

LICENSING SUB COMMITTEE

Tuesday, 14 January 2020 at 6.30 p.m.

**The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG**

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
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Website: <http://www.towerhamlets.gov.uk/committee>

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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 7 - 10)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. RULES OF PROCEDURE (Pages 11 - 20)

To note the rules of procedure which are attached for information.

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3.1 Application for a New Premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX	21 - 100	Spitalfields & Banglatown

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Environmental Health

3.2 Application for a Transfer of a Premises Licence Holder for Queens Head, 8 Flamborough Street, London E14 7LS	101 - 162	St Dunstan's
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Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Metropolitan Police

**4. EXTENSION OF DECISION DEADLINE:
LICENSING ACT 2003**

The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

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DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

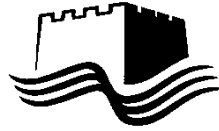
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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TOWER HAMLETS



LICENSING COMMITTEE

RULES OF PROCEDURE GOVERNING APPLICATIONS FOR PREMISES LICENCES AND OTHER PERMISSIONS UNDER THE LICENSING ACT 2003

Date Last Reviewed:	14th June 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Licensing Committee
Date Approved:	14th June 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31st March 2018

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) ('the Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give

any opinion on the application or ask the Committee to make an inference based on such an opinion.

- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate, and respond to the written representations received. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.
- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has

spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.

- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:
 - a) their application, representation or notice; and
 - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.

- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

All meetings of the Sub-Committee are open to the public and press to attend. On rare occasions, the Sub-Committee may retire to consider private business that will be clearly marked on the agenda as such. The press and public will be excluded for those confidential items only. We try to keep confidential reports to an absolute minimum. We request that you show courtesy to all present and please keep mobile phones on silent. Meetings can reach full capacity and seats are allocated on a first come first come served basis.

(2) Licensing Sub-Committee Role and Membership.

In summary, the Sub-Committee will consider and determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made. The full terms of reference can be found on the Committee webpages (see below). The Licensing Sub-Committee will consist of 3 Members of the main Licensing Committee. Meetings are normally held in the Town Hall Council Chamber.

Licensing Sub-Committee Webpages

To view go to the Committee and Member Services web page:
www.towerhamlets.gov.uk/committee - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

- Terms of Reference for the Licensing Sub-Committee.
- Meeting dates, agendas and minutes.
- Agenda timetable including agenda publication dates. (To view click 'browse meetings and agendas for this committee', then 'show agenda management timetable').

(3) Access to Committee Papers.

The agenda for Sub-Committee meetings is published five clear (working) days before the Sub-Committee meeting on the Committee webpages (except for certain types of applications where special rules apply). All Committee papers (i.e. agendas, reports, minutes and decisions) are published on the website and also available on iPad and Android tablet apps downloadable for free from their respective app stores.

(4) Who can speak at Licensing Sub-Committee meetings?

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the Committee officer - see the Committee

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

(5) What can be circulated?

Should you wish to submit any material, please contact the Committee/Licensing Officer as soon as possible. The Sub-Committee may accept information at the hearing, however this is only with the agreement of all parties present.

(6) How will the applications be considered?

The Sub-Committee will normally consider the items in agenda order subject to the Chair's discretion. The hearing procedure is detailed at the end of this guidance.

(7) How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions.

(8) Queries on reports.

For any questions, please contact the Officer named on the front of the report.

Typical Seating Plan for Licensing Sub - Committee Meetings in the Town Hall Council Chamber.

Public Seating		Objectors Benches		Sub-Committee Members
Public Seating				
Public Seating				Chair
Public Seating				Legal Officer
Public Seating		Applicants Benches		Committee Officer
Public Seating				
				Licensing Officer

LICENSING SUB COMMITTEE HEARING PROCEDURE

All interested parties to the hearing must notify Democratic Services within prescribed timescales that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf. The meeting will be in the form of a discussion led by the Sub Committee, cross examination of either party will not be permitted.

The Chair will allocate an equal amount of speaking time to each party. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

The hearing will proceed as follows (subject to the discretion of the Chair).

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. A Decision letter will be sent to all interested parties confirming the decision made.

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Agenda Item 3.1

Committee : Licensing Sub-Committee	Date 14 January 2020	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Jack the Chipper) 74 Whitechapel High Street, London E1 7QX Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant:	Birol Sahin
Name and	Jack the Chipper
Address of Premises:	74 Whitechapel High Street London E1 7QX
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none"> • The sale by retail of alcohol (on sales only) • The provision of late night refreshment
Representations:	Licensing Authority (RA) Environmental Health Noise Team

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and representations then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 		Mohshin Ali 020 7364 5498

3.0 **Background**

- 3.1 This is an application for a premises licence for (Jack the Chipper) 74 Whitechapel High Street, London E1 7QX.
- 3.2 The applicant has described the premises as:
“The premises is take-away, restaurant. The alcohol will sell ON the premises”.
- 3.3 A copy of the premises licence application form is enclosed as **Appendix 1**.
- 3.4 The licensable activities and timings that have been applied for are as follows:

The sale by retail of alcohol – (on sales only)

- Monday to Sunday, from 10:00 hrs to 01:00 hrs the following day

The provision of late night refreshment - (Indoors and outdoors)

- Monday to Sunday, from 23:00 hrs to 02:00 hrs the following day

The opening hours of the premises

- Monday to Sunday, from 10:00 hrs to 02:00 hrs the following day

NOTE: Please see hours/conditions agreed with Police Licensing (8.0).

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.
- 4.4 Details of the nearest licensed venues are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in April 2018.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the the following:

- Licensing Authority acting as a Responsible Authority (See **Appendix 5**).
- Environmental Health Noise Team (See **Appendix 6**).

6.2 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

6.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.4 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of crime and disorder and the prevention of public nuisance.

6.5 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.6 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the

licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 *Notices will be displayed advising customers of the permitted hours.*
- 7.2 *All staff will be trained for their role on induction and at regular intervals of six months thereafter.*
- 7.3 *Staff training will include:*
 - a) *identifying persons under 25,*
 - b) *making a challenge,*
 - c) *acceptable proof of age,*
 - d) *making and recording a refusal,*
 - e) *avoiding conflict and responsible alcohol retailing*
 - f) *written training records will be kept.*
- 7.4 *All occasions when persons have been refused service will be recorded in a refusals book, which shall be kept at the premises for not less than 12 months.*
- 7.5 *Suitable signage will be displayed at the point of exit advising customers leave the premises quietly.*
- 7.6 *Deliveries to the premises shall only be made during normal working hours.*
- 7.7 *A passport check will be in place for all employees before they start on their first working day to employ persons with the right of work in the uk.*
- 7.8 *Suitable signage will be displayed at the point of entry and at the service area advising customers that the premises operates the "challenge 25" proof of age scheme.*

8.0 Conditions in consultation with the Responsible Authorities

Conditions agreed with Police Licensing (See Appendix 7)

- 8.1 *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.*

- 8.2 *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
- 8.3 *An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following*
- a. all crimes reported to the venue;*
 - b. all ejections of patrons;*
 - c. any complaints received concerning crime and disorder*
 - d. any incidents of disorder;*
 - e. any faults in the CCTV system, searching equipment or scanning equipment;*
 - f. any refusal of the sale of alcohol;*
 - g. any visit by a relevant authority or emergency service.*
- 8.4 *All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served. Customers shall not be permitted to leave their table carrying any such alcohol sold to them by the premises.*
- 8.5 *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.*
- 8.6 *The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*
- 8.7 *The opening times are:*
Sunday to Wednesday, from 11:00 hrs to 00:00 (midnight)
Thursday to Saturday, from 11:00 hrs to 01:00 hrs (the following day)
- 8.8 *Sunday to Wednesday, the last seated customers shall be at 23:30 hrs*
- 8.9 *Sunday to Wednesday, the last takeaway meal shall be served at 23:50 hrs.*
- 8.10 *Thursday to Saturday, the last seated customers shall be at 00:30 hrs the following day*
- 8.11 *Thursday to Saturday, the last takeaway meal shall be served at 00:50 hrs.*
- 9.0 **Licensing Officer Comments**

- 9.1 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.
 - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.2 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.3 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
 - ❖ Also "as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken." Therefore licensing authorities will need to give full reasons for their actions (1.9).
 - ❖ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)

- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

- 9.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 8 - 14** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

- 10.1 The Council's legal officer will give advice at the hearing.

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Representation of Licensing Authority (RA)
Appendix 6	Representation of EH Noise Team
Appendix 7	Conditions agreed with Police Licensing
Appendix 8	Licensing Officer comments on noise while the premise is in use
Appendix 9	Licensing Officer comments on access/egress Problems
Appendix 10	Licensing Officer comments on crime and disorder on the premises
Appendix 11	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 12	Planning
Appendix 13	Licensing Policy relating to hours of trading
Appendix 14	Tower Hamlets Cumulative Impact Zone

Appendix 1

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

BIROL

* Family name

SAHIN

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="KENAN"/>
* Family name	<input type="text" value="KARA"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

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

Are you:

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

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

Agent Business

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

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

Registration number	<input type="text" value="10544520"/>	
Business name	<input type="text" value="ADV PLANING LIMITED"/>	
VAT number	<input type="text" value="-"/>	<input type="text" value="NONE"/>
Legal status	<input type="text" value="Private Limited Company"/>	
Your position in the business	<input type="text" value="DIRECTOR"/>	
Home country	<input type="text" value="United Kingdom"/>	

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text" value="352"/>
Street	<input type="text" value="Green Lanes"/>
District	<input type="text" value="Palmers Green"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="N13 5TJ"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="JACK THE CHIPPER, 74"/>
Street	<input type="text" value="Whitechapel High Street"/>
District	<input type="text" value="Shadwell"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E1 7QX"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="27,500"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- ☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

BIROL

Family name

SAHIN

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="dd"/> / <input type="text" value="mm"/> / <input type="text" value="yyyy"/>
* Nationality	<input type="text"/>
Right to work share code	<input type="text"/>

[Documents that demonstrate entitlement to work in the UK](#)
[Right to work share code if not submitting scanned documents](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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.

The premises is take-away, restaurant
The alcohol will sell ON the premises

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

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

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name	<input type="text" value="BIROL"/>
Family name	<input type="text" value="SAHIN"/>
Date of birth	<div><input type="text" value=""/> dd</div> / <div><input type="text" value=""/> mm</div> / <div><input type="text" value=""/> yyyy</div>

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The alcohol only will sale in operation hours and the alcohol will be consumed ON the premises. Cctv will be installed to the premises, installed the cctv system that meet the standard in 'Uk police requirements for digital cctv system'. The premises operates the "challenge 25" the proof of age scheme. The premises will open and shut at its permitted hours and the sale of alcohol or any other permitted licensing activity will not be carried out at any other time than its permitted opening hours. The premises shall install and maintain a CCTV system as per the minimum requirements of a Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. THE CCTV SHALL BE IN OPERATION AT ALL THE PREMISES ARE OPEN TO THE PUBLIC. A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES FOR THE POLICE OR AUTHORISED COUNCIL OFFICERS SHALL BE ON DUTY AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC.

