

# Appendix 1

**(The Space Spitalfields)**

44 Commercial Street  
London  
E1 6LT

**Licensable Activities authorised by the licence**

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

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

**Signed by**

A black rectangular redaction box covers the signature of the official.

**Head of Environmental Health and Trading Standards**

**Date: 6<sup>th</sup> October 2010**



**Part A - Format of premises licence**

Premises licence number

29351

**Part 1 - Premises details**

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

**(The Space Spitalfields)**  
44 Commercial Street

**Post town**  
London

**Post code**  
E1 6LT

**Telephone number**  
None

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

Not applicable

**Licensable activities authorised by the licence**

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

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

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

**Provision of late night refreshment – Indoor and outdoor**

- Monday to Sunday, from 23:00 hours to 23:30 hours

**Provision of regulated Entertainment - Indoor**

Live music, recorded music, performance of dance and anything of a similar description.  
Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description

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

Licensable activities non-standard timings:

- New Year's Eve, from 11:00 hours to 01:30 hours the following day

**The opening hours of the premises**

- Monday to Sunday, from 11:00 hours to 00:00 hours (midnight)

Non-standard timings:

- New Year's Eve, from 11:00 hours to 02:00 hours the following day

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

On sales

**Part 2**

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

The Space Spitalfields Limited



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

12045117

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

Alev Ozten

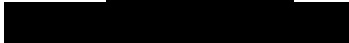


**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Personal Licence Number:**



**Issuing Authority:**



## Annex 1 - Mandatory conditions

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

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

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

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.

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 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 challenge 25 policy shall be operated at all times, and all staff shall be trained to accept only a proof of age (pass scheme) card, passport or photo driving licence as acceptable forms of identification when selling alcohol to young people.
2. Signage shall be displayed at the point of sale stating “No proof of age – No sale”.
3. Refusal book to be kept at the premises and maintain at all times.

**Annex 3 - Conditions attached after a hearing by the licensing authority**  
**Conditions attached following the licensing subcommittee hearing of 6<sup>th</sup> October 2010:**

1. A CCTV camera system shall be installed / updated covering both internal and external areas to the premises.
2. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.
3. Any outdoor seating service to be concluded by 22:00 hours

**Annex 4 - Plans**

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

6<sup>th</sup> August 2010 – *Basement floor and ground floor (including the outside seating area on Commercial Street)*





**Part B - Premises licence summary**

**Premises licence number**

29351

**Premises details**

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

**(The Space Spitalfields)**  
44 Commercial Street

**Post town**

London

**Post code**

E1 6LT

**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  
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

<p><b>Sale of alcohol</b></p> <ul style="list-style-type: none"><li>Monday to Sunday, from 11:00 hours to 23:30 hours</li></ul> <p><b>Provision of late night refreshment – Indoor and outdoor</b></p> <ul style="list-style-type: none"><li>Monday to Sunday, from 23:00 hours to 23:30 hours</li></ul> <p><b>Provision of regulated Entertainment - Indoor</b></p> <p><u>Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description</u></p> <ul style="list-style-type: none"><li>Monday to Sunday, from 11:00 hours to 23:30 hours</li></ul> <p><u>Licensable activities non-standard timings:</u></p> <ul style="list-style-type: none"><li>New Year’s Eve, from 11:00 hours to 01:30 hours the following day</li></ul>
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The opening hours of the premises

<ul style="list-style-type: none"><li>Monday to Sunday, from 11:00 hours to 00:00 hours (midnight)</li></ul> <p><u>Non-standard timings:</u></p> <ul style="list-style-type: none"><li>New Year’s Eve, from 11:00 hours to 02:00 hours the following day</li></ul>
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Name, (registered) address of holder of premises licence

<p>The Space Spitalfields Limited</p> 
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

<p>On sales</p>
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Registered number of holder, for example company number, charity number (where applicable)

<p>12045117</p>
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Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

<p>Alev Ozten</p>
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State whether access to the premises by children is restricted or prohibited

<p>No</p>
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# Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG or by email to: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk) with a payment for the correct fee, you can pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**I/We Alev Ozten (The Space Spitalfields Ltd)**

*(Insert name(s) of applicant)*

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

**Premises Licence number**

29230

**Part 1 – Premises details**

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

44 Commercial Street,

**Post town**

London

**Post code**

E1 6LT

**Telephone number at premises (if any)**

**Non-domestic rateable value of premises**

£30,750

## Part 2 - Applicant details

<b>Daytime contact telephone number</b>	[REDACTED]		
<b>E-mail address (optional)</b>	[REDACTED]		
<b>Current postal address if different from premises address</b>	As above		
<b>Post Town</b>		<b>Postcode</b>	

## Part 3 - Variation

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

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

Day	Month	Year

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

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

I would like to make an application to extend our opening hours. At present, our licence allows us to serve alcohol until 23.30hrs and we close at 00.00 hours. As our establishment is quite calm and our customers like to leisurely eat their meals with their drinks we often find that we are rushing them out of an evening. Our request is that we are able to serve alcoholic beverages for an extra hour which would enable us to serve our final drinks at 00.30 hours which would enable us to close at 01.00hrs. Although this variation in closing time would mostly be used on Friday and Saturday, it would be helpful for this change to apply to all days that we are open in case it is needed.

