



Meeting of the

LICENSING SUB COMMITTEE

Monday, 20 April 2009 at 6.30 p.m.

A G E N D A

VENUE

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

Members:	Ward Represented
Chair: Councillor Rajib Ahmed	East India & Lansbury
Councillor Peter Golds	Blackwall & Cubitt Town
Councillor Fozol Miah	Spitalfields & Banglatown

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

Margaret Sampson, Democratic Services,

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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Monday, 20 April 2009

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST (Pages 1 - 2)

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 Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	3 - 14	
To note the rules of procedure which are attached for information.		
4. UNRESTRICTED MINUTES	15 - 24	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee meeting held on 16 th March 2009.		
5. ITEMS FOR CONSIDERATION		
5 .1 Application for variation of the Premises Licence: Kivre Food Centre, 497-499 Cambridge Heath Road, London E2 9BU (LSC072/809)	25 - 94	Bethnal Green North
5 .2 Application for a new Premises Licence: Coral, 56 Bow Common Lane, London, E3 4DE (LSC073/809)	95 - 164	Bromley-By-Bow

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

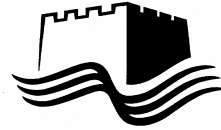
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

TOWER HAMLETS



LICENSING COMMITTEE

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

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 Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 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.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three 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. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

3. Timescales

- 3.1 Most hearings must take place within 20 working days from the last date for representations to be made with the following exceptions:

Within 10 working days from the last date for the police to object to:

- conversion of an existing licence;
 - conversion of an existing club certificate;
 - an application for a personal licence by an existing justices licence holder;
- and

Within 10 working days from the date the Licensing Authority receives the notice for a review of the premises licence following a closure order.

Within 7 working days from the last date for the police to object to:

- a temporary event notice.

Within 5 working days from the last date for the police to object to:

- an interim authority notice (Note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

Note: Where a hearing is likely to take longer than one day, the Authority must arrange for the hearing to take place on consecutive days.

3.2 **Timescale for notice of hearings to be given**

In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held. The following are exceptions to that rule:

At least five working days notice must be given to the parties of the date of a hearing for determination of:

- conversion of an existing licence
- conversion of an existing club certificate
- application for a personal licence by the holder of a justices licence
- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to an interim authority notice
- police objection to a temporary event notice

3.3 **Persons who must be notified of a hearing**

The persons who must be notified of a hearing are set out below as a summary:

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
- Any police officer who has given notice of objection to:
 - a person specified as a Designated Premises Supervisor
 - an interim authority

- transfer of a premises licence
 - a temporary event notice
 - a personal licence
- Any holder of a premises licence or club premises certificate where:
- application is made for review

Note: Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.

3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.

Note: Transition hearings cannot be adjourned to a date beyond the date that which causes an application to be deemed as determined by default.

4. Procedure at the Hearing

4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-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.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the 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. 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.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee

either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-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.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority 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.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-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.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-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 the authority may specify.

4.5 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. 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.

5. Determination of Application – Time Limits

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

6. Record of Proceedings

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

7. Irregularities

7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations

7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:

- a) it can be accessed by the recipient in a legible form;
- b) it is capable of being reproduced as a document for future reference;
- c) the recipient has agreed in advance to receive it in such form;
- d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

Note: An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.

APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises licence)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

grant of personal licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 31(3)(a) (determination of application for a provisional statement).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 48(3)(a) (cancellation of interim authority notice following police objection).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 88(2) (determination of application for review of club premises certificate).	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 105(2)(a) (counter notice following police objection to temporary event notice)	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).				

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing	
1.	A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
(a)	whether he intends to attend or be represented at the hearing;
(b)	whether he considers a hearing to be unnecessary.
2.	In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
3.	In the case of a hearing under:
(a)	section 48(3)(a) (cancellation of interim authority notice following police objection), or
(b)	section 105(2)(a) (counter notice following police objection to temporary event notice),
	the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
4.	In the case of a hearing under:
(a)	section 167(5)(a) (review of premises licence following closure order),
(b)	paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
(c)	paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
(d)	paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),
	the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
5.	In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON MONDAY, 16 MARCH 2009

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

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Waiseul Islam
Councillor Oliur Rahman

Other Councillors Present:

None.

Officers Present:

Mohshin Ali	- (Consumer Services Officer)
Zakir Hussain	- (Solicitor)
Nadir Ahmed	- (Trainee Committee Officer)
Margaret Sampson	- (Democratic Services)

Applicants In Attendance:

Mr Martin	The Gun
Ms Croft	The Gun
Mr Connor	Jeffrey Green Russell Solicitors
Mr Skerratt	Resident in support
Dr Glanville	Applicant for Review
Mr Islam	Lane Foods
Mr Islam	(Supporting applicant)

Objectors In Attendance:

Paul Johnson	Environmental Health
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Members of the Public In Attendance:

There were several residents present who were unable to sign the register. There were also two journal students present.

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

None.

3. RULES OF PROCEDURE

Noted.

4. UNRESTRICTED MINUTES

The minutes of the meeting were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION**5.1 Application for a review of the Premises Licence for The Gun, 27 Cold Harbour, London E14 9NS**

Mr Ali, Licensing Officer, introduced the report which outlined the grounds for the review that had been sought by residents. Mr Connor, on behalf of the applicant, stated that he wished to clarify that the letters of support in the agenda papers were in support of the application as operated and not the review.

Dr Glanville stated that he was present to represent both himself as a local resident and on behalf of the Resident Association. Several issues of concern had been raised with the applicant at the meeting held with residents in August. At this juncture, Dr Glanville referred to the documentation that had been served by the licence holder that day. It was clarified that this information had been served on Dr Glanville and the Local Authority but had not reached Democratic Services. The Clerk to the Committee had therefore not been aware of the documentation until just before the meeting and it had not been reproduced for Members. It was then clarified what parts of the documentation had been agreed could be submitted to Members.

Dr Glanville stated that some of the documentation had been presented to the meeting held in August but had not been addressed satisfactorily. Taxi collection and drop off was ineffective and often blocked the entrance to Coldharbour, causing arguments with residents. Since Managers Road was wider, Dr Glanville asked that consideration was given to setting up a pick up and drop off point there and that highway signage should be set up to indicate this.

The noise from patrons waiting on taxis was also an issue and Dr Glanville asked that the premise's hours be reduced to midnight on Saturday and Sunday to address this.

The two other issues of concern related to the time deliveries took place and also the timing of rubbish collection. The noise from the extractor fan that was left on overnight was a source of concern and Members were asked to amend this condition to ensure that no appliances were left on overnight.

Before beginning his submission, Mr Connor indicated that there were two matters he wished to raise through the Chair. He wished to establish the basis of the review which was in the sole name of Mr Glanville and wished to ascertain whether the review had been submitted by one individual or on behalf of the R.A. Also, how many residents were in the R.A. and had all the residents been invited to join the Association.

Regarding the extractor fan, there was no knowledge or information as to whether any complaints had been made to EH and whether or not they had provided advice accordingly. EH had made no representation to this application.

Mr Connor continued with his submission, advising that the premise, which was now mainly food led, had been operated by the Premises Licence holder since 2004 though there had been a pub on the site for a number of years previously. Over 50% of sales were now food and the premise was marketed to the high end of the market with no drinks promotions.

This was a stable management group that tried to maintain good relationships with neighbours. There were no EH or Police issues and they had no comment to make regarding the review application. No complaints had ever been received from any of the statutory authorities.

The issues raised at previous meetings held with residents had been addressed as much as possible; contractors had been asked to adhere to the agreed hours of delivery which were not before 8am. The minutes of the August meeting had been taken in order to move things forward. Mr Connor presented the minutes of this meeting which Dr Glanville stated were not a reflection of what had taken place. In response, Mr Connor stated that the minutes had been emailed to Ms Magee, the RA representative, and no reply had been received to indicate that they were not acceptable. The Licence Holder had attempted to meet with Dr Glanville who had declined to accept this offer.

Noise from patrons on leaving the premise was minimised as much as possible. This was not a rowdy clientele though staff did manage the door in order to speak to those customers who were perhaps a bit noisier and signage was in place. No regulated entertainment was provided at the premise.

Parking was an issue though Mr Connor queried whether this was a Licensing issue and there was little or nothing either the applicant or others could do to address this. However customers were asked to be considerate when parking.

The extraction fan equipment was an ongoing issue and though attenuation works were currently underway, there had been no EH involvement.

A smoking area was provided at the rear and whilst it was not possible to stop people from smoking in the street at the front, this was discouraged. A relationship had been established with one taxi company and there was a

strict policy of no music, horn tooting or banging doors in place. It was not possible to ensure that all patrons used this company and the licence holder had no control over customer taxi use.

This was a responsibly run premise doing its best in the location it was to address and uphold the licensing objectives.

In response to questions from Members, Dr Glanville stated that the discrepancies between what had been said and what was in the agenda and the fact that the applicant had said that these could not be controlled showed the need for the Sub Committee to consider the matter rather than meetings with the licence holder.

Whilst a number of patrons were local residents, a number were not and they were not as considerate of their behaviour on leaving the premises. Rubbish was still being collected earlier than the hours stated.

Mr Connor stated that this all needed to be viewed in the context of where the premise was located and that no complaints had been raised by any resident since the last meeting in August until notice of the review application had been received. Attention was drawn to the letters of support for the premise.

Mr Skerratt, Coldharbour resident, spoke in support of the premise. He had lived in the area for several years and had found the management to be both responsible and responsive and patrons quick to disperse. When he had raised the issue of outside smoking, signage was immediately put in place. Mr Skerratt detailed several anecdotal instances to support his comments.

Dr Glanville advised that as to the membership of the R.A. and said that he was not aware of any other similar organisations within the immediate area. Evidence to support the review had been collected over several months and he personally had called EH on several occasions over the last few years. In respect of parking, it should be noted that the majority of those who supported the licence holder lived in Concordia Wharf and did not have resident parking availability in Coldharbour.

The Licensing Officer confirmed that the file recorded EH complaints received by the Noise Team in respect of noise from patrons on leaving the premise but no complaints regarding deliveries or the extraction fan.

In conclusion, Mr Connor reported that the review procedure should be the last resort and that other avenues of communication had not been explored. The licence holder had initiated the meeting with residents. Mr Connor again queried the representation covered by the R.A. and Dr Glanville's representation on behalf of the R.A.

Dr Glanville reported that even after communicating with the premise's management, nothing had improved.

The Chair advised that the Sub Committee would now, at 7.26pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 7.45pm.

The Chair reported that he would ask the Legal Officer to outline the details of the decision and advised that the Sub Committee had

RESOLVED

The application to review the Premises Licence for The Gun PH, 27 Coldharbour, London E14 9NS was granted in part, and the following amendments and additions to the licence were agreed:

Condition 5 of Annexe 3 of the current licence to be amended to:

No disposal of waste materials to be placed in the external bins between 11pm and 7am and no collection of waste materials to take place during these hours.

Additional conditions:

No deliveries to the premises to take place between 11pm and 7am.

Signage to be placed externally at the front of the premises advising patrons not to smoke in this area and directing patrons to the smoking area at the rear of the premises.

At this point, the Chair agreed to vary the order of business and take Item 5.3 next, however the business has been recorded as detailed in the agenda.

5.2 Application for a new Premises Licence for Lane Foods, 114 Brick Lane, London E1 6RL

Mr Ali introduced the application for a 24 hour licence for the sale by retail of alcohol (off-licence). Objections had been received from EH and the Police

Mr Islam, on behalf of the Applicant, told the Sub Committee that a 24 hour licence was sought in order to provide a 24 hour convenience store that also sold alcohol, as this was the only way that the premises could remain financially viable.

In addition to the provision of food, toiletries, etc. a fee free cash point facility would be available; a facility that was not available in the immediate area and no other off-licence in the vicinity was open 24 hours.

No resident objections had been made including from those above and adjacent to the shop. This was a small shop unit that did not cater for large numbers of people and was mainly used by local residents. The door would be kept close and CCTV provided. Mr Islam concluded by stating that if residents had no objections to make, he did not see how EH could object. The applicant also owned a bar on Brick Lane and enjoyed a good relationship with the police.

