

# Appendix 1



**(Rapha Racing Cycle Club, Cafe & Store)**

Spitalfields Market  
61-63 Brushfield Street  
London  
E1 6AA

Licence  
Number  
145140

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment (Films)

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

**Signed by**

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

**Date: 5<sup>th</sup> November 2015**



**Part A - Format of premises licence**

**Premises licence number**

**145140**

**Part 1 - Premises details**

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

**(Rapha Racing Cycle Club, Cafe & Store)**  
Spitalfields Market  
61 - 63 Brushfield Street

**Post town**

London

**Post code**

E1 6AA

**Telephone number**

None

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

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment (Films)

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

**Sale by retail of alcohol**

- Monday to Sunday, from 11:00 hours to 21:00 hours

**The provision of regulated entertainment – Indoors**

Films

- Monday to Sunday, from 08:00 hours to 21:00 hours

**The opening hours of the premises**

- Monday to Sunday, from 08:00 hours to 21:30 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**

OSM Ltd  
Sovereign House  
4 Christian Road  
Douglas  
Isle of Man  
IM1 2SD

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

008905V



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

Dean Hill



**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
- 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

**Films**

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows:

If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction Otherwise the recommendation of the film classification body.

Children means persons aged under 18 and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

1.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$
 where —
    - (i) **P** is the permitted price
    - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member

or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax  
  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

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

1. A full CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Alcohol shall not be removed from the premises, save for consumption in any delineated external area as shown on the plan attached to the licence.
6. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
7. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
8. A first aid box will be available at the premises at all times.

9. The premises shall maintain an Incident Log and public liability insurance.
10. The exterior of the building shall be cleared of litter at regular intervals.
11. Notices will be positioned at the exits to the premises requesting customers to leave in a quiet manner.
12. A "Challenge 21 Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
13. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
14. The outside area shall be monitored by staff when it is in use. The area will be cleaned regularly.
15. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
16. Signs will be displayed in the area requesting customers keep noise to a minimum.
17. Customers shall not be permitted to take alcohol beyond the boundary of the outside area.

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

Not applicable



**Part B - Premises licence summary**

**Premises licence number**

145140

**Premises details**

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

**(Rapha Racing Cycle Club, Cafe & Store)**  
Spitalfields Market  
61 - 63 Brushfield Street

**Post town**

London

**Post code**

E1 6AA

**Telephone number**

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of regulated entertainment (Films)

The times the licence authorises the carrying out of licensable activities

<p><b>Sale by retail of alcohol</b></p> <ul style="list-style-type: none"><li>Monday to Sunday, from 11:00 hours to 21:00 hours</li></ul> <p><b>The provision of regulated entertainment – Indoors</b></p> <p><u>Films</u></p> <ul style="list-style-type: none"><li>Monday to Sunday, from 08:00 hours to 21:00 hours</li></ul>
<ul style="list-style-type: none"><li>Monday to Sunday, from 08:00 hours to 21:30 hours</li></ul>

The opening hours of the premises

Name, (registered) address of holder of premises licence

OSM Ltd Sovereign House 4 Christian Road Douglas Isle of Man IM1 2SD
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

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

008905V
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Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

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

Not restricted
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# Appendix 2



\* required information

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

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

Are you an agent acting on behalf of the applicant?

- Yes  No

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

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Is the applicant:

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

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

**Applicant Business**

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

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

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

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

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

**Agent Business**

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

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 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 (£)

0

### 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.

To update the plan and to extend on sales Monday to Sunday until 23:00.

### Section 4 of 18

#### 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

### Section 5 of 18

#### 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

### Section 6 of 18

#### 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

### Section 8 of 18

#### 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

### Section 9 of 18

#### 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

### Section 10 of 18

#### 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

### Section 11 of 18

#### 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

*Continued from previous page...*

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

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

*Continued from previous page...*

Will the sale of alcohol be for consumption?

- On the premises       Off the premises       Both

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

State any seasonal variations.

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

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

**Section 14 of 18**

**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.

None

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

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.



*Continued from previous page...*

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.

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

*Continued from previous page...*

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.

**Section 16 of 18**

**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.

Conditions on the current licence address the four licensing objectives

b) The prevention of crime and disorder

as above

c) Public safety

as above

d) The prevention of public nuisance

as above

e) The protection of children from harm

as above

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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.

**Section 18 of 18**

**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](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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 (£)

100.00

**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	<input type="text" value="Thomas and Thomas Partners LLP"/>
* Capacity	<input type="text" value="Solicitors on behalf of the applicant"/>
* Date	<input type="text" value="22"/> / <input type="text" value="02"/> / <input type="text" value="2022"/> dd mm yyyy

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

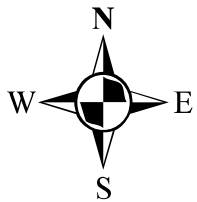
1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

