



BUCKWORTHS

Our Ref: 00658/016/030

Writ

Simmi Yesmin
Senior Committee Officer
Tower Hamlets Council
Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

By post and email

20 October 2022

Dear Simmi,

RE. NOTICE OF HEARING TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE: ZIA LUCIA CANARY WHARF LIMITED (THE "COMPANY"), UNIT 3 HAMPTON TOWER, SOUTH QUAY PLAZA 75 MARSH WALL, LONDON, E14 9WS (THE "PREMISES")

We act for the Company and write in response to Tower Hamlets' Notice of Hearing letter (the "**Hearing**") to be held at Council Chamber, Town Hall, Mulberry Place on Thursday 27 October 2022 at 14:00, to consider the approval of a premises licence (the "**Licence**") submitted by the Company on or around 12 July 2022 in respect of its proposed new business as a high-end, family friendly Italian restaurant operating out of the Premises.

We note that the Hearing is in response to an objection (the "**Objection**"), which has been raised by a nearby resident (the "**Resident**") to the Premises across two emails as detailed below:

- i. email from the Resident to Tower Hamlets Licensing dated 18 July 2022 at 12:22 ("**Email 1**"); and
- ii. email from the Resident to Tower Hamlets Licensing dated 18 July 2022 at 16:04 ("**Email 2**").

Email 1 and Email 2 are enclosed with this letter at Annex 1 and Annex 2 respectively.

The Resident's Objection proposes several concerns and conditions to ensure that the Company "*does not contravene the licensing objectives*" (highlighted in Email 1). We will aim to address each of these concerns in turn to reassure each of Tower Hamlets Licensing Committee and the Resident that the Company takes

the licensing objectives very seriously and subject to approval of the Licence will open a proven family friendly business, serving pizzas and pasta dishes of the highest quality, further benefitting the local community.

A concern of the Resident relates to the Company's failure to provide an "*operational management plan*" (Email 1) accompanying the Licence, setting out the ways it will aim to prevent "*nuisance and ASB*" (Email 1). Corrine Holland, acting as Licensing Officer for the London Borough of Tower Hamlets, addressed this point directly in an email to the Resident dated 18 July 2022 at 15:30 (the "**Response Email**"), which is further enclosed at Annex 3 to this letter. It was stated by the Licensing Officer at Point 1 of the Response Email that "*Management plans do not form part of the licence application process*". The Resident, in Email 2, further suggests that, despite not being a mandatory requirement, operational management plans should be provided by "*responsible applicants*" (Email 2). The directors of the Company have understandably become distressed by this comment and would like to clarify that an omission to provide a management plan is in no way a reflection of the Company's lack of responsibility, but because, and as the Licensing Officer has self-proclaimed, it is not a pre-requisite requirement to the submission of the Licence.

Throughout Email 1, the Resident lists four (4) primary concerns forming grounds for the Objection.

Point 1

The Residents' first concern relates to a lack of measures implemented to manage those smoking outside the Premises. In response, we would like to bring your attention to a series of conditions (the "**Conditions**") proposed by Nicolas Cadzow, acting as Environmental Health Officer for the London Borough of Tower Hamlets, in a series of emails dated 09 August 2022, between the Environmental Health Officer, the Company and Buckworths Limited (on behalf of the Company) further enclosed at Annex 4. Number 3 of the Conditions sets out that at any one time, the number of "*patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8*".

Point 2

The second concern relates to the Company's procedures for the sale of alcohol on the Premises, to ensure that any risk of drunken disorder is kept to a minimum. The Company, by email exchange with PC Mark Perry from Central East Police Licensing on 08 August 2022 at 13:07, a copy of which is enclosed at Annex 5, received further conditions (the "**Policing Conditions**") prior to granting approval of the Licence. The Policing Conditions, all of which were agreed by the Company, included the completion of an incident log to record matters, including but not limited to, (Policing Condition 1(d)) any incidents of disorder; and (Policing Condition 1(g)) any refusal of the sale of alcohol. Policing Condition 3, further subjects the Company to comply with Challenge 25 in relation to the sale of alcohol to any patrons of the Premises. We further note that under Policing Condition 4, the Company is prohibited from allowing any patrons to leave the Premises with an open container of alcohol. We would again point out that the Premises will be a family friendly high-end pizza restaurant and not a bar or other drinking-led establishment.