PC Jackson advised that Brick Lane was a main hotspot for crime and disorder and he believed that allowing the premise to open for 24 hours would see and increase in crime and disorder and also public nuisance, particularly in the early hours. The Police would not wish to see the premise operate beyond 2am on some days; whilst there had been many applications for 24 hour licences, all had substantially accepted police recommendations regarding opening hours and conditions but in this case, the applicant wished to pursue 24 hours.

PC Jackson stated that he believed the premises would likely attract rough drinkers and sleepers and that once it became known that a premise in Brick Lane was open 24 hours, custom would be attracted from a much wider area. There was no need for a premise to be open for the sale of alcohol throughout the night and the proposed hours of operation of 8am to 2am, whilst being outside the Licensing Policy, had been accepted by other applicants.

PC Jackson requested that if the licence were to be granted, that a condition was attached requiring the installation of CCTV to include coverage of the outside of the premises and also that a Personal Licence holder who had an industry recognised qualification, was on the premise after 20:00 each evening in order to uphold the licensing objectives.

Mr Johnson, Environmental Protection officer, drew Members' attention to the framework hours in the Licensing Policy and the DCMS guidance. Over the last few weeks, Environmental Health's observations of off-licences and take-away premises in the area had shown that off-licence's open at 1.30am or later had groups of people drinking outside the premises. Mr Johnson supported the police concerns regarding likely problems with street drinkers and that EH observations showed that the majority of those buying alcohol at late hours were already intoxicated. In light of those factors, EH had proposed the hours detailed in their representation.

Mr Islam, the applicant's representative, stated that if a customer did not have ID or appeared to be intoxicated, they would not be served. He reiterated that whilst there were other shops selling alcohol, they were only for alcohol – their premise sold a wide variety of goods. There were other types of premise that caused noise nuisance due to people hanging around outside eating.

In response to questions from Members, Mr Islam said that they would train staff to deal with underage sales and that appropriate signage would be in place. In addition to the cash point, there would also be a PayPoint for the payment of bills and topping up pre-pay energy meters. This was in response to customers saying that there was nowhere to buy food and other necessities late at night.

Sergeant Nick Parson, Safer Neighbourhoods Team, Brick Lane, reported that he had received complaints regarding anti-social behaviour from residents, especially regarding noise and public urination in the early hours of the morning. Whilst local people may well form the majority of customers using the shop, alcohol abuse amongst youth was of great concern in the area and he was personally aware that alcohol being brought in premises

such as these. The applicant had previously stated that the sale of alcohol was needed in order to sustain the hours which supported the experience and views already expressed by the police.

Councillor Islam asked how the Licensing Objective regarding the Prevention of Public Nuisance would be upheld. Mr Islam stated that the applicant managed the additional bar premise with without problems and that there was CCTV in place which would show that customers were challenged as to their age.

At this juncture, 9.27pm, the Chair advised that Members would now adjourn to consider the evidence presented. The Clerk advised that as the length of the adjournment was unknown and the Sub Committee had sat for almost three hours, it was necessary to agree to extend the meeting. It was therefore

RESOLVED

That, in accordance with Para. 9.1 of Part 4 of the Constitution, the meeting be extended until such time as the business in hand was concluded.

The Sub Committee subsequently adjourned and reconvened at 9.37pm when the Chair reported that Members had

RESOLVED

That the application for a new Premises Licence for Lane Foods, 114 Brick Lane, London E1 6RL be **GRANTED** subject to amendment and the following conditions:

Hours for the Sale of Alcohol: 09:00 to Midnight Monday to Saturday, 10:00 to 23:00 Sunday

CCTV to be installed and cameras positioned to view people entering the premise and also one directly outside the premise. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

To adhere to the licensing objectives, the DPS, a Personal Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, to be on the premise from 20:00 each day.

5.3 Application for a variation of the Premises Licence for Brick Lane Perfect Fried Chicken, 102 Brick Lane, London E1 6RL

Mr Ali introduced the report and advised as to the representations and that revised hours which were tabled, had been agreed following discussions with the Police.

The applicant's representative, Ms Merry, stated that the variation applied for was both considerate and moderate; affecting the hours operated Thursday to Saturday.

No complaints had been received since the premise had opened in January and EH had objected on the grounds that the application may cause nuisance to residents. No resident had raised objection, either to the applicant or EH. This was a busy area with a number of late night premises and a number of premises that operated later hours than was being applied for here.

The application had been submitted in response to customer demand and would also cater for shift workers. The applicant was fully aware of the licensing objectives and had experience in managing late night premises.

Mr Johnson, Environmental Health Enforcement Officer, said that objection to the application had been submitted on the basis of the public nuisance that would be caused patrons using the shop at increasingly late hours. The area in which the shop was located was highly residential and the premises itself was directly below and adjacent to residential premises.

Given the proximity of the outlet to late night drinking venues, it was not inconceivable that the patrons of the fast food outlet would be loud and congregate outside the premises, causing a nuisance to the people who lived nearby. Accordingly, EH had proposed that the terminal hour on Friday and Saturday nights should be 01:00, with the premise closing at midnight on all other nights. In addition, there were no licensed premises open in Brick Lane until the hour suggested by the applicant with the exception of the Bagel shop.

In response to questions from members, the applicant's representative stated that managing customers who appeared to be intoxicated was a matter of experience. CCTV would also be installed if the application was granted.

At this juncture, the Chair advised that the Sub Committee would now, at 8.25pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 8.45pm and the Chair reported that Members had

RESOLVED

That the application for a variation of the Premises Licence for Brick Lane Perfect Fried Chicken, 102 Brick Lane, London E1 6RL, be **GRANTED** subject to amendment and the following conditions:

The variation to the hours for the provision of regulated entertainment was not granted. (Hours to remain as per current licence).

Opening Hours of the Premises: 11:30 to Midnight Sunday to Wednesday, 11:30 to 00:30 Thursday to Saturday

Hours for the Provision of Late Night Refreshment: 23:00 to Midnight Sunday to Wednesday, 23:00 to 00:30 Thursday to Saturday.

CCTV to be installed at the premise to cover both floors and also to cover people entering the front door and immediately outside the front door.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There will be a member of staff on the premise that can operate the CCTV and be able to download any incident onto a disc if required to do so by a police officer or any other relevant authority.

Waste materials shall not be placed in the external bins during the night hours (23:00 to 07:00 hours the following day)

The meeting ended at 9.40 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

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Agenda Item 5.1

Committee: Licensing Sub-committee	Date: 20/04/2009	Classification Unclassified	Report No. LSC072/809	Agenda Item No. 5.1
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Nick Kemp Licensing Officer	Title: Licensing Act 2003 Application for a variation of the Premises Licence for Kivre Food Centre, 497-499 Cambridge Heath Road, E2 9BU Ward affected: Bethnal Green North
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1.0 Summary

- Applicant: **Mr Ibrahim Bagcih & Mr Hussein Ordu**
- 2.0 Name and Address of Premises: **Kivre Food Centre, 497-499 Cambridge Heath Road, E2 9BU**
- Licence sought: **Variation of premises licence under the Licensing Act 2003**
- To amend the hours for the provision of licensable activities**
- Representations: **Environmental Protection Metropolitan Police**

3.0 Recommendations

- 3.1 That the Licensing Committee considers the application and objections 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
File Only		Nick Kemp 020 7364 7446

4.0 Background

- 4.1 This is an application for a variation of the premises licence for Kivre Food Centre, 497-499 Cambridge Heath Road, E2 9BU by extending the times for the supply of alcohol. They are not licensed for any other activities.
- 4.2 A copy of the existing licence is enclosed as **Appendix 1**.

Current licensing times.

The sale by retail of alcohol

Monday to Sunday 10:00 – 23:00

Hours premises are open to the public:

Monday to Sunday from 06:00 – 01:00.

- 4.3 A copy of the application is enclosed as **Appendix 2**.
- 4.4 The applicant has described the nature of the variation as follows:
- An existing shop with a premises licence.

The hours that have been applied for are as follows:-

Supply of alcohol

Monday to Sunday: 24 hours pre day

Hours premises are open to the public:

Monday to Sunday: 24 hours per day.

- 4.5 A map showing the situation of premises in the local area is included in **Appendix 3**.

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 policy was adopted by the Full Council on the 8 December 2004.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 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 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 6.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 6.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.5 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.

- 6.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.9 The representation in this report has been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Protection
 - Trading Standards
 - Child Protection
- 6.11 This hearing is required by the Licensing Act 2003, because relevant representations have been made by:
Environmental Protection – who request conditions
Metropolitan Police – who request conditions
- Please see **Appendix 4**
- 6.12 The application was required to be advertised in a local newspaper and by a blue poster. In addition the licensing section consulted on a 40 m basis.
- 6.13 Only objections 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
- 6.14 Essentially, Environmental Protection and the resident oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objectives, particularly:
- the prevention of public nuisance
- 6.15 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.

7.0 Licensing Officer Comments

7.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore 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.

7.2 Guidance issued under section 182 of the licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6). Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ❖ 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.” (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

- 7.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.
- 7.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 7.5 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.
- 7.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 7.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

8.0 Exemptions

- 8.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 8.2 Acts of religious worship, wherever performed are not licensable.
- 8.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 8.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 8.5 Section 177 can be disapplied on a licence review if it is proportionate to do so.

9.0 Legal Comments

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

10.0 Finance Comments

10.1 There are no financial implications in this report.

Appendices

- | | |
|--------------------|---|
| Appendix 1 | A copy of the existing premises licence |
| Appendix 2 | A copy of the variation application |
| Appendix 3 | Maps of the area |
| Appendix 4 | List of objectors |
| Appendix 5 | Details of representations by Environmental Protection |
| Appendix 6 | Details of representations by Metropolitan Police |
| Appendix 7 | Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations |
| Appendix 8 | Licensing Officer comments on Anti Social Behaviour from patrons leaving the premises |
| Appendix 9 | Licensing Officer comments on Access and Egress Problems |
| Appendix 10 | Licensing Officer comments on Planning |
| Appendix 11 | Licensing Policy relating to hours of trading |

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

12745

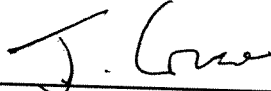
(Kivre Food Centre)
497-499 Cambridge Heath Road
London
E2 9BU

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse 
Team Leader Licensing

Date: 1st November 2007

FOR OFFICE USE

M:\licensing\Word97\2003 LicAct certs & lics\Prem Lics\CambridgeHeathRd497.doc
Receipt Number 182937 Fee Paid £190.00 Fee Req. — Date 13/8/17 Initial 1



Part A - Format of premises licence

Premises licence number

12745

Part 1 - Premises details

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

497-499 Cambridge Heath Road

Post town

London

Post code

E2 9BU

Telephone number

07886 010455

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

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 10:00 hrs to 23:00 hours

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 06:00 hrs to 01:00 hrs the following day

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

Off sales only

Part 2

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

Mr. Ibrahim Bagcih
10 Charcroft Gardens
Enfield
EN3 7HA
07886 010455

Mr. Hussein Ordu
76 Leadale Avenue
London
E4 8AY
07886 185104

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

Not applicable

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

Mr. Ibrahim Bagcih
10 Charcroft Gardens
Enfield
EN3 7HA
07886 010455

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

London Borough of Enfield
No: LN/200800362

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

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV to be maintained inside and outside the premises. Recordings to be kept for minimum of 31 days and made available to Police or Licensing Authority.
2. Refusal book to be kept at the premises to record all refused sales of alcohol.
3. A recognised ID, such as passport or driving licence, shall be requested for all persons appearing to be minors.