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

N/A
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**Part 4 Operating Schedule**

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

**Provision of regulated entertainment**

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

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

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

**In all cases complete boxes K, L and M**

**A**

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

**B**

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

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 8)			<p><b><u>Please give further details here</u></b> (please read guidance note 5)</p>           <p><b><u>State any seasonal variations for indoor sporting events</u></b>                  (please read guidance note 6)</p>           <p><b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

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



**E**

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

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</u></b> (please read guidance note 4)	Indoors		
Day	Start	Finish		Outdoors		
Mon	Closed		<b><u>Please give further details here</u></b> (please read guidance note 5)	Both		
Tue	11:00	01:00				
Wed	11:00	01:00		<b><u>State any seasonal variations for playing recorded music</u></b> (please read guidance note 6)		
Thur	11:00	01:00				
Fri	11:00	01:00		<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat	11:00	01:00				

Sun	11:00	23:30	
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## G

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

## H

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

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 4)	Indoors		
Day	Start	Finish		Outdoors		
				Both		
Mon	Closed		<p><b>Please give further details here</b> (please read guidance note 5)</p> <p>We would like to request last orders take place at 00:30 and so our closing time would be 01:00hrs</p> <p>Our outdoor area is seated and accommodates for 8 people.</p>			
Tue	11:00	00:30				
Wed	11:00	00:30		<p><b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)</p>		
Thur	11:00	00:30				
Fri	11:00	00:30				
Sat	11:00	00:30		<p><b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</b> (please read guidance note 7)</p>		
Sun	11:00	23:30				

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick [Y]</b> (please read guidance note 9)	On the premises		
Day	Start	Finish		Off the premises		
				Both		
Mon	Closed		<p><b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)</p>			
Tue	11:00	00:30				
Wed	11:00	00:30				
Thur	11:00	00:30		<p><b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)</p>		
Fri	11:00	00:30				
Sat	11:00	00:30				
Sun	11:00	23:30				

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**K**

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

None

**L**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 8)			<b>State any seasonal variation</b> (please read guidance note 6)
Day	Start	Finish	
Mon	Closed		
Tue	11:00	01:00	
Wed	11:00	01:00	
Thur	11:00	01:00	
Fri	11:00	01:00	
Sat	11:00	01:00	
Sun	11:00	23:30	

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

None

Please tick yes

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

Yes

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

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

N/A

## **M**

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

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

As a family owned restaurant we individually take steps and responsibility in order to keep and maintain a safe environment for ourselves, customers and the general public. We have become a consistently peaceful, calm and friendly environment to the general public and have a good flow of regular customers. We are consistently engaged in any events or incidents occurring outside of the premises and on the main road and are quick to offer support or any help when needed. Our customers feel safe in our environment and since opening in November 2019, we have had very limited incidents occur and have dealt with any minor incidents with care and consideration to all.

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

- Effective and responsible measures are taken consistently as and when necessary in order to ensure that the premises are managed in order to prevent any disorder from taking place.
- Personalised training is provided to members of staff, we communicate effectively in order to ensure most effective and safe practice.
- CCTV is installed around the exterior perimeter of the premises and also internally, regular checks ensure that recording is in working order and effective.
- Toughened glass is used where possible and used glasses are swiftly collected from tables once used.
- The exterior of the building is well lit and clearly visible.

### **c) Public safety**

- All relevant risk assessments are carried out on a regular basis.
- Relevant training and guidance is provided to all staff.
- Regular testing of appliances and procedures takes place.
- Consistently aware of the immediate outside and any potential dangers e.g; accidents, road works etc

### **d) The prevention of public nuisance**

- Ensuring that customers leave the premises quietly as not to disturb the neighbours.
- A very effective refuse and recycling company are used in order to ensure that our rubbish is away from the premises whilst customers are within or outside our establishment.
- We have a good rapport with local police and have regular conversations in regard to how things are going.

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

- All members of staff understand their responsibility in regard to age checks on younger customers. They consistently ask for forms of identification as and when necessary.
- Members of staff are given training in relation to the correct behaviours and etiquette when having to refuse customers any alcohol.

