

Appendix 1

Application for a premises licence to be granted 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 Eastern Kula UK Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Third Floor 7-9 Fashion Street			
Post town	London	Postcode	E1 6PX
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£Band C - Unrated	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					

Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Eastern Kula UK Ltd
Address 16 Great Queen Street, Covent Garden, London, United Kingdom, WC2B 5AH
Registered number (where applicable) 13468605
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Yoga and wellness studio with ancillary café, lounge, restaurant and workspace on third floor and terrace. The provision of licensable activities shall at all times remain ancillary to the main use of the building as a yoga and wellness studio.

Note: Licensable activities are limited to the third floor level. Ground to second floor plans are provided for reference only.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

0

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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



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



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	0800	2330			
Tue	0800	2330			
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed	0800	2330			
Thur	0800	2330			
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6) From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.		
Fri	0800	0000			
Sat	0800	0000			
Sun	0800	2230			

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<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> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur					
			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur					
			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon	2300	2330				
Tue	2300	2330				
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Wed	2300	2330				
Thur	2300	2330				
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.			
Fri	2300	0000				
Sat	2300	0000				
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	0800	2330			
Tue	0800	2330			
Wed	0800	2330			
Thur	0800	2330	<u>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</u> (please read guidance note 6) From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.		
Fri	0800	0000			
Sat	0800	0000			
Sun	0800	2230			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor
(Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Nicholas Edward Gilkinson	
Date of birth	
Address 10 Mirabel Road, Fulham	
Postcode	
Personal licence number (if known) TBC	
Issuing licensing authority (if known) TBC	

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 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
Mon	0800	0000	
Tue	0800	0000	
Wed	0800	0000	
Thur	0800	0000	
Fri	0800	0030	
Sat	0800	0030	
Sun	0800	2300	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please refer to the attached schedule of conditions for the promotion of all four licensing objectives.

b) The prevention of crime and disorder

Please refer to a) above

c) Public safety

Please refer to a) above

d) The prevention of public nuisance

Please refer to a) above

e) The protection of children from harm

Please refer to a) above

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable (postal applications only) **[Electronic Submission - LA to serve RA's]** ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>Thomas and Thomas</i>
Date	21/12/2022
Capacity	Applicant's Solicitors

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). 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 14) JS/HM/AC/EAS.8.1 Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Postcode	WC2H 9EP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.
 8. 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'.
 9. 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.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**Application for a Premises Licence
Third Floor, 7-9 Fashion Street E1 6PX**

Proposed Licensable Activities:

	Sale of Alcohol (on sales) Late Night Refreshment Films (including display of yoga related screenings)	Opening Hours
Sunday	08:00 – 22:30	08:00 – 23:00
Monday to Thursday	08:00 – 23:30	08:00 – 00:00
Friday & Saturday	08:00 – 00:00	08:00 – 00:30

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

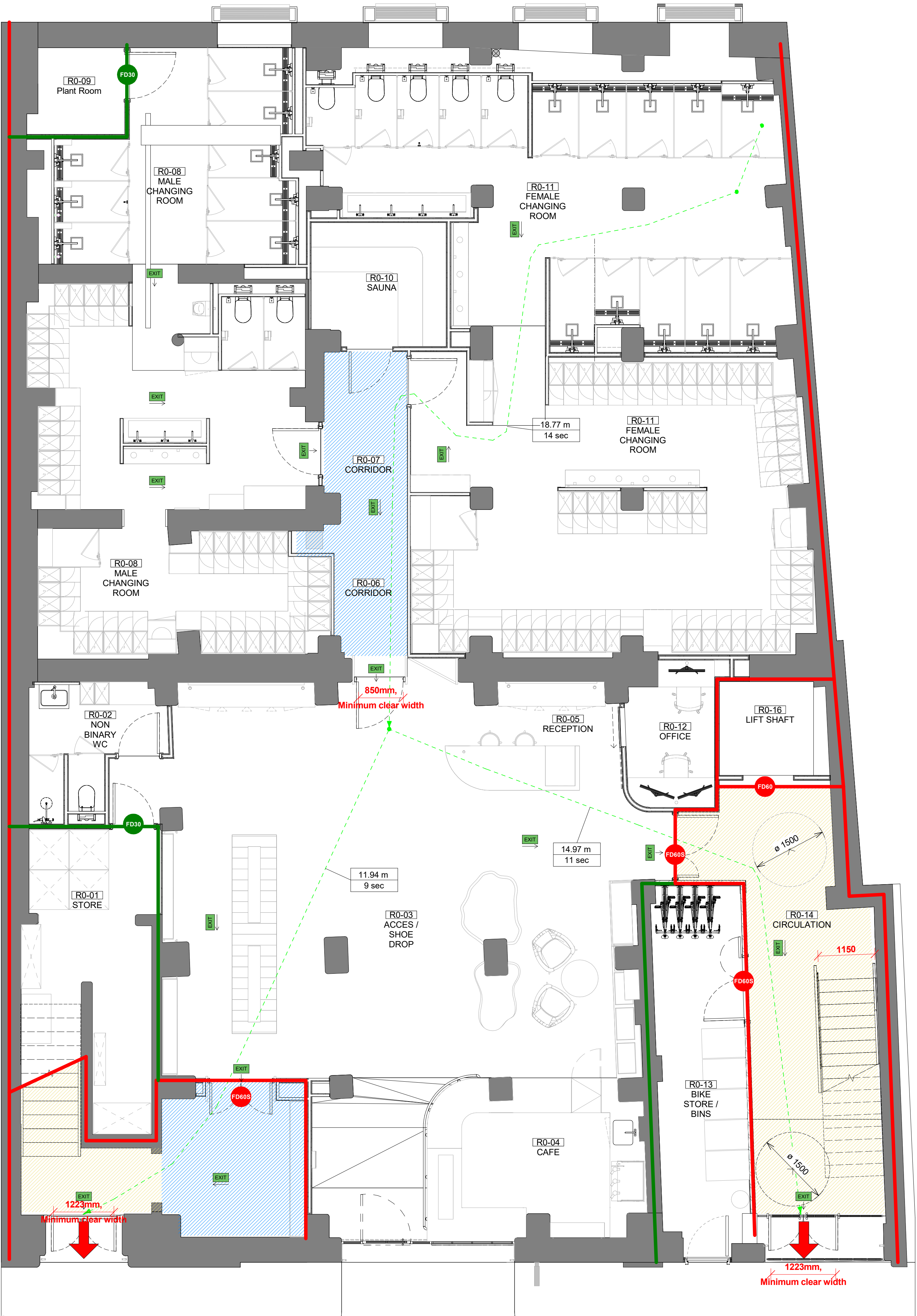
Proposed Conditions:

1. The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio.
2. Food and suitable beverages other than alcohol, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
4. 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.
5. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received concerning crime and disorder
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;

- f) Any faults in the CCTV system,
- g) Any refusal of the sale of alcohol;
- h) Any visit by a relevant authority or emergency service.

6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. 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.
9. 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.

