

Appendix 1

(Virginia Off Licence & Supermarket)
59 Virginia Road
London
E2 7NF

Licensable Activities authorised by the licence

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 12th October 2005



Part A - Format of premises licence

Premises licence number

9946

Part 1 - Premises details

**Postal address of premises, or if none, ordnance survey map reference or description
(Virginia Off Licence & Supermarket)
59 Virginia Road
London**

**Post town
London**

**Post code
E2 7NF**

Tele hone number

**Where the licence is time limited the dates
N/A**

**Licensable activities authorised by the licence
The sale by retail of alcohol**

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

See Mandatory conditions for drinking up time

The opening hours of the premises

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

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

Off sales only

Part 2

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

Habib Altun & Ergin Altun

[Redacted address and contact information]

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

N/A

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

Habib Altun

[Redacted address and contact information]

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

Personal Licence No:

Issuing Authority:

[Redacted licence number and issuing authority]

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Alcohol shall not be sold in an open container or be consumed in the licensed premises
Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

Annex 2 - Conditions consistent with the operating Schedule

None

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

None

Annex 4 - Plans

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

29 JUL 2005



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

9946

Premises details

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(Virginia Off Licence & Supermarket)
59 Virginia Road
London**

Post town
London

Post code
E2 7NF

Telephone number

[REDACTED]

Where the licence is
time limited the
dates

N/A

Licensable activities
authorised by the
licence

Retail sale of alcohol

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- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Habib Altun

[Redacted address]

Er in Altun

[Redacted address]

