

Appendix 1



This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. You can also pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>

**Application to vary a premises licence
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Salah Uddin Kader Rubel
(Insert name(s) of applicant)

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

Premises Licence number
132450

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
La Cucina 96 Brick Lane	
Post town London	Post code E1 6RL

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 38,750.00

Part 2 - Applicant details

Daytime contact telephone number		[REDACTED]	
E-mail address (optional)			
Current postal address if different from premises address		96 Brick Lane	
Post Town	London	Postcode	E1 6RL

Part 3 - Variation

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

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

Day	Month	Year

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (please see guidance note 2)

To extend late night refreshment on Monday to Sunday, until 03:00 hours the following day. Additional hours are for food only (not alcohol) for takeaway with no customers to be allowed into the premises, just delivery drivers

Annex 2 - condition 3. "There shall be no collection or deliveries between 23:00 and 07:00" to be amended to "There shall be no collection or deliveries between 03:00 hrs and 07:00 hrs"

The hours for the sale of alcohol will not be extended and will remain as per existing licence

There are no alterations to the plan of the premises. It will remain as per the existing licence so it is not included.

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

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Part 4 Operating Schedule

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

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<p>Please give further details here (please read guidance note 5)</p> <p>State any seasonal variations for indoor sporting events (please read guidance note 6)</p> <p>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 7)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			<p>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 4)</p>	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<p>Please give further details here (please read guidance note 5)</p> <p>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</p> <p>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</p>
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for playing recorded music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Indoors	Outdoors	Both
Day	Start	Finish			
Mon			<p>Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 4)</p> <p>Please give further details here (please read guidance note 5)</p> <p>State any seasonal variations for the performance of dance (please read guidance note 6)</p> <p>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</p>		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Indoors	Outdoors	Both
Day	Start	Finish			
Mon			<p>Please give a description of the type of entertainment you will be providing</p> <p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</p> <p>Please give further details here (please read guidance note 5)</p> <p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)</p> <p>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)</p>		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 4)	Indoors		
Day	Start	Finish		Outdoors		
Mon	23:30	03:00	Please give further details here (please read guidance note 5)	Both	Y	
Tue	23:30	03:00				
Wed	23:30	03:00		State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:30	03:00				
Fri	23:30	03:00			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sat	23:30	03:00				
Sun	23:00	03:00				

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 9)	On the premises			
Day	Start	Finish		Off the premises			
Mon	No change	No Change	State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both			
Tue	No change	No Change		Additional hours are for food only (not alcohol) for takeaway with no customers to be allowed into the premises, just delivery drivers			
Wed	No change	No change			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur	No change	No change					
Fri	No change	No change					
Sat	No change	No change					
Sun	No change	No change					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

None

L

Hours premises are open to the public Standard timings (please read guidance note 8)			State any seasonal variation (please read guidance note 6)
Day	Start	Finish	
Mon	12:00	03:00	Additional hours are for food only (not alcohol) for takeaway with no customers to be allowed into the premises, just delivery drivers
Tue	12:00	03:00	
Wed	12:00	03:00	
Thur	12:00	03:00	
Fri	12:00	03:00	
Sat	12:00	03:00	
Sun	12:00	03:00	
			Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 7)

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

Annex 2 - condition 3. "There shall be no collection or deliveries between 23:00 and 07:00" to be amended to "There shall be no collection or deliveries between 03:00 hrs and 07:00 hrs"

Please tick yes

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

x



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

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

M

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

1. We have looked at the licensing policy and are aware the premise is within the special cumulative impact zone (CIZ). We understand each application will be considered on its own merits and we feel that the following conditions will demonstrate to the Licensing Authority that our application will not add to the existing problems in the area and there will be no negative cumulative impact on the licensing objectives.
2. We are also willing to work with the Responsible Authorities and would be happy to take on any additional reasonable steps to promote the licensing objectives.
3. We are not looking to extend the times for the sale of alcohol so we feel that we will not be negatively impacting on the licensing objectives. The variation is for the deliveries of late night refreshment so there will be no additional customers coming to the premises which means no impact on the licensing objectives.
4. We are already complying with existing legislation on safety, health, environmental issues, fire safety, planning, building regulations, disability discrimination and crime and disorder.
5. We are enhancing the existing CCTV condition and also adding further conditions with this variation in order to promote the licensing objectives and meet the requirements of the CIZ.

b) The prevention of crime and disorder

1. We are not extending the sale of alcohol and therefore alcohol related crime and disorder issues are not expected.
2. Existing prevention of crime and disorder Regulations are to be complied with.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
4. There shall be signs displayed in the customer area to advise that CCTV is in operation.
5. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;

g) any visit by a relevant authority or emergency service.

6. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. There must also be someone on the premises who can download the images and present them immediately on request by a police officer or other regulatory authority.
8. The Premises Licence Holder or the DPS or any person who controls the premises or any persons concerned in the management of the premises shall not cause or permit a person to solicit for custom for the premises in any street or public place.
9. Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.
10. Alcohol sold on the premises in open containers shall only be consumed on the premises.
11. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that the police (and, where appropriate, the London Ambulance Service) are called without delay.

c) Public safety

1. Existing public safety Regulations are to be complied with.
2. We are not extending the sale of alcohol and therefore alcohol related public safety issues are not expected.
3. All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other obstructions and from any article or substance which may cause a person to slip, trip or fall.
4. The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by an authorised officer of the Licensing Authority or the Police.
5. Any maximum numbers advised by the Fire Service will be complied with

d) The prevention of public nuisance

1. Existing prevention of public nuisance Regulations are to be complied with.
2. We are not extending the sale of alcohol and therefore alcohol related public nuisance issues are not expected.
3. The premises does not have any provisions of regulated entertainment so public nuisance is not expected.
4. The variation is for the deliveries of late night refreshment so there will be no additional customers coming to the premises which means no impact on the licensing objectives.

5. We will remind the delivery drivers to respect the needs of local residents and businesses when making deliveries.
6. Waste materials shall not be placed in the external bins between 23:00 and 07:00 the following day.
7. There shall be no collection or deliveries between 03:00 and 07:00.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. However, please note that the variation is for the deliveries of late night refreshment so there will be no additional customers coming to the premises during the proposed extended hours
10. Noise from plant & equipment Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.
11. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
12. Deliveries of late night refreshment shall be conducted in a manner which does not cause a nuisance.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
14. A direct telephone number for the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity

e) The protection of children from harm

1. We are not extending the hours for the sale of alcohol so therefore alcohol related issues of protection of children from harm are not expected during the hours of the variation. However, we are prepared to take on the following additional Challenge 25 condition.

"A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram".
2. There are no activities intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children.
3. After 11pm children under the age of 12 will be required to be accompanied by an adult.


CHECKLIST:

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	24/06/2021
Capacity	Solicitor acting on behalf of the applicant

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

Signature	
Date	
Capacity	

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

*Zakir Hussain
Principal Lawyer
ZYBA LAW*



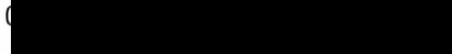
Post town



Post code



Telephone number (if any)



If you would prefer us to correspond with you by e-mail your e-mail address (optional)



Notes for Guidance

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.

1. 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 for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
- 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.
- 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

Appendix 2

**(La Cucina)
96 Brick Lane
London
E1 6RL**

**Licence Number
132450**

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

David Tolley 
**Head of Trading Standards &
Environmental Health**

Date: 3rd September 2009

Part A - Format of premises licence

Premises licence number

132450

Part 1 - Premises details

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

(La Cucina)
96 Brick Lane

Post town

London

Post code

E1 6RL

Telephone number

██████████

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Monday to Saturday from 12:00 hours to 23:30 hours

Sunday from 12:00 to 23:00 hours

Late Night Refreshment:

Monday to Saturday until 23:30 hours

The opening hours of the premises

Monday to Saturday from 12:00 hours to midnight

Sunday from 12:00 to 23:30 hours

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

On sales only

Part 2

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

Mr Salah Uddin Kader Rubel

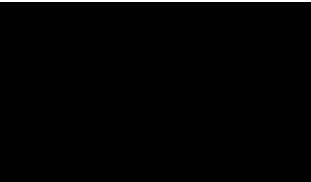


Registered number of holder, for example company number, charity number (where applicable)

Not applicable

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

Mohammed Johirul Amin



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



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
- a) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$\mathbf{P = D + (D \times V)}$$
 where —
 - (i) **P** is the permitted price

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

Annex 2 - Conditions consistent with the operating Schedule

1. Waste materials shall not be placed in the external bins between 23:00 and 07:00 the following day.
2. Alcohol sold on the premises in open containers shall only be consumed on the premises
3. There shall be no collection or deliveries between 23:00 and 07:00.
4. CCTV to be installed and maintained (one to be positioned outside the main door)

5. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed.
6. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. There must also be someone on the premises who can download the images and present them immediately on request by a police officer or other regulatory authority.
8. The Premises Licence Holder or the DPS or any person who controls the premises or any persons concerned in the management of the premises shall not cause or permit a person to solicit for custom for the premises in any street or public place.

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

Not applicable

Annex 4 - Plans

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

10th June 2009

Part B - Premises licence summary

Premises licence number

132450

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(La Cucina)
96 Brick Lane

Post town
London

Post code
E1 6RL

Telephone number
[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:
Monday to Saturday from 12:00 hours to 23:30 hours
Sunday from 12:00 to 23:00 hours

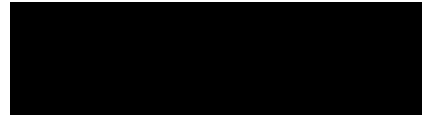
Late Night Refreshment:
Monday to Saturday until 23:30 hours

