



# **LICENSING (HEARING) SUB COMMITTEE**

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**Date: FRIDAY, 25 JULY 2014**

**Time: 10.00 am**

**Venue: COMMITTEE ROOMS, 2ND  
FLOOR, WEST WING, GUILDHALL**

**APPLICANT:  
BASHIR AHMED**

**PREMISES:  
KHYBER, 4 BURGON STREET, LONDON,  
EC4V 5DR**

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## LICENSING (HEARING) SUB COMMITTEE PROCEDURE FOR PUBLIC HEARINGS

1. This procedure shall apply to all public hearings conducted under the provisions of the Licensing Act 2003.
2. Public hearings conducted under the provisions of the Licensing Act 2003 shall take the form of a discussion led by the licensing authority. Cross-examination will be permitted when the Sub Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Sub Committee, on the points set out below.
3. At the start of the hearing the Chairman of the Sub Committee will introduce him/herself and other Members of the Sub Committee as well as the City Corporation officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.<sup>1</sup>
4. The Chairman will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Sub Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of a spokesman will be encouraged by the Sub Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chair, the Chairman may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Sub Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.

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<sup>1</sup> In hearings where a licence is being reviewed, references in this procedure to ‘applicant’ should be read as references to the licence holder and references to ‘those making representations’ should be read as references to those applying for the review.

9. In the event that the Sub Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
10. The Chairman will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Sub Committee will then retire to consider their decision. They may call for assistance by the representatives of the Town Clerk and/or the Comptroller & City Solicitor but those persons will play no part in the decision-making process.
13. In due course, the Sub Committee will return to announce their decision or to inform those present when the decision will be given.

<b>Committee:</b> <b>Licensing (Hearing) Sub-Committee</b>	<b>Hearing Date:</b> <b>25 July 2014</b>
<b>Subject:</b> <b>Licensing Act 2003 - Application for a new premises license</b>	
<b>Name of premises:</b> <b>Khyber Restaurant</b> <b>Address of premises:</b> <b>4 Burgon Street, EC4V 5DR</b>	
<b>Report of:</b> <b>Director of Markets and Consumer Protection</b>	<b>Public</b>
<b>Ward (if appropriate):</b> <b>Farringdon Within</b>	

## **1 Introduction**

- 1.1 To consider and determine, by public hearing, the application for a new premises license under the Licensing Act 2003, taking into account the representations of other persons detailed in paragraph 5 and the policy considerations detailed in paragraph 6 of this report.
- 1.2 The decision of the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives, namely:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

## **2 Summary of Application**

- 2.1 An application made by:

**Bashir Ahmed**  
**39, Warren Road**  
**Wanstead**  
**E11 2LX**

was received by the City of London Licensing Authority on 2 June 2014 for a new premises licence in respect of the premises:

**Khyber**  
**4 Burgon Street**  
**EC4V 5DR**

2.2 Full details of the application are contained in the copy of the Application Form at Appendix 1.

2.4 The application is to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon to Sat 12:00 – 15:00 18:00 – 23:00
Recorded Music	N/A	Mon to Sat 12:00 – 15:00 18:00 – 23:00

2.5 The supply of alcohol is for ‘on’ the premises only. With the premises open to the public between 12:00 and 00:00.

2.6 The Operating Schedule submitted by the applicant suggests a number of steps intended to be taken in order to promote the four licensing objectives. Those conditions which are consistent with the operating schedule and could be included on the licence are attached as Appendix 2.

2.7 The mandatory licence conditions can be found in the Licensing Act 2003, sections 19-21. Also, in the Schedules to The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (as amended) and The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.

### **3 Licensing History of Premises**

3.1 The premises is seeking a new license for an Indian restaurant specialising in north-west frontier cuisine.

- 3.2 The premises has held a licence since May 2006 and was trading as Anokha until the company went into liquidation. The previous licence expired in July 2013.
- 3.3 The current operators had a notice served on them on 10 April 2014 to stop supplying alcohol as no licence was currently in force. Since that time they have been operating as a restaurant on the basis that customers bring their own alcohol or they have submitted Temporary Event Notices as appropriate.
- 3.4 Temporary Event Notices applied for since 10 April 2014 cover the periods 22<sup>nd</sup> to 26<sup>th</sup> April (11:00 – 23:00), 24<sup>th</sup> to 30<sup>th</sup> May (17:00 – 23:00) and 7<sup>th</sup> to 13<sup>th</sup> June (17:00 – 23:00).