Point 3

This concern relates to the inclusion of a restricted timeframe for when deliveries may take place at the Premises. We note that the lease entered into between the Company and Berkeley (SQP) Limited (with company number: 05383563) (the "**Landlord**") on 17 February 2022 (the "**Lease**") in respect of the Premises, imposes further conditions (the "**Lease Condition(s)**") governing the Company's authorised use of the Premises. To ensure compliance with the Lease Conditions, the Company must ensure that all deliveries are carried out between 08:00 – 18:00 (Monday to Friday, excluding bank holidays) and between 09:00 – 13:00 (Saturday, excluding bank holidays). Therefore, not only are conditions already imposed relating to deliveries at the Premises, but the agreed Lease Conditions are in fact more restrictive than the Resident's suggested delivery times of "*not before 7am and not after 8pm*".

Point 4

The final point relates to the use of delivery drivers collecting orders on behalf of the Company. Clause 7.10 of the Lease relates to Collections (as titled in the Lease) and states: "*The Tenant (defined in the Lease as the Company) shall procure that any motorbikes, scooters or bicycles from third party delivery services are parked along the public highway when collecting food orders from the Premises*".

This Lease Condition has been imposed by the Landlord to ensure that disturbances to the local residents is kept to a minimum.

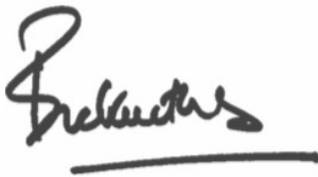
Our final comment relates to Email 2, whereby the Resident has argued that imposing conditions on the Company should be a "*routine occurrence... particularly where the applicant is not previously known as a proprietor in the local area*". The Resident's assumption is factually incorrect. We would like to remind the London Borough of Tower Hamlets Licensing Team (the "**Licensing Team**") that the Company has multiple operational establishments, one of which is located in Aldgate East at 12 Piazza Walk, E1 8ZH (the "**Existing Establishment**"). As an area governed by the London Borough of Tower Hamlets, the Licensing Team have already granted a premises licence to the Company on or around 21 August 2019 under licence number 29392.

The Existing Establishment, along with the other premises, have demonstrated that the Company is a responsible and highly regarded addition to the local communities in which it operates and to reject the Licence based solely on the Resident's Objection will negatively impact not only the Company but the other residents. The Company has agreed to all conditions requested by the appropriate authorities including the Policing Conditions and the general Conditions and has contractually agreed to be bound by the Lease Conditions. The Company is confident that its presence and trading activities in the Premises will not negatively impact the local residents.

We therefore respectfully request that the Licence be granted without further conditions.

Please do not hesitate to contact us if you require any further information.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Michael Buckworth', is written over a solid black horizontal line.

Buckworths

By Michael Buckworth, a Partner

SRA number - 377425

ANNEX 1
EMAIL 1

www.towerhamlets.gov.uk

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From: Gen Woods [REDACTED]
Sent: 18 July 2022 12:22
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Ref: CLC/EHTS/LIC/151012

Dear Madam,

I am writing to make a representation in respect of the application by Zia Lucia for a new premises licence. I would be grateful if you could please confirm receipt of this correspondence.

I am a homeowner in Hampton Tower and my windows are located above the proposed venue. I am not opposed in principle to a new licence being granted, but I would ask that the committee requires the addition of a number of conditions before granting the licence to ensure that the premises does not contravene the licensing objectives.

I have not had the opportunity to see any documentation included with the application, such as drawings, menus or any operational management plan. For a premises of this type, an operational management plan is critical to ensure that operations are managed in a way which prevents nuisance and ASB. It is possible that some of the below matters have already been addressed in documents which are not publicly available with the application.

My primary concerns are as follows:

1. At present, there is nothing in the application directed to managing smoking by staff and/or customers. It is important that a limit is imposed on the number of staff and customers smoking at any one time in order to manage noise levels, and that any designated smoking area is located away from the building so that smoke does not enter into the windows of residents above. If such measures are not put in place, the premises is likely to create unacceptable levels of noise and smoke nuisance to myself, my family and the hundreds of other residents living above the premises in Hampton Tower.

2. If not already in place, the Committee should add a condition that alcohol must only be sold ancillary to a meal, in order to reduce the risk of drunken disorder from patrons exiting the premises through Hampton Tower property, which engages the crime and disorder objective.

3. There should be a restriction on the times when refuse collection and deliveries may take place to avoid disturbance to residents. For example, not before 7am and not after 8pm. Such deliveries and collections should be supervised by a manager to ensure that noise is kept to a minimum.