**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.**

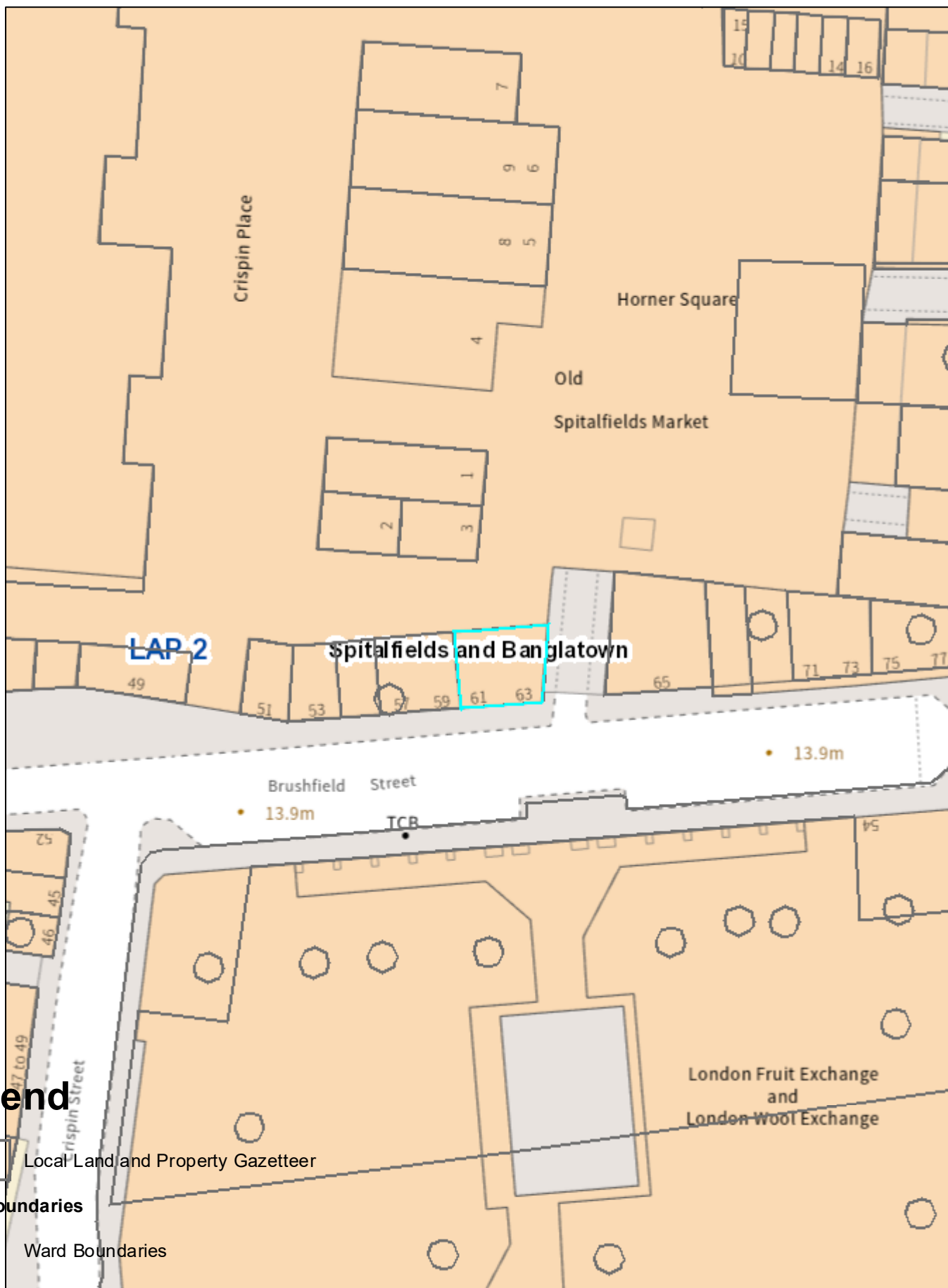
**OFFICE USE ONLY**

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Payment status	<input type="text"/>
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Payment authorisation date	<input type="text"/>
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Approval deadline	<input type="text"/>
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# Appendix 3




# 61-63 Brushfield St



## Legend

 Local Land and Property Gazetteer

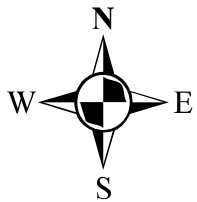
 Ward Boundaries

 Ward Boundaries

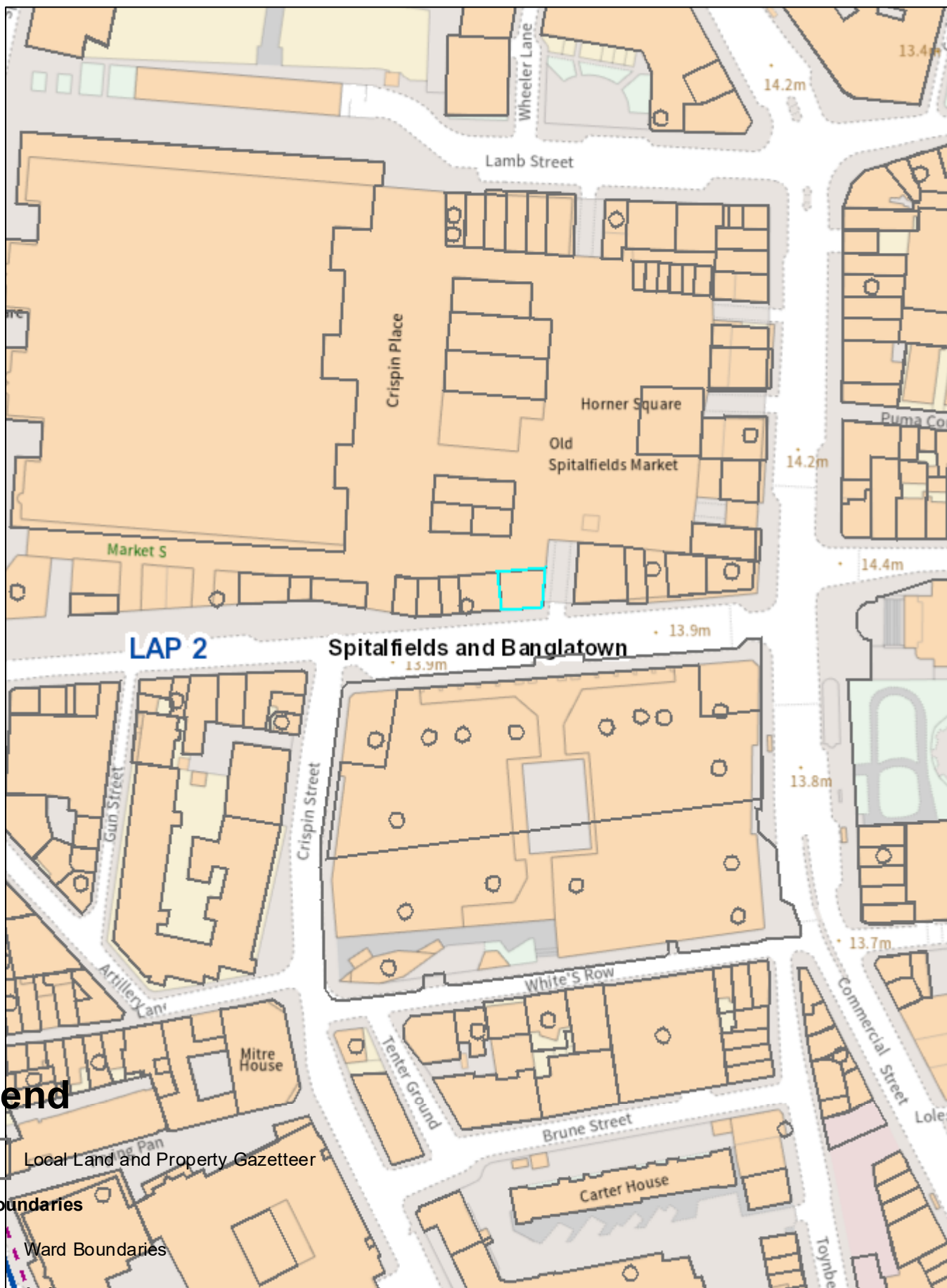
 LAP Boundaries

 LAP Boundaries

00.0075 0.015 0.03 0.045 0.06  
km



# 61-63 Brushfield St



## Legend

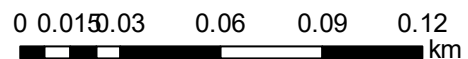
Local Land and Property Gazetteer

**Ward Boundaries**

Ward Boundaries

**LAP Boundaries**

LAP Boundaries





# Appendix 4

**(Rapha Racing Cycle Club, Cafe & Store), Spitalfields Market, 61-63 Brushfield Street, London E1 6AA**



**(Rapha Racing Cycle Club, Cafe & Store), Spitalfields Market, 61-63 Brushfield Street, London E1 6AA**



**(Rapha Racing Cycle Club, Cafe & Store), Spitalfields Market, 61-63 Brushfield Street, London E1 6AA**





(Rapha Racing Cycle Club, Cafe & Store), Spitalfields Market, 61-63 Brushfield Street, London E1 6AA



**(Rapha Racing Cycle Club, Cafe & Store), Spitalfields Market, 61-63 Brushfield Street, London E1 6AA**





(Rapha Racing Cycle Club, Cafe & Store), Spitalfields Market, 61-63 Brushfield Street, London E1 6AA



# Appendix 5



Nearest licences: (Rapha Racing Cycle Club, Cafe & Store), Spitalfields Market, 61-63 Brushfield Street, London E1 6AA.