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

Not applicable

Annex 4 - Plans

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

13th August 2007



Part B - Premises licence summary

Premises licence number

12745

Premises details

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

497-499 Cambridge Heath Road

Post town
London

Post code
E2 9BU

Telephone number
07886 010455

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

Monday to Sunday from 10:00 hrs to 23:00 hrs

The opening hours of the premises

Monday to Sunday from 06:00 hrs to 01:00 hrs the following day

Name, (registered) address of holder of premises licence

Mr. Ibrahim Bagcih 10 Charcroft Gardens Enfield EN3 7HA	Mr. Hussein Ordu 76 Leadale Avenue London E4 8AY
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Off sales only

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

Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr. Ibrahim Bagcih

State whether access to the premises by children is restricted or prohibited

No restrictions

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Appendix 2

ORIGINAL
FEE £190

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

3101

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 **MR IBRAHIM BAGCIH & MR HUSSEIN ORDU**

(Insert name(s) of applicant)

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

Premises licence number 12745

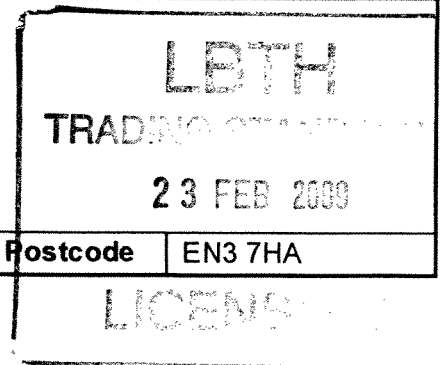
Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description KIVRE FOOD CENTRE 497-499 CAMBRIDGE HEATH ROAD			
Post town	LONDON	Post code	E2 9BU

Telephone number at premises (if any)	07886010455
Non-domestic rateable value of premises	£7000

Part 2 – Applicant details

Daytime contact telephone number	07886010455		
E-mail address (optional)	-		
Current postal address if different from premises address	10 CHARCROFT GARDENS,		
Post Town	LONDON	Postcode	EN3 7HA



A . ANVA LTD
P.O. BOX 1827
ILFORD. IG2 7WJ
Tel: 020 8599 5036 Fax: 020 8586 4401
Mobile: 07710942923/07930407212

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

AN EXISTING SHOP WITH A PREMISES LICENCE

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

0

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE		
Mon	24	HRS			
Tue	24	HRS			
Wed	24	HRS			
Thur	24	HRS			
Fri	24	HRS			
Sat	24	HRS			
Sun	24	HRS			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) NONE		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4) NONE
Day	Start	Finish	
Mon	24	HRS	
Tue	24	HRS	
Wed	24	HRS	
Thur	24	HRS	
Fri	24	HRS	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) NONE
Sat	24	HRS	
Sun	24	HRS	

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

Please tick yes

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

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

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

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

- STAFF TO BE TRAINED REGULARLY ON LICENSING PROVISIONS AND THIS TO BE DOCUMENTED.
- MINIMUM OF 2 STAFF TO BE ON THE PREMISES AFER 2300 HRS.

b) The prevention of crime and disorder

- CCTV COVERAGE INSIDE & OUTSIDE THE PREMISES IN ACCORDANCE TO THE WITH ADVICE FROM THE POLICE.
- SIGNS TO DISPLAY INFORMING THE PUBLIC PASSING THE PREMISES THAT RECORDED CCTV IS IN USE AT THE PREMISES.
- ANY RECORDING TO BE KEPT MINIMUM OF 31 DAYS AND BE MADE AVAILABLE TO COUNCIL AND POLICE OFFICER.
- A GENERAL ALARM SYSTEM.

c) Public safety

- TO COMPLY WITH THE FIRE REGULATIONS AND THE PROVISIONS OF THE MANAGEMENT REGULATIONS.
- MAINTAIN AND CHECK SYSTEMS IN PLACE, SMOKE DETECTORS, FIRE EXTINGUISHERS, EMERGENCY SAFETY LIGHTING, FIRE ALARMS ETC.

d) The prevention of public nuisance

- DISCOURAGE NOISE FROM PATRONS ARRIVING AT QUEUING OR DEPARTING FROM THE PREMISES BY DISPLAYING POLITE NOTICES FOR CUSTOMERS' ATTENTION.

e) The protection of children from harm

- TO PREVENT THE PURCHASE OF ALCOHOL BY MINORS, STAFF WILL REQUEST PROOF OF AGE IDENTIFICATION SUCH AS UK DRIVERS' LICENCE OR PASSPORT.
- RELEVANT LITERATURE TO BE DISPLAYED FOR CUSTOMERS ATTENTION.
- REFUSED SALES WILL BE ENTERED INTO THE REFUSAL BOOK WITH DETAILS FOR RECORD.


Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	22/12/2008
Capacity	AUTHORISED AGENT ON BEHALF OF THE APPLICANT

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

Signature	
Date	
Capacity	

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

ANVA
[REDACTED]

ANVA LTD
P.O. BOX 1827
ILFORD, IG2 7WJ
Tel: 020 8599 5036 Fax: 020 8586 4401
Mobile: 07710942923/07930407212

Post town	ILFORD ESSEX	Post code	IG2 7WJ
-----------	--------------	-----------	---------

Telephone number (if any)	0208 599 5036
---------------------------	---------------

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

INFO@ANVA.CO.UK

Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I MR. IBRAHIM BAGCIH
[full name of prospective premises supervisor]

of 10 CHARCROFT GARDENS
ENFIELD
EN3 7HA

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

VARIATION
[type of application]

by

MR. IBRAHIM BAGCIH & MR. HUSSEIN ORDU
[name of applicant]

relating to a premises licence 12745
[number of existing licence, if any]

for

KIVRE FOOD CENTRE
497-499 CAMBRIDGE HEATH ROAD
LONDON E2 9BU

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

MR IBRAHIM BAGCIH & MR HUSSEIN ORJUN
[name of applicant]

concerning the supply of alcohol at

KIVRE FOOD CENTRE
497-499 CAMBRIDGE HEATH RD.

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

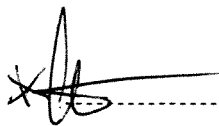
Personal licence number

LN/200800362
[insert personal licence number, if any]

Personal licence issuing authority

ENFIELD COUNCIL
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

MR. IBRAHIM BAGCIH

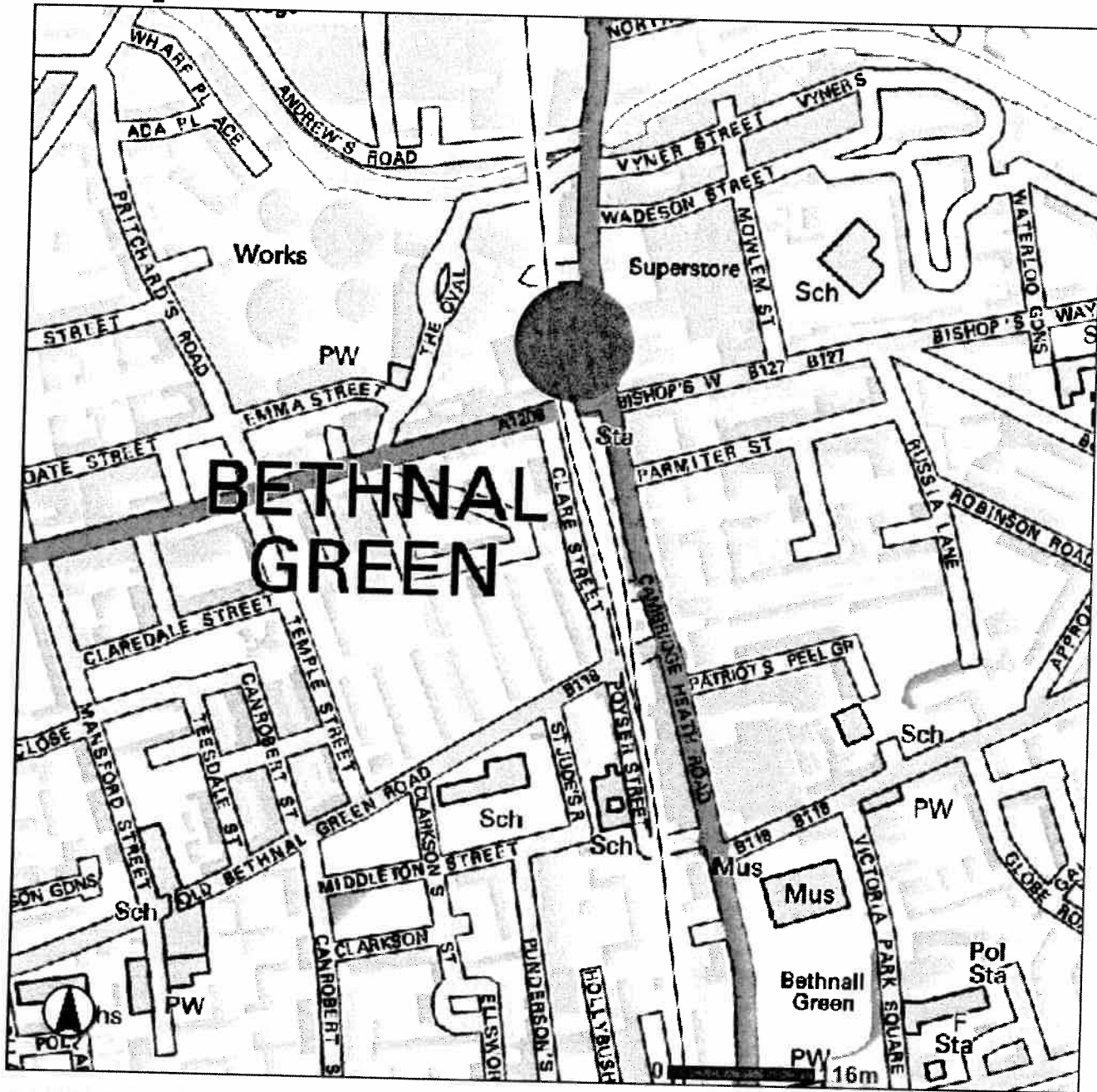
Date

22 - DEC - 2008

Appendix 3

9

Map



Scale 1:5000

Map of:

Notes:

497-499 Cambridge Heth Road (S)

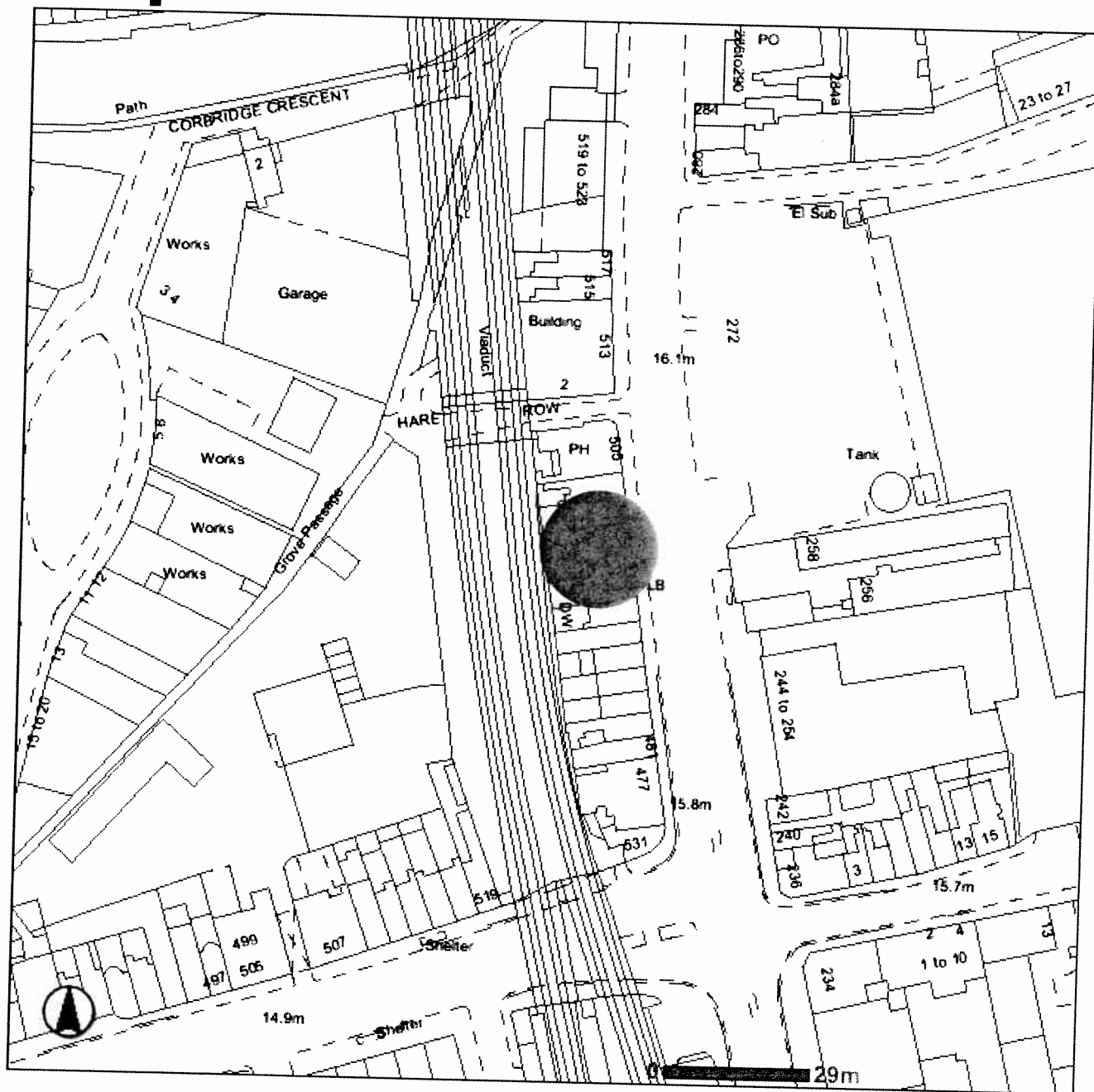
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Licence Number: LA100019288