#### **4 Representations from Responsible Authorities**

- 4.1 There are no representations from responsible authorities.

#### **5 Representations From Other Persons**

- 5.1 There is one representation from other persons which is against the granting of a licence to these premises. The basis of the objection is that whilst operating recently under a Temporary Event Notice(s) the music was too loud and general noise is extending past the normal closing time of 23:00. The representation is attached in its entirety at Appendix 3.

#### **6 Policy Considerations**

- 6.1 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing policy and statutory guidance issued under s 182 of the Licensing Act 2003.

##### **City of London Corporation's Statement of Licensing Policy**

- 6.2 The following sections/paragraphs of the City of London Corporation's Statement of Licensing Policy are particularly applicable to this application.

Paragraph 29 states that in completing the operating schedule, applicants should set out in some detail how they intend to run the premises in order to promote the four licensing objectives.

Paragraph 50 states an overriding policy principle namely, that each application will be decided on its individual merits, with the process complying with the regulations made under the Licensing Act 2003.

Paragraphs 51-54 state the Corporation's policy on setting conditions which may be applicable dependant on the step(s) taken by members as stated in paragraph nine of this report.

Paragraph 59 addresses the need to strike a fair balance between the desires and expectations of operators and the benefits to the community of licensed venues with the reasonable expectations of local residents and workers not to be disturbed during night time hours.

Paragraph 66 introduces a number of relevant matters to be considered by the City Corporation when assessing the likelihood of a particular licensable activity causing an unacceptable adverse impact, particularly on local residents and businesses.

### **Statutory Guidance**

- 6.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application (revised October 2012):

Chapter 2 of the guidance covers the four licensing objectives. In particular, paragraph 2.18 states that it is, '...important that in considering the promotion of [*the public nuisance licensing objective, licensing 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.' Also, paragraph 2.19 indicates that the prevention of public nuisance could, 'include low-level nuisance perhaps affecting a few people living locally.....'



Chapter 10 refers to conditions attached to premises licences with paragraph 10.10 stating that, ‘Conditions should be determined on a case-by-case basis and standard conditions which ignore these individual aspects should be avoided.’ Also, ‘Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.’

## **7 Map and Plans**

- 7.1 A map showing the location of the premises together with nearby licensed premises is attached at Appendix 4. A key of those premises is included which indicates the maximum permitted hours for alcohol sales in respect of each premises.
- 7.2 A plan of the premises is attached as Appendix 5.

## **8 Summary**

- 8.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998. The Corporation must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the City.

## **9 Options**

- 9.1 The Sub-committee must, having regard to the representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- i) grant the application subject to any conditions consistent with the operating schedule modified to such extent as the Sub-committee considers appropriate for the promotion of the licensing objectives and include the mandatory conditions contained in Ss. 19-21 of the Licensing Act 2003;
  - ii) exclude from the scope of the licence any of the licensable activities to which the application relates; or

iii) reject the application

Any determination by the licensing sub-committee will not have effect until the end of 21 days following notification of the decision to the applicant by the licensing authority or, in the event of an appeal to the Magistrates' Court against the Sub-Committee's decision, the determination of the appeal.

## **10 Recommendation**

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a premises licence in accordance with paragraph 9 of this report.

Prepared by P Davenport  
Licensing Manager  
peter.davenport@cityoflondon.gov.uk

### **Background Papers**

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2013)  Statutory Guidance – 'June 2013 Amended Guidance Issued Under Section 182 Of The Licensing Act 2003'	MCP	5th Floor Walbrook Wharf  <a href="https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003">https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003</a>



E315  
183896

**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 BASHIR AHMED  
*(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			
4. BURGON STREET, LONDON EC4V 5DR			
Post town	LONDON CITY	Postcode	EC4V 5DR
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£		

**Part 2 - Applicant Details**

Last Objections: 30.06.14

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  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:



Please tick yes

- 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)**


<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		PLEASE SEE OVER			
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

~~SECOND~~ INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>AHMED</b>			First names <b>BASHIR</b>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<b>39, WARREN ROAD WANSTEAD,</b>			
Post town	<b>LONDON</b>		Postcode	<b>E11 2LX</b>	
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	<b>N/A</b>
Address	
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	
Telephone number (if any)	
E-mail address (optional)	