The opening hours of the premises

Monday to Saturday from 12:00 hours to midnight
Sunday from 12:00 to 23:30 hours

Name, (registered) address of holder of premises licence

Mr Salah Uddin Kader Rubel



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

On sales only

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

Not applicable

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

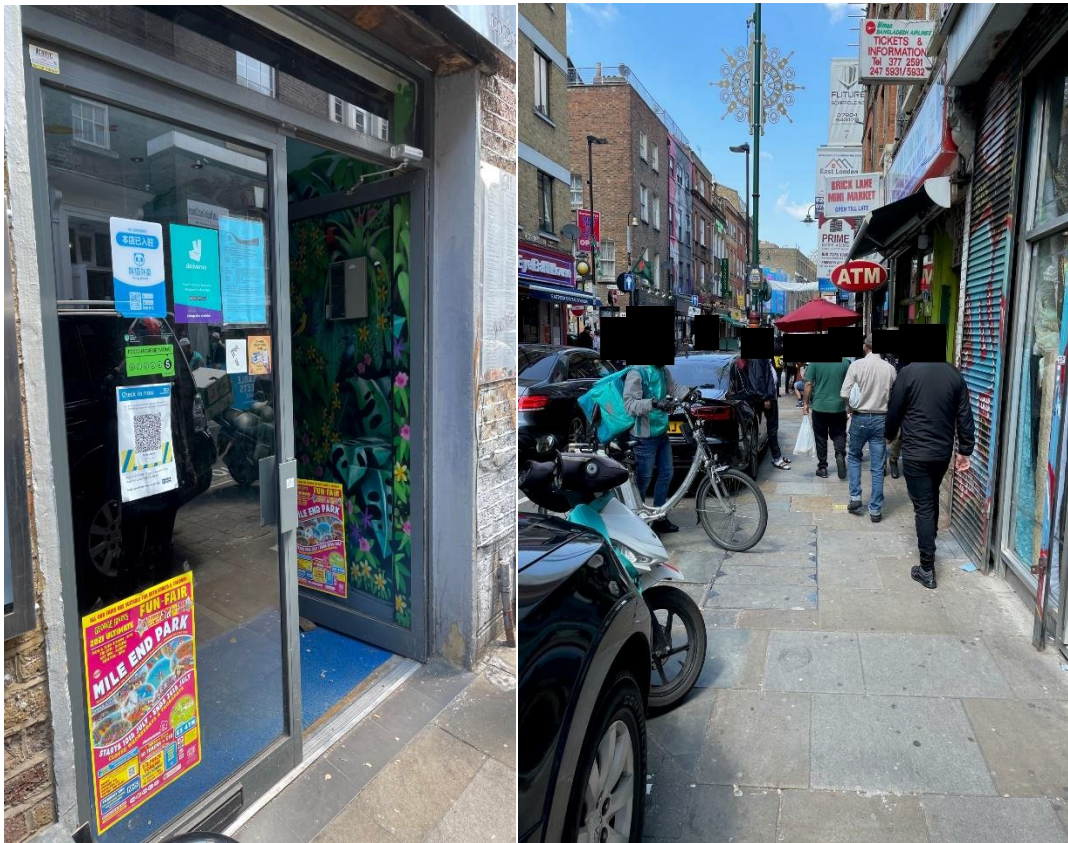
Mr Mohammed Johirul Amin


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

No restrictions

Appendix 3

Pure La Cucina 96 Brick Lane - Photographs of the venue and immediate vicinity




LICENSING ACT 2003

LONDON BOROUGH OF TOWER HAMLETS
LICENSING ACT 2003
NOTICE OF APPLICATION TO VARY A PREMISES LICENCE
 Notice is given that Salah Uddin Kader Rubel
 has applied to London Borough of Tower Hamlets Licensing
 Authority to vary a Premises Licence under
 the Licensing Act 2003.

Premises details	La Cucina 96 Brick Lane London E1 6RL
The proposed variation is: <small>(State times where applicable)</small>	<ul style="list-style-type: none"> To extend the times for the provision of late night refreshment on Monday to Saturday from 23:30 hrs to 03:00 hrs the following day and Sunday, from 23:00 hrs to 03:00 hrs the following day. Also, to amend the condition of the licence to allow this provision

Anyone who wishes to make representations regarding this application must give notice in writing to: **The Licensing Section, London Borough of Tower Hamlets, Mulberry Place, 5 Clove Crescent, London E14 2BG**
 Website: www.towerhamlets.gov.uk Tel: 020 7364 5008