Map



Scale 1:1250

Map of:

497-499 Cambridge Heth Road (L)

Notes:

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Licence Number: LA100019288

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Appendix 4

List of Objectors

Name	Address	Content Dates	Appendix
Environmental Protection		e-mail dated 12 th March 2009 with a proposed condition	5
Metropolitan Police		Letter dated 24 th March 2009 Which includes a request for conditions	6

Appendix 5

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Nick Kemp

From: John Cruse
Sent: 12 March 2009 15:00
To: Nick Kemp
Cc: Paul Johnson
Subject: FW: Premises License Application - Kivre Food Centre, 497 Cambridge Heath Road, London E2

Nick-another one!

Thanks

JC

From: Paul Johnson
Sent: 12 March 2009 14:56
To: John Cruse
Cc: Kathy Butler
Subject: Premises License Application - Kivre Food Centre, 497 Cambridge Heath Road, London E2

Dear John,

Environmental Health object to the above premises license application on the grounds of public nuisance.

The area is residential as well as commercial. Residential properties, flats, are located directly above and the proposed premises on the first floor.

Environmental Health has concerns that noise nuisance may be caused from members of the public frequenting the premises up till early morning hours and noise from customers leaving till the proposed hours. It is not unreasonable to assume that the persons frequenting this premises in the early hours of the morning may be intoxicated and therefore increasing the likelihood of public nuisance.

With reference to the Licensing Policy relating to hours of trading, the Council has adopted a set of framework hours which are as follows:

Sunday to Thursday 06 00hrs to 23 30 hrs
 Friday and Saturday 06 00hrs to midnight

With reference to the above comments and Licensing framework hours -

EH propose the following times and conditions:

Supply of alcohol and opening hours

Sun to Thursday 09:00 - 23:30
 Friday to Saturday: 09:00 - 00:00

Proposed condition:

Waste materials shall no be placed in the external bins during the night hours (23:00 hours to 7:00 hours the following day).

Regards,

Paul Johnson
Environmental Health Enforcement Officer
Environmental Protection

Postal Address
Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY

Location Address
Anchorage House, 2 Clove Crescent, London, E14 2BE

Telephone : 020 7364 6617
Website : <http://www.towerhamlets.gov.uk>

Appendix 6

Your reference :

Our reference :

Date : 24th March 2009



Mr John Cruse
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 1BY

Metropolitan Police Service
Tower Hamlets Division (HT)

Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
London E2

Tel: (020) 8217 4118

Fax: (020) 8217 6688

Dear Sir,

Re: Application for Variation of Premises Licence
Kivre Food Centre, 497-499 Cambridge Heath Road, E2

I write with reference to the above application, which was received in this office on 25th February 2009.

Please accept this letter as notification that the police, as a responsible authority, are objecting to this application on the grounds that it is likely that if granted two out of four of the licensing objectives will not be met;

Prevention of crime and disorder
Prevention of public nuisance.

The applicant has applied for a twenty four hour licence. The premises is on the periphery of the Bethnal Green disorder hotspot and on a busy main road.

Although the police recognise the importance of the night-time economy, we also have to consider the impact on local residents and policing in the area.

In researching the impact of a premises that opens for the sale of alcohol for twenty four hours in the area, the licensing office have liased with the Bethnal Green North Safer Neighbourhood Team that has responsibility for the policing in that ward.

Tower Hamlets has a large street drinking problem and the SNT report that there is a "Wet House" (a home for alcohol dependant residents) on Parmiter Street, E2. This is in close proximity to the premises and the SNT regularly have to deal with street drinkers that congregate around Cambridge Heath Rail Station.

The SNT also have a public set priority in Patriot Square, E2. This is mainly dealing with anti social behaviour caused by youths and alcohol consumption.

A twenty four hour licence will attract people already under the influence of alcohol and "street drinkers" and there is a strong likelihood that it will be a focal point for disorder and antisocial behaviour.

The police licensing office has approached the licensing agent with our concerns, requesting that the hours be reduced to the following;

Opening and Alcohol

Sun - Thursday 0730 - Midnight

Friday - Saturday 0730 - 0200

The following conditions would also apply;

A digital CCTV system with time & date recording facility will be maintained with cameras covering the inside and immediately outside the premises.

Recording media to be retained for at least 30 days and to be readily available for inspection by the police upon reasonable request.

Authorised staff to be trained to operate the recording equipment and be competent in its operation.

All staff will be trained and authorised in writing by the designated premises supervisor before being allowed to sell alcohol. The authorisation sheet and training documentation will be made available for the Police or other responsible authority to inspect upon reasonable request.

Unfortunately the applicant refused the hours.

Yours faithfully,

Louise Allen PC150HT
Licensing Officer

Appendix 7

Section 182 Advice by the DCMS

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 8

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 4.10 and 4.11 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 5.2 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 2 Annex D 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 6 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 pool of conditions, adopted by the council is recommended (13.20).

The key role of the police is acknowledged (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, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (s.2.7-2.11).

There is also guidance issued around the heading of “public nuisance as follows

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

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 (2.36) but it is essential that conditions are focused on measures “within the direct control of the licence holder” (2.38).

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 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.

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 Sections 8.1 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 Sections 8.2 of the Licensing Policy, and also Section 12.5**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.1**).

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 12.4**)

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of

Conditions relating to the prevention of Public Nuisance. (**See Appendix 2 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 pool of conditions, adopted by the council is recommended (13.20 and Annex D).

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. (2.33).

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 (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Appendix 10

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 11

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 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 applicants 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 12.8 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
- Premises licensed for off sales only

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Gambling Act 2005 - Order of Proceedings

The Sub Committee may be asked to consider whether representations made are valid, frivolous or vexatious and will adjudicate accordingly.

If it is considered that there are valid representations, the Licensing Officer will present the report.

The Applicant or their representative will then present their case and, with permission call witnesses and will also if appropriate respond to the objections raised as well as raising any issues relating to the validity of the representations.

The Sub Committee will receive the representations from the interested parties and/or Responsible Authorities who may:

- present their objections to the Sub Committee and, with permission, call witnesses

With the permission of the Chair, any party including the Applicant may, via a Member of the Sub Committee, ask questions or seek clarification of the other parties present once they have addressed the Sub Committee.

The Sub Committee will have the opportunity to raise questions or seek clarification with all parties, throughout the proceedings

(N.B. Although no specific time limit is applied to each individual objection the Sub Committee will look not to hear repetitive objections. In addition, if necessary the Chair may apply time limits.)

The Sub Committee will retire to consider the evidence presented to them both orally and in writing following which the meeting will reconvene and the Chair will report the decision of the Sub Committee

Note: The Sub Committee may adjourn proceedings at any time and retire to consider any matters relating to the application.

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Committee : Licensing Sub-Committee	Date: 20/04/2009	Classification: Unclassified	Report No. LSC073 /809	Agenda Item No. 5.2
---	----------------------------	--	----------------------------------	-------------------------------

Report of: Colin Perrins Head of Trading Standards and Environmental Health Commercial Originating Officer: Mohshin Ali Licensing Officer	Title: Gambling Act 2005 Application for a new Premises Licence Coral, 56 Bow Common Lane, London E3 4DE Ward affected: Bromley-by-Bow
---	--

1.0 Summary

Applicant Name	Coral Racing Ltd
Address of Premises:	56 Bow Common Lane, London E3 4DE
Licence sought:	New Premises Licence <ul style="list-style-type: none"> • Betting (other)
Representations:	Local residents Representatives of local residents

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and objections 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
File Only		Mohshin Ali 020 7364 5498

3.0 **Background**

- 3.1 This is an application for a new premises licence for Coral, 56 Bow Common Lane, London E3 4DE.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the premises as follows:
“Self contained ground floor lock up shop in a five storey building with residential above”.
- 3.3 The application is for off-track betting, which is more commonly known as a “Bookies.”
- 3.4 A map showing the relevant premises is included as **Appendix 2**.

4.0 **Licensing Policy for Gambling, and Gambling Commission advice.**

- 4.1 The Council has adopted a licensing policy in relation to gambling and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 13 December 2006.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Gambling Commission has issued guidance to Licensing Authorities which will also be available at the hearing. It can also be viewed at www.gamblingcommission.gov.uk. Relevant Sections can be found within the licensing officer’s report.
- 4.4 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 commission’s advice, or has developed it further.

5.0 **Representations**

- 5.1 This hearing is required by the gambling Act 2005 because representations have been made by local residents and representatives of local residents.
- 5.2 The representations relate to:
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 5.3 Please see **Appendix 3** for the representation of Babu Bhattacharjee of Poplar Harca.
- 5.4 Please see **Appendix 4** for the representation of Mat Sheldon of the Lincoln and Burdett Children's Centre.
- 5.5 Please see **Appendix 5** for the representation of Fr Aidan Peter Rossiter the Catholic Parish Priest of Holy Name Church.
- 5.6 In addition a petition of 115 people has been submitted by Sultana Begum (**Appendix 6**). Members can refer to the map in **Appendix 2** to see where the residents' addresses are in relation to the premises.
- 5.7 It should be noted that 17 of the people that appear on the petition are too far away to be considered as someone who "lives sufficiently close to the premises to be likely to be affected by the authorised activities". Members should disregard the people who are listed in **Appendix 7**. In relation to the rest, Members must, in each case consider the extent to which a person will, in fact, experience the problems they are complaining of.
- 5.8 An interested party is defined as someone who:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - (b) has business interests that might be affected by the authorised activities, or
 - (c) represents persons who satisfy paragraph (a) or (b)
- 5.9 The application was required to be advertised in a local newspaper and by a poster at the premises.
- 5.10 The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 5.11 Members should note that moral a moral objection to gambling is not relevant to the decision making process (See **Appendix 11**).
- 5.12 In addition, children are not permitted on an off-track betting premises (See **Appendix 13**). There are however, a number of other premises where they are permitted and they may witness gambling, the most obvious being shops that sell lottery and scratch card tickets.
- 5.13 There are time limits to any representations. These are contained in the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.

6.0 Licensing Officer Comments

6.1 The Licensing Section is also a responsible authority but does not wish to make any representations. The following is intended simply to advise Members of the relevant aspects of the Gambling commission's advice and the Borough Gambling Policy. Members may depart from the advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued to Licensing Authorities by the Gambling Commission

- Gambling Commission advice on the Principles to be applied when considering applications (**Appendix 8**)
- Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime (**Appendix 9**)
- Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling (**Appendix 10**)
- Gambling Commission Advice on Moral Objections (**Appendix 11**)
- Gambling Commission Advice on Premises Licences (**Appendix 12**)
- Gambling Commission Advice on Off-track Betting (**Appendix 13**) there are mandatory conditions which must apply to this application. There are also default conditions concerning hours, which will apply in this case as no dis-application has been made by the applicant.