NOTICES WILL BE DISPLAYED ADVISING CUSTOMERS OF THE PERMITTED HOURS.

ALL STAFF WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND AT REGULAR INTERVALS OF SIX MONTHS THEREAFTER. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE, MAKING AND RECORDING A REFUSAL, AVOIDING CONFLICT AND RESPONSIBLE ALCOHOL RETAILING.

WRITTEN TRAINING RECORDS WILL BE KEPT.

THE PREMISES WILL ACTIVELY ENGAGE WITH AND WORK WITH THE POLICE SAFER NEIGHBOURHOOD TEAM.

the premises will keep strong management controls and train all staff so they are aware of the licence and its requirement.

In particular:

No service of alcohol to underage people.

Being vigilant to prevent disorderly behavior.

THE PASSPORT CHECK WILL BE IN PLACE FOR ALL EMPLOYES BEFORE THEY START ON THEIR FIRST WORKING DAY TO EMPLOY PERSONS WITH THE RIGHT OF WORK IN THE UK.

b) The prevention of crime and disorder

Cctv will be installed to the premises for safety and crime prevention. Will not serve alcohol who already drunk in the premises. The DPS will undertake routine monitoring of the refusals records and record that this is being done. All staff that makes sales of alcohol receives regular training (induction and refresher). Installed cctv systems that meet the standard in

Continued from previous page...

'uk police requirements for digital cctv systems' shall operate and record video images at all times that premises are open to the public and any recordings made will be retained for not less than 31 days and made available to a police officer on request. A member of staff on premises at the relevant time will be capable of operating the cctv system.

c) Public safety

Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received regards crime and disorder
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any refusal of the sale of alcohol

d) The prevention of public nuisance

All occasions when persons have been refused service will be recorded in a refusals book, which shall be kept at the premises for not less than 12 months. Suitable signage will be displayed at the point of exit advising customers leave the premises quietly. Deliveries to the premises shall only be made during normal working hours.

e) The protection of children from harm

Any alcohol must be sold by DPS or a person authorised be the DPS at all times. All staff who sells alcohol will be trained in the role by the DPS with regular refresher training. Records of training will be kept and made available for examining officers of the relevant authorities. Where a person appears to be under the age 25, identification in the form of passport, photo driving licence or a proof of age card bearing the pass hologram will be sought and if not provided service of alcohol will be refused. Suitable signage will be displayed at the point of entry and at the service area advising customers that the premises operates the "challenge 25"proof of age scheme.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a 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 premises 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 an entitlement 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 listed below (which do not need to be certified), or 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).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

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.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, 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 9-digit 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 (provided within this application), 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 checked online. 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 copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

Continued from previous page...

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

[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, IF APPROPRIATE (PLEASE SEE NOTE 15).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

KENAN KARA

* Capacity

AGENT

* Date

07

dd

/ 10

mm

/ 2019

yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

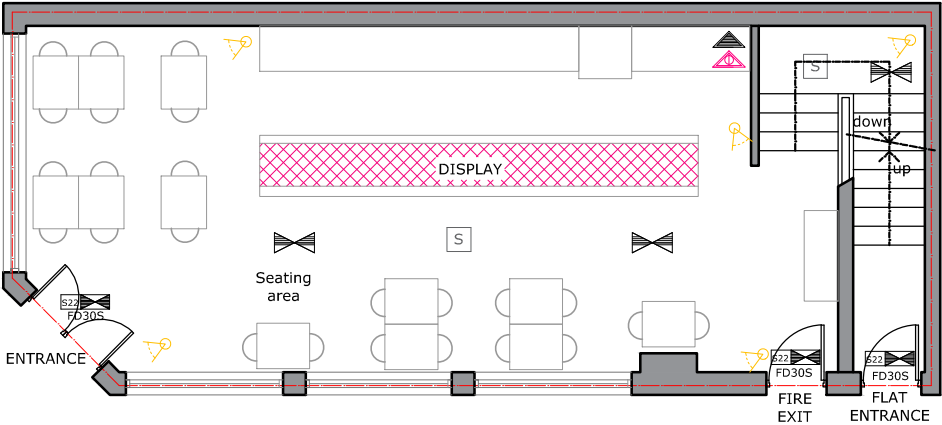
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

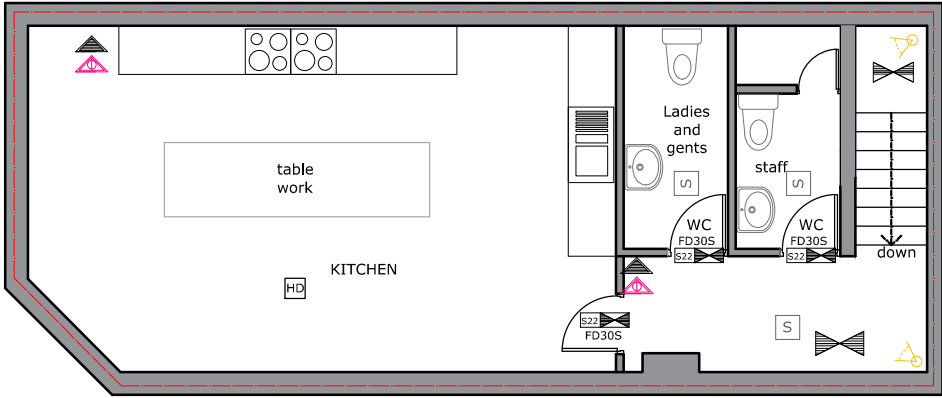
OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Appendix 2



GROUND FLOOR



BASEMENT FLOOR

LEGEND

- AMBIB OF PREMISES
- LIQUOR SALES
- SAFETY LIGHTING
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- 30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)
- CCTV OPERATING SYSTEM



ARCHITECTURE / PLANNING / LICENSING
352 Green Lanes
London N13 5TJ
020 8801 6601 / 0 7879 999 178
www.advancepl.co.uk
info@advancepl.co.uk

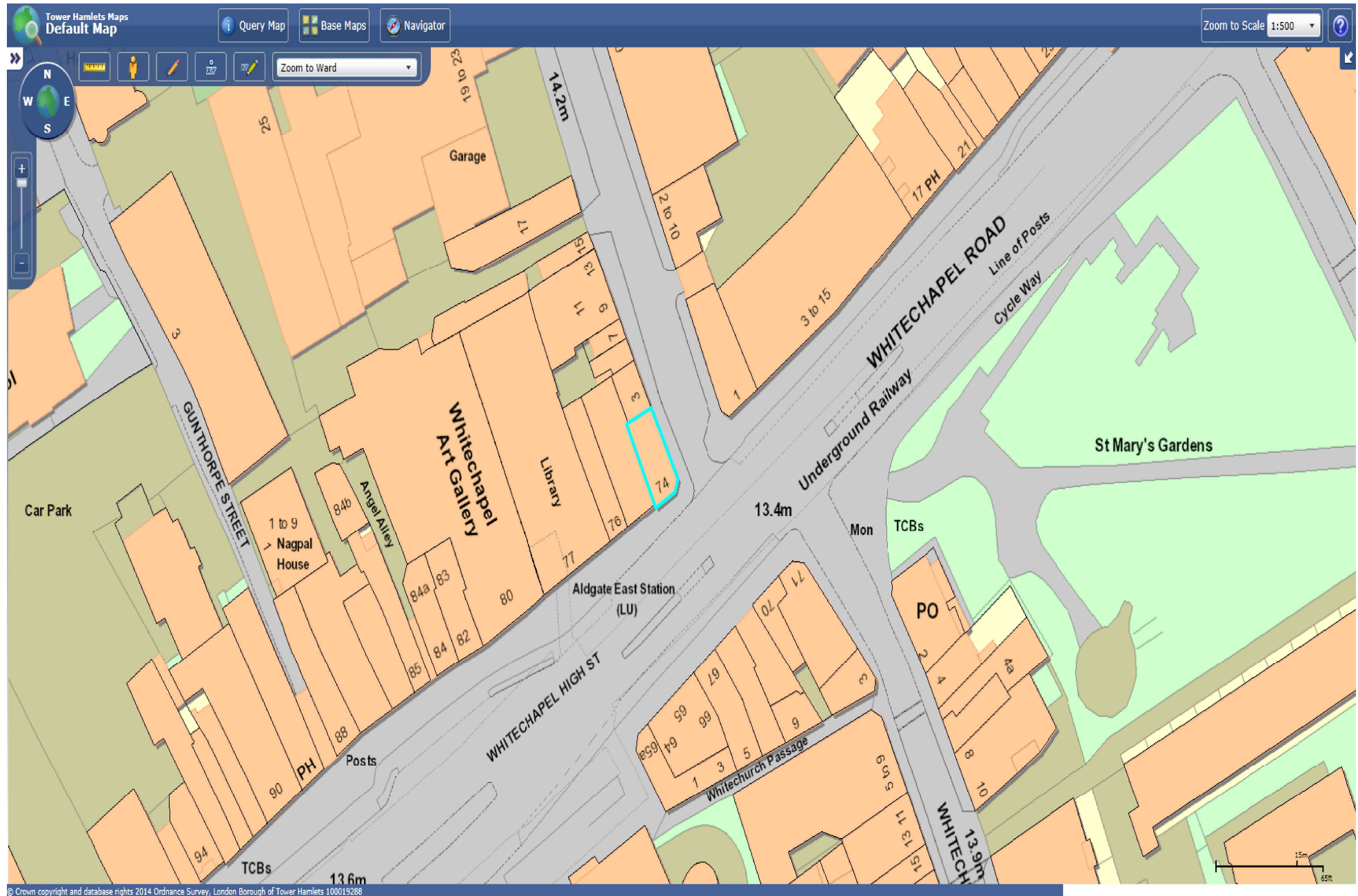
PLEASE NOTE

- All dimensions to be verified on site.
- All dimensions are in millimeters.
- No work shall commence until all approvals and agreements have been obtained. These include, Planning, Building Regulations, Water and party Wall.
- The Copyright of this drawing belong to Advance Planning and Licensing Limited.