Representations must be received no later than 26 / 07 / 2021

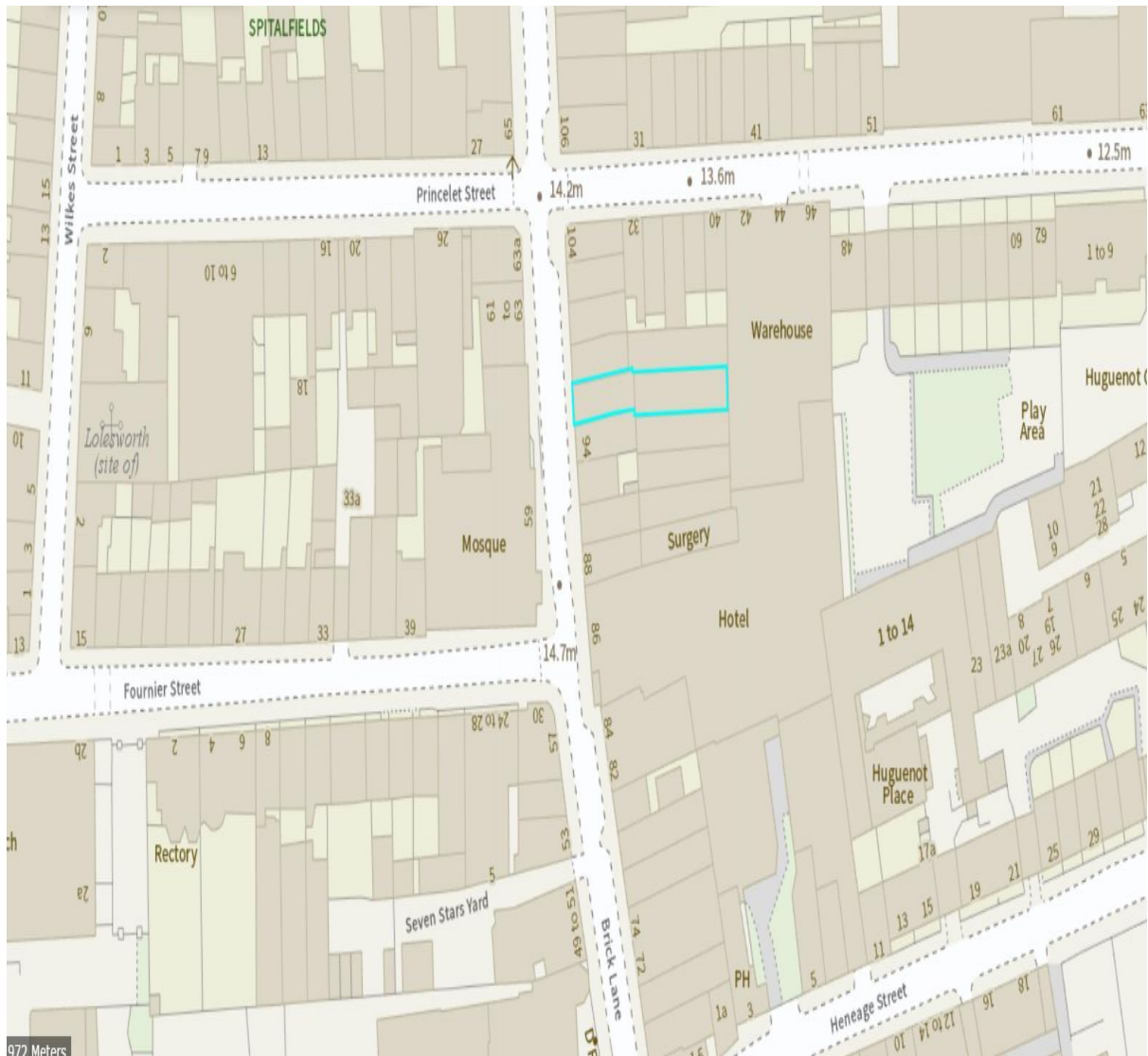
The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000)