6.3 The Gambling Policy of the London Borough of Tower Hamlets

- London Borough of Tower Hamlets Gambling Policy Definition of vulnerable person (1.46) (**Appendix 14**)
- London Borough of Tower Hamlets Gambling Policy relating to betting machines on betting premises (**Appendix 15**)

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.

9.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Representation of Babu Bhattacharjee of Poplar Harca.
- Appendix 4** Representation of Mat Sheldon of the Lincoln and Burdett Children's Centre
- Appendix 5** Representation of Fr Aidan Peter Rossiter the Catholic Parish Priest of Holy Name Church.
- Appendix 6** A petition from local residents
- Appendix 7** List of residents that are too far away from the premises.
- Appendix 8** Gambling Commission advice on the Principles to be applied when considering applications
- Appendix 9** Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime
- Appendix 10** Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling
- Appendix 11** Gambling Commission Advice on Moral Objections
- Appendix 12** Gambling Commission Advice on Premises Licences
- Appendix 13** Gambling Commission Advice on Off-track Betting
- Appendix 14** London Borough of Tower Hamlets Gambling Policy Definition of vulnerable person (1.46)
- Appendix 15** London Borough of Tower Hamlets Gambling Policy relating to betting machines on betting premises

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Appendix 1

Application for a premises licence under the Gambling Act 2005

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino Large Casino Small Casino
Bingo Adult Gaming Centre Family Entertainment Centre
Betting (Track) Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.
Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____
[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.
[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

12 JAN 2009

LICENSING

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: **Coral Racing Ltd**
[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

**Glebe House
Vicarage Drive
Barking
Essex**

Postcode: **IG11 7NS**

8(a) The number of the applicant's operating licence (as given in the operating licence): **001- 002360 - N - 102405 - 001**

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): **Coral**

11. Address of the premises (or, if none, give a description of the premises and their location):

**56 Bow Common Lane
London**

Postcode: **E3 4DE**

12. Telephone number at premises (if known): **Not known**

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Self contained ground floor lock up shop in a five storey building with residential above.

14(a) Are the premises situated in more than one licensing authority area? **No**

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? **No** [delete as appropriate] [Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	Start	Finish	Details of any seasonal variation
Mon	hh:mm	hh:mm	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued):

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? **No**

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?

YES

19(b). If the answer to question 19(a) is yes, please provide full details:

787	Commercial Road	Tower Hamlets	London	E14 7HG
119	Poplar High Street		London	E14 0AE
6	Cavell Street	Tower Hamlets	London	E1 2HP
145	Manchester Road		London	E14 3DN
257	Whitechapel Road	Tower Hamlets	London	E1 1DB
86	Columbia Road		London	E2 7QB
617/619	Roman Road		London	E3 2RN
403/405	Roman Road		London	E3 5QS
397/399	Bethnal Green Road		London	E2 0AN
Unit 5	Beaufort Court	Waterside Marsh Wall, Docklands	London	E14 9XL
3	Pennyfields	West India Dock Road	London	E14 8HP
315/317	Bethnal Green Road		London	E2 6AH
137	Roman Road	Bow	London	E2 0QN
Concourse Level 1	Canada Square	Canary Wharf	London	E14 5AB
317	Whitechapel Road		London	E1 1BY
255	Poplar High Street		London	E14 0BE

20. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

I confirm that, to the best of my knowledge, the information contained in this application is true. I understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application. ✓

I confirm that the applicant(s) have the right to occupy the premises. ✓

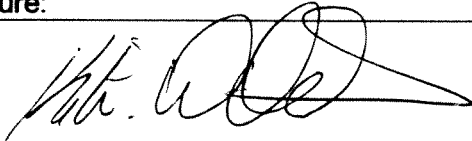
Checklist:

- Payment of the appropriate fee is enclosed ✓
- A plan of the premises is enclosed ✓
- I understand that if the above requirements are not complied with the application may be rejected ✓
- I understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities ✓

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print name: **Kevin Williams**

Date: **7th January 2009**

Capacity: **Development Manager**

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print name:

Date: (dd/mm/yyyy)

Capacity:

Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Kevin Williams

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

Office: 01708 379675 Mobile: 07714 063429

24. Postal address for correspondence associated with this application:

**Kevin Williams
Coral
19 – 21 Station Road
Harold Wood
Essex**

Postcode: **RM3 0BP**

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

Kevin.williams@galacoral.com

Notice of application for a Premises Licence (Form A)

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that: **Coral Racing Ltd**

of the following address:

**Glebe House
Vicarage Drive
Barking
Essex**

Postcode: **IG11 7NS**

the number of whose operating licence is

001- 002360 - N - 102405 - 001

has made an application for a

Betting (Other) premises licence.

The application relates to the following premises:

Coral (trading name to be used at the premises)

**56 Bow Common Lane
London
E3 4DE**

(Give the trading name to be used at the premises, and the address of the premises (or, if none, give a description of the premises and their location)

The application for a premises licence has been made to the following licensing authority:

**London Borough of Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Close Crescent
London**

Postcode: **E14 1BY**

Website: www.towerhamlets.gov.uk

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

**Kevin Williams
Development Manager**

**Office: 01708 379675
Mobile: 07714 063429**

Email: Kevin.williams@galacoral.com

Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date:

4th February 2009

**Notice of application for a Premises Licence
under the Gambling Act 2005**

Notice is hereby given that:

Coral Racing Ltd

of the following address:

**Glebe House
Vicarage Drive
Barking
Essex
IG11 7NS**

is applying for a **Betting (Other)** premises licence under section 159 of the Gambling Act 2005.

The application relates to the following premises:

**Coral
56 Bow Common Lane
London
E3 4DE**

The application has been made to:

**London Borough of Tower Hamlets, Licensing Section, Mulberry Place
(AH), PO Box 55739, 5 Close Crescent, London, E14 1BY**

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

Any of the following persons may make representations in writing to the licensing authority about the application:

- A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories.

Any representations must be made by the following date:

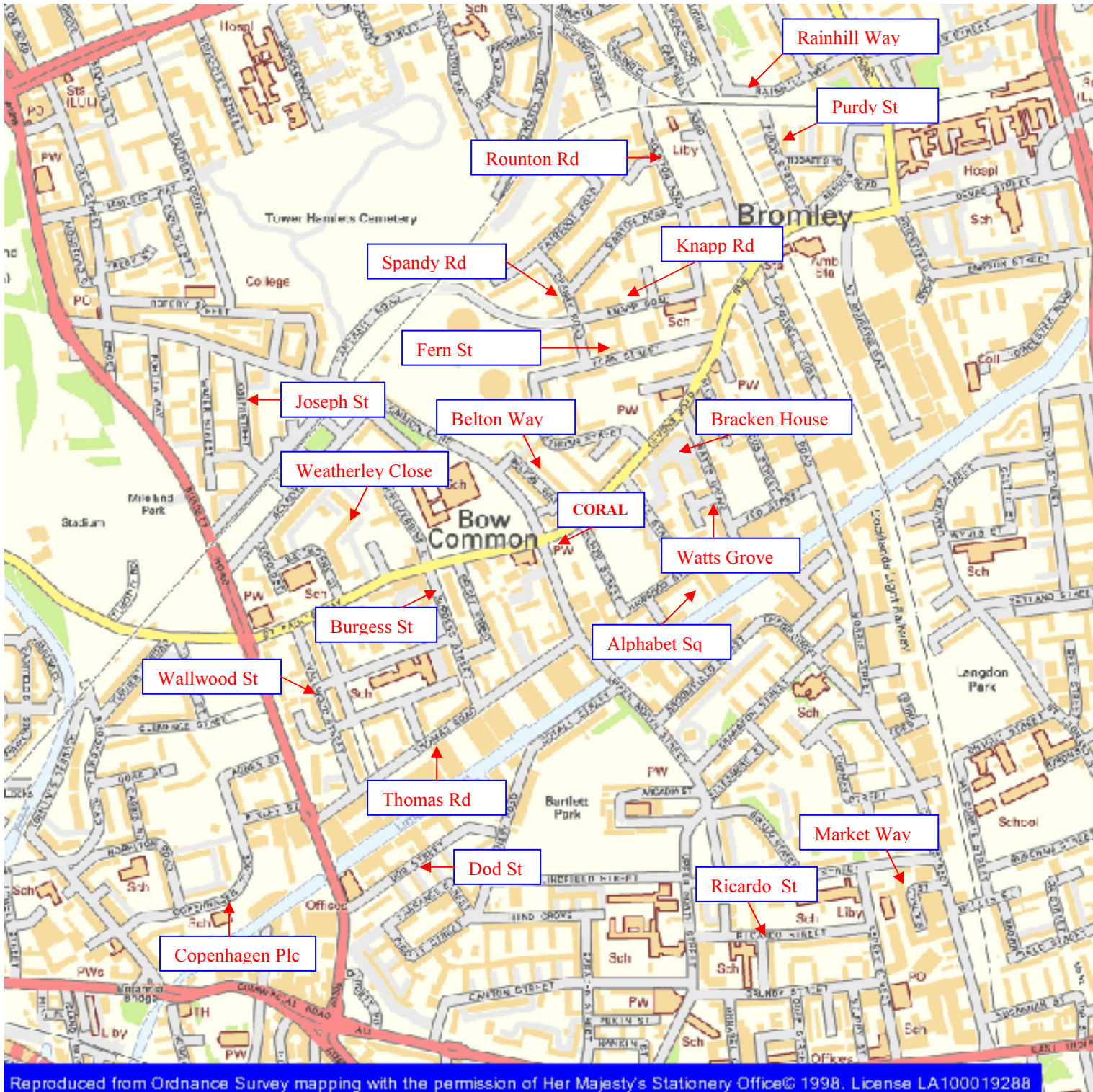
4th February 2009

It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Appendix 2

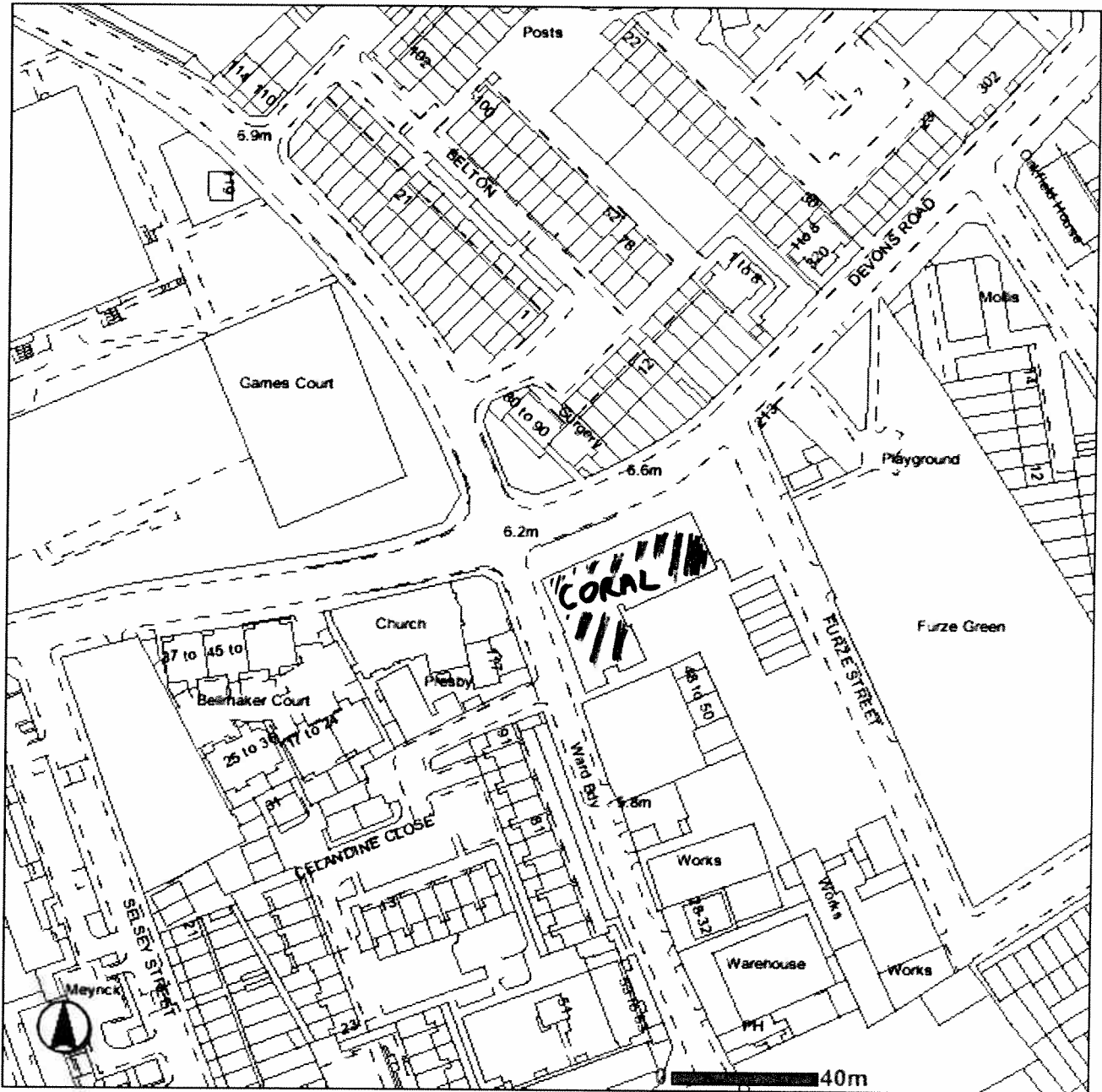
A map showing the residents' addresses are in relation to the premises