Date	07/10/19
Scale (@ A4)	1 : 100
Drawn by	AZ
Checked by	KK

PROJECT STATUS	PROPOSED	
	LICENSING	
PROJECT	74 Whitechapel High St London, E1 7QX	
SHEET	FLOOR PLAN	
JOB No.	19.061	
DRAWING NUMBER	L100	REV

Appendix 3





Appendix 4

Nearest licences: Jack the Chipper, 74 Whitechapel High street

<p>(KFC) 84 Whitechapel High Street London E1 7QX</p>	<p>The provision of late night refreshment</p> <ul style="list-style-type: none"> Monday to Saturday, from 23:00 hours to 00:00 hours (midnight) 	<p>Monday to Saturday, from 10:00 hours to 00:00 hours (midnight) Sunday, from 10:00 hours to 23:00 hours</p>
<p>(Whitechapel Art Gallery) 80-82 Whitechapel High Street London E1 7QX</p>	<p>The sale by retail of alcohol (On and off sales)</p> <p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 11.00 hours until 23.00 hours Sunday Midday until 21.30 hours</p> <p>The provision of regulated entertainment Thursday and Friday 19.30 hours until 21.30 hours</p> <p>Recorded Music: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 11.00 hours until 23.00 hours, Sunday Midday until 21.30 hours</p>	<p>11.00 hours until 23.00hours Monday, Tuesday, Wednesday, Thursday, Friday and Saturday Midday until 21.30 hours Sunday.</p>
<p>(Big Moe's Diner) 96 Whitechapel High Street London E1 7RA</p>	<p>The provision of late night refreshment - indoors</p> <ul style="list-style-type: none"> Sunday to Thursday from 23:00 hours to 23:15 hours Friday to Saturday, from 23:00 hours to 00:30 hours the following day <p><u>Non-standard timings</u> Christmas Eve and New Year's Eve, from 23:00 hours to 02:00 hours the following day</p>	<ul style="list-style-type: none"> Sunday to Thursday from 08:00 hours to 23:45 hours Friday to Saturday, from 08:00 hours to 01:00 hours the following day <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> Christmas Eve and New Year's Eve, from 08:00 hours to 02:00 hours the following day

Nearest licences: Jack the Chipper, 74 Whitechapel High street

<p>(Efes) 1 Whitechapel Road London E1 6TY</p>	<p><u>The Supply of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 10:00hrs to 00:00hrs (midnight) • Thursday to Saturday from 10:00hrs to 00:30hrs (the following day) <p>Note: However, New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day.</p> <p><u>The Provision of Late Night Refreshment (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 23.00hrs to 00:00hrs (midnight) • Thursday to Saturday from 23.00hrs to 01:00hrs (the following day) 	<ul style="list-style-type: none"> • Sunday to Wednesday from 10:00 hours to 00:30 hours (the following day) • Thursday to Saturday from 10:00 hours to 01:30 hours (the following day)
<p>(Pixxa Limited) 11 Whitechapel Road London E1 1DU</p>	<p><u>The Supply of Alcohol (both on and off sales)</u></p> <ul style="list-style-type: none"> • Monday to Saturday from 11:00hrs to 22:30hrs • Sunday from 11:00hrs to 21:30hrs 	<ul style="list-style-type: none"> • Monday to Saturday from 10:30hrs to 23:00hrs • Sunday from 10:30hrs to 22:00hrs
<p>(Carnivale) 2 Whitechurch Lane London E1 7QR</p>	<p>Sale by retail of alcohol: (On and off sales)</p> <ul style="list-style-type: none"> • Monday to Sunday, from 12:00 hours to 01:00 hours the following day <p>Provision of regulated entertainment:</p> <p><u>Live Music - Indoors</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 12:00 hours to midnight <p><u>Provision of facilities for making music – Indoors and outdoors:</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 12:00 hours to midnight <p><u>Recorded Music</u></p> <p><u>Indoor</u> - Monday to Sunday, from 12:00 hours to 01:00 hours the following day</p> <p><u>Outdoor</u> - Monday to Sunday, from 12:00 hours to midnight</p> <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Monday to Sunday, from 23:30 hours to 	<ul style="list-style-type: none"> • Monday to Sunday, from 10:00 hours to 01:30 hours the following day <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • Bank Holidays Sunday May to October, indoor music from 12:00 hours to 02:30 hours the following days

Nearest licences: Jack the Chipper, 74 Whitechapel High street

	<p>01:00 hours the following day</p> <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> Bank Holidays Sunday May to October, indoor music from 12:00 hours to 02:00 hours the following days 	
<p>(The Grill & Spice) 5-7 Osborn Street London E1 6TD</p>	<p>The provision of late night refreshment Monday to Sunday 23:00 – 05:00 hours</p>	<p>Monday to Sunday 10:00 – 05:00 hours</p>
<p>(City Hotel and Conference) 12-20 Osborne Street London E1 6TE</p>	<p>The on and off sale of alcohol to residents (including a maximum of ten bona fide guests of each resident), Monday to Sunday, 00.00am to midnight. The on and off sale of alcohol to non- residents, Monday to Saturday, 10.00am to 01.00am the following day, and on Sunday from 10.00am to midnight. If the non-residents are attending a pre-booked event the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day. Half an hour drinking up time is permitted after the terminal time for the sale of alcohol. Late night refreshment, Monday to Saturday, 23.00pm to 01.00am the following day, Sunday, 23.00pm to 00.30am the following day. For pre-booked events the hours on Monday to Wednesday are extended to 23.00pm to 01.30am the following day, and Thursday to Saturday, 23.00pm to 02.30am the following day. Films, Monday to Saturday, 10.00am to 01.00am the following day, Sunday, 10.00am to midnight. For pre-booked events the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day. Live music, recorded music, performances of dance, and anything similar to these three activities, Monday to Saturday, 10.00am to 01.00am the following morning, Sunday, 10.00am to midnight. For pre-booked events the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day.</p>	<p>Monday to Sunday, 00.00am to midnight.</p>

Appendix 5

Mohshin Ali

From: Kathy Driver
Sent: 04 November 2019 20:18
To: Licensing; 'info [REDACTED]'
Subject: Jack the Chipper, 74 Whitechapel High Street, London, E1 7QX
Attachments: LAREP.KD.pdf; LAREP.Evi1.pdf; LAREP.Evi2.pdf; LAREP.Evi3.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please find attached representation against the above application.

Kind Regards,

Kathy Driver
Principal Licensing Officer

Licensing Team
John Onslow House
1 Ewart Place
London
E3 5EQ

Please note:
Meetings with Licensing Officers are by prearranged appointment only.

[REDACTED]
[REDACTED]
[REDACTED]

General email: licensing@towerhamlets.gov.uk

Please visit our web page for application forms and guidance
at www.towerhamlets.gov.uk/licensing



Communities, Localities & Culture
Safer Communities

Environmental Health and Trading Standards
David Tolley

London Borough Tower Hamlets
Licensing Authority

Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

4th November 2019

Tel [REDACTED]
Fax [REDACTED]
Enquiries to **Kathy Driver**
Email [REDACTED]

My reference: TSS/LIC/122729

Dear Sir/Madam,

www.towerhamlets.gov.uk

Licensing Act 2003
Re: Jack the Chipper, 74 Whitechapel High Street, London E1 7QX

I am writing in my capacity of Licensing Authority in relation to the premises licence application for the above address.

On 1st November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in and around the Brick Lane/Spitalfields Area. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane/Spitalfields Area as

having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone (CIZ).

The effect of this CIZ is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ.

These premises came to our attention on 23rd September 2019 following an enquiry by Tower Hamlets Waste Enforcement Team where officers had found dumped waste with receipts from this business. I enclose photos sent by the officers showing receipt of the sale of alcohol.

No licence was in place for the premises and therefore a warning letter was sent to the premises on 23rd September 2019 advising to cease the sale of alcohol. Their website also detailed a menu advertising food, wine and beer. Copies enclosed.

The application before you is for on sales of alcohol until 01:00 hours with and Late Night Refreshment and opening hours until 02:00 hours

Despite the applicant offering conditions, it does not dissuade from the fact the premises falls within the CIZ in an area high in anti social behaviour , the applicant has not adequately addressed the impact of which the CIZ policy particularly also in respect of deliveries being advertised through Deliveroo. The evidence produced indicates the premises has sold alcohol without authorisation and dumped commercial waste onto the streets of Tower Hamlets, I therefore question whether hours and any conditions will be complied with.

I am therefore making representation against the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CIZ. I request that the application to be rejected.

Yours sincerely,

A black rectangular box redacting the signature of Kathy Driver.

Kathy Driver
Principal Licensing Officer

**Place Directorate
Public Realm**

Environmental Health & Trading Standards

Head Of Service **David Tolley**

Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

Tel [REDACTED]
Fax [REDACTED]
Enquiries to **Kathy Driver**
Email [REDACTED]

The Proprietor
Jack the Chipper
74 Whitechapel High Street
London
E1 7QX

23rd September 2019

My reference P/PR/EHTS/LIC/96456

Dear Sirs,

Licensing Act 2003, Sections 136

Premises: Jack the Chipper, 74 Whitechapel High Street, London E1 7QX

This Licensing Authority has received notification from a Council Officer that your premises are selling alcohol. A receipt has been provided to as evidence of the sale of alcohol and a menu shows alcohol as being offered for sale.

According to the Council records you do not hold a licence under the Licensing Act 2003.

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers;

- 1) the sale by retail of alcohol (off or on sales)
- 2) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
- 3) the provision of regulated entertainment (with or without a licence to sell alcohol)
- 4) the provision of late night refreshment (selling meals and hot drinks after 23:00 hours and before 05:00 hours)


A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

You are advised to cease the unauthorised licensing activity with immediate effect.

M:\Licensing\Word97\ENFORCEMENT\EnfLetters\Unlicensed\WhitechapelHighSt74.001.doc

For further advice please contact your legal representative. Licence application forms and further details are available upon request from the Licensing Authority, please contact our hotline on 0207 364 5008 or visiting our website:
www.towerhamlets.gov.uk/licensing

Y


Kathy Driver
Principal Licensing Officer

**Place Directorate
Public Realm**

Environmental Health & Trading Standards

Head Of Service **David Tolley**

Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

Tel [REDACTED]
Fax [REDACTED]
Enquiries to **Kathy Driver**
Email [REDACTED]

KIN Catering Ltd
3 Warners Mill
Silks Way
Braintree
CM7 3GB

23rd September 2019

My reference P/PR/EHTS/LIC/96456

Dear Sirs,

Licensing Act 2003, Sections 136, 137 and 138

Premises: Jack the Chipper, 74 Whitechapel High Street, London E1 7QX

This Licensing Authority has received notification from a Council Officer that you have control of the above premises. We are writing to you as we have been advised the premises are selling alcohol without a licence. A receipt has been provided as evidence of the sale of alcohol, in this case EFES Beer and your menu shows alcohol as being offered for sale.

According to the Council records you do not hold a licence under the Licensing Act 2003.

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers;

- 1) the sale by retail of alcohol (off or on sales)
- 3) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
- 3) the provision of regulated entertainment (with or without a licence to sell alcohol)
- 4) the provision of late night refreshment (selling meals and hot drinks after 23:00 hours and before 05:00 hours)

A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

You are advised to cease the unauthorised licensing activity with immediate effect.

I would appreciate any comment you may wish to make on the above.