Name and address	Licensable activities and hours	Opening hours
<b>Bottles</b> <b>67 Brushfield Street</b> <b>London</b> <b>E1 6AA</b>	<p>The sale by retail of alcohol (both on and off premises)</p> <ul style="list-style-type: none"> <li>Monday to Saturday from 10:00hrs to 23:00hrs</li> <li>Sunday from 10:00hrs to 22:00hrs</li> </ul> <p>The provision of late night refreshment (both indoors and outdoors)</p> <ul style="list-style-type: none"> <li>Monday to Saturday from 23:00hrs to 23:30hrs</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Saturday from 08:00hrs to 23:30hrs</li> <li>Sunday from 08:00hrs to 22:30hrs</li> </ul>
<b>Barber Barber</b> <b>51 Brushfield Street</b> <b>London</b> <b>E1 6AA</b>	<p><b><u>The sale of alcohol (on sales only):</u></b></p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 09:00 hours to 21:00 hours</li> <li>Sunday, from 09:00 hours to 19:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Saturday, from 09:00 hours to 21:30 hours</li> <li>Sunday, from 09:00 hours to 19:30 hours</li> </ul>
<b>(Spianata &amp; Co)</b> <b>41 Brushfield Street</b> <b>London</b> <b>E1 6AA</b>	<p><b><u>Sale of Alcohol (on sales only)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 11:00hrs to 21:30hrs</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Friday from 07:30hrs to 22:00hrs</li> <li>Saturday &amp; Sunday from 11:00hrs to 22:00hrs</li> </ul>
<b>(The Gun)</b> <b>54 Brushfield Street</b> <b>London</b> <b>E1 6AG</b>	<p><b>The sale by retail of alcohol (on and off sales)</b></p> <ul style="list-style-type: none"> <li>Monday to Thursday 11.00 hours to 23.00 hours</li> <li>Friday and Saturday 11.00 hours to 23.30 hours</li> <li>Sunday 12:00 hours to 22.30 hours</li> </ul> <p><b>The provision of regulated entertainment – Indoors</b>  <b><u>(Recorded Music)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Thursday from 11:00 hours to 23:00 hours</li> <li>Friday and Saturday from 11:00 hours to 23:30 hours</li> <li>Sunday from 12:00 hours 22:30 hours</li> </ul> <p><b><u>Non-Standard Timings</u></b>  Sale by retail of alcohol and recorded music – an additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.</p>	<ul style="list-style-type: none"> <li>Monday to Thursday 11.00 hours to 23.30 hours</li> <li>Friday and Saturday 11.00 hours to 00:00 hours (midnight)</li> <li>Sunday 12:00 hours to 23.00 hours</li> </ul> <p><b><u>Non-Standard Timings</u></b>  An additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve</p>

Nearest licences: (Rapha Racing Cycle Club, Cafe & Store), Spitalfields Market, 61-63 Brushfield Street, London E1 6AA.

<p><b>(Market Coffee House)</b>  <b>50-52 Brushfield Street</b>  <b>London E1 6AG</b></p>	<p><u>Sale of alcohol (On sales only)</u>  Monday to Saturday 08:00 hours – 22:30 hours  Sunday 10:00 hours – 18:30 hours</p> <p><u>Regulated entertainment</u>  Live music: Monday to Sunday 15:00 hours – 22:00 hours  Recorded music: Monday to Sunday 08:00 hours – 22:30 hours</p>	<p>Monday to Saturday 08:00 hours – 23:00 hours  Sunday 09:00 hours – 19:00 hours</p>
<p><b>(Pho)</b>  <b>48 Brushfield Street</b>  <b>London E1 6AG</b></p>	<p><b>The sale by retail of alcohol (On sales only)</b>  Monday to Saturday – 10:00 to 00:00 (midnight)  Sunday 12:00 – 23:30</p> <p><b>The provision of late night refreshment</b>  Monday to Saturday – 23:00 – 00:30 the following day  Sunday 23:00 – 00:00 (midnight)</p> <p><b>The provision of regulated entertainment (in the form of recorded music)</b>  Monday to Saturday – 10:00 to 00:00 (midnight)  Sunday 12:00 – 23:30</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 from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p>	<p>Monday to Saturday – 23:00 – 01:00 the following day  Sunday 23:00 – 00:30 the following day</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 from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p>
<p><b>(A.Gold)</b>  <b>42 Brushfield Street</b>  <b>London E1 6AG</b></p>	<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"> <li>On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.</li> <li>On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.</li> <li>On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</li> <li>On Good Friday, 8 a.m. to 10.30 p.m.</li> </ol> <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>
<p><b>(Chilango)</b>  <b>32 Brushfield Street</b>  <b>London E1 6AT</b></p>	<p>The sale by retail of alcohol (on and off sales)</p> <ul style="list-style-type: none"> <li>Monday to Sunday from 11:00hrs to 21:00hrs</li> </ul>	<p>Monday to Sunday from 11:00hrs to 21:30hrs</p>

Nearest licences: (Rapha Racing Cycle Club, Cafe & Store), Spitalfields Market, 61-63 Brushfield Street, London E1 6AA.

<p><b>(Coqbull Spitalfields) 65a Brushfield Street London E1 6AA</b></p>	<p>Alcohol shall not be sold or supplied except during permitted hours.(On and off sales) In this condition, permitted hours means:</p> <ul style="list-style-type: none"><li>a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00hrs to 23:00hrs</li><li>b. On Sundays, other than Christmas Day or New Year's Eve, 12:00hrs to 22:30hrs</li><li>c. On Good Friday, 12:00hrs to 22:30hrs.</li><li>d. On Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs</li><li>e. On New Year's Eve, except on a Sunday, 11:00hrs to 23:00hrs</li><li>f. On New Year's Eve on a Sunday, 12:00hrs to 22:30hrs</li><li>g. 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, 00:00hrs (midnight) on 31st December).</li></ul> <p><b>Supper Hours Certificate</b> Alcohol may be sold or supplied (for one hour following the hours set out above and) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply. In addition on Christmas Day for the purposes set out under Supper Hours Certificate the permitted hours shall extend between the first and second parts of the general licensing hours</p> <p><b>Late Night Refreshment</b> Hot drinks and hot food can be served up to 30minutes after the last permitted sale of alcohol. Thus Monday to Saturday until 00:30hrs (the following day) Sunday 00:00hrs (midnight)</p> <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p>	<p>There are no restrictions on the hours during which this premises is open to the public</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 23:00hrs on New Years Eve and 11:00hrs on New Years Day.</p>
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# Appendix 6

Licensing Authority: [REDACTED]

Applicant – OSM Limited - [REDACTED]

22<sup>nd</sup> March 2022

Your reference  
My reference: P/EHTS/LIC/146737/CH

PLACE Directorate  
Public Realm

Environmental Health & Trading Standards  
Licensing & Safety Team  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel: [REDACTED]  
Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Licensing Authority,

### Licensing Act 2003

Premise licence variation: 61-63 Brushfield Street, London E2 6EH

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application.