Scale – 1:10,000



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Map



Scale 1:1750

Map of:

Coral

Notes:

56 Bow Common Lane

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

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Appendix 3

Mohshin Ali

From: John Cruse on behalf of licensing
Sent: 04 February 2009 13:53
To: Mohshin Ali
Subject: FW: Coral Application for Betting Premises on 56 Bow Common Lane

From: Babu Bhattacharjee [mailto:babu.bhattacharjee@poplarharca.co.uk]
Sent: 03 February 2009 18:39
To: licensing
Cc: Rania Khan
Subject: Coral Application for Betting Premises on 56 Bow Common Lane

Tower Hamlets Licensing Team

I am writing on behalf of Poplar HARCA to express our concern over the application for a licence to run a betting shop on 56 Bow Common Lane. Whilst we welcome retail provision in this area, we do not feel that a betting shop is appropriate for the suggested location, particularly given the proximity to St Paul's Way School and the Burdett and Lincoln Children's Centre.

Many of our residents will be concerned about the impact this shop may have on young and vulnerable residents who cannot afford to lose money. The premises are also opposite a Children's Centre and there will be concerns from families who use the Centre about the betting shop and its potential clientele.

I would be happy to provide more information regarding our concerns if required.

Babu Bhattacharjee
Interim Head of Communities and Neighbourhoods
Poplar HARCA

Babu Bhattacharjee
Poplar Harca
Head of Neighbourhoods and Communities
Tel: 020 7510 0555
Fax: 020 7510 0550
167a East India Dock Road
Poplar
London
E14 0EA
www.poplarharca.co.uk



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Poplar HARCA is the trading name of Poplar Housing and Regeneration Community Association Ltd. Poplar HARCA is a company registered in England and Wales under registered number 3249344. Housing Corporation registration number L4170. Registered office 167a East India Dock Road, London, E14 0EA. Poplar HARCA is a registered charity number

Appendix 4

Mohshin Ali

From: Mat Sheldon [Mat.Sheldon@poplarharca.co.uk]
Sent: 04 February 2009 17:35
To: licensing
Cc: Amanda Hicks; Helen Jenner
Subject: Coral Licensing Application for Betting Premises in Telford Homes Development - Devon's Road (Next to Park View Court, corner of Bow Common Lane & St Pauls Way)

Dear Sir/Madam

Coral Licensing Application for Betting Premises in Telford Homes Development - Devon's Road (Next to Park View Court, corner of Bow Common Lane & St Pauls Way)

I write with reference to the above application by Coral to Tower Hamlets Council's Licensing team regarding the above development which is directly opposite the Lincoln and Burdett Children's Centre on St Pauls Way.

The Children's Centre works with and supports families and children under 5 through a range of services including Early Learning, Family Support, Employment, Play and Stay and Health. In our work with these families, we come across a range of issues some of which are relatively easy to resolve, others of which are not.

I have to draw your attention to the fact that some of our families issues are complicated by gambling addiction and very low income. **Only last week, I had to attend a home visit with a family with three children under 5 where the father was spending all the families benefit income on gambling and had physically threatened the children's mother for more money that she didn't have.**

Having yet another betting premises (there is already one just up the road near Fern Street – only 5 minutes walk from here) in the area is wholly inappropriate for a community that face many challenges in bringing up their children. To have another betting shop literally on the communities doorstep can only exacerbate the issues that our families face – many of whom simply cannot afford to spend money on anything but the core needs of their family and children.

I would urge you, in the strongest terms, to deny this application.

If you would like to discuss this in more detail, please do not hesitate to contact me on the details below.

Mat Sheldon
Manager

Lincoln and Burdett Children's Centre
2 Belton Way
Bow
London E3 4BB

Email: mat.sheldon@poplarharca.co.uk
Tel: 020 7093 1442

Fax: 020 7093 1443

Mat Sheldon
Poplar Harca
Manager Childrens Centre
Tel: 020 7093 1442
Fax: 020 7093 1445
167a East India Dock Road
Poplar
London
London
E3 4BB
www.poplarharca.co.uk



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Poplar HARCA is the trading name of Poplar Housing and Regeneration Community Association Ltd

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Appendix 5



**CATHOLIC PARISHES
Ss MARY & JOSEPH, POPLAR
HOLY NAME, BOW COMMON**

Clergy House, 9, Pekin Street, Poplar, London E14 6EZ.
Telephone: 0207 987 4523 Facsimile: 0207 538 4810 E-mail: poplar@rcdow.org.uk

IP...
- 5 FEB 2009
LICENSING

3rd February 2009

Dear Sir,

I wish to register my concerns about the proposed Coral Betting Shop to be placed in the new development on the corner of St Paul's Way and Bow Common Lane at E3 4DE .

My concerns are threefold

- 1 The shop will be very close to St Paul's Way School and as such places a level of temptation of supposed "easy money" before the pupils of the school. In citizenship and other educational programmes in our schools, financial proberty is taught. The betting shop flies in the face of this.
- 2 In today's climate of recession, which is likely to last a long time, the presence of a betting shop will result in people placing bets using essential rather than excess income on betting opportunities thus placing them and their families into greater financial difficulties.
- 3 As the Catholic Parish Priest of Holy Name Church opposite the proposed site, on behalf of my community, we object to a betting shop as it endorses a clear teaching of our community namely; "The love of money is the route of all evil". This does not mean money is evil and whilst betting admittedly has some social fun element it is in the end based upon peoples' desire to "make a killing" or "get rich quick". Such actions tend to engender antisocial behaviour in the community. There are known cases of patrons of local betting shops being targeted by individuals/gangs to rob them of their winnings. We do not need another opportunity for street crime in the area to be set up.

I know that Councillor Rania Khan and other councillors are concerned about this proposal. I ask you not grant a betting licence.

Yours sincerely

Fr Aidan Peter Rossiter CJ BSc STB MA FMCM PGCE
Parish Priest Poplar/Bow Common Parishes

These parishes belong to the Westminster Roman Catholic Diocese Trustee - Charity No 233699

Appendix 6

List of valid representations on the petition

Name	Address 1	Address 2	Address 3	Postcode
N Rahamn	46 Bredel House	St Pauls Way	London	E14 7AS
Yunus Ali	8 Limborough House	Thomas Road	London	E14 7AW
The Occupier	82 Limborough House	Thomas Road	London	E14 7AW
Abdul Hakim	44 Broadhurst House	Joseph Street	London	E3 4HY
Hena Begum	9 Meyrick House	Burgess Street	London	E14 7AU
The Occupier	21 Limborough House	Thomas Road	London	E14 7AW
Abu Bakkar	19 Bowry House	Wallwood Street	London	E14 7AG
Abdul Aziz	19 Bowry House	Wallwood Street	London	E14 7AG
Marzia Begum	24 Meyrick House	Burgess Street	London	E14 7AU
Forida Begum	24 Meyrick House	Burgess Street	London	E14 7AU
Shamina Khan	107 Fern Street		London	E3 3PT
Hajera Khan	107 Fern Street		London	E3 3PT
Mahbuby Rabbani	19 Woodcock House	Burgess Street	London	E14 7AR
Gous Ali	18 Limborough House	Thomas Road	London	E14 7AW
Kamal Uddin	19 Limborough House	Thomas Road	London	E14 7AW
Mostapha Alam	28 Market Way		London	E14 6AH
Toyun Rashid	100 Belton Way		London	E3 4BB
Azad Miah	36 Belton Way		London	E3 4BB
The Occupier	10 Trendell House	Dod Street	London	E14 7EA
J Miah	11 Bredel House	St Pauls Way	London	E14 7AS
Atik Miah	42 Tidey Street		London	E3 4DD
The Occupier	7 Perkins House	St Pauls Way	London	E14 7AH
Mohammad Reza	112 Bow Common Lane		London	E3 4GD
Muhamoub Hussain	1 Andersens Wharf	20 Copenhagen Place	London	E14 7DX
Razia Begum	80 Bow Common Lane		London	E3 4BD
J Myer	82 Belton Way		London	E3 4BB
H Sertsel	8 Belton Way		London	E3 4BB
V McDermaid	5 Belton Way		London	E3 4BB
Artar Sing	3 Belton Way		London	E3 4BB
Lachmi Kaur	3 Belton Way	London	London	E3 4BB
Ahmed Hussain	Flat 2, Bellmaket Court	St Pauls Way	London	E3 4AD
Md Najrul	44 Bredel House	St Pauls Way	London	E14 7AS
Mohshine Ali	19 Tasker House	Wallwood Street	London	E14 7AJ
Md B Rashid	17 Celandine Close	London	London	E14 7AY
Kamal Hussain	12 Fitzroy House	Wallwood Street	London	E14 7AL
Momtaz Miah	18 Woodcock House	Burgess Street	London	E14 7AR
The Occupier	127 Steadman House	Bow Common Lane	London	E3 4HT
The Occupier	29 Maydwell House	Thomas Road	London	E14 7AP
Mohamed Hasan	29 Bowry House	Wallwood Street	London	E14 7AG
Liakoth Miah	24 Perley House	2 Weatherley Close	London	E3 4BQ
Abdul Jalal	21 Thomas Road		London	E14 7BE
Rahana Begum	23 Thomas Road		London	E14 7BE
Abdal Hussain Khan	27 Thomas Road		London	E14 7BE
The Occupier	29 Thomas Road		London	E14 7BE
S Mahmub	33 Thomas Road		London	E14 7BE

List of valid representations on the petition

F Ahmed	12 Belton Way		London	E3 4BB
The Occupier	18 Bracken House	Devons Road	London	E3 3RG
R Ahmad	73 Rounton Road		London	E3 4EY
Nasir Uddin	104 Knapp Road		London	E3 4BT
Abdul Ahad	98 Knapp Road		London	E3 4BT
Forid Hamad	56 Bracken House	Devons Road	London	E3 3RG
Jenny Begum	56 Bracken House	Devons Road	London	E3 3RG
Happy Nahar	26 Perley House	2 Weatherley Close	London	E3 4BQ
Rasheda Miah	6 Perley House	2 Weatherley Close	London	E3 4BQ
Shirima Begum	24 Perley House	2 Weatherley Close	London	E3 4BQ
Mr Neil L'aiguille	38 Bredel House	St Pauls Way	London	E14 7AS
Rajwana Remia	17 Rainhill Way		London	E3 3HP
Razia Begum	17 Rainhill Way		London	E3 3HP
Mr Ahbab Hussain	22 Robinson House	Selsey Street	London	E14 7AZ
A Wahid	9 Weatherly Close		London	E3 4BQ
S A Choudhury	17 Meyrick House	Burgess Street	London	E14 7AU
The Occupier	14 Gurdon House	Dod Street	London	E14 7EB
Abdul Aziz	19 Bowry House	Wallwood Street	London	E14 7AG
Sultana Begum	83 Ricardo Street		London	E14 6EQ
Revin Choudhury	39 Thomas Road		London	E14 7BE
Enamul Islam	46 Spanby Road		London	E3 4EN
Romie Ali	12 Purdy Street		London	E3 3PF
A Gofur	75 Swaton Road		London	E3 4ES
A R Armed	104 Fern Street		London	E3 3PT
I Ahmed	73 Rounton Road		London	E3 4EY
Mhd A Alim	55 Sumner House	Watts Grove	London	E3 3RB
Sulaman Ali	80 Bow Common Lane		London	E3 4BD
Salik Ahmed	80 Bow Common Lane		London	E3 4BD
Alim Ahmed	80 Bow Common Lane		London	E3 4BD
Fatima Begum	80 Bow Common Lane		London	E3 4BD
Burhan Ahmed	80 Bow Common Lane		London	E3 4BD
The Occupier	80 Bow Common Lane		London	E3 4BD
The Occupier	23 Elgin House	Ricardo Street	London	E14 6EG
The Occupier	27 Tidey Street		London	E3 4DD
The Occupier	27 Tidey Street		London	E3 4DD
V Bishoff	19 Alphabet Square		London	E3 3RT

Sultana Begum

83 Ricardo street,
E14 6EQ
Mobile: 07939343914

Wednesday 4th 2009

Dear Sir/Madam

I am writing to register my concerns and objections to the opening of a gambling house/betting shop on Devons road opposite a secondary school, a children centre and in the heart of a residential area. I and many residents are deeply concerned about this. I both work and live in Poplar.