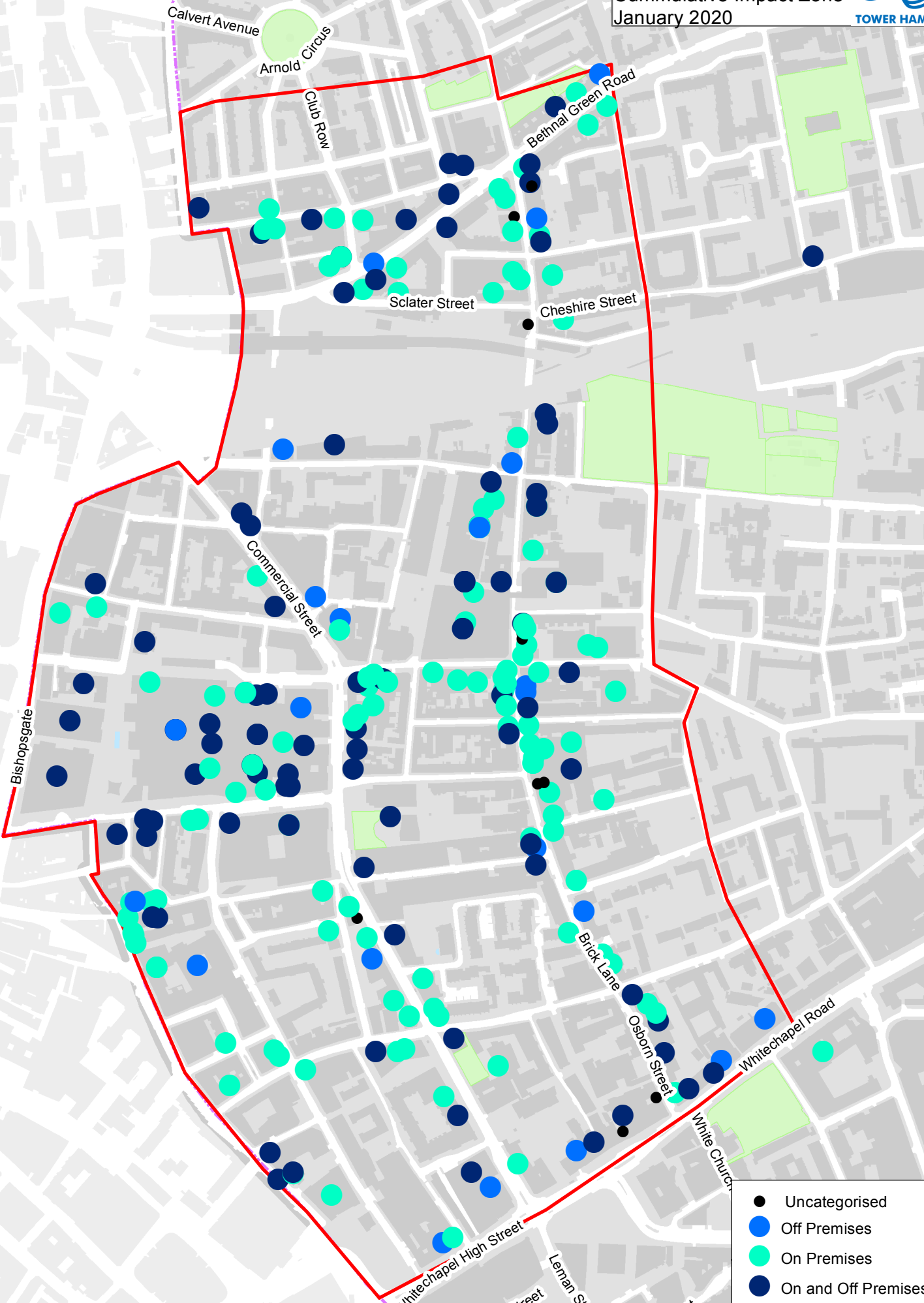
Office 0117906

Appendix 4

Pure La Cucina 96 Brick Lane – Map of local area



Brick Lane Area
Cummulative Impact Zone
January 2020



- Uncategorised
- Off Premises
- On Premises
- On and Off Premises
- Brick Lane CIZ

Appendix 5

96 Brick Lane - Nearest licences

Name and address	Licensable activities and hours	Opening hours
Fuse Ground Floor 63 Brick Lane London E1 6QL	<u>Sale by retail of alcohol (on and off sales)</u> <ul style="list-style-type: none"> • Monday to Sunday from 12:00 hrs to 22:30 hrs 	<ul style="list-style-type: none"> • Monday to Sunday from 12:00 hrs to 23:00 hrs
(Bengal Village) 75 Brick Lane London E1 6QL	<p>Alcohol may be sold or supplied: (On sales only)</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to midnight.</p> <p>(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</p> <p>(3) On Christmas Day: 12 noon to 11:30pm;</p> <p>(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;</p> <p>(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.</p> <p>(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>For conditions relating to times for restaurants and residential properties see Mandatory Conditions</p> <p>Late Night Refreshment On weekdays from 23:00 hours to midnight On Sundays from 23:00 hours to 23:30 hours</p> <p>Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours.</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p> <p>However, 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>
(Saffron Restaurant) 53 Brick Lane London E1 6PU	<p>For the sale by retail of alcohol: (On sales only) Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours to 01:00 hours the following day Sunday from 11:00 hours to midnight</p> <p>Late Night Refreshment: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 01:00 hours the following day Sunday until midnight</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours to 01:00 hours the following day Sunday from 11:00 hours to midnight</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the</p>

96 Brick Lane - Nearest licences

		premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.
(Masala Restaurant) 88 Brick Lane London E1 6RL	The sale of alcohol: (On sales only) Monday to Saturday 12:00 hours to 23:30 hours Sunday 12:00 hours to 23:00 hours Late Night Refreshment: Monday to Saturday until 23:30 hours	Monday to Saturday 12:00 hours to midnight Sunday 12:00 hours to 23:30 hours
(Chutneys) 90 Brick Lane London E1 6RL	Sale of Alcohol: (On sales only) <ul style="list-style-type: none"> ▪ Monday to Thursday from 12:00 hours to 23:30 hours ▪ Friday and Saturday from 12:00 hours to 01:00 hours the following day ▪ Sunday from 12:00 hours to 23:00 hours The Provision of Late-Night Refreshment: <ul style="list-style-type: none"> ▪ Monday to Thursday from 23:00 hours to 00:00 hours ▪ Friday and Saturday from 23:00 hours to 01:00 hours the following day ▪ Sunday, from 23:00 hours to 23:30 hrs 	<ul style="list-style-type: none"> ▪ Monday to Thursday from 12:00 hrs to 00:00 hrs ▪ Friday and Saturday from 12:00 hours to 01:30 hours the following day ▪ Sunday from 12:00 hrs to 23:30 hrs
(Standard Balti House) 71 Brick Lane London E1 6QL	For the Supply of Alcohol, Late Night Refreshment, On and off sales Sunday to Thursday 11 00 hrs to midnight Friday and Saturday 11 00 hrs to 01 00 hrs the following day	Sunday to Thursday 11 00 hrs to 01 00 hrs the following day Friday and Saturday 11 00 hrs to 02 00 hrs the following day
(Brick Lane Brasserie) 67 Brick Lane London E1 6QL	Alcohol (On sales) and Regulated Entertainment (Recorded Music) <ul style="list-style-type: none"> • Monday to Sunday, 11:00 hrs to 00:00 hrs Late Night Refreshment <ul style="list-style-type: none"> • Monday to Sunday, 23:00 hrs to 00:00 hrs 	<ul style="list-style-type: none"> • Monday to Sunday, 11:00 hrs to 00:30 hrs
(Brick Lane Restaurant) Ground Floor and Basement 102 Brick Lane London E1 6RL	The sale by retail of alcohol (On and off sales) (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to midnight. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.	Sunday to Wednesday from 23:00 hours to midnight. Thursday to Saturday 23:00 hours until 00:30. However, 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