4. It is not clear from the application whether the premises will make use of delivery services such as Deliveroo/Just Eat/Uber Eats etc. If so, there is nothing in the application which indicates how delivery drivers will be managed. It is important to have an operational management plan which contains clear guidelines for managing delivery drivers and that staff are fully trained to comply. The council will be familiar with the fact that delivery drivers often create ASB and nuisance by congregating outside venues while waiting for orders. They often park in areas which are not designated for parking, idle engines and create noise disturbance for residents in the building.

I would ask that a condition be imposed requiring any delivery drivers to have a designated waiting area which is on Marsh Wall or in the tarmac'd parking lot of the South Quay Building, rather than in the privately owned courtyard of Hampton Tower, which is closer to residential premises and is where noise echoes most strongly.

In addition, I request that as a condition of the licence, the premises put in place a plan to ensure that delivery drivers are waiting for a minimal period of time, ie that they are not summoned until the orders are ready, or nearly ready. This is a common condition for premises of this kind, manageable through, for example, Deliveroo's app, and is a simple measure which would help to reduce congregation and therefore the risk of noise and ASB in the courtyard of Hampton Tower.

I am grateful for your consideration.

Many thanks,

Genevieve

ANNEX 2
EMAIL 2

Corinne Holland

From: Gen Woods [REDACTED]
Sent: 18 July 2022 16:04
To: Licensing
Subject: Re: Premises Licence application - Zia Lucia, Unit 3 Hamptons Tower - REF M/151012

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Holland,

My name is Genevieve Woods, [REDACTED]

Thank you for your response and for sharing your own representations in support of this application.

To be clear, I am not against the application, I am merely seeking to ensure that the applicant provides appropriate safeguards to meet the licensing objectives.

While management plans are of course not mandatory, they are often provided by responsible applicants. When provided they may assist the committee to determine whether the licence should be granted and whether the licensing objectives are met.

I would submit that in the absence of an operational management plan in this case, it is unclear how disorder and nuisance from smoking, delivery drivers and deliveries, including alcohol deliveries and refuse collections relating to alcohol bottles, will be managed by the premises. This may affect the committee's view of whether the licensing objectives will be met.

As a matter of law, these issues form part of the application and fall to be considered by the committee for any new licence, regardless of whether there are off-sales or late night refreshment in the application.

The onus is on the applicant to reassure the committee that they are able to safely manage the premises such that granting the licence would not increase the risk of nuisance or crime and disorder (or breach the other licensing objectives).

Conditions absolutely can be added to control deliveries or congregating delivery drivers, even in the absence of late night refreshment/off-sales, as those are matters affected by the application for an alcohol licence.

Imposing such conditions or requiring some assurance from the applicant in relation to these matters is a routine occurrence in relation to new applications, particularly where the applicant is not previously known as a proprietor in the local area.

The committee may determine that where there are not sufficient measures proposed by the applicant e.g. to control delivery drivers, granting the premises licence in respect of on-sales of alcohol is more likely to create nuisance and disorder, adversely affecting residents. The same is true in respect of the other matters raised, including smoking and deliveries/collections. Equally, where an operational management plan or similar is provided which addresses the concerns, the committee may be satisfied that the applicant is able to manage the risk sufficiently.

Given your response, I would be grateful if this email could be included as part of my representations.

Genevieve

**ANNEX 3
RESPONSE EMAIL**

On Mon, 18 Jul 2022 at 15:30, Licensing <Licensing@towerhamlets.gov.uk> wrote:

Dear Ms Woods

In order for your representation to be valid you are required to provide your full name and address. These will be forwarded to the applicant at the end of the consultation period where they can contact you to mediate with you to address your concerns.

Please can you provide your full name and address in order for me to include your representations. I will need these prior to the last day for the consultation period which is the 9th August 2022.

Please Note:

1. Management plans do not form part of the licence application process. They may well exist but there is no requirement to submit them to the Licensing Authority or make them public.
2. In response to your comments in section 4 of your representation, the application does not include the 'off sales' of alcohol nor the provision of Late Night Refreshments (hot food/drinks between 23.00 – 05.00 hrs) and therefore conditions cannot be added which would control general food sales outside of these times.