This is in an overwhelmingly residential area, with a local secondary school (Saint Pauls Way), nursery, Sure start, church and a mosque within 100m of the venue. We believe that this risks creating a disorderly atmosphere by drawing gamblers into a peaceful neighbourhood with many residents who are offended by gambling, and by heightening children's awareness of gambling at an impressionable age -leading to higher exposure in future to its risks.

I do not feel that it satisfies Section1 of the Gambling Act (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

Bow Common Lane has a sprinkling of local shops, and that no. 56 can't be regarded as part of a main shopping district. It is out of character and in a densely populated residential area surrounded by three institutions which deal with children directly on a daily basis. There is currently already a betting shop on Devon's road so to have another one would be viewed by many as encouraging and promoting a gambling lifestyle to the already poor residents of Bromley-by- Bow and Poplar. Tower Hamlets already has high levels of poverty, unemployment and many social disadvantages, for such a house to be located near residents in front of schools is very disturbing and tasteless. I urge you strongly to re-consider licensing this shop in a residential area and on Devon's road.

In light of the credit crunch, and large numbers of losses of jobs, it is very in sensitive to turn this residential area into a gambling arena. People are very desperate and to have this business in the heart of a community, I feel it is irresponsible and dangerous for children who will have to pass this everyday to school.

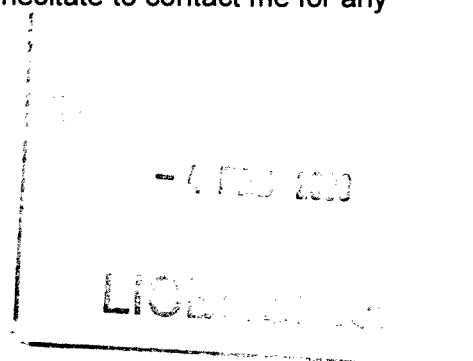
Local Parish, Imams, Head teachers and Councilors have strongly opposed to this and I request the relevant authorities to investigate this and to also do the same.

I thank you for your kind co-operation. Please do not hesitate to contact me for any further information.

Yours sincerely,

S. Begum

Sultana Begum



Petition against betting licence being granted to 56 Bow Common Lane .

We the undersigned residents strongly object to a betting premises licence being granted to 56 Bow Common Lane. We object as this venue is in a built up residential area, with a local secondary school (Saint Pauls Way), nursery, church and a mosque within 100m of the venue and therefore feel that this is likely to exploit vulnerable such as children.

Name	Address	Signature
N RAHMAN	46 Bredel ^{E14} Hse	
RAJU RAHMAN	1 MITCHELL ^{E14} Hse	
Yunis Ibi	8 Limbors ^{E14} Hse	
Sude	22 Limbors Hse	
Abdul Hakim	46 Broadwisk Hse	
Hena Begum	9 meyrick Hse	
Jay Uddin	13 Shelwoodine cl.	
Mhd. A. Rabi	21 Limborough hse	
Abu Bakkar	14 Bowery hse	
Abdul Aziz	14 Bowery hse	
Margia Begum	24 MEYRICK HSE	
Forida Begum	24 MEYRICK HSE	
Shamima Khan	107 Fern St E3	
Hajera Khan	107 Fern St E3	
PASICK PAWEL	17 COUZENS ST.	
Mahbubay Rabbani	19 woodcock	
Gous Ali	18 Limborough	
Kamal uddin	19 Limborough	
MOSTAFI SM ALAM	28 Market Way	

THE

- 4 FEB 2009

LICENSING

Petition against betting licence being granted to 56 Bow Common Lane .

We the undersigned residents strongly object to a betting premises licence being granted to 56 Bow Common Lane. We object as this venue is in a built up residential area, with a local secondary school (Saint Pauls Way), nursery, church and a mosque within 100m of the venue and therefore feel that this is likely to exploit vulnerable such as children.

Name	Address	Signature
Touhid Khatib	100 BELTON WAY E3	
AZAD MIAH	36 BELTON WAY E3	A MIAH
M. NZAMUDDIN	10. TRENDELL HOUSE DOD STREET. E14.7EP	M. NZAMUDDIN
Sirajul Islam	26 Whyteleafe House	
J. MIAH	11 BRIDEL HOUSE ST PAUL WAY.	J. MIAH
ATIK MIAH	42 TIDEY ST.	A. MIAH
M. Akalam	16 Landin Fr	
Md Saedullah	7 PERKEN HRO	M Saedullah
MOHAMMAD REZA	112 Bow Common Lane	M. Reza
ABDUL GANI	27 MATTHEW ST	Abdul Gani
Mohamoud Hussain	11 ANDERSON WHARF E11 7DX	M. Hussain
Kazim Begum	86 Bowcommon Lane E14 7AD	
J Myer	22 Belton way	
H. Sertsel	8 Belton way	H. Sertsel
V. M. DIAMMAID	5 BELTON WAY	V. M. DIAMMAID
Avtar Singh	3 belton way	
LACHMI KAUR	3 BELTON WAY	LACHMI KAUR
Mrs Thoribun NESSA	Thomas Road E14	T. Nessa.

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- 4 FEB 2000

Petition against betting licence being granted to 56 Bow Common Lane .

We the undersigned residents strongly object to a betting premises licence being granted to 56 Bow Common Lane. We object as this venue is in a built up residential area, with a local secondary school (Saint Pauls Way), nursery, church and a mosque within 100m of the venue and therefore feel that this is likely to exploit vulnerable such as children.

Name	Address	Signature
Ahmed Hussain	Flat 2 Bellmark Court 136 St Pauls Way E3 4M	A Hussain
SIA SIA	23 CANTERBURY BLVD E3 4M	SIA SIA
MD NAJIBUL	44 BRIDEAL HILLS ST PAULS WAY E14 7H	N Hussain
Mohshir Ali	19 Tasker House Wallwood Street E14 7AF	M. Ali
MD B. RASHID	17 CELANDINE CLOSE E14	[Signature]
Wasim Hussain	16 Woodcock House	[Signature]
Kamal Hussain	17 FITZROY HSE	K. Hussain
MONTAZ MIAH	18 WOODCOCK HOUSE	[Signature]
Kotb Uddin	17 STANMAN HOUSE E3 4HT	[Signature]
F.U. Khan	17 MAUDWELL	F.U. Khan
Mohamed Hassan	29 BOWERY HOUSE	[Signature]
Lia Koth Miah	24 PERLEY HOUSE E3	L. Miah
SHANAZ BEGUM	3 RUDSTONE HOUSE	[Signature]
Abdul Jalal	21 Thomas Road E14	A. Jalal
Rehana Begum	23 Thomas Road E14	Rehana Begum
Abdul Hussain KHAN	27 Thomas Road E14	A.H. KHAN
Siraz Uddin	29 Thomas Rd E14	Siraz Uddin
S Mahmud	33 Thomas Rd	S Mahmud

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Name	Address	Signature
F AHMED	12 BELTON WAY E3	
D DOWD	18 BRACKEN HOUSE E3 3RG ROWTON ROAD	
R AHMED	73, ROWTON ROAD	
NASIR UDDIN	104 KNAPP RD	
ABDUL AHAD	98 KNAPP RD	
Forid Hamad	56 Bracken House E3 3RG	
Jenny Begum	56 Bracken House E3 3RG	J. Begum.
HAPPY NAHAR	26 PERLEY HOUSE WEATHERLEY CLOSE E3 4BQ	
RASHEDA MIRAH	6 PERLEY HOUSE WEATHERLEY CLOSE E3 4BQ	
MR L.A. ALI	140 BRUCE ROAD LONDON E3 3EU	
MRS LUTFA BEGUM	140 BRUCE ROAD LONDON E3 3EU	
MR ABDUL MONAF	138 BRUCE RD E3 3EU	x A MONAF
MRS PYARA BEGUM	138 BRUCE RD RD E3 3EU	x P. BEGUM
Shirima Begum	24 PERLEY HOUSE LONDON E3	
ERIC EKOH	11 WINGATE HOUSE	
MR NEIL L'AIGUILLE	38 BREDEL HOUSE. E14 7AS	
GIAS UDDIN	154 BRUCE ROAD LONDON E3 3EU	
Rajwana Remia	17 Rainhill Way London E3 3HP	
Razia Khanom	" "	R. Khanom

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5 FEB 2009

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Name	Address	Signature
AROSH ALI	14 BUTLER A	
M. AHHAB HUSSAIN	22 ROBINSON	
A. MULLSE	29 Mathews house Burgess St	
A. WAHID	9 weathervay close, London E3 4BQ	
S.A. CHOWHURY	17 METRICK HOUSE BURGESS ST	
ABDULKHAL	14 GORDON HSE 94 E. DOD ST	Abdul Khalid
NOSHIDUL	7, FITZROY HOU. NUWA	
YOUNES Moushimm	95 ROBINSON House Sel Sey E14 7A	
ABDUL AZIZ	19 ROWRY HSE	
NAZRUL ISLAM	385 LEARD HSE E3	
RANIA KHAN	140 BRUCE ROAD E3 3EU	
Zahid HUSSAIN	140 BRUCE ROAD E3 3EU	Zahid Hussain
Sonia Khan	11	
SULTANA BEGUM	83 RICARDO STREET E14 6EQ	
NAZMA BEGUM	136 BRUCE ROAD LONDON E3 3EU	
Revin chowdhury	39 Thomas Road E14	

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TRADE LICENSING
- 4 FEB 2009

Petition against betting licence being granted to 56 Bow Common Lane .