#### **Special Cumulative Impact Policy for the Brick Lane**

***This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.***

*The Council reviewed the Special Cumulative Impact Policy in 2021 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.*

*The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.*

***This Policy will be strictly applied and where relevant representations are received and 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. CIA if they wish to rebut this presumption.***

Lower Hamlets Council  
Town Hall  
Mulberry Place  
5 Clove Crescent  
E14 2BG

*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 (Councillors, Members of the Public) within the CIA zones the application will be refused.*

*Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.*

*This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:*

- *Prevention of Crime and Disorder;*
- *Prevention of Public Nuisance.*

*Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.*

#### **Possible exceptions to the Brick Lane and Bethnal Green Cumulative Impact Assessments**

- *Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;*
  - *Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,*
  - *Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),**and,*
  - *Have arrangements to prevent vertical drinking, for example fully seated venues;*
- *Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments),*
- *Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.*

*Licensing Authority will **not** consider the following as possible exceptions:*

- *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.*



### Licensable activities and times

The Licensing Authority has had regard to the Guidance to the Act when determining this policy. The end times set out in the policy are not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours' serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for. Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made. Each case will be considered on its merits.

- Sunday – 06:00 hours to 22:30 hours
- Monday to Thursday – 06:00 hours to 23:30 hours
- Friday and Saturday – 06:00 hours to 00:00 hours (midnight)

Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.

- a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).
- b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.
- c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder and the prevention of public nuisance.
- d) Where the premises have been previously licensed, the past operation of the premises.
- e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.
- f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

### The Home Office guidance

under Section 182 of the Licensing Act 2003 (8.42) says:

*"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:*



- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."*

**Application:**

This premise currently holds a premise licence under the name of Rapha Racing Cycle Club. This business has now relocated and note there is nothing in the application to suggest the nature of the new business planned at this address. Having liaised with the applicant's agents I am informed that this premises is planned on being a restaurant.

This application is to extend the sale of alcohol from 21:00 hours to 23:00 hours.

I note in the operating schedule that there's no additional conditions volunteered to address the later hours and the change of business as it just states 'as per current licence conditions'.

There is no reference in the application to the premises being within the CIA and therefore no additional provisions, on how the applicant intends to uphold the licensing objectives and demonstrate how the premises will not have a negative effect on the already saturated area between the later hours of 21:00 – 23:00 hours.

I note in the application that there are no restrictions on the timings the outside area can be used and therefore people could be seated outside until closing at 23:30 hours. This could cause a noise disturbance to the nearby residents. The committee may wish to address this.

I have emailed the applicants agent and requested the additional conditions below which means the application could be considered to fall under the possible exemptions of the CIA as detailed in the Licensing Policy.

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. There shall be no vertical drinking at the premises.
3. Customers shall not be permitted to take alcohol beyond the boundary of the outside area.

I realise condition 3 is already on the current licence and therefore can be discounted.

**Tower Hamlets Council**  
Town Hall  
Mulberry Place  
5 Clove Crescent  
E14 2BG



On a balance of probability, this Authority is concerned by the addition of this premises selling alcohol until 23:00 hours, potentially adding to the existing anti-social issues in the area, particularly through access and egress. The addition of alcohol could cause customers to be in high spirits and therefore potentially undermining the licensing objectives.

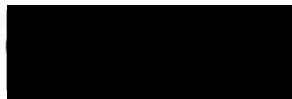
If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected. However, if the Sub-Committee is minded to grant a licence then I would ask that the following additional conditions are attached:

1. *The premises shall install and maintain a comprehensive CCTV system. 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.*
2. *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
3. *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 refusal of the sale of alcohol;*
  - h) *any visit by a relevant authority or emergency service*
4. *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.*
5. *When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.*



6. *The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*
7. *There shall be no vertical drinking at the premises.*

Yours faithfully



**Corinne Holland**  
**Licensing Officer**



# Appendix 7

## Mohshin Ali

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**From:** Lavine Miller-Johnson on behalf of Licensing  
**Sent:** 22 March 2022 16:59  
**To:** Mohshin Ali  
**Subject:** FW: 146737 Variation of premises license application for Rapha Racing Cycle Club Cafe & Store 61-63 Brushfield Street London E1 6AG

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**From:** Nicola Cadzow [REDACTED]  
**Sent:** 22 March 2022 15:31  
**To:** Licensing <Licensing@towerhamlets.gov.uk>; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** 146737 Variation of premises license application for Rapha Racing Cycle Club Cafe & Store 61-63 Brushfield Street London E1 6AG

Dear Licensing

I have contacted the applicant via their representative but have not received a response. Having considered the variation application Rapha Racing Cycle Club Cafe & Store 61-63 Brushfield Street, London E1 6AG and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, consideration has to be given to the fact the premise is in the Brick Lane Cumulative Impact Zone.

The applicant is proposing to extend the permitted opening hours as follows:-

Monday to Sunday: Sale by retail of alcohol from 21:00 hours until 23:00 (an extension of two hours)

**Noise Sensitive premises:** residential premises in close proximity to 61-63 Brushfield Street E1, 6AG.

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 Brushfield Street, London E1 6AG, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought, particularly as the premises is in the Brick Lane Cumulative Impact Zone.

Kind regards

**Nicola Cadzow**  
Environmental Health Officer  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets  
Mulberry Place Town Hall

# Appendix 8

## Mohshin Ali

---

**From:** Anthony de Jasay [REDACTED]  
**Sent:** 22 March 2022 17:09  
**To:** Mohshin Ali  
**Subject:** Re: Premises license for 61-63 Brushfield Street, London, E1 6AA to provide supply of alcohol seven days a week between the hours of 11:00 and 23:00.

Dear Mr Ali  
Thank you for your guidance.  
Please find below my letter of objection to the above application.

Dear Sir

This application revives a regrettable tendency among the owners of Old Spitalfields Market to disregard its protected identity as a stalls market with ancillary food. There are numerous good reasons from a Planning and Licensing point of view to protect this identity: but it is a matter of immediate urgency to reduce or at least limit the saturation of alcohol related businesses in the area which is recognised to be at risk from the cumulative impact of licensing.

It is the cumulative effect of people coming to an area to drink (rather than shop) which is so destructive of residential amenity. It is almost incompatible with the family-friendly balance that residents of the Market have consistently sought. There is no credible reason why a shop specialising in bicycling should need an alcohol license. Obviously, should the license be granted, the shop could be re-let as a bar. The consequence would be further to undermine the critical mass of interesting retail offerings. That would be a great shame, as the Market has come back as hugely popular, post Covid; providing a distinctive, possibly unique shopping experience which people from all over the world obviously value. It seems especially risky to license the premises before the suitability of a licensee-tenant can be ascertained. Attachment of residents to a neighbourhood is vital for its sustainability. It must be protected in the name of safety. It depends on a willingness to resist the permissiveness and casual lawlessness that is one of the main attractions of areas where licensed premises have reached a critical level of saturation.

The license should be refused, and the Manager should be encouraged to stick to managing Old Spitalfields Market as it is intended in the lease.

Yours faithfully

Anthony de Jasay  
[REDACTED]

# Appendix 9

## Mohshin Ali

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**From:** Licensing  
**Sent:** 23 March 2022 09:47  
**To:** Mohshin Ali  
**Subject:** FW: Application by Old Spitalfields Market for a variation of the premises licence for 61-63 Brushfield Street

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**From:** Andrew Wheeler [REDACTED] >  
**Sent:** 22 March 2022 21:28  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Application by Old Spitalfields Market for a variation of the premises licence for 61-63 Brushfield Street

Dear Sirs,

I am the owner occupier of the residential property at [REDACTED] E1 [REDACTED]

I note with concern that there has been an application by Old Spitalfields Market for a variation of the premises licence for 61-63 Brushfield Street, formerly Rapha Racing Cycle Club, Cafe & Store.