Kathy Driver
Principal Licensing Officer

Jack the Chipper

All

Latest

Food & drink



Jack the Chipper



Courtney Wadey
SEP 2019



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Appendix 6

Mohshin Ali

From: Nicola Cadzow
Sent: 09 October 2019 13:03
To: Licensing
Cc: [REDACTED] met.police.uk
Subject: MAU REPRESENTATION 122729 New premise license application for Jack the Clipper 74 Whitechapel High Street

Dear Licensing,

Having considered the new premise licence application for Jack the Clipper 74 Whitechapel High Street and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are well beyond the Council's framework hours,

It must be noted that the Council's framework hours (i.e. when premises are open) are:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The applicant is proposing the hours as follows:

Late night refreshment: Monday to Thursday until 02:00 hours (an extension of two and a half hours) no finishing up time as closing at 02:00 hours

Friday and Saturday until 02:00 hours (and extension of two hours) no finishing up time as closing at 02:00 hours

Sundays until 02:00 hours (an extension of three and a half hours) no finishing up time as closing at 02:00 hours

Sale of Alcohol: Monday to Thursday until 01:00 hours (an extension of one and a half hours) an hour drinking up prior to closing at 02:00 hours

Friday and Saturday until 01:00 hours (and extension of one hours) an hour drinking up prior to closing at 02:00 hours

Sundays until 01:00 hours (an extension of two and a half hours) an hour drink up prior to closing at 02:00 hours

The applicant has not provided sufficient details in their operating schedule showing how they will promote the licensing objective for the prevention of public nuisance, and therefore, how they will not add to the impact on Brick Lane Cumulative Impact Zone.

Noise Sensitive premises: residential premises in close proximity, 74 Whitechapel High Street London.

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

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for 74 Whitechapel High Street, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought, and consideration has to be given to the fact that the premises is in Brick Lane Cumulative Impact Zone.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm, Environmental Health & Trading Standards
London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London, E3 5EQ

Appendix 7

Mohshin Ali

From: Corinne Holland on behalf of Licensing
Sent: 04 November 2019 11:59
To: Mohshin Ali
Subject: FW: Jack The Chipper Licence Application

From: [REDACTED]
Sent: 04 November 2019 10:15
To: Licensing
Cc: [REDACTED]advancearchitecture[REDACTED]; biolsahin[REDACTED]
Subject: FW: Jack The Chipper Licence Application

Licensing,

Please see the agreed conditions below - Police Licensing have no objections.

Many Thanks,

Bethany Ward 3433CE | Police Constable | Licensing Unit | Central East (CE)

Email: [REDACTED] | **Address:** Bethnal Green Police Station, 12 Victoria Park Square, E2 9NZ

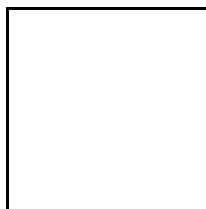
From: ADVANCE ARCHITECTURE [REDACTED] >
Sent: 04 November 2019 10:10
To: Ward Beth - CE-CU [REDACTED]
Subject: Re: Jack The Chipper Licence Application

Dear Bethany,

Our client is happy to agree with all condition proposed.

Kind Regards,

Advance Architecture.



[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

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04.11.2019, 10:05, "[REDACTED]"

Hello,

Do you have an update in regards to the below please?

Are you happy to agree to these conditions? I need to know by midday today.

Thanks,

Bethany Ward 3433CE | Police Constable | Licensing Unit | Central East (CE)

Email: [REDACTED] | **Address:** Bethnal Green Police Station, 12 Victoria Park Square, E2 9NZ

From: Ward Beth - CE-CU On Behalf Of CE Mailbox - Tower Hamlets Licensing

Sent: 01 November 2019 14:22

To: [REDACTED]

Subject: Jack The Chipper Licence Application

Hello Birol,

It was nice to meet you today, as discussed can you/your solicitor confirm you are happy with the below conditions:

1. 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.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder

- d) any incidents of disorder;
 - e) any faults in the CCTV system, searching equipment or scanning equipment;
 - f) any refusal of the sale of alcohol;
 - g) any visit by a relevant authority or emergency service.
4. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served. Customers shall not be permitted to leave their table carrying any such alcohol sold to them by the premises.
5. 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.
6. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Also, just to confirm – the opening times you would like are Monday, Tuesday, Wednesday and Sunday – 11:00 – 00:00 with the last seated customers being at 23:30 and the last takeaway meal being served at 23:50. Thursday, Friday and Saturday 11:00 – 01:00 with the last seated customers being at 00:30 and the last takeaway meal being served at 00:50.

If you are happy to confirm these conditions then please respond back to the [CEMailbox-towerhamletslicensing](#) [REDACTED] by Monday 4th November at 12:00. Any issues, please let me know.

Many Thanks,

Bethany Ward 3433CE | Police Constable | Licensing Unit | Central East (CE)

Email: [REDACTED] | Address: Bethnal Green Police Station, 12 Victoria Park Square, E2 9NZ.

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Appendix 8

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 9.1 of the Licensing Policy)**. While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 14.10)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 9.2 of the Licensing Policy)**.

The Licensing Authority will consider attaching conditions to prevent nuisance. In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Appendix 9

Access and Egress Problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.15).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 10

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Section 6 of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 3 of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public safety.

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the Council is recommended (Annexe D).

The key role of the Police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

- The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder

Appendix 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

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.

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

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

- 19.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area.

- 19.4 The Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figures One and Two is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within these areas. The Brick Lane and Bethnal Green CIZ aims 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 local amenity, environmental degradation and emergency and regulatory services in managing this impact.
- 19.5 The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:

- 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).

The Licensing Authority expects such applications to have regard for and make reference to the CIZ.

19.6 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 within the CIZ zones the application will be refused.

19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues.

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

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,

- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

- 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.

19.9 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.

The Cumulative Impact Zones:

Figure One

Brick Lane area:

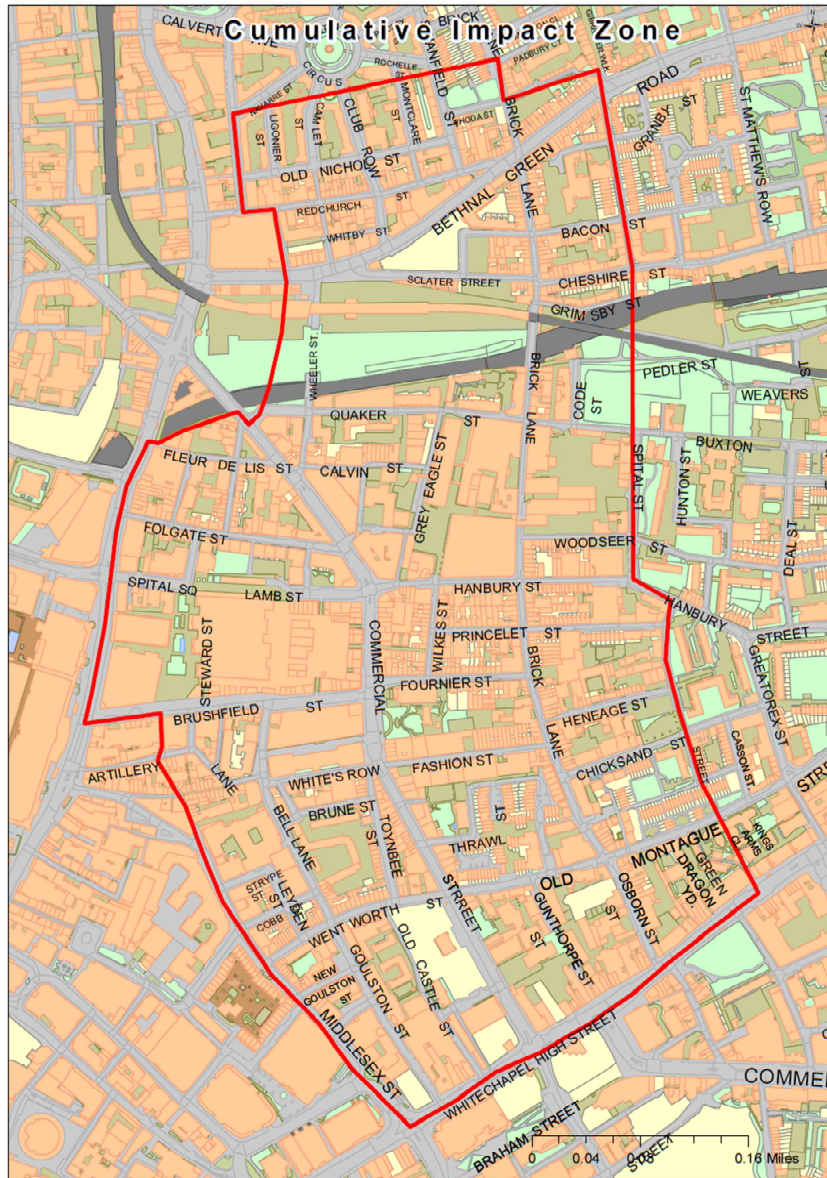
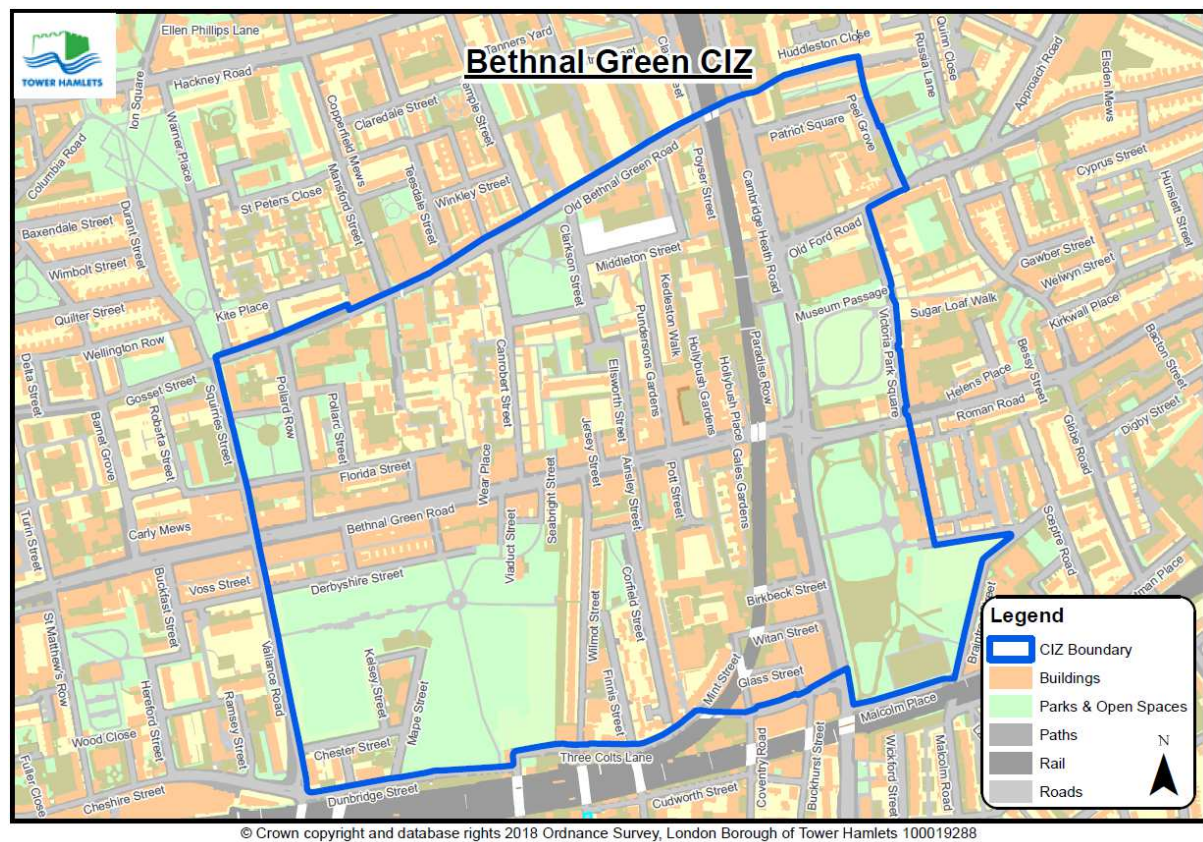


Figure Two:

Bethnal Green Area





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Agenda Item 3.2

Committee: Licensing Sub Committee	Date: 14 January 2020	Classification: Unrestricted	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application for a transfer of a Premises Licence Holder for Queens Head, 8 Flamborough Street, London E14 7LS Ward affected: St Dunstons
---	---

1.0 Summary

Name of applicant	TJ3 Property Ltd
Name of premises:	Queens Head
Address of premises:	8 Flamborough Street, London E14 7LS
Application	Transfer of Premises Licence
Notification:	Metropolitan Police

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and then adjudicates accordingly.