Kind regards

Corinne Holland

Licensing Officer

Environmental Health and Trading Standards

Place Directorate

London Borough of Tower Hamlets

2nd Floor, Mulberry Place

[5 Clove Crescent](#)

London

E14 2BG

020 7364 3986

ANNEX 4
CONDITIONS

Daniel Burke <dburke@buckworths.com>

Fwd: 151012 New premises license for Zia Lucia South Quays Ltd Unit 3, Hampton Tower, 75 Marsh Wall, London

1 message

Michael Buckworth
To: Daniel Burke <dburke@buckworths.com>

Wed, Oct 12, 2022 at 4:48 PM

Michael Buckworth
Partner
London T. 020 7952 1723
Manchester T. 0161 441 3470
E. mbuckworth@buckworths.com
W. www.buckworths.com

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Forwarded Conversation**Subject: Fwd: 151012 New premises license for Zia Lucia South Quays Ltd Unit 3, Hampton Tower, 75 Marsh Wall, London**

From: Zia Lucia <info@zialucia.com>
Date: Tue, 9 Aug 2022 at 09:51
To: Michael Buckworth <mbuckworth@buckworths.com>

Fyi



Aldgate East | Hammersmith | Islington | Wandsworth | Wembley | Balham (Opening soon!)

www.zialucia.com**FT1000 European Fastest Growing Companies | Ranked 335**

Begin forwarded message:

From: Nicola Cadzow <Nicola.Cadzow@towerhamlets.gov.uk>

Date: [REDACTED]

[REDACTED] **es license for Zia Lucia South Quays Ltd Unit 3, Hampton Tower, 75 Marsh Wall, London**

Good morning Mr Buckworth

I am reviewing your new premises license for Zia Lucia South Quays Ltd Unit 3, Hampton Tower, [75 Marsh Wall, London](#), reference 151012, with particular attention to the licensing objective for the prevention of public nuisance and wish for the addition of the following noise conditions to apply as below:

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
3. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.
4. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

Await your confirmation of the above conditions

Kind regards

Nicola Cadzow

Environmental Health Officer

Environmental Protection Team

Place Directorate

London Borough of Tower Hamlets

Mulberry Place Town Hall

[5 Clove Crescent](#)

London E14 2BG

020 7364 6394

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Click here to see the Tower Hamlets Noise map:

From: Nicola Cadzow

[Redacted]
[Redacted]
[Redacted]

Subject: 151012 New premises license for Zia Lucia South Quays Ltd Unit 3, Hampton Tower, [75 Marsh Wall, London](#)

Good morning Sir, Madam

I am reviewing your client's new premises license for Zia Lucia South Quays Ltd Unit 3, Hampton Tower, [75 Marsh Wall, London](#), refe 151012 with particular attention to the licensgin objective for the prevention of public nuisance and wish for the addition of the following noise conditions to apply as below:

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.

2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

3. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.

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

Await your confirmation of the above conditions

Kind regards

Nicola Cadzow

Environmental Health Officer

Environmental Protection Team

Place Directorate

London Borough of Tower Hamlets

Mulberry Place Town Hall

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From: Michael Buckworth <[REDACTED]>
Date: Tue, 9 Aug 2022 at 10:14
To: Zia Lucia <[REDACTED]>

Thanks - I'll go back to her.

Kind regards

Mike

Michael Buckworth
Partner
London T. 020 7952 1723
Manchester T. 0161 441 3470
E. mbuckworth@buckworths.com
W. www.buckworths.com

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From: Michael Buckworth <[REDACTED]>
Date: Tue, 9 Aug 2022 at [REDACTED]
[REDACTED]

Hi Nicola

Many thanks for your proposed conditions.

These are agreeable to our client.

Kind regards

Mike

Michael Buckworth
Partner
London T. 020 7952 1723
Manchester T. 0161 441 3470
E. mbuckworth@buckworths.com
W. www.buckworths.com

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From: **Nicola Cadzow** <Nicola.Cadzow@towerhamlets.gov.uk>
Date: Tue, 9 Aug 2022 at 14:13
To: Michael Buckworth <mbuckworth@buckworths.com>

Good afternoon Mike,

Thank you for your confirmation

From: **Nicola Cadzow** <
Date: Tue, 9 Aug 2022 a
To: Licensing <

Good afternoon Licensing

I have no objections to the new premises license for Zia Lucia South Quays Ltd Unit 3, Hampton Tower, [75 Marsh Wall, London](#), ref 151012, further to the applicant's agreement to the additional conditions as below (see also email trail):-

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
3. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8

persons at any one time.