No detail in the application is provided for which business or type of business will benefit from the proposed extended alcohol supply timeframes. This leaves considerable concern and questions over the nature of the application itself. Without such detail, I can only assume that OSM Limited is applying for increased alcohol supply hours to make the retail unit potentially more attractive for unknown future tenants.

As the father of a 6 year old girl, I am becoming increasingly concerned with the amount of evening/late night venues that are appearing as part of Spitalfields Market or in the immediate surrounding area. It seems that sight has been lost of the fact that this is a residential area and a number of these premises are appearing directly below, adjacent or within very close proximity of residents who are then denied their right of peaceful enjoyment of their property. I am also very concerned that there is no detail or consideration given to:

- prevention of crime and disorder – eg: I often see people urinating in the street from my window; find broken glass on the pavement when doing the school run.
- health and safety for residents and visitors
- protection of children (including the sale of alcohol to underage drinkers)
- adequate prevention of public nuisance, including both noise and anti-social behaviour

I can tell you for a fact that, from my daughter's bedroom, the sound of people at or exiting these venues late at night, be it orderly or disorderly, is very loud and often wakes and frightens her. I can safely say that, with the exception of the pandemic, the noise has been steadily increasing in the 10 years that I have lived here and, if applications continue to be approved, the situation will only deteriorate further. I therefore ask you to reject the stated application.

Yours faithfully,

Andrew Wheeler

This email is only for the use of the addressee(s) and may contain information that is privileged and confidential. If you are not the intended recipient(s), you are hereby notified that any dissemination of this communication is



# Appendix 10

## Mohshin Ali

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**From:** Licensing  
**Sent:** 17 March 2022 18:26  
**To:** Mohshin Ali  
**Subject:** FW: Objection to a Proposed Variation of Premises (Alcohol) Licence for Spitalfields Market 61-63 Brushfield Street London E1 6AA

---

**From:** Alan Williams <[REDACTED]>  
**Sent:** 17 March 2022 17:37  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Re: Objection to a Proposed Variation of Premises (Alcohol) Licence for Spitalfields Market 61-63 Brushfield Street London E1 6AA

London Borough of Tower Hamlets  
Licensing Team  
Environmental Health and Trading Standards  
Mulberry Place  
5 Clove Crescent  
LONDON E14 2BG

Sent by email

Dear Licensing Team

**Re: Objection to a Proposed Variation of Premises (Alcohol) Licence for Spitalfields Market 61-63 Brushfield Street London E1 6AA**

---

The above is an application to supply alcohol every day of the week between 11.00am and 11.00pm made in the name of, or by for on behalf of, a business that has ceased trading in the relevant location.

There is no detail in the application of the identity of, or of the type of, business intended to benefit from the requested extended licence.

This leaves me puzzled and slightly apprehensive of the type of business that may benefit; and not just of the type, but the ability of that business to run such an extended licence.

I am not sure on what basis such an application can be made, when the identity of the beneficiary is not known or disclosed.

Given the insufficient details given about the type or nature of the business, I am concerned that any such extension could negatively impact on local residents whether as a result of insufficient information about the intended business, affecting prevention of crime and disorder, health and safety for residents and visitors, protection of children (including sales of alcohol to underage drinkers). I can see no plans for prevention of public nuisance, including noise and anti-social behaviour. It should not be forgotten that it is a matter of grave concern to residents that these premises are in one of the Ward's most prolific hotspots for anti-social behaviour.

Please reject this application, at least until the identity of the business intended to benefit is disclosed, and they have committed to their proposed measures to control drinking and behaviour. Many thanks.X

Alan Williams  
[REDACTED]

PS Please redact my personal details wherever possible whenever this letter is displayed in public.

# Appendix 11

## Mohshin Ali

---

**From:** Licensing  
**Sent:** 21 March 2022 11:59  
**To:** Mohshin Ali  
**Subject:** FW: Proposed Variation of Premises (Alcohol) License for Spitalfields Market, 61-63 Brushfield Street, London, E1 6AA

---

**From:** Barra Little [REDACTED] >  
**Sent:** 20 March 2022 09:20  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Proposed Variation of Premises (Alcohol) License for Spitalfields Market, 61-63 Brushfield Street, London, E1 6AA

Dear Licensing Team,

I object in the strongest terms to the proposed variation of the premises license for 61-63 Brushfield Street, London, E1 6AA to provide supply of alcohol seven days a week between the hours of 11:00 and 23:00.

Premises details for the application are recorded as Rapha Racing Cycle Club, Cafe & Store, 61-63 Brushfield Street, London, E1 6AA. It is our understanding that Rapha Racing Cycle Club, Café & Store has ceased trading in this location.

The application for premises variation has been made by Old Spitalfields Market (OSM Limited) which we understand to be the current and active property owner of the premises at 61-63 Brushfield Street, London, E1 6AA.

No detail in the application is provided for which business or type of business will benefit from the proposed extended alcohol supply timeframes. This leaves considerable concern and questions over the nature of the application itself.

Without such detail, I can only assume that OSM Limited is applying for increased alcohol supply hours to make the retail unit potentially more attractive for unknown future tenants. This is a clear pattern in the market, where family friendly restaurants have been replaced with bars. You can see the clear impact of this strategy in terms of noise levels and ASB in the neighbourhood.

I object on the basis that this is a cumulative impact zone, which means there is a presumption against additional licensing hours, and in circumstances where there is no business it is impossible for OSM to indicate what conditions will manage the impact of more licensing hours. I also object on the basis that OSM and its tenants are already failing to mitigate the impact of licenses in the market and are clearly trying to maximise revenue by turning it into a late night drinking hub which is already impacting neighbours. There has been inadequate information in the application about the prevention of crime and disorder, health and safety for residents and visitors, protection of children (including the sale of alcohol to underage drinkers), and no plans for adequate prevention of public nuisance, including both noise and anti-social behaviour. The premises are in one of the Ward's most prolific hotspots for antisocial behaviour and thus are an area of great concern. This impacts the delicate balance of residences and

businesses by making life intolerable for those of us who live and work in the area. Expansion of hours provides no benefit to local residents.

I therefore ask you to reject the stated application.

Yours sincerely,

Barra Little



# Appendix 12

## Mohshin Ali

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**From:** Licensing  
**Sent:** 21 March 2022 11:59  
**To:** Mohshin Ali  
**Subject:** FW: Representation in relation to Application for Variation of Premises License at 61-63 Brushfield Street, London E1 6AA

---

**From:** Joel Chan [REDACTED] >  
**Sent:** 20 March 2022 12:01  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Representation in relation to Application for Variation of Premises License at 61-63 Brushfield Street, London E1 6AA

Hi,

We will be moving into the flat at [REDACTED] shortly, and it will be our main and only residence. We are writing to make representation in relation to the recently lodged application for variation of Premises License at 61-63 Brushfield Street, London E1 6AA.

We understand the variation is seeking to extend alcohol serving hours from current 9pm 7 days a week to 11pm 7 days a week.

This is a material change, and will significantly affect directly adjoining neighbour (ie us at 59 Brushfield Street). We do not think the proposed variations in the application is appropriate, so we would like to object to the proposal on the grounds that this is likely to negatively impact the quality of quiet enjoyment of residents in close proximity. It is well known that people consuming alcohol will talk louder, more likely to cause anti-social issues, alcohol serving venue is more likely to have more people loitering outside, they tend to smoke more, and many venue serving alcohol also tends to play louder background music which further elevate the noise from people's chatter. Late drinking is especially likely to cause these issues, and the variation is extending from 9pm to 11pm, which would fall into this category.