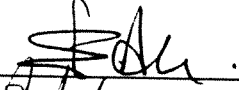
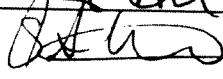
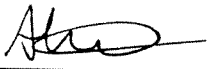
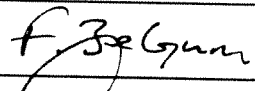

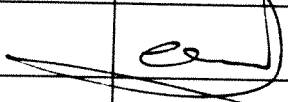
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Name	Address	Signature
Enamul Islam	46 Spanby Road	
ROMIE ALI	12. PURDY ST, E3 3PF	R. Ali
A. GOFUR	75. SWATON RD	A. Gofur
A.R. Ahmad	104 FERN ST.	
HyE CHENOMU	128 ROUND RD	
Md. Asdulqin	59 Steedwell Ln	about off line shop
Mr. Saadik AHMED	136 Whiffham St	
I. AHMED	73 Roundway Rd	
Muhammad Alim	55. Summer Hse	E3 3R1
STEVE KIBTJA	93 SLEFOLD HOUSE	S.K.K. E3 3P0
FARUQ	32 VISTA	
Mel. Awan	22-HENSHALL PO NT	Mel. Awan

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Name	Address	Signature
SULAMAN ALI	80 BOW COMMON LANE.	
Salik Ahmed	11	
Ali m Ahmed	11	
FATIMA BEGUM	11	
BURHAN AHMED	11	
USMAN AHMED	11	

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Name	Address	Signature
Abdul Kachow	126 Whitthorn	<i>[Signature]</i>
W. Brown	23 Elgin	<i>[Signature]</i>
W. Brown	27 Tidy st	<i>[Signature]</i>
W. Brown	226 E. a	<i>[Signature]</i>
S. Hill	27 Tidy	<i>[Signature]</i>
BISCHOFF	19 Alphabet sq	<i>[Signature]</i>

b

Appendix 7

List of invalid representations on the petition

Name	Address 1	Address 2	Address 3	Postcode
Raju Rahman	9 Matthew House	20 Garford Street	London	E14 8JG
Abdul Goni	27 Matthew House	20 Garford Street	London	E14 8JG
The Occupier	23 Canterbury House		London	E3 3AU
Shanaz Begum	3 Rudstone House	Bromley High Street	London	E3 3AT
Mr La Ali	140 Bruce Road		London	E3 3EU
Mrs Luffa Begum	140 Bruce Road		London	E3 3EU
Mr Abdul Monaf	138 Bruce Road		London	E3 3EU
Mrs Pyara Begum	138 Bruce Road		London	E3 3EU
Eric Ekoh	11 Wingate House	Bruce Road	London	E3 3HY
Gias Uddin	154 Bruce Road		London	E3 3EU
Arosh Ali	14 Butler House	Bacton Street	London	E2 0PN
The Occupier	29 Mathews House	20 Garford Street	London	E14 8JG
Rania Khan	140 Bruce Road		London	E3 3EU
Zahid Hussain	140 Bruce Road		London	E3 3EU
Sonia Khan	140 Bruce Road		London	E3 3EU
Nazma Begum	136 Bruce Road		London	E3 3EU
The Occupier	22, Henshall Point	Bromley High Street	London	E3 3EJ

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Appendix 8

Gambling Commission advice on the Principles to be applied when considering applications

Part 5: Principles to be applied by licensing authorities in Exercising their Functions

5.1 In exercising most of their functions under the 2005 Act, licensing authorities must have regard to the licensing objectives set out in section 1 of the Act. In particular, licensing authorities must have regard to the licensing objectives when exercising their functions in relation to premises licences, temporary use notices and some permits. The licensing objectives are:

- _ preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- _ ensuring that gambling is conducted in a fair and open way; and
- _ protecting children and other vulnerable persons from being harmed or exploited by gambling.

5.2 In considering applications, licensing authorities in England and Wales should take

particular care to bear in mind that these objectives are not the same as those in the Licensing Act 2003. In particular, they do not include considerations in relation to public safety or prevention of public nuisance. The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

5.3 Section 153 of the Act provides that in exercising its functions under part 8 of the Act (premises licensing and provisional statements), a licensing authority should *aim to permit the use of premises for gambling in so far as it thinks it:*

- (a) in accordance with any relevant code of practice under section 24;
- (b) in accordance with any relevant guidance issued by the Commission under section 25 (ie this document);
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)); and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)). (See Part 6 of this guidance.)

5.4 Section 153 also makes it clear that in deciding whether or not to grant a licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application. This is a key difference between the 2005 Act and previous legislation on gaming and betting.

5.5 The requirements in section 153 are subject to the licensing authority's power (under section 166) to resolve not to issue casino premises licences. This means that a resolution not to issue a casino premises licence applies regardless of the matters set out in section 153.

Appendix 9

Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime

5.6 The Commission will play a leading role in preventing gambling from being a source of crime. It will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities. The Act provides the Commission with powers to investigate the suitability of applicants for operating and personal licences, and others relevant to the application. This will provide the Commission with the power to make enquiries about and investigate those who are involved in the control of a company or the provision of gambling. In considering applications for operating and personal licences the Commission will, in particular, take a serious view of any offences involving dishonesty committed by applicants or persons relevant to the application.

5.7 As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of an applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.

5.8 Licensing authorities will need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors.

5.9 A licensing authority will need to consider questions raised by the location of gambling premises when:

- _ formulating its statement of licensing policy;
- _ receiving relevant representations to an application;
- _ dealing with applications as a responsible authority in its own right; and
- _ considering applications before it.

5.10 Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Although if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)

5.11 Local authorities are experienced in making judgements in relation to the suitability of premises, particularly those for which they have responsibilities under the Licensing Act 2003, in which context they have wider powers to also take into account measures to prevent nuisance.

5.12 In relation to preventing disorder, licensing authorities have the ability under section 169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in section 178 of the Act. If a person employed on door supervision would be required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence. Further information on conditions can be found in Part 9 of this guidance.

5.13 Local authorities should note that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.

5.14 It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws.

Appendix 10

Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling

5.18 With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective talks of protecting children from being 'harmed or exploited by gambling'. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

5.19 In relation to casinos, the Commission has issued a code of practice on access to casino premises by children and young persons, as provided for by section 176 of the Act. The code of practice is available as part of the *Licence conditions and codes of practice* on the Commission website www.gamblingcommission.gov.uk. In accordance with that section, adherence to the code will be a condition of the premises licence. (Please see Part 9 of this guidance for more information.)

5.20 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission will not seek to define 'vulnerable persons', but it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

5.21 Licensing authorities will need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling. draft of the code is available from the Cabinet Office website www.cabinetoffice.gov.uk. It is intended that the code will be laid before Parliament during autumn 2007, coming into force on 1 April 2008.

Appendix 11

Gambling Commission Advice on Moral Objections

5.26 Local authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met.

Appendix 12

Gambling Commission Advice on Premises Licences

7.1 Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will also need to apply for a premises licence.

7.2 Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated.

7.3 The Act contains no rules about cases where premises lie within more than one authority's area. Such cases are likely to be rare. The Commission would expect an applicant to apply to the licensing authority in whose area the greater or greatest part of the premises is situated; and if another authority receives an application it should discuss with the applicant and the neighbouring authority as to which is the appropriate authority. Ultimately, there is nothing in the Act giving an authority the right to turn down an application because it is responsible for a smaller area of the premises than another authority. However, in such circumstances, the other authority will be a 'responsible authority' in relation to the premises (see Part 8 of this guidance), and will be able to give a view on the application through these channels. Note, this is not the same as the Licensing Act where an application must be made to the authority in which the greater part of the premises is situated (see Annex A).

7.4 Where the premises are located in two or more areas (equally or otherwise), ultimately the applicant may choose which licensing authority to apply to. In the rare cases where such premises exist, it will be important that the licensing authorities concerned maintain close contact about the grant of the premises licence, and subsequent compliance (including inspection powers) and other licensing functions. The licensing authority to which the premises licence application was made will have jurisdiction and the other(s) will need to pass relevant information about the premises to it.

7.5 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- (a) casino premises;
- (b) bingo premises;
- (c) betting premises, including tracks and premises used by betting intermediaries;
- (d) adult gaming centres (for category B3, B4, C and D machines); and
- (e) family entertainment centres (for category C and D machines) (note that separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

7.6 Please see Part 16 of this guidance for more information about gaming machine

Meaning of premises

7.11 In the Act, 'premises' is defined as including 'any place'. Section 152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

7.12 In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

7.13 With the exceptions of the non-gambling area of the regional casino, bingo clubs, tracks on race-days and licensed family entertainment centres, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose developments.

7.14 Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

_ The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

_ Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

7.15 The proper application of section 152 means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo hall on week days and a betting shop at weekends.

Division of premises and access between premises

7.16 An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. For casinos, bearing in mind the wide definition of a street, access might be from a foyer or other area which the public might enter for purposes other than gambling. The precise nature of this public area will depend on the location and nature of the premises. Licensing authorities will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities available if desired. Licensing authorities should, in particular, remember that where they have concerns about the use of premises for gambling, these may be addressed through licence conditions.

7.17 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises and another, except between premises which allow access to those under the age of 18. Under-18s can go into family entertainment centres, tracks, pubs and some bingo halls and clubs. So access is allowed between these types of premises only.

7.18 It should be noted that the Mandatory and Default Premises Licence Regulations define street as 'including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not'. This is to allow access, for example, to casinos from hotel foyers.

7.19 There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (eg a street or cafe), which the public go to for purposes other than gambling, for there to be shown to be no direct access.

7.20 The relevant access provisions for each premises type is as follows:

All casinos

- _ the principal entrance to the premises shall be from a street (as defined above);
- _ no entrance to a casino shall be from premises that are used wholly or mainly by children and/or young persons;
- _ no customer shall be able to enter a casino directly from any other premises which holds a gambling premises licence; and
- _ at the regional casino only, there should be an opaque barrier between the gaming area and the parts of the premises where children have access.

Adult gaming centres

- _ no customer shall access the premises directly from any other licensed gambling premises.

Betting shops

- _ access must be from a street (as defined above) or from other premises with a betting premises licence; and
- _ no direct access from a betting shop and another premises used for the retail sale of merchandise or services, ie there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a cafe – the whole area would have to be licensed.

Tracks

- _ no customer shall be able to access the premises directly from
 - a casino; or
 - an adult gaming centre.

Bingo premises

- _ no customer shall access the premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.

Family entertainment centres

- _ no customer shall access the premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.

Appendix 13

Gambling Commission Advice on Off-track Betting

Part 19: Betting premises

19.1 The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises which require licensing. This part of the guidance discusses off-course betting, that is betting that takes place other than at a track in what is currently known as a licensed betting office. Tracks are discussed in Part 20 of this guidance. Please note that there are also betting offices on tracks, that have a separate premises licence from the track licence. Those are also discussed in Part 20.

19.2 The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.

19.3 Under the Gambling Act licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. The issuing of premises licences is discussed in Part 7 of this guidance.

Protection of children

19.4 Children and young persons will not be able to enter premises with a betting premises licence, although special rules apply to tracks, as explained in Part 20 of this guidance.

Betting in casinos

19.5 Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

Betting premises licence conditions

19.6 Part 9 of this guidance discusses the conditions that may or may not be attached to premises licences, and those that are attached automatically. The Secretary of State and Scottish Ministers have set out in regulations the conditions relating specifically to betting premises. The paragraphs below discuss these conditions, both mandatory – those that must be attached to betting premises; and default – those that will apply unless the licensing authority chooses to exclude them using its powers under section 169.

Mandatory conditions attaching to betting premises licences

19.7 A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted.

19.8 There should be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). In addition, the entrance to a betting shop should be from the street (defined as any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).

19.9 Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.

19.10 No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where the matter seen or heard is a sporting event and bets may have been affected on the premises in relation to that event. Betting operator-owned TV channels will be permitted.

19.11 No music, dancing or other entertainment is permitted.

19.12 The consumption of alcohol is prohibited on the premises.

19.13 The only publications that may be sold on the premises are racing periodicals or specialist betting publications.

19.14 Clear and accessible information about the terms on which a bet may be placed should be displayed in a prominent position on the premises.

Default conditions attaching to betting premises licences

19.15 Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

Gaming machines

19.16 Section 172(8) provides that the holder of a betting premises licence may make

available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines. See Part 16 of this guidance for information on gaming machines.

Betting machines (bet receipt terminals)

19.17 Section 235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These 'betting machines' are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely automate the process that can be conducted in person and therefore do not require regulation as a gaming machine.

19.18 However, where a machine is made available to take bets on virtual races (that is, images generated by computer to resemble races or other events) that machine is a gaming machine and does count towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

19.19 Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

Appendix 14

London Borough of Tower Hamlets Gambling Policy Definition of vulnerable person (1.46)

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Appendix 15

London Borough of Tower Hamlets Gambling Policy

6 Betting Premises

6.1 Betting Machines - This licensing authority will have regard to the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

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