbury street

**Re: Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR**

Dear John Cruse,

I would like to register an objection against the granting of a license to the former Rosa's cafe on Hanbury Street. This is an over development of the site from what was a workingman's cafe that closed around 5pm.

The addition of a downstairs bar potentially opening until 5am is potentially disastrous for the residents of the area. There are flats directly above and adjacent to these premises and an addition to the already numerous drunken revellers that frequent Spitalfields in what is quaintly called 'The Night time Economy' would provide no benefits to the area at all.

The experience of living in Spitalfields is already marred by drunken and antisocial behavior and I can see no reason why the addition of yet another licensed premises would do anything to increase the quality of life for the many Spitalfields residents.

I urge you not to grant this license as it would be yet another kick in the teeth for local people.

yours

Keith Bowler

16 Wilkes Street

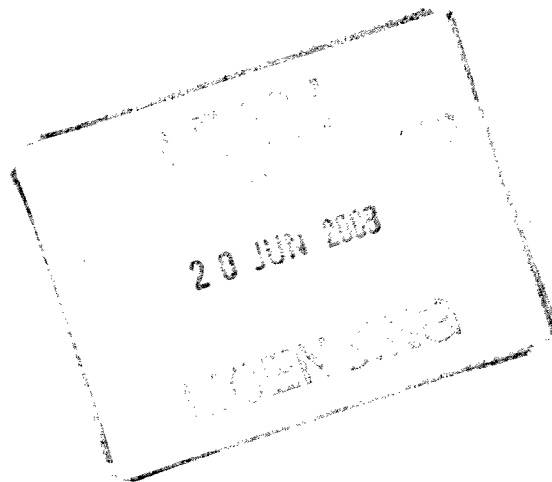
27/06/2008

# Appendix 16

21 Wilkes Street  
London  
E1 6QF

19 June 2008

John Cruse  
Licensing Department  
London Borough of Tower Hamlets  
Mulberry Place  
PO Box 55739  
5 Clove Crescent  
London  
E14 2BG



Dear Mr Cruse

**Application for Premises Licence for 12 Hanbury Street**

I understand that an application has been made for a licence for these premises for the sale of alcohol including off-sales, late night refreshment and recorded music together with performances of dance and similar entertainment such as mobile discos and karaoke. The hours are Sunday to Thursday from 11 a.m. to 23.30pm and Friday and Saturday from 11 a.m. to 5 a.m. (1 a.m. for the entertainment). As far as I am aware these premises do not have planning consent for such a use, having been used as an unlicensed café closing towards the end of the afternoon for many, many years. The local residents have recently met with representatives from your department and the planning department to voice their objections to the growth of the anti-social activities which bar and entertainment venues spawn which are unacceptable in a residential area, particularly as the conditions which are imposed on these uses to try and protect the residents appear to be wholly unmonitored and un-enforced by your department or the planning department.

I write to object in the strongest possible terms to this application. Indeed the residents are now so incensed by the abuse we suffer from those visiting the bars/clubs in this area that I propose to take judicial review action in respect of any further licences/consents which we consider are unreasonably issued. At the moment the bars/entertainment venues are mostly confined to the former Truman Brewery - in itself this does not protect the residents from the daily and nightly stream of drunken yobs abusing the residents both physically and verbally, urinating, vomiting, throwing litter and needles around and having sex in our doorways, but at least the gates to the Brewery from Hanbury street are locked late in the evening which does something to prevent the stream of people into the residential streets. There is no such protection from these premises as the proposed a bar/club is on our doorstep with these premises being only a few steps away from the residential properties in Hanbury Street, Wilkes Street, Fournier Street and Princelet Street and in particular the back of this property backs on to the gardens of the residential properties in Wilkes Street. If you grant such a licence (and in due course planning consent) the noise from people arriving and particularly leaving late at night, whether in states of drunkenness or not, smoking, drinking outside etc. will leave us unable to work in the evening and get a proper nights sleep as the hours of use are wholly excessive and, I understand, well outside the council's guidelines for this area.