96 Brick Lane - Nearest licences

	<p>(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) 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;</p> <p>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;</p> <p>The licence is granted for premises structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises and The licence is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.</p> <p>It is an implied condition that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.</p> <p>The provision of regulated entertainment consisting of: Recorded Music Monday to Sunday from 12:00 hours until midnight</p> <p>The provision of late night refreshment Sunday to Wednesday from 23:00 hours to midnight. Thursday to Saturday 23:00 hours until 00:30.</p>	<p>hours between 11pm on New Years Eve and 11am on New Years Day</p>
<p>(Mooshies London) 104 Brick Lane</p>	<p>The sale by retail of alcohol (On sales only):</p>	<p>Sunday, Monday, Tuesday, Wednesday, Thursday, Friday</p>

96 Brick Lane - Nearest licences

<p>London E1 6RL</p>	<p>Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>For provision of Late Night Refreshment: Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight</p>	<p>and Saturday from 11:00 hours until 00.30 hours</p> <p>Note: However, 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>(Fuse) Ground Floor 63 Brick Lane London E1 6QL</p>	<p><u>Sale by retail of alcohol (on and off sales)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 12:00 hrs to 22:30 hrs 	<ul style="list-style-type: none"> • Monday to Sunday from 12:00 hrs to 23:00 hrs
<p>(Enso Restaurant) 94 Brick Lane London E1 6RL</p>	<p>Supply of Alcohol</p> <ul style="list-style-type: none"> • Monday to Saturday, from 12:00 hours to 23:30 hours • Sunday, from 12:00 hours to 23:00 hours <p>Regulated Entertainment (<u>Recorded music</u>)</p> <ul style="list-style-type: none"> • Monday to Saturday, from 23:00 hours to midnight • Sunday, from 23:00 hours to 23:30 hours <p>Late Night Refreshment</p> <ul style="list-style-type: none"> • Monday to Saturday, from 12:00 hours to 23:30 hours • Sunday, from 12:00 hours to 23:00 hours 	<ul style="list-style-type: none"> • Monday to Saturday, from 12:00 hours to midnight • Sunday, from 12:00 hours to 23:30 hours
<p>108 Brick Lane London E1 6RL</p>	<p><u>Sale of Alcohol (on and off sales)</u> Monday to Saturday from 12:00 hours to 23:30 hours Sunday from 12:00 hours to 22:30 hours</p> <p><u>The Provision of Regulated Entertainment (Recorded music only)</u> Monday to Saturday from 12:00 hours to 23:30 hours Sunday from 12:00 hours to 22:30 hours</p> <p>The Provision of Late Night Refreshment Monday to Sunday, 23.00pm to Midnight</p>	<p>Monday to Sunday, from 12:00 hours to Midnight</p>

Appendix 6

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 7

Lavine Miller-Johnson

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 20 July 2021 16:44
To: Lavine Miller-Johnson
Subject: FW: 139197 - variation of premises license application for Pure La Cucina, 96 Brick Lane London

From: Nicola Cadzow [REDACTED]
Sent: 19 July 2021 16:38
To: Licensing [REDACTED]
Cc: [REDACTED] z. [REDACTED]
Subject: 139197 - variation of premises license application for Pure La Cucina, 96 Brick Lane London

Dear Licensing,

Having considered the variation of premises license application for Pure La Cucina, 96 Brick Lane London, I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from the outside of the premises to be causing disturbance to people in the vicinity, especially given the fact that the premises is within Brick Lane Cumulative Impact Zone.

The applicant is proposing to extend the permitted opening hours for licensable activity: late night refreshment (LNL) as follows:

Monday to Thursday	from 23:30 hours until 03:00 (an extension of three and a half hours)
Friday and Saturday	from 23:30 hours until 03:00 hours (an extension of three and a half hours)
Sunday from no LNL	23:00 hours until 03:00 hours (an extension of four hours)

Also, there is insufficient information in the licence variation application, within the operating schedule, to show how the applicant will promote the licensing objective for the prevention of public nuisance, by increasing their hours of operation. The conditions in the operating schedule for public nuisance are general and specific noise conditions are not provided to show how the applicant will not impact on prevent public nuisance at the late hours sought, particularly with consideration of the premises being in the Brick Lane Cumulative Impact Zone (CIZ).

Noise Sensitive premises: residential premises in close proximity to 96 Brick Lane, London.