Moreover, this is also not inline with the license details for the slightly bigger retail unit at 65 Brushfield Street. The permitted hours are not the same daily for 65 Brushfield Street:

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

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00hrs to 23:00hrs
- b. On Sundays, other than Christmas Day or New Year's Eve, 12:00hrs to 22:30hrs
- c. On Good Friday, 12:00hrs to 22:30hrs.
- d. On Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs
- e. On New Year's Eve, except on a Sunday, 11:00hrs to 23:00hrs
- f. On New Year's Eve on a Sunday, 12:00hrs to 22:30hrs
- g. 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, 00:00hrs (midnight) on 31st December).”

Also Annex 2 for 65 Brushfield Street is restricted to:

“Annex 2 - Conditions consistent with the operating Schedule (as agreed with Local Residents, Met Police and Licensing Authority at variation granted on 19th December 2014)

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance;

2. Amplified music shall not be played at a level which is audible within surrounding residential properties;
3. All windows and external doors shall be closed at 22:00hrs, except for the immediate access and egress of persons;
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly;
5. A direct telephone number for the manager at the premises shall be available at all times the premises is open. This telephone number is to be made available to residents in the vicinity;
6. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises;
7. No bottles or glassware shall be placed in the external bins between 23:00hrs and 07:00hrs the following day;
8. The rear ground floor terrace area shall only be used between the hours of 07:00hrs and 23:00hrs (22:30hrs on Sundays);
9. Licensable activities in the terrace area to the rear of the premises within the Spitalfields Market shall stop at 22:00hrs;
10. The rear ground floor terrace area to the rear of the premises within the Spitalfields Market shall be limited to 42 patrons;
11. The sale and supply of alcohol for consumption in the outside terrace shall only be by waiter or waitress service, served only to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal;
12. Licensable activities in the outside terrace shall be limited to the sale of alcohol and the provision of late night refreshment. No regulated entertainment shall be permitted;
13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them;
14. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area as marked on the plan;
15. Notices shall be prominently displayed in the smoking area requesting patrons to respect the needs of local residents and use the area quietly;
16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time;
17. One or more butt bin shall be provided in the designated smoking area.”

We feel that 23:00 is too late in general, remaining at 21:00 or extending to 22:00 is preferable, but if our objection to the extension cannot be wholly accepted, we would like to see that the license is on similar terms as 65 Brushfield Street, where it limits to shorter (and earlier) times for some days, and most importantly provides assurance in Annex that protects the environment, which is also agreeable by the Met Police.

Many thanks,

Joel & Julia Chan



# Appendix 13

## Mohshin Ali

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**From:** Licensing  
**Sent:** 16 March 2022 15:48  
**To:** Mohshin Ali  
**Subject:** FW: Objection to Proposed Variation of Premises (Alcohol) License for Spitalfields Market 61-63 Brushfield Street, London, E1 6AA.

---

**From:** John and Sandy Critchley [REDACTED]  
**Sent:** 16 March 2022 15:44  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** John and Sandy Critchley <critchley@dial.pipex.com>  
**Subject:** Objection to Proposed Variation of Premises (Alcohol) License for Spitalfields Market 61-63 Brushfield Street, London, E1 6AA.

Dear Licensing Team,

We wish to record our objection to the proposed variation of the premises license for 61-63 Brushfield Street, London, E1 6AA to provide supply of alcohol seven days a week between the hours of 11:00 and 23:00.

Premises details for the application are recorded as Rapha Racing Cycle Club, Cafe & Store, 61-63 Brushfield Street, London, E1 6AA. It is our understanding that Rapha Racing Cycle Club, Café & Store has ceased trading in this location.

The application for premises variation has been made by Old Spitalfields Market (OSM Limited) which we understand to be the current and active property owner of the premises at 61-63 Brushfield Street, London, E1 6AA.

No detail in the application is provided for which business or type of business will benefit from the proposed extended alcohol supply timeframes. This leaves considerable concern and questions over the nature of the application itself.

Without such detail, we can only assume that OSM Limited is applying for increased alcohol supply hours to make the retail unit potentially more attractive for unknown future tenants.

We therefore object on the grounds that insufficient details have been given about the nature and type of business which may benefit from the proposed premises variation, and that this will have potentially adversely effects on the surrounding residents. This will be across all reasonable objection areas including inadequate information about the prevention of crime and disorder, health and safety for residents and visitors, protection of children (including the sale of alcohol to underage drinkers), and no plans for adequate prevention of public nuisance, including both noise and anti-social behaviour. The premises are in one of the Ward's most prolific hotspots for antisocial behaviour and thus are an area of great concern.

We therefore ask you to reject the stated application. Please acknowledge that our objection has been received and that the contents of this letter will be considered as part of the overall review process.

Yours sincerely,

John and Sandy Critchley

# Appendix 14

## Mohshin Ali

---

**From:** lucinda [REDACTED]  
**Sent:** 22 March 2022 17:20  
**To:** Licensing  
**Cc:** Mohshin Ali  
**Subject:** Proposed Variation of Premises (Alcohol) License for Spitalfields Market, 61-63 Brushfield Street, London, E1 6AA

Dear Licensing Team

I wish to object to the above variation of the premises license for 61-63 Brushfield street on grounds of it failing the licensing objective 'the prevention of public nuisance' in the near future.

61-63 Brushfield Street is situated a few feet from the front door of 59 Brushfield Street (see photo). If this unit is granted a variation of premises license to sell alcohol inevitably the noise of numerous drinkers in the premises will permeate through to their property. Added to this the noise of rowdy customers leaving the premises out into Brushfield street so close to their property will be intolerable for the new householder. This property is in the process of being sold to a new owner who, even if they are unaware of this application currently, should be allowed the right to enjoy peace and quiet in their own home after working hours. The premises of 61-63 Brushfield street has a large area with the potential of being filled with many customers. There is an additional public nuisance risk that the doors would be open and tables for customers would be put outside on Brushfield street in the summer.

As a note of caution there is insufficient detail in the application provided as to the nature and type of business which may benefit from the premise variation. I respectfully suggest that Tower Hamlets refuse this application until such a time when such vital details are made clear.

Yours faithfully

Lucinda de Jasay



# Appendix 15



The Licensing Team  
Environmental Health & Trading Standards  
Mulberry Place  
5 Clove Crescent,  
London E14 2BG

22<sup>nd</sup> March 2022

Dear Licensing Team,

**Re: Application for Variation of Premises License for 61-63 Brushfield Street E1  
6AA**

Spitalfields Market Residents' Association (SMRA) understand that the variation of the current license which is being applied for by OSM includes a change of layout which will include more outside seating and well as extending both the hours that the premises are open to the public and also the hours during which alcohol (on-sales only) can be provided – an increase of 2 hours in the evening, seven days a week in both cases.

We don't yet know who the new proprietors are going to be.

As close neighbours, our members (who all live in the Horner Buildings which make up the perimeter market site) are always concerned about the potential for activities which would have a detrimental effect on the quality of our lives.