LOCAL GOVERNMENT 2000 (Section 97)

LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT
Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Kathy Driver
020 7364 5171

3.0 Background

- 3.1 The application is for a transfer of premises licence holder for Queens Head, 8 Flamborough Street, London E14 7LS, see **Appendix 1** for the application.
- 3.2 The current licence was recently reviewed on 2nd April 2019 of which Regulated Entertainment was removed from the licence, a copy of the minutes of the decision has been provided as part of the Police evidence in **Appendix 4**. The licence only permits the sale of alcohol, see **Appendix 2**.
- 3.3 The licence was surrendered by the previous licence holder, H Company 6 Limited, on 19th September 2019. As the licence was surrendered, an application can be made under Section 50 for reinstatement of the licence by transferring the licence within a period of 28 days after the licence lapsed. The new applicant applied on 25th September 2019.

It should be noted that although this transfer application effectively reinstates the licence, should this application be rejected or withdrawn, the licence lapses again. Only one application for transfer under this Section can be made

- 3.4 It is common, as in the present case, for the licence holder, in this case to ask for the transfer to take immediate effect. Because of the Police objection, this interim arrangement will only last until the Licensing Sub-Committee has heard the matter.
- 3.5 The applicant is: **TJ3 Property Ltd**
Details of the company and its Directors is detailed in **Appendix 3**
- 3.6 The procedure for changing the Premises Licence Holder can be summarised as follows:
- The proposed licence holder applies for a transfer to the Licensing Authority. The applicant must provide consent from the previous licence holder to transfer. This transfer can have immediate interim effect
 - The application must be served on the Police
 - Where the Police believe that granting the variation would undermine the crime prevention objective of the Act they can object
 - Where an objection is received in time a hearing must be held and the matter determined.

4.0 Objections

- 4.1 Only the Metropolitan Police and the Home Office (Immigration Enforcement) were consulted and only they can be involved in the process of scrutinising changes in a premises licence holder.
- 4.2 The Metropolitan Police have made a notification of objection to this application. Please see **Appendix 4**.

5.0 Licensing Sub Committee

5.1 The Licensing Sub Committee must have regard to the Police notice and either:

- Refuse the transfer if it considers it necessary, in the exceptional circumstances of the case, for the promotion of the objective of the prevention of crime and disorder; or
- Grant the application in any other case.

6.0 Licensing Officer Comments

6.1 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to the transfers of premises licence holder, and the relevant part is contained in **Appendix 5**.

6.2 The Home Office guidance states that “police should only object where there are “exceptional circumstances”. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder). It follows that Members have to have regard to that phrase. They are also advised to give comprehensive reasons for their decision.

7.0 Legal Comments

7.1 The Council’s legal officer will give advice at the hearing.

8.0 Finance Comments

8.1 There are no financial implications in this report.

8.2 Appendices

Appendix 1	Application for transfer
Appendix 2	Copy of the Premises Licence
Appendix 3	Company Details
Appendix 4	Police objection and evidence
Appendix 5	Home Office Guidance issued under Section 182

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Appendix 1



LICENSING ACT 2003

FOR OFFICE USE			
Receipt No:	FEE RECEIVED:	Date Recd:	APP REF NO:
Online Payment Ref:			

This form should be completed and forwarded to John Onslow House, 1 Ewart Place, London, E3 5EQ with a cheque for the correct fee (£23), made payable to the London Borough of Tower Hamlets OR On-Line. The payments page can be accessed from http://www.towerhamlets.gov.uk/content_pages/pay_ll.aspx Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

Application to transfer 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 TJS PROPERTY LTD
(Insert name of applicant)
apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

27053

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
THE QUEENS HEAD 8 FLAMBROUGH STREET	
Post town	Post code
LONDON	E14 7LS
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1)

GROUND FLOOR PREMISES KNOWN AS THE QUEENS HEAD.

Name of current premises licence holder

H COMPANY 6 LIMITED

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ☐ yes

a) an individual or individuals*

☐ please complete section (A)

b) a person other than an individual *

i. as a limited company/limited liability partnership

☒ please complete section (B)

ii. as a partnership (other than limited liability)

☐ 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) an individual 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 respect of 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

o statutory function or

☐

☐ a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

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 2 for information)

Current
residential
address if
different from
premises
address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

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 2 for information)

Current
residential
address if
different from
premises
address

--

Post town

--

Post code

--

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	TJ3 PROPERTY CO LTD
Address	117 DARTFORD ROAD DARTFORD DA1 3EN
Registered number (where applicable)	117 85009
Description of applicant (for example partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	
E-mail address (optional)	

Part 3

Please tick ☐ yes

Are you the holder of the premises licence under an Interim authority notice?

☐

Do you wish the transfer to have immediate effect?

☒

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick ☐ yes

I have enclosed the consent form signed by the existing premises licence holder



If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☐ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)



Please tick ☐ yes

I have enclosed the premises licence



If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee ☒
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I have sent a copy of this application to the chief officer of police today ☒
- I have sent a copy of this form to Home Office Immigration Enforcement today ☒
- 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, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2) ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A

M:\Licensing\Word97\2003 Lic Act_Templates\Premises Transfer\TransferLicenceHolderEmail.doc

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.

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 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5). 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 6)

THOMAS JEFFRIES
c/o THE QUEENS HEAD
8 FLAMBOROUGH STREET

Post town

LONDON

Post Code

E14 7LS

Telephone number (if any)

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

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

2. Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership 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 premises licence issued on or after 6 April 2017 will lapse 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 listed below (which do not need to be certified), or 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).


Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card Issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) Issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document Issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a

Schedule 11 – Part B

We H Company 6 Limited the premises licence holder of the premises licence number 27053 relating to The Queens Head, 8 Flamborough Street, Stepney, E14 7LS, hereby give our consent for the transfer of premises licence number 27053 to ~~Thomas William John Jeffries~~ TJ3 Property Co Ltd.

R

Signed ... 

Name (please print) ... PS/M/1206/2

Dated... 12/07/19

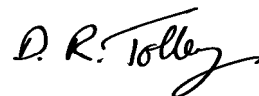
Appendix 2

**(Queens Head)
8 Flamborough Street
Stepney
London
E14 7LS**

Licensable Activities authorised by the licence

Sale by retail of alcohol

See the attached licence for the licence conditions



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

Date: 29th September 2005

Minor Variation 24th November 2017

Review 2nd April 2019



Part A - Format of premises licence

Premises licence number

29003

Part 1 - Premises details

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

(Queens Head)
8 Flamborough Street
Stepney

Post town

London

Post code

E14 7LS

Telephone number

[REDACTED]

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

Monday to Sunday 11:00 hrs to 23:00 hours

The opening hours of the premises

Monday to Sunday 11:00 hrs to 23:30 hours

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

On and off sales

Part 2

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

H Company 6 Limited
22 Grenville Street
St Helier
JE4 8PX

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

121063

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

Mr Steven Gary Fairman

[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No: 19666

Issuing Authority: London Borough Tower Hamlets

Annex 1 - Mandatory conditions

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

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

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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Annex 2 - Conditions consistent with the operating Schedule

1. No drinks taken from the premises except bona fide off-sales

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

2. All doors and windows to be kept closed after 22 00 hrs
3. Appropriate signage to be displayed at all exits informing patrons that drinking is not permitted outside the front of the premises, and asking patrons to leave quietly and respect the neighbourhood
4. A log book to be maintained on the premises recording any complaints made against the premises or its customers. This is to be available for inspection by Council officers or the Metropolitan Police
5. The beer garden is not to be used by customers after 22 00 hrs
6. No provision for Regulated Entertainment.

7. No live and/or recorded music to take place at the premises at any time (this will include Karaoke).
8. Any new noise conditions imposed on the Premises Licence Section 177A will not apply (this will ensure noise conditions are in force at all times licensable activities are conducted (see section 16.55 of the Home Office guidance)
9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) equipment;
 - h) any refusal of the sale of alcohol;
 - i) any visit by a relevant authority or emergency service.
13. 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.
14. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

29003

Premises details

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

(Queens Head)
8 Flamborough Street
Stepney

Post town
London

Post code
E14 7LS

Telephone number

[REDACTED]

Where the licence is time limited
the dates

N/a

Licensable activities authorised
by the licence

The sale by retail of alcohol

The times the licence authorises
the carrying out of licensable
activities

Supply of Alcohol

Monday to Sunday 11:00 hrs to 23:00 hours

(this licence is subject to Section 177A, see full
licence for details)

The opening hours of the premises	Monday to Sunday 11:00 hrs to 23:30 hours
Name, (registered) address of holder of premises licence	H Company 6 Limited 22 Grenville Street St Helier Jersey JE4 8PX
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On and off sales
Registered number of holder, for example company number, charity number (where applicable)	121063
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Steven Gary Fairman
State whether access to the premises by children is restricted or prohibited	No

Appendix 3

Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complnfo>)

TJ3 PROPERTY CO LTD

Company number **11785009**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/11785009/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/11785009/persons-with-significant-control)

Filter officers

☐

Current officers

Apply filter

1 officer / 0 resignations

JEFFRIES, Thomas

Correspondence address **6 Tay Way, Romford, Essex, United Kingdom, RM1 4XP**

Role Active **Director**

Date of birth

Appointed on **24 January 2019**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Director**

[Tell us what you think of this service\(link opens a new window\) \(https://www.research.net/r/S78XJMV\)](#) [Is there anything wrong with this page?\(link opens a new window\) \(https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/11785009/officers\)](#)

Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

TJ3 PROPERTY CO LTD

Company number **11785009**

Registered office address

117 Dartford Road, Dartford, England, DA1 3EN

Company status

Active

Company type

Private limited Company

Incorporated on

24 January 2019

Accounts

First accounts made up to **31 January 2020**
due by **24 October 2020**

Confirmation statement

First statement date **23 January 2020**
due by **6 February 2020**

Nature of business (SIC)

- 68209 - Other letting and operating of own or leased real estate

Tell us what you think of this service(link opens a new window) (<https://www.research.net/r/S78XJMV>) Is there anything wrong with this page?(link opens a new window) (<https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/11785009>)

Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

TJ3 PROPERTY CO LTD

Company number **11785009**

Date	Type	Description	View / Download
24 Jul 2019	MR01	Registration of charge 117850090001, created on 4 July 2019	(7 pages)
24 Jul 2019	MR01	Registration of charge 117850090002, created on 4 July 2019	(13 pages)
24 Jan 2019	NEWINC	Incorporation Statement of capital on 2019-01-24 • GBP 1	(29 pages)

[Tell us what you think of this service\(link opens a new window\) \(https://www.research.net/r/S78XJMV\)](#) [Is there anything wrong with this page?\(link opens a new window\) \(https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/11785009/filing-history\)](#)

Appendix 4

HT - Tower Hamlets Borough

Tom Lewis
Head of Licensing
Tower Hamlets Council

Licensing Office
Bethnal Green Police Station
E2

Telephone: 0207 161 8793

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

4th October 2019

Dear Sir,

Tower Hamlets Police formally object to the application to transfer the premises license for the Queens Head, Flamborough Street, E14 7LS to TJ3 Property Co Ltd. The director of TJ3 is Mr Thomas Jeffries, who has been running the premises since November 2018.

We do not believe that Mr Jeffries will uphold the licensing objectives with regard to preventing crime and disorder or adhere to the conditions on his license, and therefore he is an unsuitable person to hold the premises license.

Since taking over the Queens Head late last year there have been many complaints from local residents about customers of the pub causing a noise nuisance and opening past their hours. The premises has been caught breaching the conditions of its license on several occasions, an offence under the Licensing Act 2003, and Mr Jeffries has shown a complete lack of respect for and hostility to the Police.

On the Saturday 17th November 2018 at 01:27 hours a licensing enforcement officer from Tower Hamlets Council drove past the premises and noted that the pub appeared to be closed but there were about twelve customers standing outside.

On the 30th November 2018 at 11:30pm I visited the premises and found 3 customers in the beer garden, one of whom was drinking, in breach of their license conditions. A sec 19 Closure Notice was issued to the new DPS Valentina Thomas. She was reminded of the need to adhere to the conditions on the premises license.

On Saturday 15th December around 1:10am I conducted a licensing visit to the Queens Head. I found that the pub was open and serving alcohol. Mr Jeffries was present and in control of the premises. There were about 10 customers in the venue, they all had drinks, several had pint glasses of beer that were half full. The premises should have been closed at midnight.

Mr Jeffries refused to show me the CCTV when I requested to view it, and had no refusals book which is a breach of one of the conditions on his license. Throughout the visit Mr Jeffries was both hostile and abusive towards me. Please see my attached statement for a full report of my visit.

I was working with the Tower Hamlets Late Night Levy Team on Saturday the 22nd December 2018 and conducted a second visit on the Queens Head just before 1am. When we arrived we found that the blinds of the pub were down and the door was locked, we believe in a deliberate attempt to hide the fact that they were still open and serving alcohol past their permitted hours. As we stood outside we could hear voices inside the pub and through gaps in the blinds see people inside.

We tried to gain entry by banging on the door and calling for the manager. After a couple of minutes of banging we were let in by Mr Jeffries who was in control of the pub. He was again both hostile and abusive towards Police, and showed no respect for the Licensing Act. Please see my attached statement for a full report of my visit.

On the Saturday 17th November 2018 at 01:27 hours a licensing enforcement officer from Tower Hamlets Council drove past the premises and noted that the pub appeared to be closed but there were about twelve customers standing outside.

Due to the number of breaches of the license and Mr Jeffries intransigence we were left with no option to review the premises license and ask that the hours the premises could operate and sell alcohol were reduced. Also that the premises was not allowed regulated entertainment and to add several other conditions to the license such as having CCTV, and other measures to protect local residents.

Due to the strength of the evidence presented by the responsible authorities, Mr Jeffries accepted the conditions and reduction in hours. An application for Mr Jeffries to become the Premises License Holder was withdrawn after Police objected.

The review of the premises license should of acted as a warning to Mr Jeffries, that he should ensure that there were no more failures in observing the conditions of his license. However this is not the case, and there have been additional breaches of the conditions of the license, and the complaints of residents have continued. Please see attached documents.

In the exceptional circumstance of this case, where the proposed new premises license holder has in his relatively short time in charge of the premises, breached the crime and disorder licensing objective on at least two occasions, and Police believe many more. Even after a review he has continued to allow the breach's to the conditions of the license, all of which show that Mr Jeffries cannot be allowed to be the premises license holder.

We believe that if he were to have control of the license he would continue to undermine the licensing objective of preventing crime and disorder by continuing to open past his hours and breach other conditions of his license.

Therefore we ask that his application to transfer the license is rejected.

PC Mark Perry 1748CE
Police Licensing Officer
Bethnal Green Police Station
E2 9NZ

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001Date of the Closure Notice: 30/11/2019 Time Served: 23.40

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC Mark Perry 1768 CESignature: PC Mark Perry 1768 CEName (if applicable) and address of the affected premises:
Queen Head, Flamborough st**Alleged unauthorised use of the premises (section 19 (6)(a))**

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

Beer garden being used after 22.00, break of
Ames 3 Condition 5

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

Witnessed 3 customers in beer garden, at bar on drink
at about 22.31.**Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))**Ensure beer garden is closed on time**Third party consideration (section 19.4)**

Are there any other persons occupying the premises who need to be informed of this notice?

☒ Yes/No (details) _____

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name Valentina ThomasSignature [Redacted]Date 30/11/2019

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

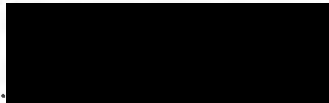
Statement of **Pc Mark Perry 1748CE** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Licensing Officer P205619....**

This statement (consisting of: pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



1748 CE

Date:

19/12/18

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC Mark Perry 1748CE A Police Licensing Officer attached to Bethnal Green Police Station. This statement refers to a licensing visits I conducted to the Queens Head Pub, Flamborough Street on Saturday day the 15th December 2018, when I found the pub open past its licensed hours.

On Saturday the 15th December 2018 I conducted a licensing visit to the Queens Head in Flamborough Street. On two previous separate visits to the pub both I, and Tower Hamlets Council had caught the pub using its beer garden after its permitted times. Tower Hamlets Council had also had complaints from residents that the pub was opening past its hours and music from the venue was causing noise nuisance.

I arrived at the venue at about 01:10, the pub appeared to be closed, but I could hear talking inside and the sound of glass's being picked up and put down. I entered the pub at about 01:15, and saw about 10 customers and 3 staff inside. All the customers I could see had drinks, a couple had pint glass's about ¾ full with beer.

I was approached by Mr Thomas Geffreys who was running the pub. I said to him "You should be closed, your license is until midnight"

Mr Geffreys said "I'm not selling, their just waiting for cabs"

I said "Don't lie to me, you were supposed to close over an hour ago, these people have not been nursing drinks for that long, and it doesn't take an hour for cabs to arrive"

Signature:



1748 CE

Signature witnessed by:

Continuation of Statement of **John Martinez**

Mr Geffreys replied " I don't give a fuck what you believe"

I warned Mr Geffries not to swear at me. He then said "You fucking".

I advised him not to finish that sentence, and he did not. He then said, "You must have been bullied as a child".

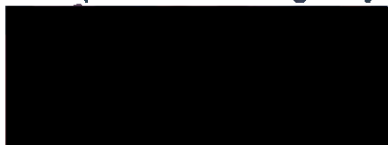
I then started to fill out a Sec 19 Closure Notice, which I exhibit as MJP/1. As I was filling this out Mr Geffreys continued to say that he had not been selling alcohol. I asked him then to let me look at the CCTV as this would prove if alcohol had been sold.

Mr Geffreys replied "Your not seeing my CCTV without a court order".

I told him that this would be noted in my statement. I also asked to see the premises log book, which is a condition of his license. Mr Geffreys said he did not have a log book. I added this to the list of breaches of the license.

I completed the form and handed it along with the written guidance to Mr Geffries. I then explained to him how the Sec 19 Closure Notice worked. He made no comment.

It is clear to me from the number of breaches of the license in such a short period of time and the hostile attitude of Mr Geffreys that neither he nor the management of the pub have the slightest regard for the obligations under the Licensing Act, or the Police. Their actions support the residents allegations that the premises has regularly been opening past their hours.

*1768 CE*

Signature:



Signature witnessed by:

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001Date of the Closure Notice: 15/12/2018 Time Served: 01:17

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC Mark Perry 176D CESignature: PC Mark Perry 176D CE

Name (if applicable) and address of the affected premises:

Queens Head Flamborough St**Alleged unauthorised use of the premises (section 19 (6)(a))**

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

Open past their hours, no Log Book

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

10 customers in premises drinking alcohol, glasses at least half full
No log book on premises**Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))**Close premises on time, have log book**Third party consideration (section 19.4)**

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) _____

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name Thomas J. GossieysSignature Date 15/12/2018

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: Constable Mark Perry

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:



Date: 03 Jan 2019

This statement refers to a licensing visit to the Queens Head on Flamborough Street as part of Late Night Levy Patrols, on the 22nd December 2018, where Police officers found the premises open past its hours, and the management are also believed to of served alcohol to customers past their hours.

As part of the late night Levy Patrols I and PS Stuart Bull, PC Paul Martin and PC Bethany Ward attended the Queens Head at around 00:55. The blinds were closed , and the front doors were closed and locked from the inside in an attempt to make the premises look closed from the outside. I looked inside the premises past the blinds and saw customers inside the premises drinking.

I knocked loudly on the door and shouted that Police were here and needed to get into the premises, it took several minutes repeated knocking and calling to be let in by Mr Geffries. On entering the pub I saw between 15 to 20 customers, all of whom had drinks. Some of the drinks had clearly just been served as they were filled up to the brim. There were a couple of pint glasses full of beer that had obviously just been served on the bar.

I asked Mr Geffries why his pub was open past its hours? Mr Geffries became aggressive and stood as close to me as he could in an attempt to intimidate me. I asked him again why his pub was open past its hours. He replied that the pub was not open, then, that this was a staff event. I replied that it was surprising that a small pub like this had so many staff. Mr Geffries then said it was private function and it was a family event. Upon speaking to customers it became clear that there was no function and that this was just a bunch of customers who had stayed drinking in the bar after it had supposed to of closed.