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

Kind regards

Nicola Cadzow

Environmental Health Officer

Environmental Protection Team

Place Directorate

London Borough of Tower Hamlets

Mulberry Place Town Hall

[5 Clove Crescent](#)

London E14 2BG

020 7364 6394

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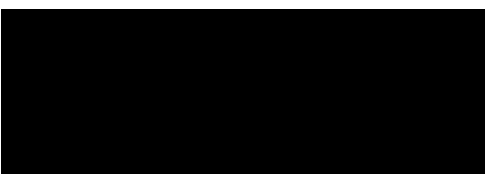
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From: Michael Buckworth
Sent: 09 August 2022 10:1
To: Nicola Cadzow <[Nicola](#)>



ANNEX 5
POLICING CONDITIONS



Daniel Burke <dburke@buckworths.com>

Fwd: premises license app Lucia 75 Marsh Wall

1 message

Michael Buckworth
To: Daniel Burke <dburke@buckworths.com>

Wed, Oct 12, 2022 at 4:51 PM

Michael Buckworth
Partner
London T. 020 7952 1723
Manchester T. 0161 441 3470
E. mbuckworth@buckworths.com
W. www.buckworths.com

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Forwarded Conversation**Subject: premises license app Lucia 75 Marsh Wall**

From: <
Date: Mon
To: <igerov@buckworths.com>

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 your application but would like the following conditions added to your license:

Please let me know if these conditions are acceptable of if you wish to discuss them.

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,
- 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) Call the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) The crime scene is preserved (where possible) so as to enable a full forensic investigation to be carried out by the police; and
- c) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

3. 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.

4. No open containers of alcohol to be taken outside the premises.

5. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale and the reason for the refusal. The record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.

6 . The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

7 . A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises (or immediately contactable) 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.



PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)

Email mark.j.perry@met.police.uk

A: Licensing Office, 1st Floor Stoke Newington Police Station



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[Redacted content]

Hi Mark

Many thanks for your email, and for these requests.

They are all agreed by our client and our client is happy for them to be added as conditions to the premises licence.

Kind regards

Mike

Michael Buckworth
Partner
London T. 020 7952 1723
Manchester T. 0161 441 3470
E. mbuckworth@buckworths.com
W. www.buckworths.com

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From: <MARK.J.Perry@met.police.uk>
Date: Mon, 8 Aug 2022 at 15:04
To: <mbuckworth@buckworths.com>, <Licensing@towerhamlets.gov.uk>

Hi Mike,

Thanks for getting back to me so quickly, Tower Hamlets Council Licensing please see below conditions agreed with the applicant.

Kind Regards

Mark

From: [REDACTED]
Date: Mon, 8 Aug 2022 at 15:04
To: <mbuckworth@buckworths.com>

Thanks Mark.

Kind regards

Mike

Michael Buckworth
Partner
London T. 020 7952 1723
Manchester T. 0161 441 3470
E. mbuckworth@buckworths.com
W. www.buckworths.com

Buckworths is the trading name of Buckworths Limited which is a limited company incorporated in England with registered number 7541905 and registered address at 2nd Floor, 1-3 Worship Street, London, EC2A 2AB, United Kingdom. It is a body recognised and regulated by the Solicitors Regulation Authority in the UK with registered number 559537 including for any incidental services relating to investments, insurance and mortgages.

The rules of the Solicitors Regulation Authority can be accessed at <http://www.sra.org.uk/>.

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Cyber Crime Alert

Please be aware that there is a risk posed by cyber fraud, especially in relation to bank account details. Please check with us before transferring any funds across if you are unsure and would like to confirm our bank details. Buckworths will not accept responsibility if you transfer money into an incorrect bank account. [Our client account details will not change during the course of a transaction.](#)

From: Michael Buckworth <mbuckworth@buckworths.com>

Date: Wed, 12
To: Dan Lenn

Michael Buckworth
Partner
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Manchester T. 0161 441 3470
E. mbuckworth@buckworths.com
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Forwarded Conversation

Subject: premises license app Lucia 75 Marsh Wall

From: Michael
Date: Mon, 8
To: <[Hi Mark](mailto:MARK.J.>
Cc: Ivan Ger</p></div><div data-bbox=)

Many thanks for your email, and for these requests.

They are all agreed by our client and our client is happy for them to be added as conditions to the premises licence.

Kind regards

Mike

Michael Buckworth
Partner
London T. 020 7952 1723
Manchester T. 0161 441 3470
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From:
Date:
To:



Hi

Thanks for getting back to me so quickly, Tower Hamlets Council Licensing please see below conditions agreed with the applicant.

Kind Regards

Mark

From: **Michael Buckworth** <mbuckworth@buckworths.com>
Date: Mon, 8 Aug 2022 at 15:10
To: <MARK.J.Perry@met.police.uk>