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

Off sales supplies

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

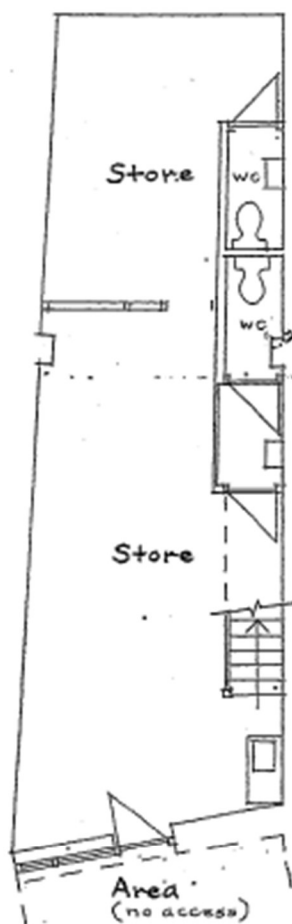
N/A

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

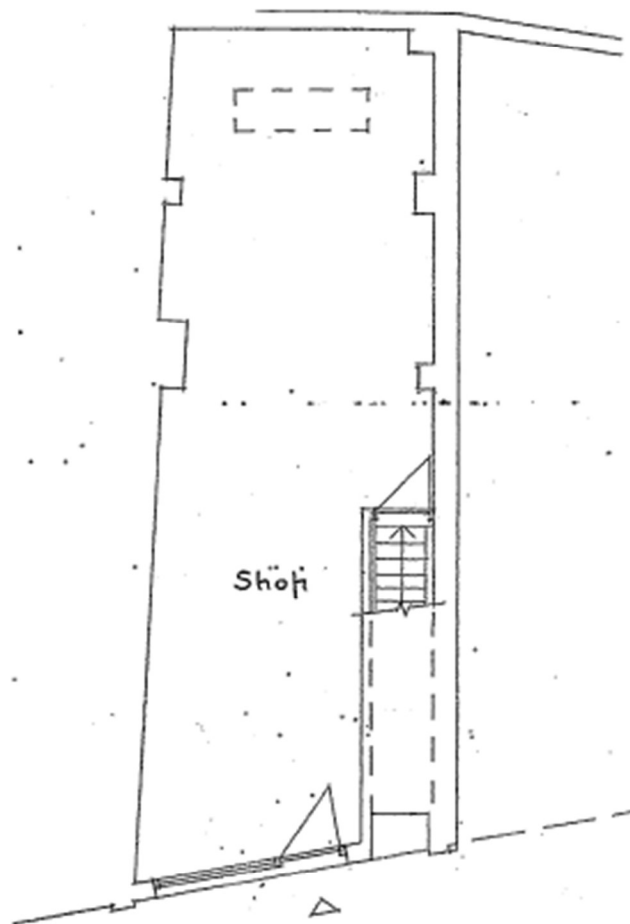
Habib Altun

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

No



Basement Plan



Virginia Road

Ground Floor Plan

WATKINSON + COSGRAVE

Linton House
39-51 Highgate Road
London NW5 1RS

Tel: 020 7485 6016
Fax: 020 7284 4058
E-mail: info@watcos.co.uk

59 Virginia Road
London, E2
Lease Plan

drawing no:
4347/1
scale:
1:100

date:
January 2005

drawn by:
BAR

checked by:

Appendix 2

Section 1 of 18

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

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input type="radio"/> Yes <input checked="" type="radio"/> No		

Applicant Details

* First name	<input type="text" value="Charlie"/>	
* Family name	<input type="text" value="Borrow"/>	
* E-mail	<input type="text" value=""/>	
Main telephone number	<input type="text" value=""/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:	<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader	A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.
	<input type="radio"/> Applying as an individual	

Applicant Business

Is your business registered in the UK with Companies House?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Is your business registered outside the UK?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Business name	<input type="text"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="GB"/> <input type="text" value="328139596"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Sole Trader"/>	

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

City or town

County or administrative area

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

5,400

Section 3 of 18

VARIATION

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

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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.

The variation looking to be made is to allow on sales of alcohol, to be sold and consumed on the premises as well as maintaining the existing off sales license. The retail premises is situated close to Hackney road, parallel to Columbia road and next to an ex public house.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐

Yes

☒

No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐

Yes

☒

No

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PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State 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.

music will be amplified through bookshelf speakers likened to what you'll find in a retail setting

State any seasonal variations for playing recorded music.

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

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

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

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

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Continued from previous page...

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- ☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations.

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

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

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

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ADULT ENTERTAINMENT

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

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

Continued from previous page...

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

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

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LICENSING OBJECTIVES

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

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

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

following government guidelines on the 4 objectives, to keep people safe and prevent any risk of crime and antisocial behaviour.

b) The prevention of crime and disorder

Clients showing signs of antisocial behaviour to be refused purchase of alcohol and kindly asked to vacate the premises and or call police if unlawful activity has taken place.

c) Public safety

To have the correct and necessary safety equipment available on site in case of fire on the premises or injury to a client. Fire exits to be clearly marked and assistance off the premises if needed.

d) The prevention of public nuisance

No guest to be outside the premises after 21:00 unless leaving the premises.
Music to be kept to a reasonable level to avoid disturbing neighbours