I asked Mr geffries to show me the CCTV so I could see when the last service of alcohol was, Mr Geffries replied that the CCTV was not working. I told Mr Geffries that I did not believe him that this was a private function, and that it was disappointing that he was open past his hours two weeks running. Mr Geffries then became incredibly angry and upset and repeatedly called me a "Worm". I ignored him and then spoke to the DPS Ms Valentina Thomas, she told Mr Geffries to calm down, and asked me if I wanted a drink. I replied that I did not drink on duty. Ms Thomas then said "Have a fucking drink, it will help you fucking relax for fucks sake". I told Ms Thomas that I did not want a drink. She then said, "Havent you got some real criminals to catch?"

At this point it became clear that both Ms Thomas and Mr Geffries were not going to be co-operative, and their aggressive attitude to Police was starting to affect the customers who were becoming more vocal. I informed Mr geffries that this would probably result in the premises license being reviewed. He replied that his solicitor would make mincemeat of me.

We left the premises shortly after 01:00 and continued our patrols.

Signature:



Signature Witnessed by:

EVIDENCE & ACTIONS BOOK

SUSPECT/PERSON(S) CONCERNED/ARRESTED.....

ARREST/PROCESS /INCIDENT.....

.....day the.....20.....

at.....time at.....

.....Post Code.....


OFFICER REPORTING B. WardWarrant No. 241272 Rank PC No. 3033OCU Code CG Station PHEmail p241272 @met.pnn.police.ukBook of Name of Accused Custody No./ Unique Ref. No. Stop/Search 5090 completed Yes ☐ No ☐CRIS No. Other Ref. No.

WITNESS STATEMENT

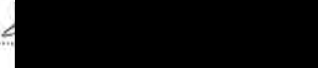
CJ Act 1967, s.9 MC Act 1980, ss 5A(3)(a) and 5B; MC Rules 1981, r70

Statement of Bethany WARDAge if under 18 over 18 (if over 18 inset 'over 18')Occupation police officer

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date: 22/12/18Time: 01:17Signature: 

On Saturday 22ND DECEMBER 2018, I was on duty in full uniform in a marked police car carrying out licence checks. At approximately 01:00 PS Stuart Bull, PC Paul Martin, PC Mark Perry and I attended THE QUEEN'S HEAD, HAMBOURGH STREET, upon arrival the blinds were pulled down but it was clear that something

Signature: 

Continued:

was going on inside as
coloured spot lights could
be seen, voices heard inside
and upon looking through the
windows people could be seen.
PC Mark PERRY knocked
on the door to the premises
loud enough so that people
inside the premises would
have been able to hear. PC
PERRY was consistently
knocking for approximately
a minute or two until
someone began to open
the doors. As the doors
began to open a male
came from around the
corner who I now know to
be Thomas CUFFEUS -
one of the managers. As
soon as he saw PC
PERRY he started to
be instantly rude. PC

Signature: 

Continued:


35

PERRY asked him a series of questions as to why he was open and other related questions. Upon stepping inside there were approximately 15 people a mixture of males and females. There were filled up parts of beer and other drinks around the premises. Upon PC PERRY asking again why there were people in the premises he gave numerous reasons all different over a 100 minute time frame being a staff event, to family event and other reasons. Thomas was up in PC PERRY'S face pointing his finger in his face and had a hemlock in his

Continued:

36

attitude. There was a Welsh female who came out from behind the bar who called Mr Peppy a jobsworth and told him to fight real crime. Whilst she was doing this Thomas was still shouting at PC Peppy telling him the pub was closed and we couldn't pass anything. Some of the customers started to follow suit and also verbally abuse PC Peppy. He was called a 'fucking jobsworth' and a 'pach wanner' and was told to fuck off by Thomas. As we were leaving Thomas called PC Peppy a worm and other obscenities.


 Signature re:

comp no	date	add2	detail	text
93792	04/01/2019	Queens head, 8 Flamborough Street	Report from LNL Funded Police breach condition.	
94318	01/03/2019	Queens head, 8 Flamborough Street	Report from LNL Funded Police Possible breach condition.	
94681	08/04/2019	Queens head, 8 Flamborough Street	fight on Firday night	
94699	09/04/2019	Queens head, 8 Flamborough Street	complaint about behaviour of the premises male thrown out semi naked	Sent the following to Police: Ive just spoken with another resident re incident weekend. She said the pub strip them down and chuck them out. She said the customer was from New Belvedere House which is for ex servicemen with PTSD. She said there were 6 men from the pub that was on the ex serviceman and felt appauled how he was treated. She said he was not perfect, he was very drunk, of which clearly was in the pub long enough to get drunk, and kicked the door once he was chucked out, however the residents feel that he should be treated in this way by the people from the pub. Could you ask for CCTV footage of the night to see if they are indeed stripping them down as this is clearly wrong. Are you also able to speak to New Belvedere Hse?
95133	28/05/2019	Queens head, 8 Flamborough Street	noise form pub Sunday at 18.50	10/ 6/2019 15:59 TOL See case in CHO's name warning letter sent d
95160	24/05/2019	Queens head, 8 Flamborough Street	Licence breach for reg ents & conditions	
95281	10/06/2019	Queens head, 8 Flamborough Street	Premises Still playing loud music even after Lic Review	10/ 6/2019 12:57 TOL See other complaints
95287	10/06/2019	Queens head, 8 Flamborough Street	Complaint Music and Tables and Chairs outside Premises	
95440	24/06/2019	8 Flamborough Street	cusotmers seating outside with tabel & Chairs; lobby doors open	Stated nosie from pub with people outside and table and chairs on Saturday as there was brass band playing in York Square on Saturday. Pub lobby doors are being held open so noise escaping. Com walked by and saw sexual behaviour from window in tenants flat above the pub. Advised cannot control tenants behaviour, advised we are makign regular visits to monitor the premises aand other residents have complained
95455	24/06/2019	Queens head, 8 Flamborough Street	Noise from pub - unlicensed music	
95456	24/06/2019	8 Flamborough Street	Noise from pub - unlicensed music	
95523	01/07/2019	Queens head, 8 Flamborough Street	Continued nosie from music when unlicensed reg ent.	
95528	01/07/2019	Queens head, 8 Flamborough Street	Music noise - reg ent unlicensed	
95536	01/07/2019	Queens head, 8 Flamborough Street	Noise complaint. Breach of conditions	
95563	03/07/2019	Queens head, 8 Flamborough Street	says last night groups of people in middle of road shouting	they came from pub went in and came back out making lots of noise, van arrived more people came out shouting this went on til 12.30am.
95766	22/07/2019	Queens head, 8 Flamborough Street	music being heard and doors open	
95834	26/07/2019	Queens head, 8 Flamborough Street	Lots of people outside on Thursday tables & Chairs, poss drug dealing	Noise unbearable outside on Thursday. Tables and chairs outside. Beleives the son is cause of the problems and getting his friends attending. Also alelges drug use/dealing goin on there. Advised trying to obtain evidence. only breach is doors open.
95840	29/07/2019	Queens head, 8 Flamborough Street	loud noise of music and people o/s	

95841	29/07/2019	Queens head, 8 Flamborough Street	loud noise of music and people o/s		
95919	05/08/2019	Queens head, 8 Flamborough Street	Complaint re argument in street Friday 2/7/19	5/8/2019 14:51 CHO Donna telephoned at 14.20 hrs Monday 5th August to say that there was a drunken male and two other males came out of the pub on Friday at 23.30 hrs and had an altercation in the street. One of them was highly intoxicated and 2 looked sober. A neighbour told her that the drunk male had been goading other customers in the pub (but she didn't know this first hand). It seemed that the drunk male wanted to fight and the other two were telling him to walk away. She said she had called the ASB team (wasn't sure if she meant the OOH noise team. Asked if she called the police as it was more of a police matter and she said she hadn't. No other complaints about Friday night which is	
95946	07/08/2019	Queens head, 8 Flamborough Street	Complaint re noise and breach of licence (doors open)		
96204	02/09/2019	Queens head, 8 Flamborough Street	update on noise from the pub		
96307	11/09/2019	Queens head, 8 Flamborough Street	Noise complaint and people spilling out on the street		
96309	11/09/2019	Queens head, 8 Flamborough Street	Noise complaint. Spilling onto street		

12/9/19		<p>Meeting at premises to discuss variation with Licensing Officer:</p> <p>I pointed out the complaints we had received for 25/8/19, 31/8/19, 7/9/19 and the funeral on 10/9/19. I showed him the photo of the funeral with 40-50 persons outside drinking. He said it was difficult to manage them as it was a funeral. I told him that this was a breach in his conditions and was handed a warning letter (from Sam). He wanted to keep the photo but decided that was not suitable. I told him that he complains that the residents are out to get him but this photo proved that he was in breach.</p> <p>I asked to view the CCTV and went down into the basement where the monitor was. Steve did not know who to operate the CCTV, I pointed out that he was the DPS and had been for some time and therefore it was his responsibility to be able to operate the CCTV. The equipment was password protected and he didn't know the pin number so it could not be checked to see if it is working correctly. The monitor showed two cameras, I told him he needs to have more cameras for the pub as there are two bar areas plus camera in the beer garden and outside.</p> <p>Advised CCTV was insufficient and it was a breach of the licence that no-one on the premises was able to operate the system.</p> <p>On examining the outside of the pub I looked at the double doors which had been installed and noted that the space between the two was not large enough for people to get through if both were shut. I felt it would be a fire hazard if both were shut. He was advised that the outer door would need to be kept open and just operate the inner door (this could be why residents feel that the doors are open after 10pm if they do not have a clear view to see both doors).</p> <p>The doors onto Chaseley Street had a larger lobby. I advised him after 10pm to close the doors completely on Flamborough Street and just operate the doors on Chaseley Street as he did not need 3 doors open at that time and therefore could shut both of these doors without there being a safety issue.</p> <p>Advice given re the transfer - stated this had been ongoing for a long time now and nothing had been done about it.</p> <p>Condition breach found: 1. Condition 10 - No member of staff on the premises can operate CCTV</p>
26/7/19		<p>Mr Jeffries was standing outside the premises upon my arrival. There was a table and a couple of chair outside the front door with two people sitting on the chairs drinking a pint of beer.</p> <p>The front door to the pub was open.</p> <p>I noticed there was music playing but low level inside the pub. Could faintly be heard from where i was standing outside the front door.</p> <p>The DPS, who I recognised came out the front and asked the customers seated outside to drink up.</p> <p>Pointed out breaches to the licence of the front door being open (both Mr Jeffries and Steve the DPS were adamant it only applied to the beer garden door. I assured them it was ALL doors.</p> <p>Another breach was that drinks were being consumed outside the pub.</p> <p>There was no licence summary displayed but they stated they had</p>

		<p>never received the licence.</p> <p>Mr Jeffries informed me that the pub had been completely transferred over to him. I told him I understood the deeds had but the licence needed to be transferred. He kept saying had been don't a couple of weeks ago by his solicitors. I again assured him it hadn't but he would not listen.</p>
13/7/19		<p>22: 45 People inside, no music heard just talking and laughing. Both doors were pinned open (Breach of condition)</p>
17/6/19		<p>17/ 6/2019 11:48</p> <p>Premises closed at time of visit</p>

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Maria Graydon URN:

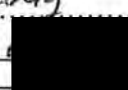
01	YE		
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: Retired

This statement (consisting of: pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: X Date: 16/12/2018

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Maria Graydon and I am a local resident of Flamborough. This statement refers to the problems I have had with the Queen Head pub in Flamborough. Over the last 3 months since October 2018 I would describe the problems as the music coming from the pub and its customers. The noise is loud enough to be audible in my home with the windows of my home closed. It is a constant thing. When the doors of the pub are open it stops me hearing the TV. When the customers of the pub their voices are raised and are shouting I think there is a fight outside it is that loud. It is normally a Friday and Saturday night, Friday night is the worst. Because of this I cannot sleep, it wakes me up and I am now constantly tired. It is affecting my health. I can't enjoy home. I believe the only way to stop this is to stop them having music and close at 11. I support Police and Flamborough Council taking action against the pub  M. G.