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents,
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for Pure LA Cucina 96 Brick Lane for the following reasons:

1. Premises is in Brick Lane Cumulative Impact Zone
2. Great likelihood of disturbance to residential premises at the noise sensitive hours sought
3. Insufficient information in the operating schedule to promote the licensing objective for the prevention of public nuisance

Kind regards

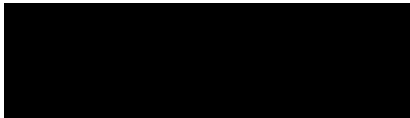
Nicola Cadzow

Environmental Health Officer

Environmental Protection Team

Place Directorate

London Borough of Tower Hamlets



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Appendix 8

Lavine Miller-Johnson

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 07 July 2021 09:35
To: Lavine Miller-Johnson
Subject: FW: Licencing application for Pure La Cucina, 96 Brick Lane, London, E1 6RL

From: John and Sandy Critchley [REDACTED]
Sent: 06 July 2021 19:02
To: Licensing [REDACTED]
Cc: 'Critchley' [REDACTED]
Subject: RE: Licencing application for Pure La Cucina, 96 Brick Lane, London, E1 6RL

Dear Licensing Department,

We wish to object to this new licencing application on the grounds of its potential public nuisance – there are large numbers of residents in the surrounding buildings who will be disturbed by the constant arrival and departure of delivery drivers, and the restaurant is also situated opposite the Brick Lane Jamme Masjid.

We feel that allowing alcohol to be served, they claim as part of their pizza delivery service, until 3am seven days a week flies against the aims of the CIZ. We can only think that the majority of deliveries of food and particularly alcohol so late at night, rather than being to families and small groups, will be to noisy parties and this will exacerbate their disturbance of neighbours.

We ask you to refuse this application.

Yours sincerely,

John and Sandy Critchley

(Mr & Mrs H J Critchley)

[REDACTED]

Appendix 9

Lavine Miller-Johnson

From: Licensing
Sent: 22 July 2021 18:13
To: Lavine Miller-Johnson
Subject: FW: Licensing objection - Application for Licence extension for Pure La Cucina, 96 Brick Lane, London E1 6RL

From: John and Sandy Critchley [REDACTED]
Sent: 22 July 2021 17:59
To: Licensing [REDACTED]
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Licensing objection - Application for Licence extension for Pure La Cucina, 96 Brick Lane, London E1 6RL

Dear Licensing Team,

I am writing on behalf of SPIRE, the umbrella group representing the majority of residents' associations in Spitalfields in our battle against anti-social behaviour. SPIRE wishes to object to the application from Pure La Cucina, 96 Brick Lane, E1 6RL, to vary its current alcohol licence by extending the licence hours to 03:00 hours on seven days a week from the present 23.30.

We feel that extending this licence to such unreasonably late hours would be contrary to the objectives of the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

In particular, with regard to the promotion of the four licencing objectives, we believe that this extension would create a significant increase in public nuisance: the large numbers of residents in surrounding buildings will be disturbed by the constant arrival and departure of delivery drivers; in addition, the restaurant is situated opposite the Brick Lane Jamme Masjid. Indirectly, this extension would contribute to an increase in crime and disorder.

We believe that although the application states that no customers will be allowed into the premises after 23:30 and that alcohol sales will be as part of a delivery service, any extension granted by LBTH might in future be used by the business for all alcohol sales, not just deliveries. This would be difficult to police.

Furthermore, the site is within the CIZ zone of Brick Lane and we feel that the local authority should be trying to keep the lid on alcohol sales in an area that already suffers from high levels of anti-social behaviour.

Yours sincerely,

Sandy Critchley
(SPIRE committee member)

[REDACTED]

Note: Jointly with my husband, John Critchley, I have also registered a personal objection to the application.

Appendix 10

Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

Appendix 11

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 12

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 framework 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

Appendix 13

Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

- 19.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area.

- 19.4 The Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figures One and Two is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within these areas. The Brick Lane and Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.
- 19.5 The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:

- New Premises Licences applications,
- New Club Premises Certificates applications
- Provisional Statements,
- Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

The Licensing Authority expects such applications to have regard for and make reference to the CIZ.

19.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.

19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues).