**CHECKLIST:**

Please tick  **yes**

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

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

**Part 5 – Signatures** (please read guidance note 10)

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

Signature	<i>A. Ozten</i>
Date	03/03/2022
Capacity	Managing Director

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

Signature	
Date	
Capacity	

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

Alev Ozten  
44 Commercial Street,

**Post town**  
London

**Post code**  
E1 6LT

**Telephone number (if any)**

[REDACTED]

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

[REDACTED]



## Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.
  12. The application form must be signed.
  13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

# Appendix 3

**Photos – The Space Spitalfields, 44 Commercial Street, London, E1 6LT**







LONDON BOROUGH OF TOWER HAMLETS  
LICENSING ACT 2003

NOTICE OF APPLICATION TO VARY A PREMISES LICENCE

Notice is given that The Space Spitalfields Ltd.  
has applied to London Borough of Tower Hamlets Licensing  
Authority to vary a Premises Licence under  
the Licensing Act 2003.

Premises	<u>The Space Spitalfields</u> <u>44 Commercial Street,</u> <u>E1 6LT</u>
The proposed variation is:	<u>Provision of late night refreshment</u> <u>Tuesday - Saturday 23:00 hrs - 00:30 hrs</u> <u>Sunday 23:00 hrs - 23:30 hrs</u> <u>Sale of alcohol (on sales)</u> <u>11:00am - 00:30 Tuesday - Saturday</u> <u>11:00am - 23:30 Sunday.</u>
(State times where applicable)	

Anyone who wishes to make representations regarding this application must give notice in writing to: **The Licensing Team, London Borough of Tower Hamlets, Mulberry Place, 5 Clove Crescent, London E14 2BG** email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk) Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk) Tel: 020 7364 6008

Representations must be received no later than 8/4/2022

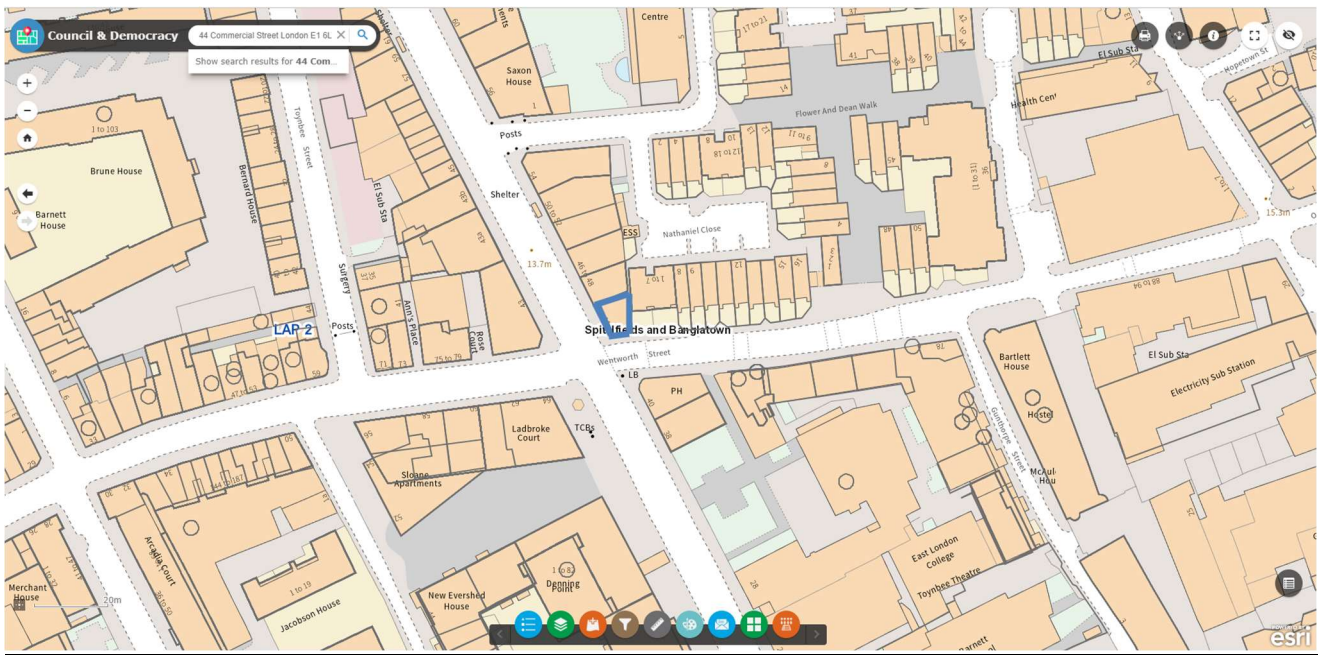
The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