Signature: X Signature witnessed by:  17GP CC

WITNESS STATEMENT

CJ Act 1967, s 9: MC Act 1980, ss.5A(3)(a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

Statement of

Amanda Luscombe

URN:

01

YE

Age if under 18

Over 18

(if over 18 insert 'over 18') Occupation:

Retired

This statement (consisting of: 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

Date:

16/12/2018

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Amanda Luscombe and I am a resident of Flamborough St. This statement refers to the problems I have had with the Queen Head in Flamborough St over the last 3 months. The main problem is the noise from the pub on Friday, Saturday and Sunday, it is the voice from people singing in Karaoke, singing they have and the music they are playing. I can hear the music, the content, the lyrics of the music and also the voice singing in my home with the doors and windows closed. I sleep in my bedroom with the window slightly open for health reasons and it is so loud I can hear the lyrics of the songs being sung. It can stop me from sleeping. It stops me enjoying my home. The noise normally starts around 9pm on Friday and Saturday around until 11 and midnight. Sometimes I can hear them until 2am, music playing and people voices. It is so bad I can't relax in my home. I am constantly aware of the noise starting and ending it. I support police and Tower Hamlets Council action to remove their ability to have music and close earlier, so I can enjoy my home.

Signature

Signature witnessed by:

1768 CE

Continuation of Statement of Amanda Luscombe

We also get noise from people as they leave the pub.
On Friday the 30th November 2018 at the early hours
of Saturday the music was loud. The pub was still open
in the early hours of Saturday morning. I told her
the music till midnight and noise until 1 am. A
group of customers about 12 came from the pub. Four people
walked off. The remaining 8 were talking loudly and their
voices were so loud it stopped me sleeping.

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss 5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of

Elaine Fanning

URN:

01

YE

Age if under 18

Over 18

(if over 18 insert 'over 18') Occupation:

B.T. Technician

This statement (consisting of: pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

X

Date:

14/12/18.

Tick if witness evidence is visually recorded

(supply witness details on rear)

This statement refers to the problem I have had from the Quercy Head Pub and its customers over the last 3 months. I am a local resident and have lived here for over 40 years and this is the worst it has ever been. I have to get up at about 5am every day so we have to go to bed before 9pm every night. The noise from the people of the pub singing is so loud I think I am in the pub. It is so loud I can't sleep. I'm awake till about 2am, as a result I am shattered. It's affecting my work as I am so tired and suffering from headaches. Because of condensation I have to have my bedroom window open slightly and the resulting noise prevents me from sleeping. I have had to go to my doctor for help with this. I dread the weekends because of the noise. It is so loud I can hear the lyrics of the song being sung. The noise from the people from the pub outside is also very noisy. Their voices are raucous due to being drunk and this also stops me sleeping. I

Signature:

X

Signature witnessed by:

PC Mark Perry 1761 CE

Continuation of Statement of

Elaine Fanning

have been filling in ASD diag sheets given to me
by the Council. I support the Police and Tower Hamlets
Council in stopping them having music and closing earlier.
It's stopping me living my life. I need Friday and
Saturday Night now, I just want my life back.

Signature:

Signature witnessed by:

2003(1)

Place Directorate Public Realm

Environmental Health & Trading Standards

Head Of Service **David Tolley**

Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

Tel **020 7364 3986**
Enquiries to **Corinne Holland**
Email **Corinne.holland@towerhamlets.gov.uk**

www.towerhamlets.gov.uk

Mr S Fairman

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

25th September 2019

My reference P/EHTS/LIC/C96292

Dear Mr Fairman

Licensing Act 2003

Premises: Queens Head, 8 Flamborough Street, London, E14 7LS

Following on from my visit to your premises on Thursday 12th September 2019 I want to point out to you that I found a breach in your licensing conditions regarding the CCTV.

I was unable to establish if the CCTV was correctly operating and recording for 31 days as there was no-one on the premises that could operate the CCTV equipment. The hard drive was password protected and you did not know the passcode to access the machine.

As the DPS you should familiarise yourself with the equipment in order to be able to operate it correctly. When you are not at the premises there should be another member of your team who can operate it. I appreciate you do not want every member of staff having access to the CCTV equipment but the condition on your licence requires somebody on the premises at all times who can operate it.

I also noted that there were only two cameras on the system which I would suggest is insufficient for your premises. You should have cameras in both bars which cover the whole bar areas and I advised you to have some cameras installed outside on each side of the building and the beer garden. As I explained to you the camera recordings are a way for you and responsible authorities to see if any complaints are justified, in addition to the primary function of preventing and detecting crime and disorder.

C:\Users\kathy.driver\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\NAJKGB22\FlamboroughSt8.007.doc

Please ensure this matter is corrected immediately to prevent further breaches. Please make sure you understand all the conditions on your licence and adhere to them at all times. See below:

Annex 2 - Conditions consistent with the operating Schedule

1. No drinks taken from the premises except bona fide off-sales

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

2. All doors and windows to be kept closed after 22 00 hrs
3. Appropriate signage to be displayed at all exits informing patrons that drinking is not permitted outside the front of the premises, and asking patrons to leave quietly and respect the neighbourhood
4. A log book to be maintained on the premises recording any complaints made against the premises or its customers. This is to be available for inspection by Council officers or the Metropolitan Police
5. The beer garden is not to be used by customers after 22 00 hrs
6. No provision for Regulated Entertainment.
7. No live and/or recorded music to take place at the premises at any time (this will include Karaoke).
8. Any new noise conditions imposed on the Premises Licence Section 177A will not apply (this will ensure noise conditions are in force at all times licensable activities are conducted (see section 16.55 of the Home Office guidance)
9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

12. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning
- g) equipment;
- h) any refusal of the sale of alcohol;
- i) any visit by a relevant authority or emergency service.

13. 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.

14. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals. A written record of this training is to be kept and produced to police and Authorised Officers upon request.

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

16. No more than 5 smokers to be permitted to smoke outside the front of the premises at any one time.

I must advise you that it is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. A person guilty of an offence under section 136 of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

Please be advised that you have a duty to comply with the four licensing objectives, namely:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

Please be advised that local residents, local businesses, ward councillors and responsible authorities, including the Licensing Authority can trigger a review of your premises licence if any of the above licensing objectives are not being promoted

If there are found to be any breaches of your Premises Licence then enforcement action may be taken. This could take the form of a prosecution and/or a further review of your premises licence.

Yours sincerely



Corinne Holland
Licensing Officer

cc.

Police Licensing Unit, Bethnal Green Police Station, 12 Victoria Park Square, E2 9NZ
TJ3 Property Co Ltd, [REDACTED]

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 2 APRIL 2019

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Dan Tomlinson (Chair)

Councillor Shah Ameen (Member)

Councillor Zenith Rahman (Member)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

**3.1 Application to Review the Premises Licence for Queens Head, 8
Flamborough Street, London E14 7LS**

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation presented at the meeting from both the Applicant and those supporting the review and from the Legal Representative on behalf of the Licensee with particular regard to the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee were informed that a mutual agreement had been reached between both parties, prior to the start of the meeting. The Chair asked both parties to make brief submissions and outline the agreement reached.

The Sub Committee welcomed the mediation between both parties and accepted the agreement/conditions agreed by the parties.

Members considered that the conditions agreed would help alleviate the concerns raised, and help promote the licensing objectives, in particular the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Review of the Premises Licence for Queens Head, 8 Flamborough Street, London E14 7LS be **Granted**.

Sale of Alcohol

Monday to Sunday from 11:00 hours to 23:00 hours

Hours premises open to the public

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

Additional conditions to be imposed on the Premise Licence

1. The Designated Premises Supervisor – Ms Valentina Thomas to be removed from the Premises Licence.
2. Remove Non-Standard timings (Special Events) and Condition 6 from the Premises Licence.
3. No provision for Regulated Entertainment.
4. No live and/or recorded music to take place at the premises at any time (this will include Karaoke).

5. Any new noise conditions imposed on the Premises Licence Section 177A will not apply (this will ensure noise conditions are in force at all times licensable activities are conducted (see section 16.55 of the Home Office guidance)
6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
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 - g) equipment;
 - h) any refusal of the sale of alcohol;
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10. 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.
11. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals. A written record of this training is to be kept and produced to police and Authorised Officers upon request.
12. Loudspeakers shall not be located in the entrance lobby or outside the premise building.

13. No more than 5 smokers to be permitted to smoke outside the front of the premises at any one time.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
Lower Ground Floor, 42-46 Princelet Street London E1 5LP (MA)	16/04	21/03
112 Columbia Road, London E2 (LMJ)	16/04	15/04
African Street Style Festival - Calvert Avenue to Arnold Circus (LMJ)	30/04	18/04
Singh Supermarket, 37 Roman Road, London E3 (KD)	30/04	28/02
Lord Napier, 25 White Post Lane, London E2 6LG (LMJ)	07/05	25/04

5. EXCLUSION OF THE PRESS AND PUBLIC

The restricted item on the agenda was withdrawn by the Applicant, therefore there was no requirement to exclude the press and public from the meeting.

6. RESTRICTED ITEMS FOR CONSIDERATION

6.1 Application for a Transfer of a Premises Licence Holder for Queens Head, 8 Flamborough Street, London E14 7LS

This item was withdrawn by the Applicant.

The meeting ended at 7.55 p.m.

Appendix 5

Transfers of premises licences

- 8.99 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment. Where it is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police and the Home Office (Immigration Enforcement) no later than the first working day after the application is given. However, the responsibility to notify the DPS remains with the applicant. Otherwise the general guidance on electronic applications set out in paragraphs 8.21 to 8.28 applies.
- 8.100 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police or the Home Office (Immigration Enforcement) raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.
- 8.101 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.
- 8.102 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or the Home Office (Immigration Enforcement).

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