Appendix 2



FIRE STRATEGY LEGEND

Symbols shown are not to scale - some symbols may not appear on the layout plan

- PROTECTED STAIRCASE
- FIRE FIGHTING SHAFT
- 60MIN COMPARTMENT FLOOR
- SPACE FREE FROM FIRE LOAD AND KEPT STERILE
- EXISTING STEEL BEAMS TO BE PROTECTED 60 MINUTES FIRE RATED
- 30 MINUTES FIRE RESISTANCE
- 60 MINUTES FIRE RESISTANCE
- 90 MINUTES FIRE RESISTANCE
- 120 MINUTES FIRE RESISTANCE
- 240 MINUTES FIRE RESISTANCE
- FIRE CAVITY BARRIER: 30MINS INTEGRITY / 15MINS INSULATION
- FIRE CURTAIN TO PROVIDE 60 MINS FIRE RESISTANCE AND SMOKE PROTECTION
- FD30 FIRE DOOR
- FD30S FIRE DOOR
- FD60 FIRE DOOR
- FD60S FIRE DOOR
- EMERGENCY ESCAPE SIGNAGE
- FIRE ESCAPE EXIT ROUTE
- TRAVEL DISTANCE (M)
- REFUGE POINT POSITION 900x1400mm

FIRE LAYOUTS PRODUCED IN CONJUNCTION WITH FIRE CONSULTANTS REPORT
REFERENCE NO: 65206494
DATE: 18/08/22-REV3
REPORT BY: SWECO

NOTES:
- ALL FIRE RATED DOORS TO HAVE SELF CLOSING DEVICE EXCEPT IN RISER DOORS OR MARKED OTHERWISE
- L1 LEVEL OF FIRE ALARM COVERAGE REQUIRED.
- FOR EMERGENCY LIGHT PLEASE REFER TO SUBCONTRACTOR DRAWINGS

All elements of structure are required to be provided with a minimum of 60-minutes fire resistance. Elements of structure will include:
- Frame, Beams or Columns,
- Loadbearing walls,
- Floors,
- Roofs which form part of any escape route, or provide essential stability to the external wall construction,
- External walls, if structural (from the inside of the building).

A 60-minute compartment floor is required between the restaurant floor (level 3) and floors below. New cavity barriers to be provided at slab level if external walls are constructed with cavities.

C04	ISSUE FOR CONSTRUCTION	ML	MB	11/11/22
C03	ISSUED FOR CONTRACT	ML	MB	24/10/22
C02	ISSUED FOR CONTRACT	ML	MB	14/10/22
C01	ISSUED FOR COMMENTS	ML	MB	01/09/22
ISSUE	DESCRIPTION	DRWN	CHKD	DATE

SCALE 1:50
1 2 3 4 5

DRAWING STAGE

Construction

CLIENT

Kula Yoga

SITE ADDRESS
7-9 Fashion Street
London, E1 6PX

PROJECT DIRECTOR
WAYNE JUDGE

PROJECT MANAGER
MATTHEW PRESCOTT

PROJECT DESIGNER
MARK SHEERMAN

PROJECT SITE MANAGER
--

DRAWING TITLE

GROUND FLOOR - FIRE STRATEGY

OKTRA NO.	SCALE	STATUS	REVISION
62131	As indicated @ A1	S2	C04

DRAWING NO.

62131—OKT—V1—00—DR—I—0700

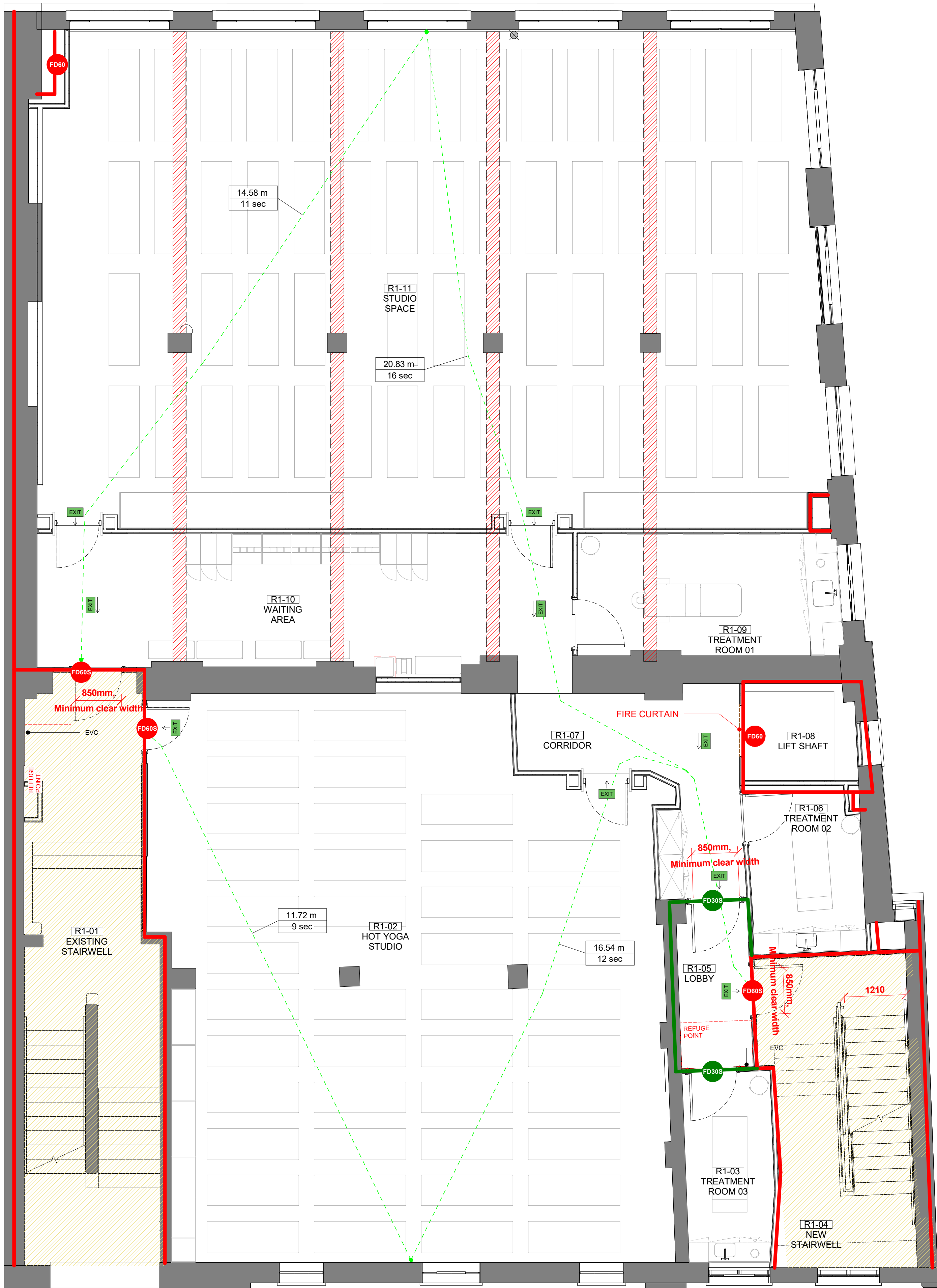
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FIRE STRATEGY LEGEND

Symbols shown are not to scale - some symbols may not appear on the layout plan

- PROTECTED STAIRCASE
- FIRE FIGHTING SHAFT
- 60MIN COMPARTMENT FLOOR
- SPACE FREE FROM FIRE LOAD AND KEPT STERILE
- EXISTING STEEL BEAMS TO BE PROTECTED 60 MINUTES FIRE RATED
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- FD30S FIRE DOOR
- FD60 FIRE DOOR
- FD60S FIRE DOOR
- EMERGENCY ESCAPE SIGNAGE
- FIRE ESCAPE EXIT ROUTE
- TRAVEL DISTANCE (M)
- REFUGE POINT POSITION 900x1400mm

FIRE LAYOUTS PRODUCED IN CONJUNCTION WITH FIRE CONSULTANTS REPORT
REFERENCE NO: 65206494
DATE: 18/08/22-REV3
REPORT BY: SWECO

NOTES:
- ALL FIRE RATED DOORS TO HAVE SELF CLOSING DEVICE EXCEPT IN RISER DOORS OR MARKED OTHERWISE.
- L1 LEVEL OF FIRE ALARM COVERAGE REQUIRED.
- FOR EMERGENCY LIGHT PLEASE REFER TO SUBCONTRACTOR DRAWINGS

All elements of structure are required to be provided with a minimum of 60-minutes fire resistance. Elements of structure will include:
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- Loadbearing walls,
- Floors,
- Roofs which form part of any escape route, or provide essential stability to the external wall construction,
- External walls, if structural (from the inside of the building).