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

© Licensing 2003/2005 L.A. Act, Standard Premises Licence/Conditions, 2005

# Appendix 4

# Maps – 44 Commercial Street





# Appendix 5

## 44 Commercial Street - Nearest licences

Name and address	Licensable activities and hours	Opening hours
43 Commercial Street	<p><b>The sale by retail of alcohol (on sales only)</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday from 12:00hrs (midday) to 23:00hrs</li> <li>• Friday and Saturday from 12:00hrs (midday) to 00:30hrs the following day</li> <li>• Sunday from 12:00hrs (midday) to 23:00hrs</li> </ul> <p><b>The Provision of Late-Night Refreshment - indoors</b></p> <ul style="list-style-type: none"> <li>• (Monday to Thursday – None)</li> <li>• Friday and Saturday from 23:00hrs to 00:30hrs the following day</li> <li>• (Sunday – None)</li> </ul> <p><b>The Provision of Regulated Entertainment - Indoors</b> (in the form of Recorded Music )</p> <ul style="list-style-type: none"> <li>• Monday to Thursday from 12:00hrs (midday) to 23:00hrs</li> <li>• Friday and Saturday from 12:00hrs (midday) to 23:30hrs</li> <li>• Sunday from 12:00hrs (midday) to 22:00hrs</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Thursday from 07:00hrs to 23:30hrs</li> <li>• Friday and Saturday from 07:00hrs to 01:00hrs the following day</li> <li>• Sunday from 07:00hrs to 23:30hrs</li> </ul>
<p><b>(Som Saa)</b> 43a Commercial Street</p>	<p><b>The sale by retail of alcohol (On and off sales)</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday, from 10:00 hours to 23:30 hours</li> <li>• Friday and Saturday, from 10:00 hours to midnight</li> <li>• Sunday, from 12:00 hours to 22:30 hours</li> </ul> <p><b>The provision of late night refreshment (Indoors only)</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday until 23:30 hours</li> </ul> <p>Friday and Saturday until midnight</p>	<ul style="list-style-type: none"> <li>• Monday to Thursday, from 10:00 hours to 23:30 hours</li> <li>• Friday and Saturday, from 10:00 hours to midnight</li> <li>• Sunday, from 12:00 hours to 22:30 hours</li> </ul>
<p><b>(La Luna Italian Pizza &amp; Deli)</b> 43a Commercial Street</p>	<p><b>The sale by retail of alcohol (On sales)</b></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday from 11:30 hours to 22:30 hours</li> <li>• Friday and Saturday from 11:30 hours to 23:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Sunday to Thursday from 11:30 hours to 23:00 hours</li> <li>• Friday and Saturday 11:30 hours to 23:30 hours</li> </ul>

**44 Commercial Street - Nearest licences**

<p><b>(Culpeper)</b> 40-42 Commercial Street</p>	<p><b>Supply of Alcohol (on and off sales), Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 07:00hrs to 00:00hrs (midnight)</li> <li>▪ Thursday to Saturday, from 07:00hrs to 03:00hrs</li> <li>▪ Sunday, from 10:00hrs to 23:00hrs</li> </ul> <p><b>Live music</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Saturday, from 07:00hrs to 23:30hrs</li> <li>▪ Sunday, from 10:00hrs to 23:00hrs</li> </ul> <p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 23:00hrs to 00:30hrs</li> <li>▪ Thursday to Saturday, from 23:00hrs to 04:00hrs</li> <li>▪ Sunday, from 23:00hrs to 23:30hrs</li> </ul> <p><b><u>Non-standard timings</u></b></p> <p><b>Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)</b></p> <ul style="list-style-type: none"> <li>▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 03:00hrs</li> <li>▪ Bank Holiday Mondays, from 07:00hrs to 01:00hrs</li> <li>▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 03:00hrs</li> <li>▪ New Year's Eve, from 07:00hrs to 03:00hrs 2<sup>nd</sup> January</li> </ul>	<p><b>The opening hours of the premises</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 07:00hrs to 00:30hrs</li> <li>▪ Thursday to Saturday, from 07:00hrs to 04:00hrs</li> <li>▪ Sunday, from 10:00 hours to 23:30hrs</li> </ul> <p><b><u>Non-standard timings</u></b></p> <ul style="list-style-type: none"> <li>▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 04:00hrs</li> <li>▪ Bank Holiday Mondays, from 07:00hrs to 01:30hrs</li> <li>▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 04:00hrs</li> <li>▪ New Year's Eve, from 07:00hrs to 03:00hrs 2<sup>nd</sup> January</li> </ul>
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## 44 Commercial Street - Nearest licences