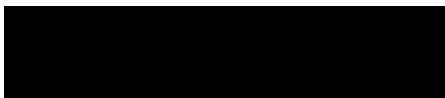
In this case the major worry would be that of public nuisance caused by clients of the proposed establishment. The volume of conversation easily escalates as consumption of alcohol reduces peoples' inhibitions which, in itself, could be disturbing for neighbours but add to this the peculiar acoustic properties of the market roof and the likelihood of unacceptable noise is much increased.

A further worry is that several of our members have young families and the effect of noise and disturbance could deprive our youngsters of sleep and even interfere with their study time.

We trust that you will give careful consideration to our valid concerns when you make your decision on this application.

Yours Sincerely,  
Rose Sheldon

Secretary, SMRA



# Appendix 16



15<sup>th</sup> March 2022

London Borough of Tower Hamlets  
Licensing Team  
Environmental Health & Trading Standards  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG  
[licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

Sent via E-Mail

**Re: Formal Objection to Proposed Variation of Premise (Alcohol) License for Spitalfields Market  
61-63 Brushfield Street, London, E1 6AA.**

Dear Licensing Team

I am writing on behalf of Spitalfields Residents Against Anti-Social Behaviour ("SPIRE"), a community group established in 2012, which represents individuals and, at least, six of the largest resident associations including, Exchange Building Residents Association, St George's Residents Association, Spitalfields Community Group (SCG), Spitalfields Market Residents Association (SMRA), Norton Folgate Community Group (NFCG), and Spitalfields Society, in Spitalfields and Banglatown ("the Ward").

SPIRE reviews all new and/or amended applications for alcohol licenses in the Ward to ensure the interests of individuals and groups it represents are not negatively impacted by any such application(s).

Specifically, SPIRE reviews all new and/or amended applications for alcohol licenses to ensure they do not contravene applicable law, guidelines, and/or other acceptable practices for alcohol licenses in the Ward. This includes, but not limited to, the appropriate enforcement of the Brick Lane Cumulative Impact Assessment (CIA), which applies to a majority of the Ward.

Where reasonable and possible, SPIRE attempts to first address any concerns and/or objections directly with the individual or party making an application for a new and/or amended alcohol license. Formal objections are only typically made to the London Borough of Tower Hamlets (LBTH) in situations where concerns and/or objections remain unresolved after direct contact with an applicant or if an applicant chooses not to engage with SPIRE.



SPIRE is a 'pro-commerce' community group and supports the careful balance of a vibrant, diverse, and commercial ward with the needs of residents and visitors to appreciate a safe, clean, and liveable neighbourhood free from anti-social behaviour and related issues.

Consequently, when a formal objection is raised by SPIRE, such as the case detailed below, it has been carefully considered and represents a substantial number of constituents in the Ward.

**Formal Objection**

SPIRE raises formal objection to the proposed variation of premise license for 61-63 Brushfield Street, London, E1 6AA to provide supply of alcohol seven days a week between the hours of 11:00 and 23:00.

Premise details for the application are recorded as Rapha Racing Cycle Club, Cafe & Store, 61-63 Brushfield Street, London, E1 6AA. It is SPIRE's understanding that Rapha Racing Cycle Club, Café, & Store has ceased trading in this location.

The application for premise variation has been made by OSM Limited which is understood by SPIRE to be the current and active property owner of the premise at 61-63 Brushfield Street, London, E1 6AA.

No detail in the application is provided for which business or type of business will benefit from the proposed extended alcohol supply timeframes, therefore, leaving considerable concern and question over the nature of the application itself.

Direct contact with OSM Limited was attempted by SPIRE but a meaningful reply was not received in relation to more details about the business in which the extended alcohol supply hours are intended.

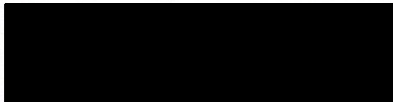
Without such detail, it can only be assumed by SPIRE that OSM Limited is applying for increased alcohol supply hours to make the retail unit potentially more attractive for unknown future tenants.

Consequently, SPIRE objects on the grounds that insufficient details about the nature and type of business which may benefit from the proposed premise variation will negatively impact surrounding residents across all reasonable objection areas including inadequate information about the prevention of crime and disorder, health and safety for residents and visitors, protection of children (including the sale of alcohol to underage drinkers), and no plans for adequate prevention of public nuisance, including both noise and anti-social behaviour. The premise is in one of the Ward's most prolific hotspots for antisocial behaviour and is an area of great concern.

SPIRE is willing to reconsider its formal objection with further information which satisfies its main concerns, not least including the specific details about the business which will occupy the premise and how alcohol supply will be maintained and managed to avoid all other stated risks.

We ask kindly that you reject the stated application in alignment with our concerns. Please acknowledge that our objection has been received and that the contents of this letter will be considered as part of the overall review process.

Yours sincerely



Randall Thiel  
Chairman, SPIRE

# Appendix 17

## Mohshin Ali

---

**From:** Corinne Holland  
**Sent:** 20 May 2022 17:29  
**To:** Mohshin Ali  
**Subject:** FW: 61-63 Brushfield Street London - Full Variation - M/146737

---

**From:** Corinne Holland  
**Sent:** 17 May 2022 10:45  
**To:** Thomas O'Maoileoin <[REDACTED]>  
<[REDACTED]> ation - M/146737

Thomas

Yes they would replace rather than duplicate.

Kind regards

**Corinne Holland**  
Licensing Officer  
Environmental Health and Trading Standards  
Place Directorate  
London Borough of Tower Hamlets  
2<sup>nd</sup> Floor, Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

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**From:** Thomas O'Maoileoin <[REDACTED]>  
**Sent:** 16 May 2022 15:52  
**To:** Corinne Holland <[REDACTED]>  
**Cc:** Michelle Steward <[REDACTED]>; Mohshin Ali <[REDACTED]>  
**Subject:** Re: 61-63 Brushfield Street London - Full Variation - M/146737

Thank you

These should be fine but just double checking. I presume your new suggested conditions if agreed will replace some of the current conditions ie the CCTV and refusals book ones etc??

On 16 May 2022, at 14:14, Corinne Holland <[REDACTED]> wrote:

Dear Thomas

Thank you for your email.

Further to my email on the 15/03/22 I requested additional conditions in my representation dated 22/3/22 to be considered by the LSC.

Could you advise if you accepted these as well as the ones shown in your attached document. All conditions are listed below. Some of these would update the wording to existing conditions already on the licence. See below:

1. *The premises shall install and maintain a comprehensive CCTV system. 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.*
2. *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
3. *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 refusal of the sale of alcohol;*
  - h) *any visit by a relevant authority or emergency service*
4. *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.*
5. *When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.*
6. *The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*
7. *There shall be no vertical drinking at the premises.*

Once confirmed I will revert back.

The case officer is Mohshin Ali (copied in)





Kind regards

**Corinne Holland**  
Licensing Officer  
Environmental Health and Trading Standards  
Place Directorate  
London Borough of Tower Hamlets  
2<sup>nd</sup> Floor, Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

  
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**From:** Thomas O'Maoileoin  >  
**Sent:** 12 May 2022 11:12  
**To:** Corinne Holland ; Michelle Steward   
Thomas O'Maoileoin   
**Subject:** 61-63 Brushfield Street London - Full Variation - M/146737

Dear Corinne

My apologies for the delay in reverting to you.