A 60-minute compartment floor is required between the restaurant floor (level 3) and floors below. New cavity barriers to be provided at slab level if external walls are constructed with cavities.

C04	ISSUE FOR CONSTRUCTION	ML	MB	11/11/22
C03	ISSUED FOR CONTRACT	ML	MB	24/10/22
C02	ISSUED FOR CONTRACT	ML	MB	14/10/22
C01	ISSUED FOR COMMENTS	ML	MB	01/09/22
ISSUE	DESCRIPTION	DRWN	CHKD	DATE

SCALE 1:50
1 2 3 4 5

DRAWING STAGE

Construction

CLIENT

Kula Yoga

SITE ADDRESS
7-9 Fashion Street
London, E1 6PX

PROJECT DIRECTOR
WAYNE JUDGE

PROJECT MANAGER
MATTHEW PRESCOTT

PROJECT DESIGNER
MARK SHEERMAN

PROJECT SITE MANAGER
--

DRAWING TITLE
FIRST FLOOR - FIRE STRATEGY

OKTRA NO.	SCALE	STATUS	REVISION
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DRAWING NO.

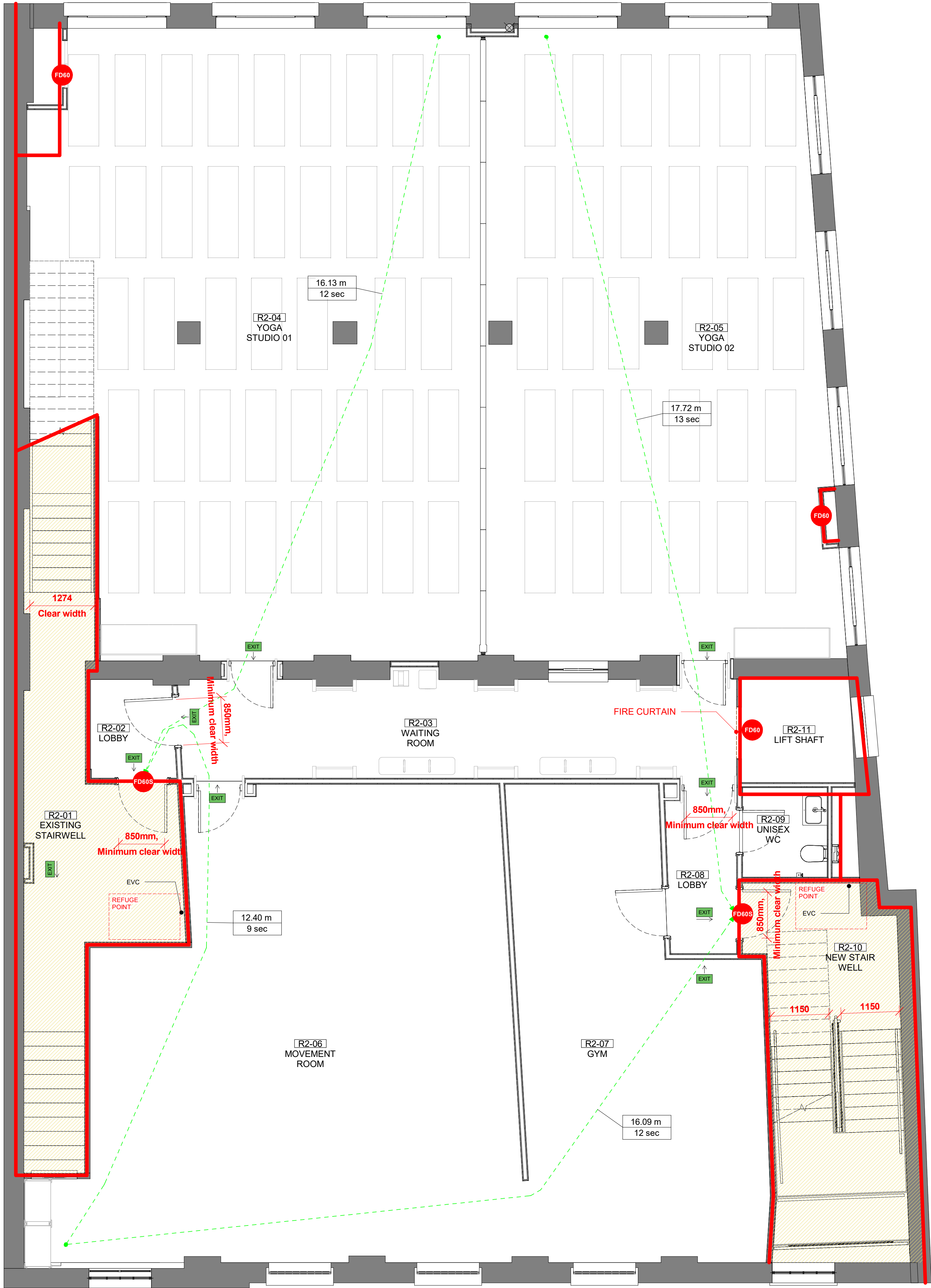
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FIRE STRATEGY LEGEND

Symbols shown are not to scale - some symbols may not appear on the layout plan

- PROTECTED STAIRCASE
- FIRE FIGHTING SHAFT
- 60MIN COMPARTMENT FLOOR
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- FD30 FIRE DOOR
- FD30S FIRE DOOR
- FD60 FIRE DOOR
- FD60S FIRE DOOR
- EMERGENCY ESCAPE SIGNAGE
- FIRE ESCAPE EXIT ROUTE
- TRAVEL DISTANCE (M)
- REFUGE POINT POSITION 900x1400mm

FIRE LAYOUTS PRODUCED IN CONJUNCTION WITH FIRE CONSULTANTS REPORT
REFERENCE NO: 65206494
DATE: 18/08/22-REV3
REPORT BY: SWECO

NOTES:
- ALL FIRE RATED DOORS TO HAVE SELF CLOSING DEVICE EXCEPT IN RISER DOORS OR MARKED OTHERWISE.
- L1 LEVEL OF FIRE ALARM COVERAGE REQUIRED.
- FOR EMERGENCY LIGHT PLEASE REFER TO SUBCONTRACTOR DRAWINGS

All elements of structure are required to be provided with a minimum of 60-minutes fire resistance. Elements of structure will include:
- Frame, Beams or Columns,
- Loadbearing walls,
- Floors,
- Roofs which form part of any escape route, or provide essential stability to the external wall construction,
- External walls, if structural (from the inside of the building).