The premises concerned are small and are wholly unsuited to use as a bar or for entertainment events which would inevitably lead to patrons continuing their drinking/partying in the streets outside. This is one of the clearest cases yet where the licensing objectives will not be met.

If you are minded, notwithstanding my objection, to grant an alcohol licence then it should be with the following conditions which must be strictly monitored and enforced by your department:-

- 1 Alcohol should only be served in conjunction with food, i.e. as ancillary to the current permitted restaurant use, and there should be no off-sales
- 2 The hours of sale/supply of alcohol should be restricted and should be no later than 22.30 hours on any day.
- 3 There should be no live or recorded music and no grant of any separate entertainment licence.
- 4 All windows should be sealed so as not to allow the escape of any noise and suitable air-conditioning units installed.
- 5 An adequate number of toilet facilities should be installed.
- 6 There should be no use of any external area of the property.
- 7 Adequate door control should be exercised at all times from the Hanbury Street entry and exit point and patrons are to be escorted to the corner of Commercial Street in accordance with managerial controls to be agreed with the council and the residents.
- 8 No alcoholic or non-alcoholic beverages are to be taken outside the premises at any time. No smoking permitted outside the premises
- 9 The front door is to be kept closed to prevent noise breakout.

Can you please liaise with your planning department to ascertain the current planning position and apparent contravention of planning legislation.

Yours sincerely

  
**Pat Jones**

cc Moshin Ali, Alkesh Solanki, Derrick Harrington, Kathy Butler

# Appendix 17

## Kathy Butler

---

**From:** JULIETMCK@aol.com  
**Sent:** 21 June 2008 17:52  
**To:** Kathy Butler  
**Subject:** Re Rosa Restaurant 12 Hanbury St - licensing application

Juliet McKoen  
23 Wilkes Street  
London E1 6QF  
0207 247 7221  
077 6461 6461

Dear Kathy Butler,

### **Re Licensing Act 2003 & Rosa Restaurant 12 Hanbury Street E1 6QB**

Further to my emailed letter to you of 9th June 2008, I would like to add two further comments.

#### ONE

Rosa's Restaurant has two roof terraces at the back of their property (at 2nd & 3rd floor level), approximately 30/40 meters from my house which overlook my back yard and have a direct and very close up views (at the same floor levels) into both my bathroom and my bedroom. As such these roof terraces already considerably infringe on my privacy and my enjoyment of my own property. If either of these terraces were to be used as a public area for smoking, drinking, dining or listening to music it would constitute a serious nuisance & disturbance to both myself and my neighbours as we would have to put up with noise, mobile phone conversation, possibly music and the curious gazes of the public at close proximity into bedroom & bathroom areas of my own and my neighbours houses.

**I would therefore ask that any licence you grant to Rosa Restaurant is only issued with the restriction that the roof terraces to the rear of the property at 12 Hanbury Street are not, in any circumstances or at any time, to be used as an area to which the public have any access whatsoever.**

#### TWO

I understand that the license applied for covers the sale of alcohol off the premises. Whilst I am happy for a licence to be granted for the sale of alcohol on the premises within the time restrictions outlined in my previous email to you of 9/6/08 I most strenuously object to a licence being issued which would cover the sale of alcohol to be consumed off the premises. To issue such a license in a residential area would encourage noise and anti-social behaviour in the area and is wholly unnecessary as there is a Tesco Express and two off licences within a couple of minutes walk of Rosa's where people can buy alcohol to consume elsewhere should they wish to .