	<p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>▪ Sundays immediately preceding a bank holiday, from 23:00hrs to 04:00hrs</li> <li>▪ Bank Holiday Mondays, from 23:00hrs to 01:30hrs</li> <li>▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 23:00hrs to 04:00hrs</li> <li>▪ New Year's Eve, from 23:00hrs to 04:00hrs 2<sup>nd</sup> January</li> </ul>	
<p><b>(Hotbox)</b> 46-48 Commercial Street</p>	<p><b>Sale by retail of alcohol (on sales)</b></p> <ul style="list-style-type: none"> <li>• Monday to Wednesday, from 11:00 hours to 23:30 hours</li> <li>• Thursday to Saturday, from 11:00 hours to 00:30 hours</li> <li>• Sunday 11:00 hours to 22:30 hours</li> </ul> <p><b>The provision of late-night refreshment - Indoors</b></p> <ul style="list-style-type: none"> <li>• Monday to Wednesday, from 23:00 hours to 23:30 hours</li> <li>• Thursday to Saturday, from 23:00 hours to 00:30 hours</li> </ul> <p><b>The provision of regulated entertainment – Basement only</b> <u>(Recorded Music &amp; Performance of Dance)</u></p> <ul style="list-style-type: none"> <li>• Monday to Saturday 11:00 hours to 23:00 hours</li> <li>• Sunday 11:00 hours – 22:30 hours</li> </ul> <p><u>Provision of anything of a similar description to Live Music , Recorded Music or Performance of Dance</u></p> <ul style="list-style-type: none"> <li>• Monday to Saturday 11:00 hours to 23:00 hours</li> <li>• Sunday 11:00 hours to 22:30 hours</li> </ul> <p><b><u>Non-standard timings</u></b></p> <ul style="list-style-type: none"> <li>• To extend the times for all the licensable activities from the end of the permitted hours on New Years' Eve to 03:00 hours on New Year's Day.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 11:00 hours to 00:00 hours</li> <li>▪ Thursday to Saturday, from 11:00 hours to 01:00 hours</li> <li>▪ Sunday, from 11:00 hours to 23:00 hours</li> <li>▪</li> </ul>

### 44 Commercial Street - Nearest licences

<p><b>(Absurd Bird)</b> 54 Commercial Street</p>	<p><u>The sale by retail of alcohol (on sales only):</u></p> <ul style="list-style-type: none"> <li>• Sunday to Wednesday from 11:00hrs to 23:00hrs</li> <li>• Thursday to Saturday from 11:00hrs to 00:00hrs (midnight)</li> </ul> <p><u>The provision of late night refreshment (both indoors and outdoors):</u></p> <ul style="list-style-type: none"> <li>• Thursday to Saturday from 23:00hrs to 00:00hrs (midnight)</li> </ul>	<ul style="list-style-type: none"> <li>• Sunday to Wednesday from 09:00hrs to 23:30hrs</li> <li>• Thursday to Saturday from 09:00hrs to 00:30hrs (the following day)</li> </ul>																				
<p><b>(Artsadmin)</b> Toynbee Studios 28 Commercial Street</p>	<p><b><u>Alcohol (on sales)</u></b></p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11:30 hours to 12midnight</li> </ul> <p><b><u>Regulated entertainment</u></b> (Plays and films. Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music and provision of facilities for dancing)</p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 10:00 hours to 12midnight</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 08:30 hours to 12midnight</li> </ul>																				
<p><b>(YUU Kitchen)</b> 29 Commercial Street</p>	<p><b><u>The supply by retail of alcohol (on &amp; off sales)</u></b></p> <ul style="list-style-type: none"> <li>• Monday – Thursday 12:00 hours – 23:00 hours</li> <li>• Friday – Saturday 12:00 hours – 23:30 hours</li> <li>• Sunday 12:00 hours - 22:30 hours</li> <li>• Supply of Alcohol in external areas and off sales until 21:30 hours only.</li> </ul> <p><b><u>The provision of late night refreshment (indoors)</u></b></p> <ul style="list-style-type: none"> <li>• Friday – Saturday 23:00 hours - 23:30 hours</li> </ul> <p><b><u>Non- Standard Hours:</u></b> Christmas Eve – Supply of alcohol and provision of late night refreshment to 00:00 hours (midnight)</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Monday - Thursday</td> <td style="width: 20%;">12:00 hours</td> </tr> <tr> <td>- 23:30 hours</td> <td></td> </tr> <tr> <td>Friday – Saturday</td> <td>12:00 hours</td> </tr> <tr> <td>- 00:00 hours</td> <td></td> </tr> <tr> <td>Sunday</td> <td>12:00 hours</td> </tr> <tr> <td>- 23:00 hours</td> <td></td> </tr> <tr> <td>Christmas Eve</td> <td>12:00 hours</td> </tr> <tr> <td>- 00:00 hours</td> <td></td> </tr> <tr> <td>New Year's Eve</td> <td>12:00 hours</td> </tr> <tr> <td>- 02:00 hours</td> <td></td> </tr> </table>	Monday - Thursday	12:00 hours	- 23:30 hours		Friday – Saturday	12:00 hours	- 00:00 hours		Sunday	12:00 hours	- 23:00 hours		Christmas Eve	12:00 hours	- 00:00 hours		New Year's Eve	12:00 hours	- 02:00 hours	
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Christmas Eve	12:00 hours																					
- 00:00 hours																						
New Year's Eve	12:00 hours																					
- 02:00 hours																						