A 60-minute compartment floor is required between the restaurant floor (level 3) and floors below. New cavity barriers to be provided at slab level if external walls are constructed with cavities.

C04	ISSUE FOR CONSTRUCTION	ML	MB	11/11/22
C03	ISSUED FOR CONTRACT	ML	MB	24/10/22
C02	ISSUED FOR CONTRACT	ML	MB	14/10/22
C01	ISSUED FOR COMMENTS	ML	MB	01/09/22
ISSUE	DESCRIPTION	DRWN	CHKD	DATE



DRAWING STAGE

Construction

CLIENT

Kula Yoga

SITE ADDRESS
7-9 Fashion Street
London, E1 6PX

PROJECT DIRECTOR
WAYNE JUDGE

PROJECT MANAGER
MATTHEW PRESCOTT

PROJECT DESIGNER
MARK SHEERMAN

PROJECT SITE MANAGER
--

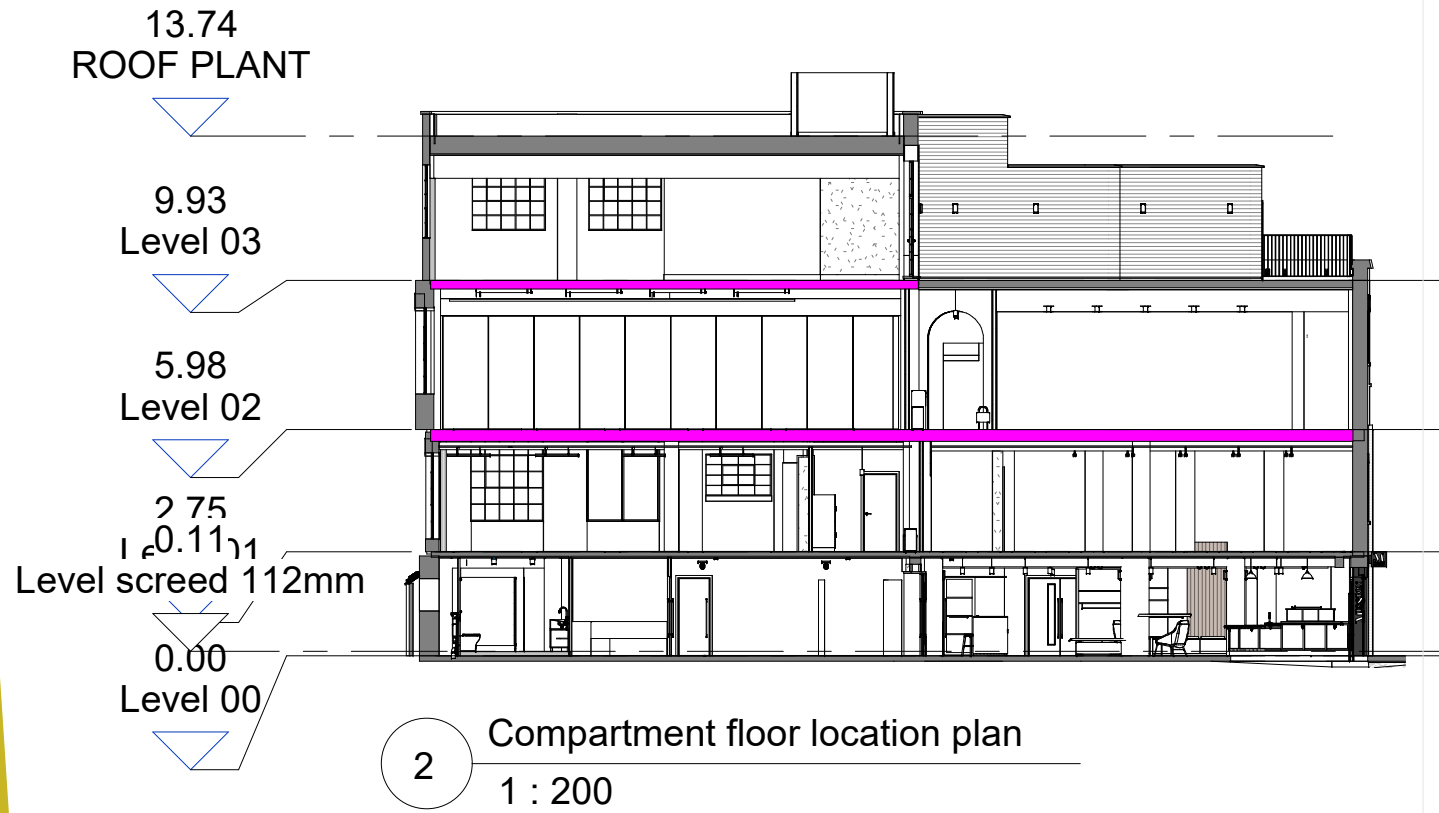
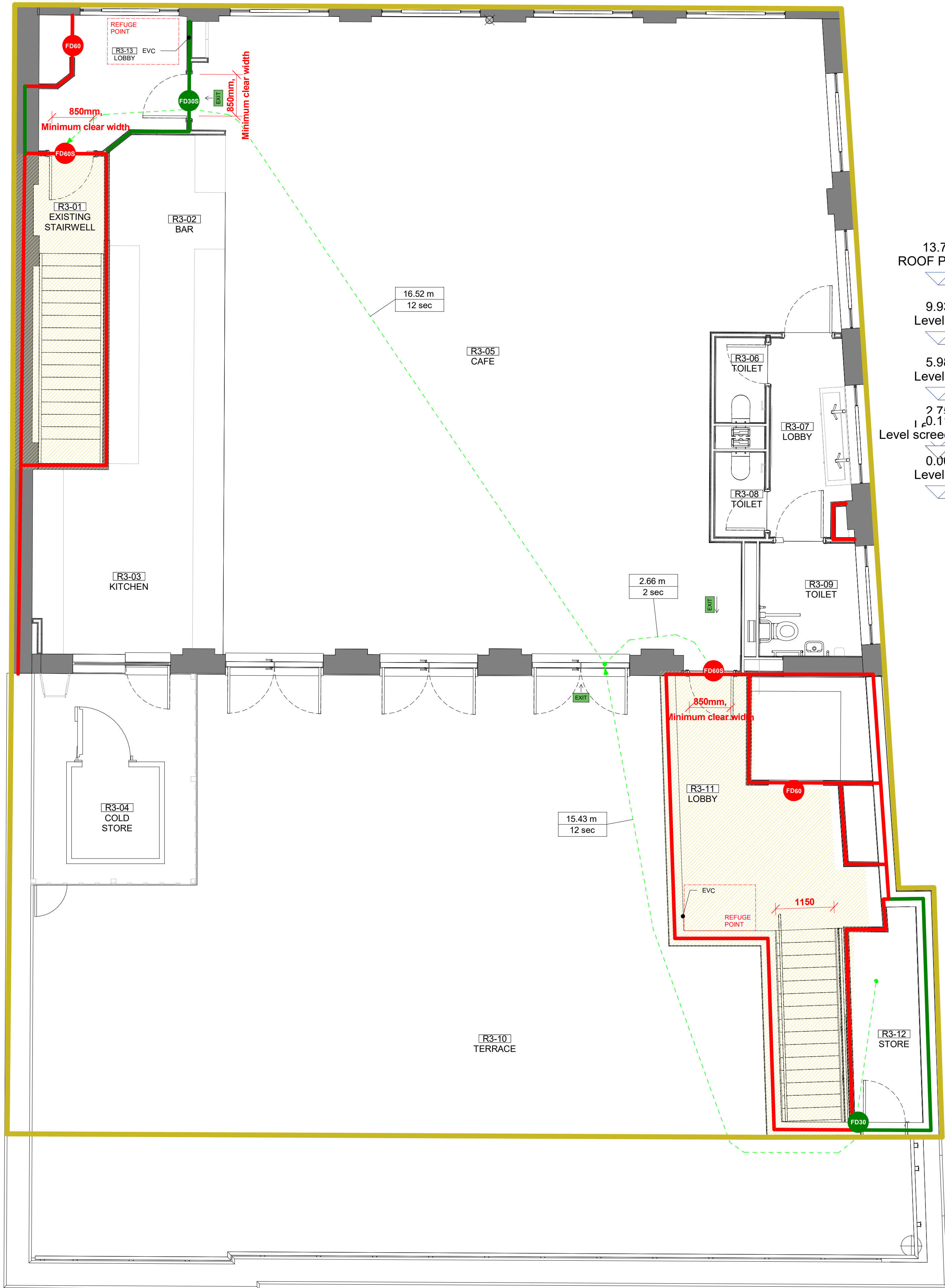
DRAWING TITLE
SECOND FLOOR - FIRE STRATEGY