**I therefore oppose approval of any license which covers the sale of alcohol for consumption off the premises**

I would be grateful if you could acknowledge my email

Thankyou very much  
Juliet McKoen

23 Wilkes Street  
London E1 6QF  
0207 247 7221  
077 6461 6461

**Kathy Butler**

**From:** JULIETMCK@aol.com  
**Sent:** 09 June 2008 16:00  
**To:** Kathy Butler  
**Subject:** Rosa's Restaurant - licensing application

From:  
Juliet McKoen  
23 Wilkes Street  
London E1 6QF  
0207 247 7221  
077 6461 6461

Dear Kathy,

**Re Licensing Act 2003 & Rosa Restaurant 12 Hanbury Street, E1 6QB**

I live just round the corner from Rosa's Restaurant and have done since 1981. Their roof terrace overlooks the back of my house and their back yard gives out onto the yard space occupied my house - approximately 100 metres away.

This area has become increasingly noisy of late, with many people out on the streets til very late at night, often drunk and often very noisy at 1am, 2am, 3am - it is becoming impossible to get a good night's sleep.

As a local resident, I am writing to object to the live & recorded music licence extending to 1am on Friday and Saturday night. If the back door of their restaurant is open - I will almost certainly be able to hear any music being played at their premises. I would ask you to restrict it to 11.30pm of Fridays and Saturdays in line with the rest of the week.

I also most strenuously object to the allocation of an alcohol licence till 5am on Fridays and Saturdays. As noted above there is already a very significant problem with drunkenness on the streets throughout the night and yet another licensed premises will only exacerbate the problem.

Wilkes street and many of the other streets around here are residential streets and the residents are already very stressed by the problem of nighttime carousing on the streets - which is disrupting their sleep and making life an increasing misery.

Finally, I would like you to look into something for me. Rosa's restaurant has installed a roof terrace on the roof of the building. It already overlooks my house and my yard and is a significant intrusion on my privacy (for instance it overlooks my bathroom and I have to pull the blinds every time I want to go to the toilet!). Can you assure me that the roof terrace is not designed as an overspill or smoking area for the restaurant? Can you reassure me that it will not be wired up for sound and music. Can you reassure me that it is a private and residential area of the building and in no circumstances can be used for any sort of trade?

I look forward to hearing from you and would be grateful if you could acknowledge receipt of this email.

With many thanks  
Juliet McKoen

# Appendix 18



**From:** Sue Rowlands [mailto:sue@suerowlands.co.uk]  
**Sent:** 21 June 2008 10:55  
**To:** John Cruse  
**Subject:** License for Rosa Restaurant.

25 Wilkes Street  
London E1 6QF

Re License for Rosa Restaurant, 12 Hanbury Street, London E1 6QR

Dear John Cruse

I am writing to object to the above application. The hours requested for restaurant consumption of alcohol as well as an out sales until 5a.m on fridays and saturdays is totally unacceptable. As the team leader of licensing you will be aware that this area is already saturated with night time licensed venues which often result in noisy anti social behaviour that goes on into the early hours, this proposed license would only extend the disruption to the residents into day time.

The houses in Wilkes Street have a corridor of open space which extend up to Puma Court. Rosa Restaurant with its new extension and terraces adjoins this so a further concern is that noise and smells will be channelled along its length, and there seems to be little or no consideration for the residents on either side of the property.

I feel I have the right to a reasonable and peaceful home life which will be seriously eroded if this license is granted.

Your sincerely

Sue Rowlands

24/06/2008

# Appendix 19

## **Anti-Social Behaviour From Patrons Leaving The Premises**

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

## Other Legislation

### Crime and Disorder Act 1998

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

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

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

# Appendix 20

## **Acting As A Magnet Attracting The Young Who Then Engage In Anti-Social Behaviour**

### General Advice

Members will need to consider whether any of the problems alleged to be associated with young people are the responsibility of the premises. Are they encouraging gangs in any way? If not, there may not be any proportionate conditions that can be applied? Are these patrons of the premises?

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. However, hours may be an important issue.

### Licensing Policy

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

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

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

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

### Cumulative Impact

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

### Police Powers

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

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

#### 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.

##### Anti-Social Behaviour Act 2003

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 21



## Drug Taking

### General Advice

Members need to consider the evidence about the exact nature of the alleged problems. Is it being suggested that the premises are encouraging or turning a blind eye in relation to the problem? Are there proportionate measures that can be expected to address the matter, if Members determine there is a problem?