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY

AS SOON AS POSSIBLE

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

DD MM YYYY

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

\* INDIAN RESTAURANT  
 SPECIALLY IN NORTH-WEST FRONTIER CUISINE  
 UNIQUE AT THE CITY OF LONDON,

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

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

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

Provision of regulated entertainment

Please tick any 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 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	12.00	3 PM			
	6.00	11 PM			
Tue	11.00	3 PM			
	6.00	11 PM			
Wed	11.00	3.00			
	6.00	11.00			
Thur	11.00	3.00			
	6.00	11.00			
Fri	11.00	3.00			
	6.00	11.00			
Sat	11.00	3.00			
	6.00	11 PM			
Sun	CLOSED				

**B**

N/A

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
Sat					
Sun					



C

N/A

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed			
Thur			<b>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</b> (please read guidance note 5)
Fri			
Sat			
Sun			

D

N/A

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

E

N/A

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

F



Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	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 3)		
Mon	12.00 6	3 11			
Tue	12.00 6	3 11	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	12.00 6	3 11			
Thur	12 6	3 11	<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 5)		
Fri	12 6	3 11			
Sat	12 6	3 11			
Sun	elsewhere				

G

N/A

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

H

N/A

<p><b>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</b></p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Fri					
Sat			<p><b><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></b> (please read guidance note 5)</p>		
Sun					

I

n/a

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

J



<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> <b>please tick</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	12.00	3.00			
	18.00	23.00			
Tue	12.00	3.00			
	18.00	23.00			
Wed	12.00	3.00			
	18.00	23.00			
Thur	12.00	3.00			
	18.00	23.00			
Fri	12.00	3.00			
	18.00	23.00			
Sat	12.00	3.00			
	18.00	23.00			
Sun	Closed				
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:



Name	BASTIR AHMED
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	LONDON BOROUGH OF RED BRIDGE



K

N/A

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 8).

L



<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)  <p style="text-align: center;">N/A</p>
Day	Start	Finish	
Mon	12.00	2.45.00	
Tue	11	4	
Wed	11	4	
Thur	11	11	
Fri	11	4	
Sat	11	1	
Sun	/		
<b>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</b> (please read guidance note 5)			

\* 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 9)

Primes used as Indian Restaurant  
Open till 11.15 only

b) The prevention of crime and disorder

CCTV Monitoring, NO CASH or Primes  
Recording kept for 28 DAYS. 24 hours  
Recording.

c) Public safety

FOOD HYGIENE & HEALTH & SAFETY will be the  
Most Valuable & Important for our Public Safety.

d) The prevention of public nuisance

NO SALES of ALCOHOL for consumption  
off Primes in open Containers  
" Signs of the Spirit Restaurant (Custom  
to leave quiet

e) The protection of children from harm

Children UNDER THE Age of 16  
NEED to be Accompanied by a Parent

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee. \*
- I have enclosed the plan of the premises. — *chequebook*
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- 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.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	<i>DIRECTOR</i>

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

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

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

This page is intentionally left blank

Khyber – 4 Burgon Street  
Conditions Consistent with the Operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested. (MC01)
2. A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15)
3. There shall be no sale of alcohol in unsealed containers for consumption off the premises (MC17)

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Simon Barnes  
6 Friar Street  
London  
EC4V 5DT

29<sup>th</sup> June 2014

Alcohol Licence – Khyber – Burgon Street

I am a resident of Priory House, Friar Street. My bedroom wall backs directly onto the wall of the Khyber restaurant, so the going ons there directly impact my quality of life. When I refurbished the flat 18 months ago I took advice from the architect and applied additional sound insulation to the bedroom wall. They advised this would be sufficient for the normal level of noise from a restaurant.

I would like to formally express my concern as to the recent circumstances regarding this restaurant. As I understand the restaurant is currently operating on TEN whilst awaiting a full licence. I am somewhat surprised therefor that in recent week I have noticed:

- Loud music – twice now myself or my partner have had to go round to ask for this to be turned down
- General increased level of noise from the kitchen, extended operating hours beyond closing time
- Drilling and refurbishment work
- Noise during night time hours
- Restaurant fan operating up until 23.38, it previously used to go off at 23.00 the closing time for the restaurant

My concern is that is this is the performance during a period of TENs the establishment should not be trusted with a full licence; its current performance does not justify it.

I am expressed concerned about the music licence, which by the way the website proposal incorrectly notes. I know there is space in the restaurant and I would like to know if there is any intention to change the use of space to a club. This would not be acceptable.

So, in conclusion of this establishment think that its current performance is encouraging good neighbourliness, it is not.