OKTRA NO. 62131 SCALE As indicated @ A1 STATUS S2 REVISION C04

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FIRE STRATEGY LEGEND

Symbols shown are not to scale - some symbols may not appear on the layout plan

PROTECTED STAIRCASE

FIRE FIGHTING SHAFT

60MIN COMPARTMENT FLOOR

FD30

FD30 FIRE DOOR

FD30S

FD30S FIRE DOOR

FD60

FD60 FIRE DOOR

FD60S

FD60S FIRE DOOR

EXIT

EMERGENCY ESCAPE SIGNAGETRAVEL DISTANCE (M)

REFUGE POINT

REFUGE POINT POSITION 900x1400mm

FIRE LAYOUTS PRODUCED IN CONJUNCTION WITH FIRE CONSULTANTS REPORT

REFERENCE NO: 65206494

DATE: 18/08/22-REV3

REPORT BY: SWECO

NOTES:

- ALL FIRE RATED DOORS TO HAVE SELF CLOSING DEVICE EXCEPT IN RISER DOORS OR MARKED OTHERWISE.

- L1 LEVEL OF FIRE ALARM COVERAGE REQUIRED.

- FOR EMERGENCY LIGHT PLEASE REFER TO SUBCONTRACTOR DRAWINGS

All elements of structure are required to be provided with a minimum of 60-minutes fire resistance. Elements of structure will include:

- Frame, Beams or Columns,

- Loadbearing walls,

- Floors,

- Roofs which form part of any escape route, or provide essential stability to the external wall construction,

- External walls, if structural (from the inside of the building).

A 60-minute compartment floor is required between the restaurant floor (level 3) and floors below. New cavity barriers to be provided at slab level if external walls are constructed with cavities.

AREA FOR LICENSABLE ACTIVITIES

C05

EXTERNAL WALL AMENDED

C04

ISSUE FOR CONSTRUCTION

C03

ISSUED FOR CONTRACT

C02

ISSUED FOR CONTRACT

C01

ISSUED FOR COMMENTS

ISSUE

DESCRIPTION

ML

MB

05/12/22

11/11/22

24/10/22

14/10/22

01/09/22

DRWN

CHKD

DATE



DRAWING STAGE

Construction

CLIENT

Kula Yoga

SITE ADDRESS
7-9 Fashion Street
London, E1 6PX

PROJECT DIRECTOR
WAYNE JUDGE

PROJECT MANAGER
MATTHEW PRESCOTT

PROJECT DESIGNER
MARK SHEERMAN

PROJECT SITE MANAGER
--

DRAWING TITLE
THIRD FLOOR - FIRE STRATEGY

OKTRA NO. 62131 SCALE As indicated @ A1 STATUS S2 REVISION C05

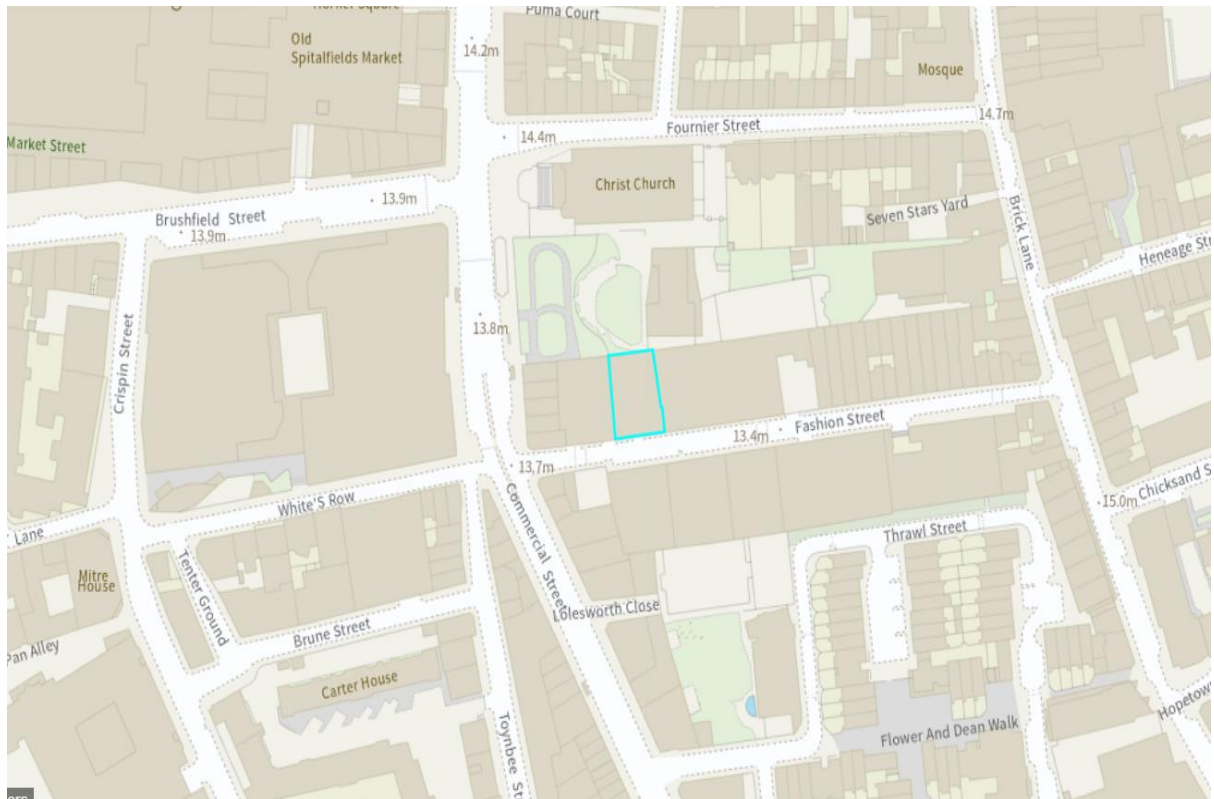
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Appendix 3