I'm pleased to confirm that all of your suggested conditions are agreed and the operating schedule amended accordingly.

My clients have also contacted the residents that have objected and they in turn are considering their position but it looks hopeful that now it's confirmed that it will operate as a restaurant that they will withdraw.

I'm attaching a copy of the new agreed conditions – that also contain some further ones suggested by my clients to try and reach an agreement with the residents.

Finally, do you happen to know if any of the other statutory authorities have objected and also who the case officer at LBTH is so that I may contact them too.

Warm regards and many thanks again for all your helpful and patience

Thomas

**Thomas O'Maoileoin**  
Partner

**Thomas & Thomas Partners LLP**  
38a Monmouth Street  
London WC2H 9EP





**APPLICATION TO VARY PREMISES LICENCE 145140**

**KOLAMBA (formerly Rapha Racing Cycle Club)**

**61-63 Brushfield Street**

**London E1 6AA**

**Conditions already on the premises licence**

1. A full CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Alcohol shall not be removed from the premises, save for consumption in any delineated external area as shown on the plan attached to the licence.
6. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
7. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
8. A first aid box will be available at the premises at all times.
9. The premises shall maintain an Incident Log and public liability insurance.
10. The exterior of the building shall be cleared of litter at regular intervals.
11. Notices will be positioned at the exits to the premises requesting customers to leave in a quiet manner.

12. A "Challenge 21 Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
13. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
14. The outside area shall be monitored by staff when it is in use. The area will be cleaned regularly.
15. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
16. Signs will be displayed in the area requesting customers keep noise to a minimum.
17. Customers shall not be permitted to take alcohol beyond the boundary of the outside area.

**FURTHER CONDITIONS to be added to the premises licence if the variation is granted to permit licensable activities until 23:00 hours**

18. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
19. There shall be no vertical drinking at the premises.
20. No noise generated on the premises shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. A direct telephone number for the premises shall be available at all times and shall be made available to residents in the vicinity.



# Appendix 18

## **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 19

## 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 20

## 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 21

## **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 22

## **Planning**

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

# Appendix 23



## **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 24

## Licensing Policy - Appendix 5

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

1. The Licensing Authority has adopted a special policy relating to cumulative impact in areas of:
  - Brick Lane
  - Bethnal Green

**This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.**

2. The Council reviewed the Special Cumulative Impact Policy in 2021 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance. As part of the review in 2021, the Council also decided that the concentration of licensed premises within the Bethnal Green area was also having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.

#### Review of Cumulative Impact Assessment - Supporting Evidence

3. In determining the Councils CIAs for the area of Brick Lane and Bethnal Green (Figures One and Two Below) the Council considered the following evidence:
  - Hot spot maps of incidents of crime and disorder and ASB linked to Licence premises in the defined areas for 2017 to 2020.
  - Complaint data from Environmental Health and Trading Standards relating to Noise and Licensing.
  - Licence Application data for the defined areas for 2017 to 2020
  - Results of the Consultation, that included Survey data and comments and written responses.

This evidence is published on our website:

<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&MId=12361>.

## Cumulative Impact Assessments (Brick Lane and Bethnal Green)

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
5. The Brick Lane and Bethnal Green CIAs aim 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 the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
  - 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).

However, it will only apply where the application seeks to permit the Licensable activities of:

- the sale or supply of alcohol for consumption on or off the premises, and/or,
- the provision of late night refreshment.

7. **This Policy will be strictly applied and where relevant representations are received and 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 CIAs if they wish to rebut this presumption.**
8. 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 (Councillors, Members of the Public) within the CIA zones the application will be refused.
9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.
11. This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:
  - Prevention of Crime and Disorder;
  - Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

12. 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.

### **Possible exceptions to the Brick Lane and Bethnal Green Cumulative Impact Assessments**

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
  - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,
  - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),and,
  - Have arrangements to prevent vertical drinking, for example fully seated venues;
- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

Licensing Authority will **not** consider the following as possible exceptions:

- 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.

### The Cumulative Impact Assessment Areas for the Brick Lane and Bethnal Green

13. The Cumulative Impact Assessment Areas are detailed in the maps below.

Figure One

#### Brick Lane area:

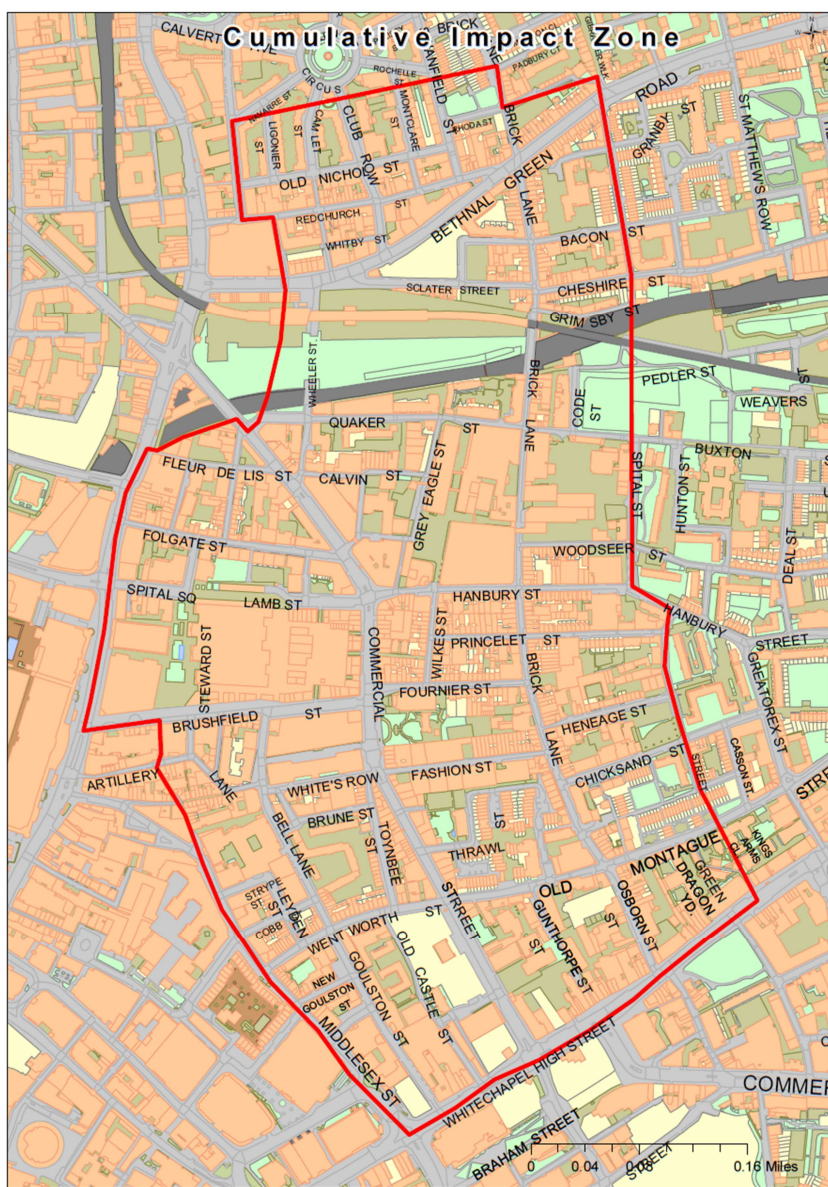


Figure Two:



# Bethnal Green Area