e) The protection of children from harm

Children not allowed on the premises after 19:00

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

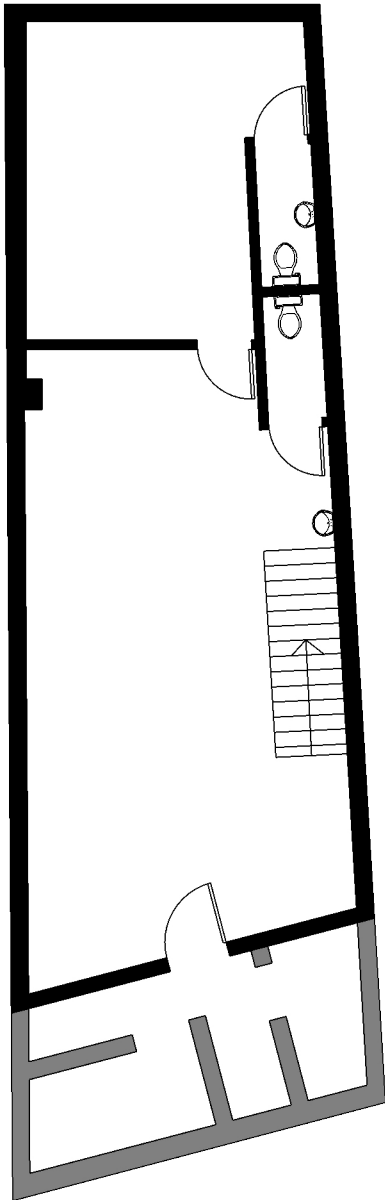
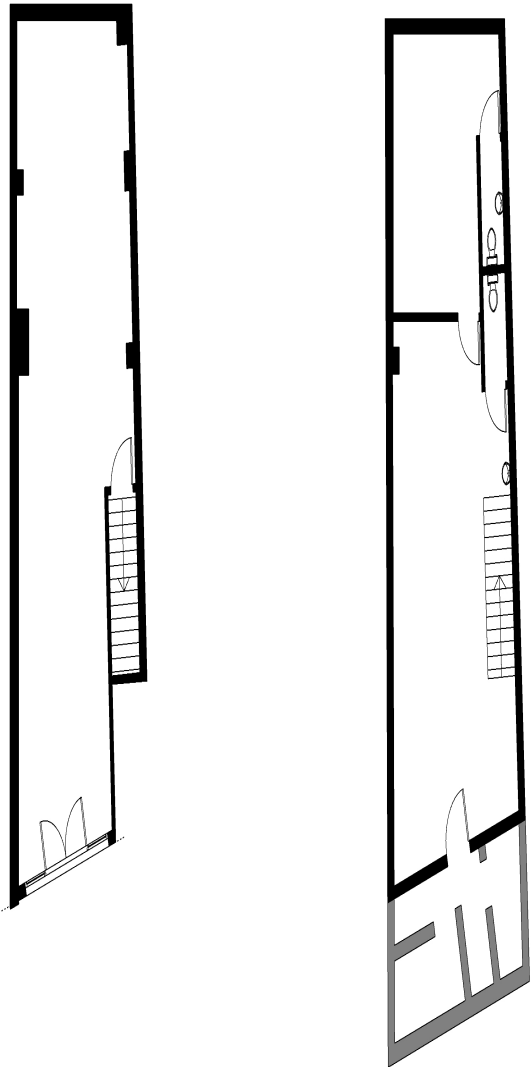
Error message

Is Digitally signed ☐

Licensed activity to be on the ground floor.

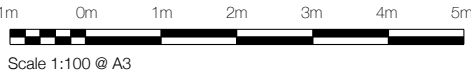
Fire safety equipment positioned
Extinguishers

Double door exit to the property
On the ground floor



Toilet situated at the rear of the basement

Existing Basement Plan



Proposed Ground and Basement

Dan Preston Ltd
Old Ivy Studio
32 Hertford Rd
London, N1 5SH

dan@danpreston.co.uk
+44 (0) 7811 828018
www.danpreston.co.uk

Address:

Charlie Borrow
Ground Floor, 59 Virginia Rd
London
E2 7NF

Project Address:

Grd Floor, 59 Virginia Rd.
London E2 7NF
Proposed Shop Front
002 / 03 / 04
1:100 @ A3
14th June 2020

Drawing Ref:

Drawing / Revision / Page No:

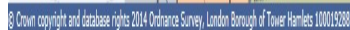
Scale:

Date:

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Appendix 3





Appendix 4

59 Virginia Road - Nearest licences

Name and address	Licensable activities and hours	Opening hours
(Leila's Shop) 15 Calvert Avenue Shoreditch London E2 7JP	<p><u>Sale by retail of alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> Tuesday to Sunday, from 10:00 hours to 19:00 hours <p><u>Non standard timings</u></p> <ul style="list-style-type: none"> In December, before Christmas, the shop will be open until 21:00 hours on one evening, as part of a local (Shoreditch), retail promotion. <p>In September, during the London Design Festival, there is one late night opening until 21:00 hours.</p>	<p>Tuesday to Sunday, from 10:00 hours to 19:00 hours</p> <p><u>Non standard timings</u></p> <ul style="list-style-type: none"> In December, before Christmas, the shop will be open until 21:00 hours on one evening, as part of a local (Shoreditch), retail promotion. In September, during the London Design Festival, there is one late night opening until 21:00 hours.
(Guven Supermarket) 7 Calvert Avenue London E2 7JP	<p>Alcohol shall not be sold or supplied except during permitted hours (Off sales only). In this condition, permitted hours means:</p> <ol style="list-style-type: none"> On weekdays, other than Christmas Day and Good Friday, 8 a.m. to 10 p.m. On Sundays, other than Christmas Day, 10 a.m. to 9.30 p.m. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 9.30 p.m. On Good Friday, 8 a.m. to 9.30 p.m. <p>See Mandatory conditions for drinking up time</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