In particular, should CCTV be extended to cover all of the premises open to the public. Should a minimum number of registered door supervisors be maintained whenever the premises is open. How are drugs that are confiscated being disposed of? What checks are being made in less public areas such as toilets?

The applicant should be instituting measures advised by the Police

If Members believe this is a problem they should certainly insist that minors are not admitted to the premises.

If Members believe that there is a substantial problem of drug abuse and it cannot be proportionately address by licensing conditions they should refuse the application.

Members should also bear in mind other Police powers.

### Licensing Policy

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

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

- Methods of management communication
- Use of registered Door Supervisors
- CCTV
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Signage
- Seating plans

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

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

***The government recommends the model pool of conditions adopted by the licensing policy in relation to club safety (Annex E), and the multi-agency approach to “safer clubbing.”***

Other Legislation

Anti-Social Behaviour Order Act 2003

This gives the Police the power to close premises where there is the supply of class A drugs and serious nuisance or disorder.

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.

# Appendix 22

## **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 23

## 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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.10**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.10**)

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)

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

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

The pool of conditions, adopted by the council is recommended (Annex G). 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 24

## **Noxious smells or light pollution**

### General Advice

Members need to be satisfied that any problems cannot be adequately addressed by existing legislation. Conditions must relate proportionately to the licensable activity. Thus for example, a café that is emitting noxious smells does so whether or not it is permitted to open past 23 00 hrs.

Any nuisance from bright lights needs to be balanced against potential crime and disorder benefits from bright lights.

### Other Legislation

#### The Environmental Protection Act 1990

Part 111 of the Act gives Environmental Health Officers the power to deal with statutory nuisances including smells

Planning legislation may restrict external lighting.

# Appendix 25

## Noise Leakage from the Premises

### General Advice

Extending hours may bring issues about noise leakage to the fore, as many premises are close to residential properties (or even sometimes commercial).

The obvious areas for Members to consider, if they believe there is a problem and it is proportionate to consider conditions are:

- Can internal works, actions or equipment reduce the noise leakage
- Does the problem justify curtailing the activities that are licensed. If Members are minded to do this they must ensure conditions are clear and readily enforceable. For example “Jazz Music Only” is not capable of legal definition and is unenforceable.
- Does the problem justify limiting the hours or place of particular activities. For example “no music in the beer garden at any time and no music past 22 30 hrs” although the premises can stay open until 01 00 hrs.

Members also need to bear in mind the statutory exemptions under the Act (see below).

### Licensing Policy

The Licensing Authority expects applicants to have sought advice and to be able to explain how they will address problems. **(See Sections 8. 1-2)**, especially where a negative impact is likely on local residents or businesses **(See 12.1 for core licensing hours)**.

The Licensing Policy recognises that staggered hours can make a positive contribution to alcohol related issues but that consideration will be given to imposing stricter conditions in respect of noise control where premises are close to residents. **(See 12.4)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to public nuisance. **(See Appendix 2 Annex G of the Licensing Policy)**. In particular Members may wish to consider the following: (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 be 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

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down for up to 24 hrs premises causing a nuisance resulting from noise emanating from the premises.

### Licensing Act 2003

Schedule 1 Part 2 states that entertainment in churches, morris dancing and accompanying music if live and unamplified and incidental music are not licensable activities-that is no conditions can be set for them.

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."

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.

Section 177 can be disapplied on a licence review if it is proportionate to do so.

### Public Nuisance Guidance issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (13.20).

The prevention of the public nuisance could include low level nuisance, perhaps affecting a few people living locally (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).

It may be appropriate to require take-aways to provide litter bins. (2.40).

### Other Legislation

Environmental Health Officers have extensive powers under the Environmental Protection Act 1990 to control a noise nuisance, including a power of immediate closure.

# Appendix 26

## **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 or 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 27



## **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