So, please treat this letter as a formal objection.

Yours faithfully

Simon Barnes

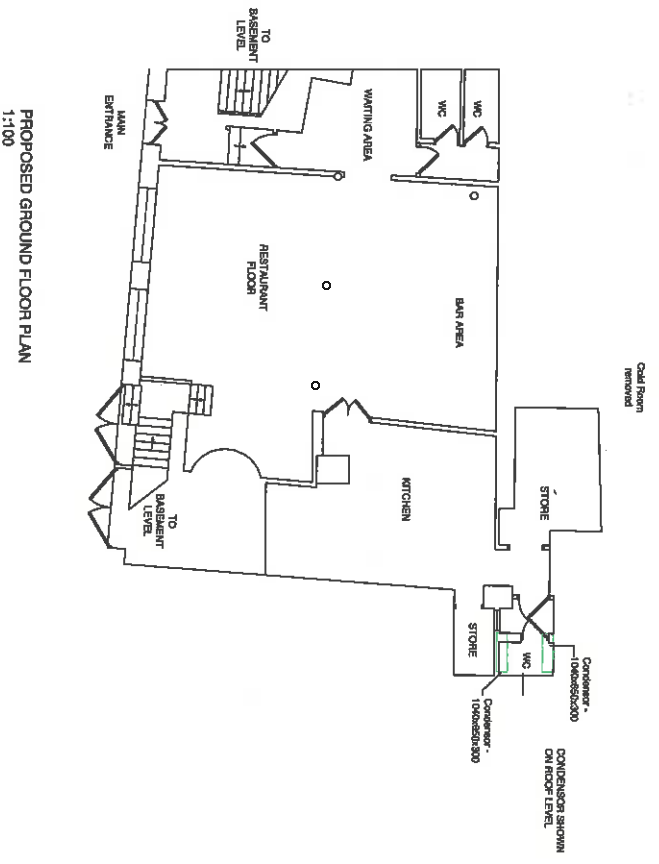
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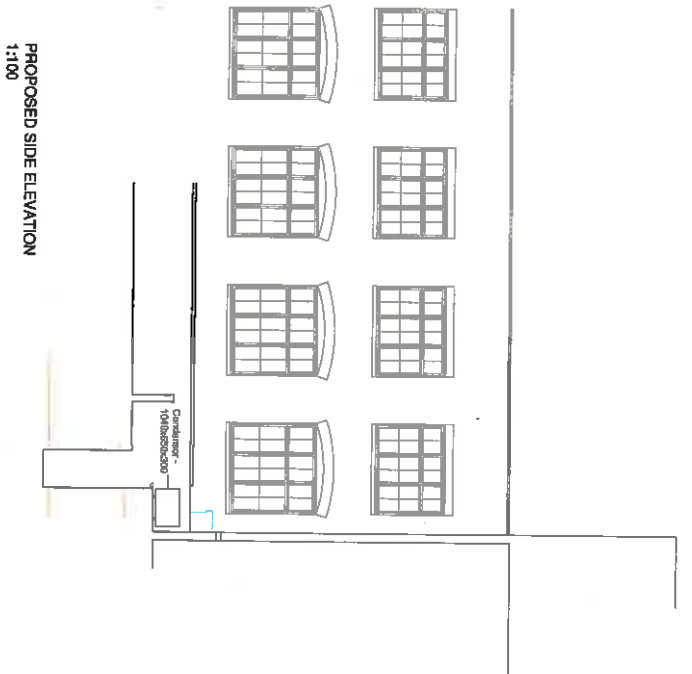