59 Virginia Road - Nearest licences

<p>The Birdcage 80 Columbia Road London E2 7QB</p>	<p>The sale by retail of alcohol (On and off sales):</p> <p>Monday, Tuesday, Wednesday and Thursday from 12:00 hours to 02:00 hours the following day Friday and Saturday from 12:00 hours to 03:00 hours the following day Sunday from 08:00 hours to 02:00 hours the following day</p> <p>Regulated Entertainment consisting of: Live music including Karaoke: Monday from 13:00 hours to 01:00 hours the following day Friday and Saturday from 12:00 hours to 03:00 hours the following day Sunday from 08:00 hours to 02:00 hours the following day</p> <p>Recorded Music:</p> <p>Monday, Tuesday, Wednesday and Thursday from 12:00 hours to 02:00 hours the following day Friday and Saturday from 12:00 hours to 03:00 hours the following day Sunday from 08:00 hours to 02:00 hours the following day</p> <p>Late night refreshment Monday, Tuesday, Wednesday and Thursday until 01:00 hours the following day Friday and Saturday and Sunday until 02:00 hours the following day</p>	<p>Monday, Tuesday, Wednesday and Thursday from 12:00 hours to 02:30 hours the following day</p> <p>Friday and Saturday from 12:00 hours to 03:30 hours the following day Sunday from 08:00 hours to 02:30 hours the following day</p> <p>Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>
<p>(Di Stefano Coffee Shop) 28 Hackney Road London E2 7NS</p>	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> Monday to Sunday, from 07:00 hours to 20:00 hours 	<ul style="list-style-type: none"> Monday to Sunday, from 07:00 hours to 20:00 hours

Appendix 5

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

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

Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 6

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 October 2020 12:56
To: Mohshin Ali
Subject: FW: Objection License change

From: ALBERTO TORRES HERNANDEZ [REDACTED] >
Sent: 06 October 2020 12:37
To: Licensing [REDACTED] >
Subject: Objection License change

Existing License for Ground Floor & Basement, 59 Virginia Road, London E2 7NF.

Re: Objection of Variation of Existing License for Ground Floor & Basement, 59 Virginia road, london. E2 7NF

Dear Sirs,

Regarding the above application, we would like to raise an objection due to the hours proposed. The application proposes to sell alcohol and play music up midnight every night -including weekdays and Sundays - is a significant concern for us.

The issue in particular occurs when people leave or enter they tend to gather outside of the building saying hello and goodbye. This can be prolonged period especially when people are under the influence of alcohol, and as the shop is located in a quiet residential street any conversation on the pavement can be clearly heard by the neighbours above (us), regardless of it being in the day or at night.

We would be happy to accept however, if the license only allows play of music only if can not be heard from outside the shop and consume of alcohol up 7pm, 4 days of the week, and that no outside seating / any activities taken outside of the shop under any circumstances, and always with the door closed, also making sure people don't hangout outside, this way it minimise possibility of ruining the quiet and clean environment where the neighbours (us) live. Making sure they are responsible for the care of the planters and cleanness of the surroundings.

Sincerely,

Alberto Torres Hernandez

Appendix 7

Mohshin Ali

From: Licensing
Sent: 07 October 2020 11:24
To: Mohshin Ali
Subject: FW: representation/objection to premises licence application 59 Virginia Road E2 7NF

fyi

From: Barbara Ungaro [REDACTED] >
Sent: 06 October 2020 21:57
To: Licensing [REDACTED] >
Subject: representation/objection to premises licence application 59 Virginia Road E2 7NF

To whom it may concern

I am writing to object to the following licence application, with regards to the following:

(2) the prevention of public nuisance

I am a local resident and live right next door to Charlie Borrow's shop at [REDACTED]. I really like what Charlie is doing with the shop, and would be delighted to support his plans to do workshops with some alcohol sales. However, what concerns me is that Charlie's lease is for 5 years, and if he doesn't renew it, the premises are left with an on sale of alcohol licence which would make it easy to open a bar there instead. Seeing that we are very close to Shoreditch High Street and Boundary Street, the latter in particular has a lot of problems relating to the nighttime economy, I feel that a licence for the permanent on sale of alcohol on the premises [until midnight](#) could further encourage people who wish to drink and party to move to this quiet residential area and perhaps use the park opposite the shop - not with Charlie as the licence holder but with someone else potentially inheriting the licence after him. (I know that Boundary Street gets very busy and I know the residents there suffer due to it, so I strongly object to a bar right next to my house). Additionally his basement is directly adjacent to mine and I would be the direct recipient of noise if there was music played and alcohol served every day/night!

I really hope there is a solution to this, ideally the licence should be connected to Charlie Borrow rather than to the premises. The current blanket licence applied for is too over-reaching, but at the same time, I would very much like to be supportive of Charlie and wish to see his beautiful shop and business thrive. Charlie currently intends to serve alcohol on the odd occasion, not every day, it would be ideal to find a way to accommodate that in a more bespoke way.

With best wishes
Barbara Ungaro

[REDACTED]

Appendix 8

Mohshin Ali

From: Licensing
Sent: 05 October 2020 11:31
To: Mohshin Ali
Subject: FW: Objecting to alcohol license

-----Original Message-----

From: Helen Callander [REDACTED] >
Sent: 05 October 2020 11:30
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objecting to alcohol license

I would like to object to alcohol license for 59 Virginia road London E2 7nf as this is a residential area and we are having many problems with drink related incidents, the park across from the premises has people drinking in there till all hours of the morning this is a big problem for the residents. Could u please take into consideration my comments, thank you.

Miss Helen Callander, [REDACTED]

Appendix 9

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 October 2020 12:03
To: Mohshin Ali
Subject: FW: Representation to application: Ground Floor and Basement 59 Virginia Road London E2 7NF UK

From: jonathan [REDACTED]
Sent: 05 October 2020 17:59
To: Licensing <[REDACTED]>
Subject: Representation to application: Ground Floor and Basement 59 Virginia Road London E2 7NF UK

Hello

Re- application to vary an existing licence
Ground Floor and Basement 59 Virginia Road London E2 7NF UK
Provision of recorded music between the hours of 8:00 to 24:00 Monday to Sunday
Supply of on and off sale of alcohol between the hours of 9:00 to 24:00 Monday to Sunday

I would like to make a representation regarding the licensing application for 59 Virginia Road.

The premises is formerly a mini supermarket and now has changed ownership. The new owner is running a leather workshop and retail space.

He has applied for an extension to the inherited off-licence to allow on-premises sales and music.

This is greatly concerning to me as a local resident. The applicant has stated his well-meaning desire to serve alcohol is secondary to his main business concerns as a leather workshop, thus:

"The intention for the space is to host workshops where people can also have a drink. Any drinking would be in a civilised manner I'm not looking to open a club. Purely offer a nice social space for people to have a nice beer brewed locally or glass of wine over a little bit of leather work."

My concern is that there is nothing in the premises license that limits its use in these terms. Nothing to prevent the premises being used with the primary intention of serving alcohol or becoming a destination venue. There is also nothing to prevent a sub-tenant or transferee of the lease to change the emphasis to a primary one of serving alcohol.

The premises is located on the north east edge of the Boundary Estate. The estate has been blighted for the last 2-3 years from appalling ASB and crime issues related to the night time economy. For the past two months special and very intensive policing measures have had to be deployed to contain the problem that affects an overwhelmingly residential area. To grant a new licence for serving alcohol on the premises risks increasing the attractiveness of the area to night time economy users in general. In the absence of a strong and sustainable policing plan it is hard to see how to justify this.

Therefore I object on the licensing objective grounds of prevention of crime and disorder.

Public nuisance issues - another licensing objective - may also arise if the venue results in noisy gatherings on the street outside the shop during warm evenings.