19.8 **This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.**

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,

- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

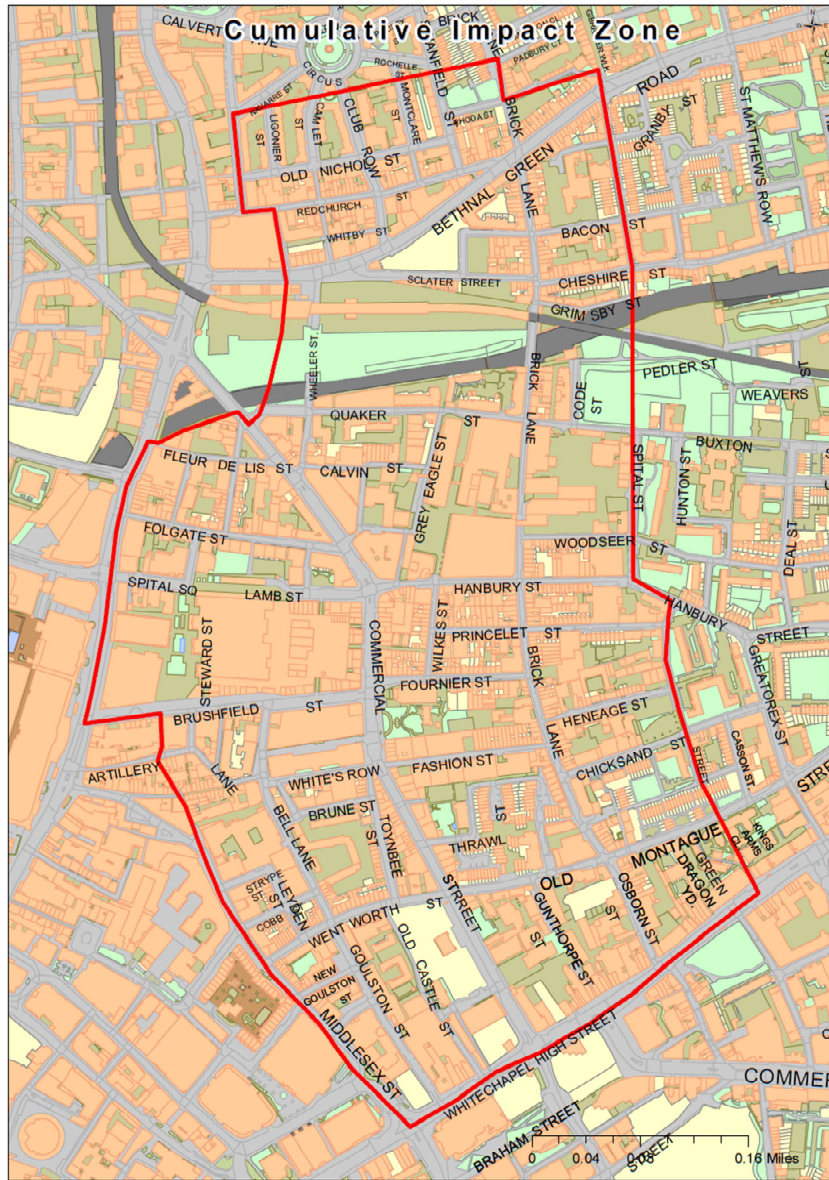
- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

19.9 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

The Cumulative Impact Zones:

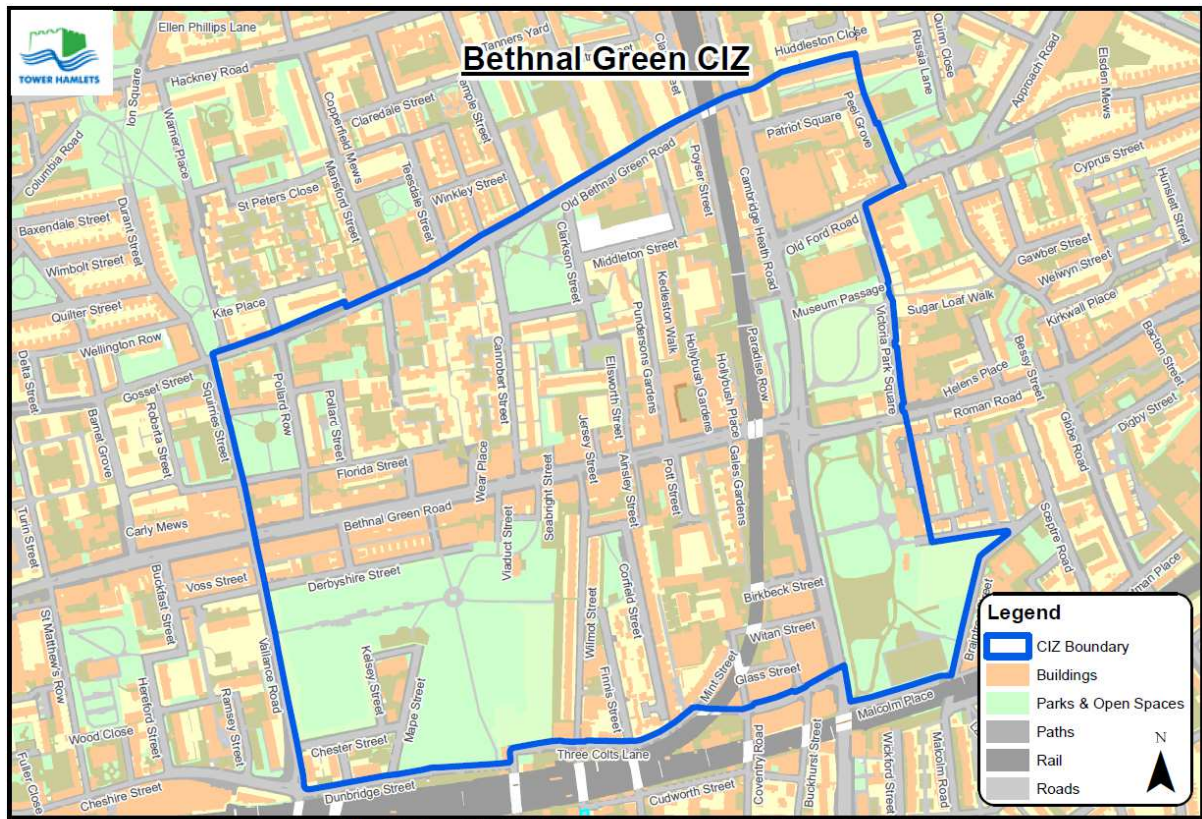
Figure One

Brick Lane area:



Reproduction of the CIE map by permission of the City of London Corporation. Copyright 2011.

Figure Two:
Bethnal Green Area



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Appendix 14

Planning

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