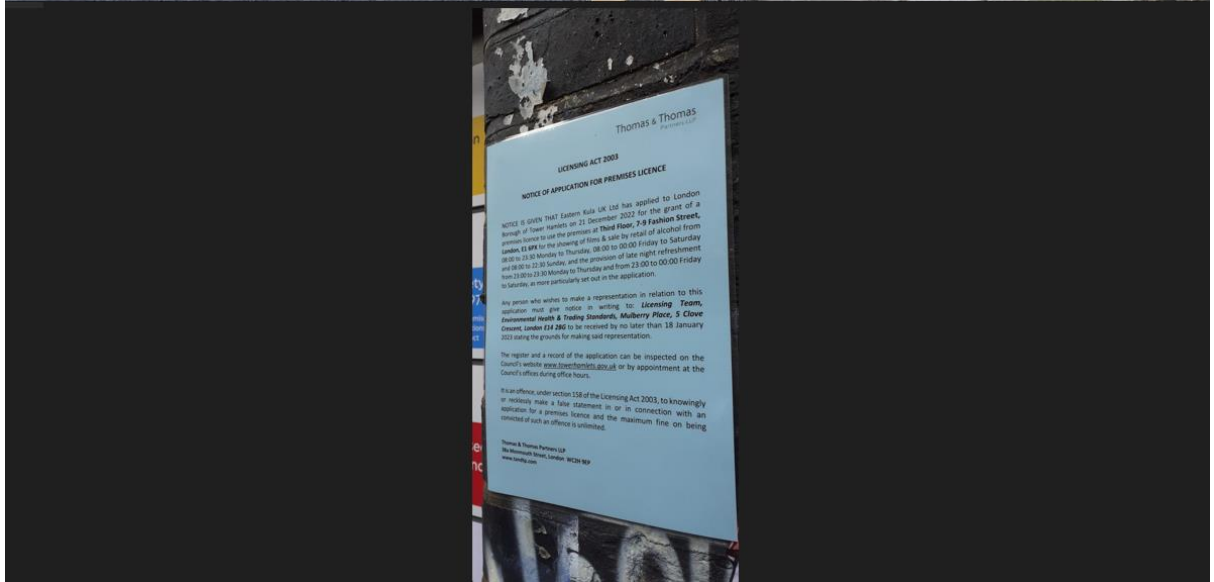
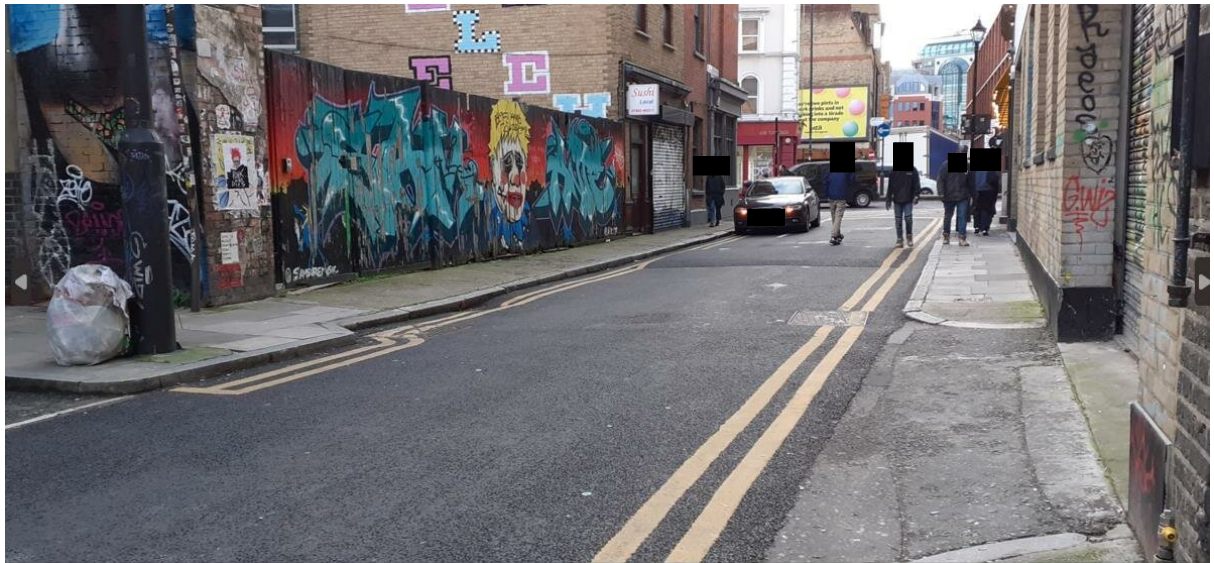
7-9 Fashion Street Map of local area



Appendix 4

7-9 Fashion Street Images





Appendix 5

Premises name and address	Licensable Activities and Hours	Opening Hours
(Chez Elles) 45 Brick Lane London E1 6PU	<p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm.</p> <p>(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</p> <p>(3) On Christmas Day: 12 noon to 11:30pm;</p> <p>(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;</p> <p>(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.</p> <p>(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	There are no restrictions on the hours during which this premises is open to the public
(Cost Price) 41 Brick Lane London E1 6PU	<p><u>The sale by retail of alcohol (off sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) • Friday and Saturday, from 11:00hrs to 01:00hrs (the following day) 	<p>Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)</p> <p>Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)</p>
Seven Stars) Basement and Ground Floor 49 Brick Lane	<p>The sale by retail of alcohol Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 10 00 hrs to 02 00 hrs the following morning Sunday 10 00 hrs to midnight</p> <p>Late Night Refreshment Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 02 00 hrs the following morning Sunday until midnight</p> <p><i>The provision of regulated entertainment</i> Live Music and the Provision of Facilities for Making Music (Karaoke only) Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 19 00 hrs to 02 00 hrs the following morning Sunday 19 00 hrs to midnight</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 10 00 hrs to 02 30 hrs the following morning Sunday 10 00 hrs to 00 30 hrs the following morning</p>

	<p>Recorded Music Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hrs to 02:00 hrs the following morning Sunday 11 00 hrs to midnight</p> <p>On sales</p>	
(Morley's) 60 - 62 Brick Lane London E1 6RF	<p>The provision of late light refreshment</p> <ul style="list-style-type: none"> Monday to Thursday, from 23:00 hours to 23:30 hours Friday and Saturday, from 23:00 hours to 00:00 hours (midnight) 	<ul style="list-style-type: none"> Monday to Thursday, from 11:00 hours to 00:00 hours (midnight) Friday and Saturday, from 11:00 hours to 00:30 hours (the following day) Sunday, from 11:00 hours to 23:00 hours
(Best One) 20 Brick Lane London E1 6RF	<p>For the Supply of Alcohol, Monday to Thursday from 08 00 hrs to midnight Friday and Saturday from 08 00 hrs to 01 00 hrs the following day Sunday from 09 00 hrs until 23 00 hrs</p> <p>Off sales</p>	<p>Monday to Thursday from 08 00 hrs to midnight Friday and Saturday from 08 00 hrs to 01 00 hrs the following day Sunday from 09 00 hrs until 23 00 hrs</p>
75 Commercial Street London E1 6BD	<p>The sale by retail of alcohol (On Sale Only)</p> <p>Monday to Sunday 12:00 – 22:30</p>	<p>Monday to Sunday 11:30 to 23:00</p>
Milroys 76 Commercial Street London E1 6LY	<p><u>Regulated entertainment.</u> (Live music and recorded music only). Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p> <p><u>Sale of alcohol by retail.</u> Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p>	<p>Sunday to Thursday 11:00 hours - midnight Friday & Saturday 11:00 hours – 01:00 hours</p>

Appendix 6

Section 182 Advice by the Home Office Updated on December 2022

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 7

Lavine Miller-Johnson

From: Nicola Cadzow
Sent: 09 January 2023 11:13
To: Licensin, Lavine Miller-Johnson
Cc: 'MARK.J. [REDACTED]' Amy Catlin
Subject: 156061 - New premises licence application Eastern Kula UK Third Floor 7-9 Fashion Street, London E1 6PX

Dear Licensing,

I have considered the new premise licence application for Eastern Kula UK Third Floor 7-9 Fashion Street, London E1 6PX and the potential impact of public nuisance and measures to prevent noise generated from within the premises and the external area, which could cause disturbance to people in the vicinity, with particular consideration that the premises is in Brick Lane Cumulative Impact Zone.