## 44 Commercial Street - Nearest licences

	On New Year's Eve supply by retail of alcohol and provision of late night refreshment to 01:30 hours	
<b>(Unity Diner)</b> 60 Wentworth Street	<b>The sale by retail of alcohol (On sales only)</b> <ul style="list-style-type: none"> <li>• Monday to Friday from 12:00 hours to 23:00 hours</li> <li>• Saturday, from 12:00 hours to 23:30 hours (midnight)</li> <li>• Sunday, from 12:00 hours to 21:30 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Friday from 12:00 hours to 23:30 hours</li> <li>• Saturday, from 12:00 hours to 00:00 hours</li> <li>• Sunday, from 12:00 hours to 22:00 hours</li> </ul>
<b>(Xian Biang Biang)</b> 62 Wentworth Street	<b>The sale by retail of alcohol (on sales)</b> <ul style="list-style-type: none"> <li>• Monday to Sunday from 11:00 hours to 22:30 hours</li> </ul>	Monday to Sunday from 11:00 hours to 23:00 hours
<b>(Hungry Donkey)</b> 56 Wentworth Street	<b>Sale by retail of alcohol (On sale)</b> <ul style="list-style-type: none"> <li>• Monday to Thursday from 11:00hrs to 23:00hrs</li> <li>• Friday and Saturday from 11:00hrs to 23:30hrs</li> <li>• Sunday from 11.00hrs to 22:00hrs</li> </ul> <b>Sale by retail of alcohol (Off sale)</b> <ul style="list-style-type: none"> <li>• Monday to Saturday from 11:00hrs to 23:00hrs</li> <li>• Sunday from 11:00hrs to 22:00hrs</li> </ul> <b>The provision of regulated entertainment</b> <u>Recorded Music</u> <ul style="list-style-type: none"> <li>• Monday to Thursday from 11:00hrs to 23:00hrs</li> <li>• Friday and Saturday from 11:00hrs to 23:30hrs</li> <li>• Sunday from 11:00hrs to 22:00hrs</li> </ul> <b>Provision of late night refreshment</b> <ul style="list-style-type: none"> <li>• Monday to Thursday from 23:00hrs to 23:30hrs</li> <li>• Friday and Saturday from 23:00hrs to 00:00hrs (midnight)</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Thursday from 07:30hrs to 23.30hrs</li> <li>• Friday and Saturday from 07.30hrs to 00:00hrs (midnight)</li> <li>• Sunday, from 07:30hrs to 22:30hrs</li> </ul>

# Appendix 6

## **Section 182 Advice by the Home Office Updated on April 2018**

### Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this



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

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

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

# Appendix 7

**Spitalfields Residents Against Anti-Social Behaviour (SPIRE)**

28<sup>th</sup> March 2022

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

Send via E-Mail

**Re: Formal Objection to Proposed Variation of Premise (Alcohol) License for The Space Spitalfields, 44 Commercial Street, E1 6LT**

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 group 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 is 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 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 licence for The Space Spitalfields, 44 Commercial Street, E1 6LT to extend licensing hours from 23.30hrs (closing at 00.00hrs) by an hour, enabling final drinks to be served until 00.30hrs (closing at 01.00hrs), 7 days a week.

The premise is in the Cumulative Impact Area which means either 'one in, one out' must be applied and we have received no details of late licenses being withdrawn from the area which would justify this one being extended. Or alternatively there must be an exceptional reason for why the licence should be granted. We see no

exceptional circumstances here (the applicant cites 'rushing [customers] out of an evening' as the only reason for the extension).