**KHYBER, 4 Burgon Street, London, EC4V 5DR**

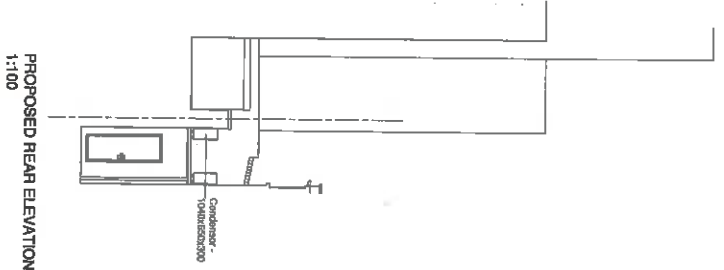
<b><u>Map Reference</u></b>	<b><u>Name</u></b>	<b><u>Maximum Permitted Hours for Alcohol Sales</u></b>
1. (521)	The Cos Bar	Sat: 10:00 – 03:00
2. (838)	Bank of New York Mellon	No Alcohol Sales
3. (537)	Shaws Booksellers	Mon – Sat: 08:00 – 01:00
4. (536)	The Cockpit	Mon – Sat: 10:00 – 23:00
5. (691)	Apothecaries Hall	Sun – Sat: 09:00 – 01:00
6. (169)	The Rising Sun	Mon – Sat: 10:00 – 23:00
7. (168)	St Pauls Tobacco Store	Sun – Sat: 06:00 – 23:00
8. (167)	St Pauls YHA	Sun – Sat: 00:00 – 00:00
9. (170)	Bengal Tiger	Mon – Sat: 10:00 – 00:00
10. (15)	Patch	Mon – Sat: 12:00 – 00:00
11. (45)	Krua by Nathong	Sun – Sat: 08:00 – 00:00
12. (205)	The Duke and Duchess	Mon – Sat: 10:00 – 00:00
13. (206)	Davys	Mon – Sat: 10:00 – 23:00
14. (557)	Strada	Mon - Sat: 10:00 – 00:00
15. (913)	The Happenstance	Mon – Sat: 10:00 – 23:30
16. (904)	Hush Brasseries	Mon - Sat: 10:00 – 00:00
17. (911)	Le Pain Quotidien	Mon – Sat: 11:00 – 23:00
18. (923)	Co-op	Sun – Sat: 07:00 – 23:00
19. (424)	Jamies	Mon – Sat: 10:00 – 23:00
20. (688)	Portland Food & Wine	Sun – Sat: 00:00 – 00:00 (24 hr)
21. (687)	Cote Brasserie	Fri – Sat: 10:00 – 03:00
22. (74)	Ye Olde London	Sun – Sat: 09:00 – 01:00
23. (500)	Marks & Spencer	Mon – Sat: 08:00 – 23:00



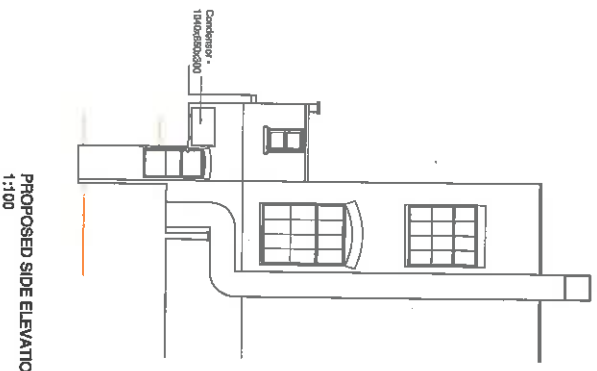
PROPOSED GROUND FLOOR PLAN  
1:100



PROPOSED SIDE ELEVATION  
1:100



PROPOSED REAR ELEVATION  
1:100



PROPOSED SIDE ELEVATION  
1:100

**COPYRIGHT NOTES**

No declaration may be made from the details shown on this drawing without the prior written permission of the architect.

Any discrepancy found between this drawing and any other document should be referred immediately to the architect.

No 'climatic' to be scaled from this drawing.

This drawing is to be removed from currency immediately a revised version is issued.

Assumed Foul drainage & rain water Drain. To be confirmed on site by the Contractor.

Boundary lines assumed from Ordnance Survey Maps

Building line to be shown from the boundary line ensuring no part of the building including garden's stone does not encroach the neighbour's boundary.

All drainage shown on the plans is provisional and may require on-site agreement with the Building Control Officer.

All air brick vents to be carried forward and where necessary new air brick vents to be introduced.

All rights described in Chapter 17 of the Copyright, Designs and Patents Act 1988, have been generally asserted.