Whilst the premises is proposing to operate within framework hours, the application indicates use of the third floor external terrace whilst premises is in operation, being 23:30 hours Monday to Thursday, Midnight Friday and Saturday and 22:30 hours on Sundays. There is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance for use of the terrace area, considering that the premises is in Brick Lane Cumulative Impact Zone

Noise Sensitive premises: residential premises in close proximity to the premise.

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

- Noise breakout from the venue affecting neighbouring residents, particularly with use of the external terrace area.

CONCLUSION

Environmental Protection **does not** support the application Eastern Kula UK Third Floor 7-9 Fashion Street, London E1 6PX for the following reasons:-

- The applicant has not provided sufficient information in the operating schedule to show how they will promote the licensing objective for the prevention of public nuisance, for use of the terrace area.
- The premise is in Brick Lane Cumulative Impact Zone

If the committee are minded to grant the application I would ask that the following conditions be considered:-

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. All windows and external doors shall be kept closed after **21:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
3. The external area shall not be used after 21:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 5 persons at any one time.

Kind regards

Nicola Cadzow

Appendix 8

Lavine Miller-Johnson

From: Mohshin Ali
Sent: 24 February 2023 11:09
To: Lavine Miller-Johnson
Cc: Jack Spiegler
Subject: RE: 7-9 Fashion Street [EAS.8.1]

Dear Lavine,

The Licensing Authority (RA) now withdraws its representation as the applicant has agreed to the conditions below:

1. ***The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio***
2. ***There shall be no "vertical drinking" of alcohol at the premises.***
3. ***The sale and consumption of alcohol shall be by seated persons only.***
4. ***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.***
5. ***There shall be no more than 50 customers within the internal licensed areas of the premises at any one time.***
6. ***The provision of late night refreshment shall be for consumption on the premises only and not for deliveries or takeaways.***

Thanks


Mohshin Ali
Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ


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Tower Hamlets is reviewing its Licensing Policy to take part in the consultation visit the link below:
<https://talk.towerhamlets.gov.uk/statement-of-licensing-policy-review-consultation-2023>

From: Jack Spiegler 
Sent: 24 February 2023 11:04
To: Mohshin Ali <Mohshin.Ali@towerhamlets.gov.uk>

Cc: Lavine Miller-Johnson [REDACTED]

Subject: Re: 7-9 Fashion Street [EAS.8.1]

Dear Mohshin

Thank you for your email below and for bearing with me.

I confirm that the applicant agrees the conditions below.

I would be grateful if you could please confirm withdrawal of your representation

Thanks and kind regards

Jack

Jack Spiegler
Partner

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

M: [REDACTED]

W: <https://www.tandtp.com/home.html>

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From: Mohshin Ali <[REDACTED]>
Date: Wednesday, 15 February 2023 at 16:30
To: Jack Spiegler <[REDACTED]>
Cc: Lavine Miller-Johnson <[REDACTED]>
Subject: RE: 7-9 Fashion Street [EAS.8.1]

Dear Jack,

The Licensing Authority is in a position to withdraw the representation if your client can agree to the following conditions:

1. *The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio (already offered in the application)*
2. *There shall be no "vertical drinking" of alcohol at the premises. (already agreed)*
3. *The sale and consumption of alcohol shall be by seated persons only. (slightly amended requested)*

4. *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. (already agreed)*
5. *There shall be no more than 50 customers within the internal licensed areas of the premises at any one time. (already agreed)*
6. *The provision of late night refreshment shall be for consumption on the premises only and not for deliveries or takeaways. (additional condition requested)*

Thanks

Mohshin Ali



Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

www.towerhamlets.gov.uk  licensing@towerhamlets.gov.uk

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Tower Hamlets is reviewing its Licensing Policy to take part in the consultation visit the link below:
<https://talk.towerhamlets.gov.uk/statement-of-licensing-policy-review-consultation-2023>

From: Jack Spiegler 
Sent: 15 February 2023 11:43
To: Mohshin Ali < >
Subject: Re: 7-9 Fashion Street [EAS.8.1]

Hi Mohshin

Thanks very much for getting back to me.

The applicant will agree to conditions 2, 3 and 4 in your email below if the LA is in a position to withdraw.

The applicant's originally proposed condition 1 in the operating schedule is proposed instead of your condition 1 below, as follows:

"The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio"

The applicant submits that this is stricter condition than your proposed condition 1 as it more tightly controls the use and is more likely to ensure the premises does not add to cumulative impact.

The applicant could agree your condition 2 as condition 5 duplicates this.

If the representation needs to be maintained then the applicant reserves its position in respect of these extra conditions and will make submissions to the LSC accordingly.

Please feel free to call if easier to chat through

Thanks again

Best wishes

Jack

Jack Spiegler
Thomas & Thomas Partners LLP

On 15 Feb 2023, at 11:17, Mohshin Ali [REDACTED] wrote:

Dear Jack,

To clarify, is your client agreeing to the following conditions:

Original conditions requested by LA:

1. *The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*
2. *There shall be no “vertical drinking” of alcohol at the premises*
3. *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.*

Additional conditions offered by applicant:

4. *There shall be no more than 50 customers within the internal licensed areas of the premises at any one time.*
5. *The consumption of alcohol shall be by seated persons only.*

Plan is also to be updated.

I will need to pass this through management and get back to you.

Kind regards,

Mohshin Ali
Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

[REDACTED]
www.towerhamlets.gov.uk  licensing@towerhamlets.gov.uk

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From: Jack Spiegler [REDACTED]
Sent: 10 February 2023 17:00
To: Mohshin Ali [REDACTED]
Subject: Re: 7-9 Fashion Street [EAS.8.1]

Hi Mohshin

Thank you for your email.

Would it help if the following additional conditions were offered by the applicant:

1. There shall be no more than 50 customers within the internal licensed areas of the premises at any one time.
2. There shall be no "vertical drinking" of alcohol at the premises
3. 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.

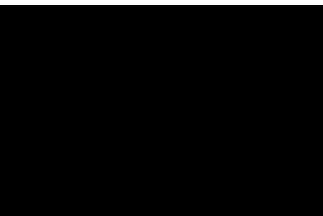
I can arrange for the licensed area plan to be updated if that assists.

Thank you and kind regards

Jack

Jack Spiegler
Partner

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



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From: Mohshin Ali [REDACTED]
Date: Friday, 10 February 2023 at 10:49
To: Jack Spiegler [REDACTED]
Subject: RE: 7-9 Fashion Street [EAS.8.1]

Dear Jack,

What is the capacity of the premises?
Has your client accepted the other two requested conditions?