Best wishes

Jonathan

Jonathan Moberly



Appendix 10

Mohshin Ali

From: Licensing
Sent: 05 October 2020 11:01
To: Mohshin Ali
Subject: FW: objection to alcohol license 59 Virginia Rd

From: max [REDACTED]
Sent: 05 October 2020 05:57
To: Licensing <[REDACTED]>
Subject: objection to alcohol license

Dear sirs,

I am writing to object to the granting of an alcohol license for

59 Virginia Road London E2 7NF. Formerly Virginia Supermarket.

on the grounds that:

- 1). the prevention of a public nuisance, This area is a residential area that already has a high level of alcohol related disturbance due to its proximity to Shoreditch and many venues.
- 2) Granting this license will increase disturbances in our area
- 3). this area already suffers from a serious problem with alcohol addiction. The drinking in the small park area opposite is already a problem which will increase if this license is allowed.
- 4). This area suffers increasingly from people emerging from premises and partying into the surrounding residential streets and using the streets as public toilets.
- 5) Noise and public disorder are already a massive problem due to our proximity to Shoreditch and its numerous nightlife venues.
- 6) Parking in this area is also a horrendous problem for local residents.
- 7). Residents in this area are already trying desperately to get problems with drug dealing and anti social behaviour dealt with.

Please take my above mentioned comments into consideration and do not grant this premises, which was until recently our local corner shop, an alcohol license. We are a densely populated residential area squeezed more and more by Shoreditch Nightlife on our East and the growing amount of venues to our South and West sides.

Yours sincerely,

Maxine Aston,

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 11

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 October 2020 12:05
To: Mohshin Ali
Subject: FW: Licensing objection 59 Virginia road

From: Stan Everett [REDACTED]
Sent: 05 October 2020 11:34
To: Licensing [REDACTED] >
Subject: Licensing objection 59 Virginia road

To whom it may concern I wish to object most strongly to the application for a license at 59 Virginia road. I object to this as I live near by and there is already a massive problem with drinking after hours violence and antisocial behaviour, another licensed premises would impact severely on the quality of life of myself and the other residents. We already have regular instances of drug dealing violence public defecation and shouting til the early hours, instead of granting more licenses Tower Hamlets should be working to improve the diabolical conditions the night time economy impose on the estate.

Sincerely

Stan Everett

[REDACTED]

Appendix 12

Mohshin Ali

From: Licensing
Sent: 05 October 2020 11:01
To: Mohshin Ali
Subject: FW: REPRESENTATION/OBJECTION TO 59 VIRGINIA ROAD, E2 7NF PREMISE LICENSE APPLICATION

From: Susanna Kow [REDACTED]
Sent: 05 October 2020 01:03
To: Licensing [REDACTED]
Subject: REPRESENTATION/OBJECTION TO 59 VIRGINIA ROAD, E2 7NF PREMISE LICENSE APPLICATION

Dear Sir/Madam,

I am a resident living on the Boundary estate, about 2 blocks away from the above premises.

I object to the alcohol and music license application on the following grounds:-

1) Public Nuisance

As a resident from the Boundary estate, my neighbours and I have been suffering the effects from the night-time economy of Shoreditch High Street. Heavy alcohol use, parked cars playing loud music and associated anti-social behaviour have been keeping us awake every weekend.

2) Crime and disorder/Public Safety

The heavy alcohol use is often accompanied with nitrous oxide and drug abuse. Rat-runs are common in the area as a result of "supplying" the users' needs. Several residents' cars were damaged recently as a result of these rat-runs and drunk driving. Fights and violence are also common. There was a riot in August in this area which was reported in the media.

3) This is an area of Alcohol Restricted Zone

As it is, the area is already facing a crisis related to alcohol usage and the night-time economy, and this is supposed to be an Alcohol Restricted Zone.

4) The premises is located on a residential street, surrounded by families and a school a few metres away

We need to protect the children living on the estate. The Virginia School is a few steps from the premises.

Please do not approve this license application. Opening a new licenced premises actually within the residential area will act as an attractor for more of this nuisance activity which is already out of control.

Thank you
Susanna Kow
[REDACTED]

Appendix 13

Mohshin Ali

From: Licensing
Sent: 07 October 2020 11:23
To: Mohshin Ali
Subject: FW: Objection re: Ground Floor and Basement 59 Virginia Road London E2 7NF UK

FYI

From: Tonje Pettersen [REDACTED] >
Sent: 06 October 2020 19:42
To: Licensing [REDACTED] >
Subject: Objection re: Ground Floor and Basement 59 Virginia Road London E2 7NF UK

Dear Sir/Madam

I am writing to object to the following licence application, with regards to the following:

(2) the prevention of public nuisance

I am a local resident and live on the other side of the street from the shop with bedroom windows onto Virginia Road.