79 Sanderby Road  
Widening  
East Yorkshire  
Tel: 01937 58055

**CLIENT**  
Alderman's Restaurant  
4 Bishop's Street, St Pauls,  
London, EC4A 3DF

**TITLE**  
Planning application for retention  
of Condensers at rear

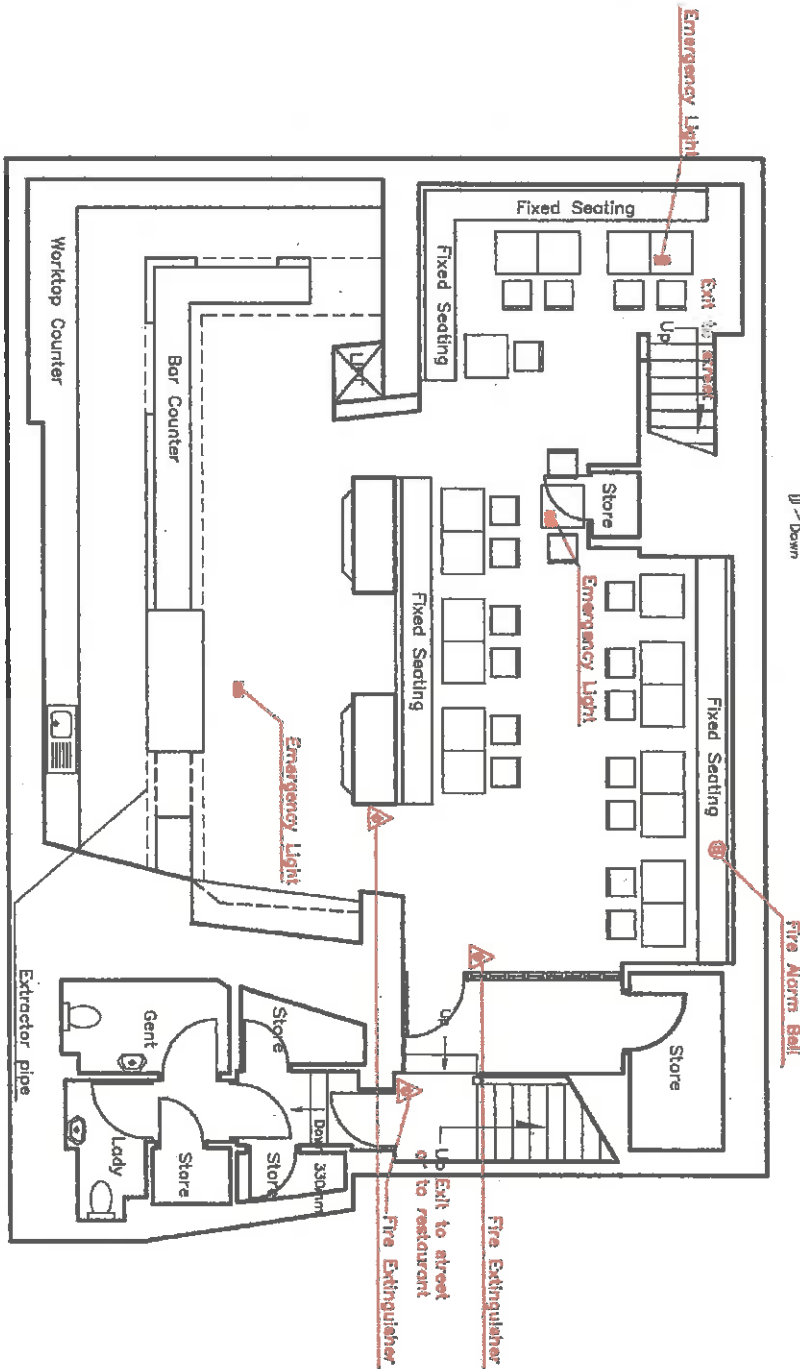
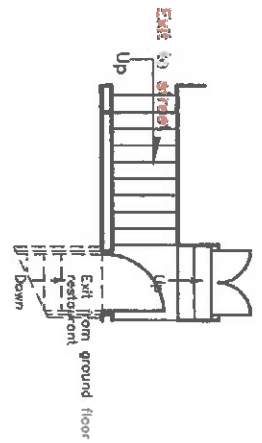
**DRAWING**  
Proposed Plans & Elevations

**DRWG NO** A196-2a

**SCALE** 1:100

**DATE** JULY 2013

A2 layout



**BASEMENT FLOOR PLAN**

<b>mood partnership</b> ARCHITECTS, DESIGNERS & BUILDING CONSULTANT 20 Spade Road, Kenilworth, London W14 0NF Telephone 0753 4727 0043, Facsimile 0207 6043 9001 info@moodpartnership.com		Job <b>THAI HUT RESTAURANT</b> <b>4, BURGON STREET</b> <b>LONDON EC4</b>
Drawing Title <b>EXISTING BASEMENT FLOOR PLAN</b>	Scale <b>A4 1:100</b>	Date <b>13/07/05</b>
Drawing No. <b>EX 00</b>	Job No.	Rev No.
Drawn by <b>J Wongthongtham</b>	Date	Date