In addition to the CIA criteria, SPIRE objects on the following grounds:

- **Prevention of crime and disorder, and prevention of public nuisance**  
An extended licence, gives more people a longer time, and with more alcoholic intoxication as a fuel, for crime, disorder and public nuisance. Spitalfields has many incidents of peeing in doorways, shouting and excess noise late at night, and criminal damage from drunken revellers, happening frequently – especially in this area. More time and more alcohol will lead to more disturbance, crime and nuisance.
- **Public safety and the protection of children from harm**  
This is an area where many families live, so children are directly impacted by late licences. If they are awake, they have to run the gauntlet of drunken, badly behaved adults who at the least are frightening and at the worst, may abuse them verbally or physically. If asleep, they will be woken by noisy, rowdy behaviour and the very late night clearing up sounds of clanking of glass bottles and rubbish dumping

The applicant has a viable and flourishing business without a later licence.

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,

A large black rectangular redaction box covering the signature area.

**Alex Gordon Shute**  
**On behalf of SPIRE**

# Appendix 8

## Corinne Holland

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**From:** Licensing  
**Sent:** 29 March 2022 09:49  
**To:** Corinne Holland  
**Subject:** FW: Licensing Objection: Premises licence No 29230 (The Space Spitalfields 44 Commercial St E1 6LT)

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

**From:** Susan Kay [REDACTED]  
**Sent:** 28 March 2022 20:09  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** [REDACTED]; Alex Gordon Shute  
<[REDACTED]>; [REDACTED]; [REDACTED]  
<[REDACTED]>  
**Subject:** Licensing Objection: Premises licence No 29230 (The Space Spitalfields 44 Commercial St E1 6LT)

Dear Licensing Team,

My name is Susan Kay. I have lived in the Spitalfields area for over 20 years and now live at [REDACTED]  
[REDACTED]

It has been brought to my attention by Spire, a local community group, addressing ASB issues that The Space at 44 Commercial Street E1 6LT have applied to extend their licensing hours from 23.30hrs(closing at 00.00hrs) by an hour which means that final drinks will be served until 00.30 hrs (closing at 01.00hrs) 7 days a week!!

These premises are in a largely residential area, with many families and children living in neighbouring homes. Local restaurants and bars are very much part of the living experience of being close to the Spitalfields Market and surrounding streets, and many people choose to live here so that they are close to these amenities.

However, in the 20 years of living here, I have noticed a worrying change in ASB and other nuisances on our doorstep, mainly as a result of increasingly late night openings and late night licences being permitted. The area is now part of a Cumulative Impact Zone brought in as a result of many local residents endlessly complaining to the authorities of having to suffer unacceptable levels of ASB, due to drunkenness right up and into the early hours. This, initially, helped to keep the shouting and screaming at an acceptable level but now with more bars opening, the noise levels are rising again, especially at weekends.

There is also the additional problem of broken glass from beer bottles left over from a weekends partying and urine spilling down off walls or found in basement areas. It all makes for a very unpleasant task of clearing up on Sundays.

The Space is a flourishing business as is and to close at midnight is later than most other bars in the area. To allow an extension into the early hours 7 days a week is really not on and will only cause more disruptive bad behaviour that local residents will have to endure.

I object most strongly to the late night extension of this License and hope that the Licensing Team will help the residents in Spitalfields by rejecting this application.

Yours sincerely

Susan Kay

# Appendix 9



## Corinne Holland

---

**From:** MARK.J.Perry [REDACTED]  
**Sent:** 05 April 2022 13:27  
**To:** [REDACTED]  
**Cc:** Licensing  
**Subject:** RE: Premises License Variation The Space 44 Commercial St

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

Hi Alev,

Thank you for getting back to me so quickly, and sorry for the delay in confirming. Tower Hamlets council please see conditions agreed with the applicant below.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email [REDACTED]  
A: Licensing Office, 1<sup>st</sup> Floor Stoke Newington Police Station



---

**From:** The Space [REDACTED]  
**Sent:** 10 March 2022 14:09  
**To:** Perry Mark J - [REDACTED] >  
**Cc:** [REDACTED]  
**Subject:** Re: Premises License Variation The Space 44 Commercial St

Dear PC Mark Perry,

Thank you for your email and your recent telephone call where we discussed the content of your email. We very much appreciate that you have no objections in principle regarding our opening hours being extended by an hour, as discussed with you in our telephone conversation we will most definitely follow your guidance and work within the four conditions set out within your email. In addition, please also

note that we have recorded music which is set at a comfortable level which can only be heard within the restaurant, I mentioned this in my application as it was one of the areas included on the form.

Please do not hesitate in contacting me in the event of any further questions in regard to our application.