We are very close to Shoreditch High Street and Boundary Street, the latter in particular has a lot of problems relating to the nighttime economy, and a permanent on sale of alcohol on the premises until midnight could further encourage people to move partying to this quiet residential area, and perhaps the park opposite the shop. I know that Boundary Street gets very busy and I know the residents there suffer due to it, I would strongly object to a bar opposite the house.

The previous occupants held an off-licence and when we initially moved here in 2005 this did attract some late evening noise and anti-social behaviour, however, in the last several years the shop closed at around 10 pm and the street was mostly quiet after.

I like what Charlie Barrow is doing with the shop, and am happy to support his plans for workshop with some alcohol sales. However, Charlie's lease is for 5 years, and I am extremely concerned that if he for some reason doesn't renew his lease, the premises is left with an on sale of alcohol licence which would make it easy to open a bar there instead.

I hope there is a solution to this, as the blanket licence applied for is too over-reaching.

Regards,

Tonje Pettersen

[REDACTED]

Appendix 14

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 October 2020 12:16
To: Mohshin Ali
Subject: FW: Existing License for Ground Floor & Basement, 59 Virginia Road, LondonE2 7NF.

From: Yaojen Chuang [REDACTED] >
Sent: 06 October 2020 12:13
To: Licensing <[REDACTED]>
Subject: Existing License for Ground Floor & Basement, 59 Virginia Road, LondonE2 7NF.

Re: Objection of Variation of Existing License for Ground Floor & Basement, 59 Virginia Road, London E2 7NF.

Dear Sirs,

Regarding the above application, we would like to raise an objection due to the hours proposed. The application proposes to sell alcohol and play music up till midnight every night -including weekdays and Sundays - is a significant concern for us.

The issue in particular occurs when people leave or enter they tend to gather outside of the building saying hello and goodbye. This can be prolonged period especially when people are under the influence of alcohol, and as the shop is located in a quiet residential street any conversation on the pavement can be clearly heard by the neighbours above (us), regardless of it being in the day or at night.

We would be happy to accept however, if the license only allows play of music and consume of alcohol up until 8pm every night, and that no outside seating / any activities taken outside of the shop, this way it minimise possibility of causing noise pollution to the neighbours.

Sincerely,

--

Yaojen Chuang
[REDACTED]
[REDACTED]

Appendix 15

Mohshin Ali

From: Charlie Borrow [REDACTED]
Sent: 26 October 2020 18:29
To: Mohshin Ali
Subject: Re: (Virginia Off Licence) Ground Floor 59 Virginia Road, London E2 7NF

Follow Up Flag: Follow up
Flag Status: Flagged

Good evening Mohshin,

Hope you had a nice weekend, I contacted the the number supplied today with regards to the hearing. I didn't quite catch the ladies name as it was a bad reception on the line but she was very helpful. She said she hadn't received the representation list yet but also advised i forward you the email I sent to the people who objected to the application. Two of the 9 objectors responded to acknowledge the email but yet to have a conversation with them about the application. Two I had had face time face conversations with prior to sending the email but they haven't said much about the email to resolve or come to a mural agreement since as I think they would prefer it went to a hearing to discuss. (I can't be sure though?)

In the representations you sent an email from Nicola Cadzow at tower hamlets however her email was regarding the wrong address. I just wanted to check if maybe the wrong email had been sent to me or if maybe she hadn't objected to the variation?

Below is the email I sent to the the 9 objecting to the variation.

" Good morning ...,

I hope you're well. It's Charlie Borrow here from the shop at [59 Virginia Road](#). I'm just getting in touch with you with regards to your representation from the recent application of the variation to the existing alcohol licence on the premises.

I just wanted to give you a brief explanation of my intentions with the property, in case you hadn't heard from anyone locally, and open up discussions with you regarding any conditions you may wish to add to the application so we can work together to make this work for everyone in the local area.