1. *There shall be no "vertical drinking" of alcohol at the premises*
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.*

Also, the plan of the premises submitted by the applicant does not show the following:

1. *the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and*

Thanks

Mohshin Ali
Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

[REDACTED]
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From: Jack Spiegler <[REDACTED]>
Sent: 10 February 2023 06:19
To: Mohshin Ali <[REDACTED]> Lavine Miller-Johnson <[REDACTED]>
>
Subject: Re: 7-9 Fashion Street [EAS.8.1]

Dear Mohshin

Thank you for getting back to me.

The original application proposed the following, which is specifically relevant to the policy and demonstrates that the premises will not add to cumulative impact:

1. Framework hours
2. A condition ensuring the premises is not alcohol led: *"The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio"*.
3. A comprehensive operating schedule of conditions to promote the licensing objectives.

I need to take instructions would it help if the following additional condition was imposed too:

1. The consumption of alcohol shall be by seated persons only.

The building is primarily a yoga and wellness studio, which I am sure the underlying reasons for the Brick Lane policy is not aimed at targeting!?

There are also no resident objections and we may be able to agree conditions with Nicola so I'm hoping that we don't need to incur the Licensing Sub-Committee's time on this.

Thanks very much for your consideration

Kind regards

Jack

From: Mohshin Ali [REDACTED]

Date: Thursday, 9 February 2023 at 18:24

To: Jack Spiegler <[REDACTED]> Lavine Miller-Johnson <[REDACTED]>

Subject: RE: 7-9 Fashion Street

Dear Jack,

Thank you for your email.

The applicant would need to demonstrate to the sub-committee that the addition of this premises licence will not cumulatively add to the negative impact of the area and the licensing objectives. If the applicant can show how they will meet the exemption below, the Licensing Authority can review the representation.

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

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

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

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

As it stands, the application will need to be decided by the Licensing sub-committee.

Kind regards,

Mohshin Ali

Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

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From: Jack Spiegler <[REDACTED]>
Sent: 08 February 2023 14:05
To: Lavine Miller-Johnson [REDACTED]; Mohshin Ali
[REDACTED]
Subject: 7-9 Fashion Street

Dear Mohshin

I hope that you are well.

I have been in touch with Nicola and Lavine about the above application.

Are you free for a quick chat about your representation? I am just trying to explore whether there was any possibility this application could be granted under delegated powers.

Please feel free to call my mobile below any time or suggest a time and I will call you.

Thank you and kind regards

Jack

Jack Spiegler
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street

London WC2H 9EP



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Appendix 9

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 10

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

Updated December 2022

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 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 11

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

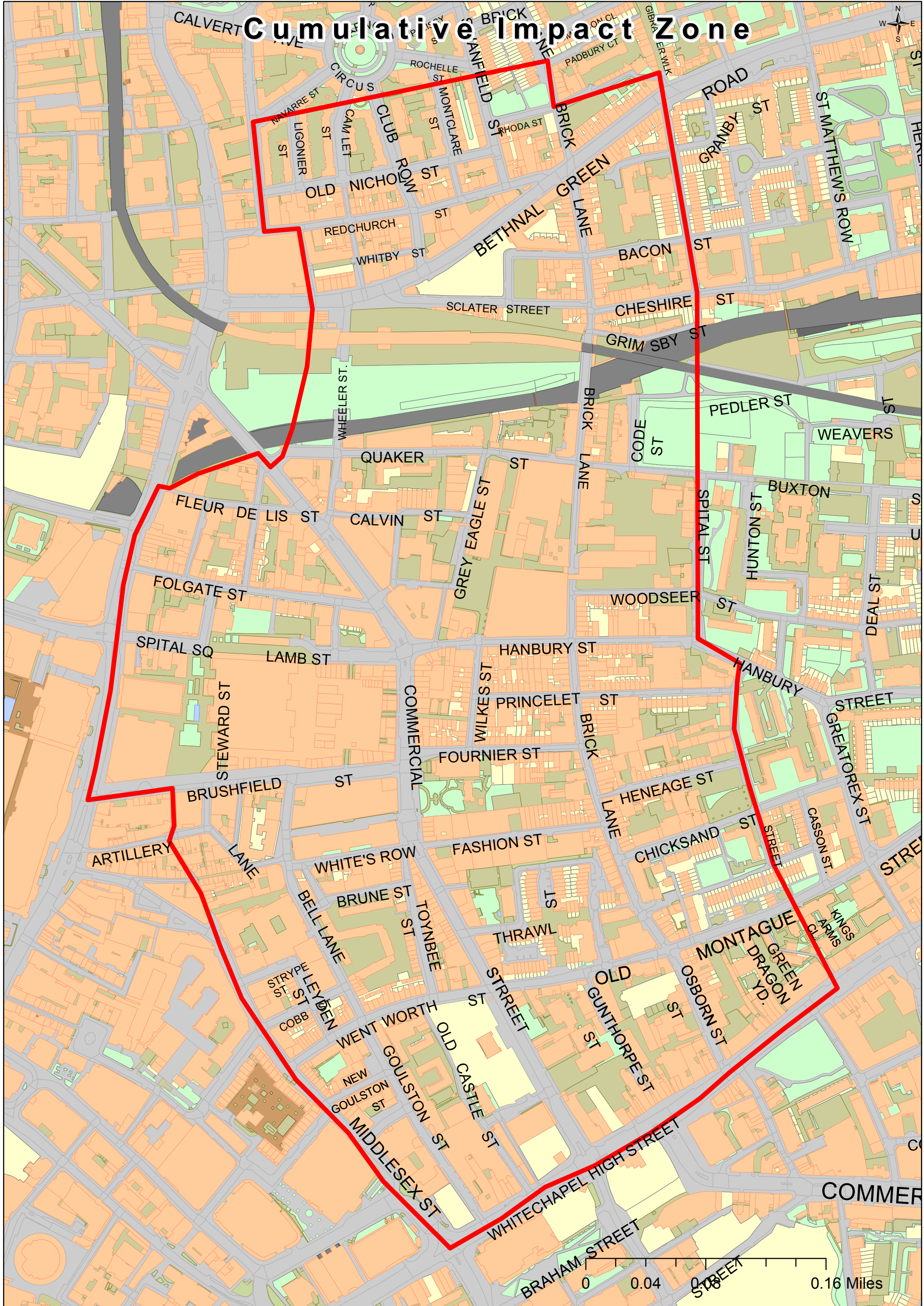
Crime and Disorder Act 1998

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 12



Cumulative Impact Zone

Licensing Policy - Appendix 5

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

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

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

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

Review of Cumulative Impact Assessment - Supporting Evidence

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

This evidence is published on our website:

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

Cumulative Impact Assessments (Brick Lane and Bethnal Green)

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
5. The Brick Lane and Bethnal Green CIAs aim to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
 - New Premises Licences applications,
 - New Club Premises Certificates applications
 - Provisional Statements,
 - Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

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

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

7. **This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIAs if they wish to rebut this presumption.**
8. The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused.
9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

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

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

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

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

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

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

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

Brick Lane area:



Bethnal Green CIZ

Legend

- CIZ Boundary
- Buildings
- Parks & Open Spaces
- Paths
- Rail
- Roads

N

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Appendix 13

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 14.9 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 14

Planning

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