Kind Regards  
Alev Ozten  
Managing Director  
The Space Spitalfields

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---

**From:** [MARK.J.Perry](#) [REDACTED]  
**Sent:** Wednesday, March 9, 2022 10:16:32 AM  
**To:** The Space <[REDACTED]>  
**Cc:** [REDACTED]  
**Subject:** Premises License Variation The Space 44 Commercial St

Hi,

I am PC Mark Perry from Central East Police Licensing and I am dealing with your application. I have no objection in principle to the extended hours for Sale of Alcohol, Late Night Refreshment and Open to the Public I do have concerns about why a restaurant would like recorded music until 1am and the impact this would have on the local community. If your hours for Sale of Alcohol, late Night Refreshment and Open to the Public were extended as you request I would like some conditions added to your license which I have set out below:

1. 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.
  
2. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
  - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
  
3. The premises shall operate as a restaurant where the sale of alcohol is ancillary to the sale of food.

I have tried to call you but I am unable to leave a message on the number you provide. If you wish to discuss please reply to this e-mail and let me when is a good time to call and on what number.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email [REDACTED]  
A: Licensing Office, 1<sup>st</sup> Floor Stoke Newington Police Station



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# Appendix 10

## Corinne Holland

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**From:** The Space <[REDACTED]>  
**Sent:** 05 April 2022 17:02  
**To:** Lavine Miller-Johnson  
**Cc:** Corinne Holland  
**Subject:** Re: Variation application - The Space Spitalfields 44 Commercial Street London E1 6LT MA 147106

Dear Lavine,

Thank you for your response, I would like to confirm that I agree with and accept the conditions to be added to our license. It's very unfortunate that a representation has been made against our application, the objective is that we continue to function as we currently are doing so, the variation being one extra hour. This is the only change. Our establishment has consistently displayed good practice and we have not experienced any issues or complaints as yet. The majority of the specified guidelines are followed and have been followed to-date.

I look forward to hearing from you.

Kind Regards  
Alev Ozten  
Managing Director  
The Space Spitalfields

On 5 Apr 2022, at 16:42, Lavine Miller-Johnson <[REDACTED]>  
wrote:

Dear Alev

### **Licensing Act 2003**

Variation premises licence application: The Space Spitalfields 44 Commercial Street  
London E1 6LT

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

This premises falls within the Brick Lane CIA and therefore I would be asking that the following conditions be imposing onto the licence if granted so that the licence can continue to uphold the licensing objectives with the new amendments of the licence.

### **Conditions to be added to the licence if granted**

1. 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.

2. 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.
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) any faults in the CCTV system, searching equipment or scanning equipment;
  - f) any refusal of the sale of alcohol;
  - g) any visit by a relevant authority or emergency service.
4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
  - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
6. There shall be no vertical consumption on the premises or in any outside areas.
7. 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.
8. The supply of alcohol shall be by waiter or waitress service only.
9. A telephone number for the duty manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

All of the above will be in addition to the existing conditions on the premises licence and any others agreed with the responsible authorities .

If the applicant is willing to accept the above the Licensing Authority may be willing to withdraw.

**Kind Regards**

**Lavine Miller-Johnson**

Licensing Officer - Licensing and Safety  
Environmental Health and Trading Standards  
Place Directorate  
2<sup>nd</sup> Floor, Mulberry Place  
5 Clove Crescent  
London  
E14 2BG



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# Appendix 11



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

Updated April 2018

## Public nuisance

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

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

# Appendix 12

## Prevention of Public Nuisance

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

# Appendix 13

## **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 14

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

Updated April 2018

## Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

## Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

<b>Table of relevant offences under the 2003 Act Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

# Appendix 15

## Protection of children from harm

- 10.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
  - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
  - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 10.5 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions, Fixed Penalty Notices (FPNs) or formal cautions for serving alcohol to minors or with a reputation for underage drinking

- With a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where entertainment of an adult or sexual nature is provided
  - Where irresponsible drinking is encouraged or permitted.
- 10.6 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present,
  - Limitations on ages below 18,
  - Limitations or exclusion when certain activities are taking place,
  - Requirements for an accompanying adult,
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 10.7 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 10.8 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 10.10 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.



- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there is significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the "Challenge 25 Scheme". The rationale for this is because it can often be difficult to judge how old teenagers are and "Challenge 25 age verification system" would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
  - 2) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
  - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record

shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

## **11 Access to Cinemas**

- 11.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 11.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 11.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

## **12 Children and Public Entertainment**

- 12.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 12.2 Where 10.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
  - An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof,
  - No child unless accompanied by an adult to be permitted in the front row of any balcony,
  - No standing to be permitted in any part of the auditorium during the Performance.
- 12.3 Where children are taking part in any regulated entertainment, and its

discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.

- 12.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of. Conditions that can be found in the Secretary of State's Guidance.

# Appendix 16

## **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 17

## **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.