A bit of context: I took on the space back in March, moving from my previous shop on Columbia Road, with the intention of expanding the business' manufacturing and collection of leather goods and furniture.

As you can imagine, over the past seven months the global pandemic has meant companies in general need to diversify to survive and prevent yet another empty retail space on our local streets. It might not look like it yet, but I'm investing a lot into the building to make it in keeping with the surrounding conservation area and create a more positive space, especially at night. As part of this I will be installing a new traditional shop facade, coming in the next four weeks, to revive the lovely old building that's hiding behind the current mess of a frontage and bring back the Boundary Estate and Columbia Road feel to it.

In the past, companies have employed me to host leatherwork classes and events for their staff, held in their offices, to get them socialising together and get working with their hands again. With offices emptying and staff now working at home this has slowed, as you can imagine.

My initial idea was to just host classes in the shop now that I had the luxury of more square footage, but with the space being so versatile I thought I would also look into doing other events, hosting other makers, brewers, artists, anyone passionate about what they do in the creative community.

With socialising and events of this nature it feels natural to offer alcohol to complement it. At the classes I've done in the past people have had beers and glasses of wine and it's created a less formal and relaxed environment and is generally more social, hence my application. That said, I completely understand people's concerns of drinking in the local area already being an issue, especially at night. No-one wants anti-social behaviour in their area and I'm in complete agreement with that - especially as shops are normally the first to be targeted with graffiti, smashed windows and break-ins. So it really is a concern for me too, especially being the only shop on the street.

I want to make this work for all of us and create a positive space that can work for both my business and the local area. I've been a part of the community for the last seven years from when I opened my first workshop in Cleve Workshops on the Boundary Estate, later moving to Columbia Road and now to Virginia Road.

At present, and as you know, the premises has an off sale alcohol licence that [finishes at 11pm Monday](#) to Saturday and [10.30pm](#) on Sundays from its time as a convenience store. As an off licence there is no responsibility over where the alcohol is consumed other than off the premises. By opening the shop a few evenings a week after my standard retail hours as a leather goods shop, I'm looking to transform it into a workshop or special event space, intimate drinking venue or gallery space. My intention is to host people in the space and essentially monitor guests leaving by moving them on from the area after the event/evening has finished.

I hope the applications and plans I have can be looked at for the positivity they will bring and not as a negative impact on the local area due to alcohol being served. Most of the locals I have spoken to have responded with open arms and excitement for what's ahead regarding the plans for the shop and I'd like for us to work together in the hope that you can feel this way too.

At the moment the current conditions are:

- No guests outside the premises after [9pm](#).
- All windows and doors to remain closed at all times while events are on.
- No music to be heard outside the premises.

After being contacted by the police about the application they have requested:

- The finish time should be brought forward [11.30pm](#) rather than [12am](#) to allow 30 mins "drink up time" (their expression, not mine).
- Smoking outside the premises is restricted to a maximum 5 people at a time.
- CCTV to be in operation at the entrance of the premises (this would also help with any ASB on the street)
- Signage to respect neighbours and leave quietly to be installed.

After looking at the representations I think a condition that prevents the space from being turned into a full on bar maybe an option. Maybe something along the lines of,

- the on sales alcohol licence on this premises does not allow the sole purpose of the premises to be used as a bar or club.

This is just an idea as a condition maybe the wording could be changed? I'm no expert on this so would need to ask the right people who know, to prevent the space from being a full on bar in the future.

I would like to invite you to call, email or visit the shop personally to discuss the plans I have and speak more on your thoughts and conditions you would suggest to prevent this having to go to a hearing. It goes without saying that with current social distancing measures in place I'm more than happy to speak outside the shop so it's more comfortable for both of us.

Thank you for taking the time to read this email and I look forward to hearing from you."

Look forward to hearing from you Mohshin.

Appendix 16

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 9.1 of the Licensing Policy)**. While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 14.10)**.

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 9.2 of the Licensing Policy)**.

The Licensing Authority will consider attaching conditions to prevent nuisance. 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 where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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

Appendix 17

Access and Egress Problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.15).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

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

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 18

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Section 6 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 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 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

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

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 20

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 21

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 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 applicant's 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 14.9 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