LICENSING SUB COMMITTEE

Tuesday, 26 January 2016 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:
Simmi Yesmin, Democratic Services
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: http://www.towerhamlets.gov.uk/committee

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APOLOGIES FOR ABSENCE
To receive any apologies for absence.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)
To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. RULES OF PROCEDURE (Pages 5 - 20)
To note the rules of procedure which are attached for information.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 74)
To confirm as a correct record the minutes of the Licensing Sub-Committees held on 13\textsuperscript{th} & 27\textsuperscript{th} October, 24\textsuperscript{th} November and 3\textsuperscript{rd} December 2015.

4. ITEMS FOR CONSIDERATION

<table>
<thead>
<tr>
<th>PAGE NUMBER(S)</th>
<th>WARD(S) AFFECTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Application for a New Premises Licence for Burger King, 90 Whitechapel High Street, London E1 7RA</td>
</tr>
<tr>
<td>4.2</td>
<td>Application for a New Premises Licence for Papa John's - 6 Cable Street, London, London E1 8JG</td>
</tr>
</tbody>
</table>

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT
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DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority’s Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-
- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-
- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision
When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public’s understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

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

**Further advice**

For further advice please contact:-
Melanie Clay, Director of Law, Probity & Governance & Monitoring Officer, Telephone Number: 020 7364 4801
## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Period of Time within which Hearing to be Held (after reps have closed)</th>
<th>Notice Period of Hearing</th>
<th>Notice Sent To</th>
<th>Attendee Reply Form Back In</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 18 (3)(a) (determination of application for premises license)</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Applicant; People who have made representations</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 35(3)(a) (determination of application to vary premises licence)</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Applicant; People who have made representations</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor)</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 44(5)(a) (determination of application for transfer of premises licence)</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 52(2) (determination of application for review of premises licence)</td>
<td>20 working days</td>
<td>10 working days</td>
<td>The holder of the premises licence of where application applies; People who have made representations; Applicant</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 120(7)(a) (determination of application for grant of personal licence)</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Applicant; Chief Officer of Police who has given Notice</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 121(6)(a) (determination of application for the renewal of personal licence)</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Applicant; Chief Officer of Police who has given Notice</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence)</td>
<td>20 working days</td>
<td>10 working days</td>
<td>The holder of the licence; Chief Officer of Police who has given Notice</td>
<td>5 working days</td>
</tr>
<tr>
<td>Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices’ licence for grant of personal licence)</td>
<td>10 working days</td>
<td>5 working days</td>
<td>Applicant; Chief Officer of Police who has given Notice</td>
<td>2 working days</td>
</tr>
<tr>
<td>Application Type</td>
<td>Period of Time within which Hearing to be Held (after reps have closed)</td>
<td>Notice Period of Hearing</td>
<td>Notice Sent To</td>
<td>Attendee Reply Form Back In</td>
</tr>
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</tr>
<tr>
<td>Section 31(3)(a) (determination of application for a provisional statement).</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Applicant; People who have made representations</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 48(3)(a) (cancellation of interim authority notice following police objection).</td>
<td>5 working days</td>
<td>2 working days</td>
<td>The person who has given Notice; Chief Officer of Police who has given Notice</td>
<td>1 working day</td>
</tr>
<tr>
<td>Section 72(3)(a) (determination of application for club premises certificate).</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Applicant (club); People who have made representations</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 85(3) (determination of application to vary club premises certificate).</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Applicant (club); People who have made representations</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 88(2) (determination of application for review of club premises certificate).</td>
<td>20 working days</td>
<td>10 working days</td>
<td>Club that holds club premises certificate; People who have made representations; Applicant</td>
<td>5 working days</td>
</tr>
<tr>
<td>Section 105(2)(a) (counter notice following police objection to temporary event notice)</td>
<td>7 working days</td>
<td>2 working days</td>
<td>The premises user; Chief Officer who has given Notice</td>
<td>1 working day</td>
</tr>
<tr>
<td>Section 167(5)(a) (review of premises licence following closure order).</td>
<td>10 working days</td>
<td>5 working days</td>
<td>The holder of the premises licence; People who have made representations</td>
<td>2 working days</td>
</tr>
<tr>
<td>Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).</td>
<td>10 working days</td>
<td>5 working days</td>
<td>Applicant; Chief Officer of Police who has given Notice</td>
<td>2 working days</td>
</tr>
<tr>
<td>Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).</td>
<td>10 working days</td>
<td>5 working days</td>
<td>Applicant (club) Chief Officer who has given Notice</td>
<td>2 working days</td>
</tr>
</tbody>
</table>
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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Guidance for Licensing Sub-Committee Meetings.

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

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

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

The pages include:

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

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

(4) Who can speak at Licensing Sub-Committee meetings?
Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the Committee officer - see the Committee officer.
pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

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

(6) **How will the applications be considered?**
The Sub-Committee will normally consider the items in agenda order subject to the Chair's discretion. The hearing procedure is detailed at the end of this guidance.

(7) **How can I find out about a decision?**
You can contact Democratic Services the day after the meeting to find out the decisions.

(8) **Queries on reports.**
For any questions, please contact the Officer named on the front of the report.

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

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

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

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

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.

2. Licensing Officer to present the report.

3. Committee Members to ask questions of officer (if any).

4. The Applicant to present their case in support of their application (including any witnesses they may have).

5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.

6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).

7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).

8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.

9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.

10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.

11. Chair’s closing remarks

12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.

13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.

14. Decision letter will be sent to all interested parties confirming the decision made.
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1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)
The minutes of the meetings held on 28 July, 2015, 14 August 2015 and 1 September 2015 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a Variation of a Premises Licence for KFC, 84 Whitechapel High Street, London E1 7QX

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a variation of a Premises Licence for KFC, 84 Whitechapel High Street, London E1 7QX to extend hours.

It was stated that the premises were within the Cumulative Impact Zone.

It was advised that there was an error at 3.6 of the report which should state Monday to Thursday and not Sunday and that the current licence was at Page 60. It was advised that conditions had been offered and appeared at pages 79 and 80 as part of the application. It was noted that representations had been received from the Metropolitan Police, page 90 and the Licensing Authority, page 98. They considered that an extension of the terminal hour to 03:00 hours was not acceptable for a takeaway restaurant in such a busy area and that on the balance of probabilities there was a greater likelihood of anti-social behaviour if the premises were open in such a late hour. It was further noted that there were also local business and local resident objections.

At the request of the Chair Ms Anna Mathias, Legal Representative, accompanied by Tariq Sortaz explained that the proposed extension was to extend the provision of late night refreshment from the current hours of Friday and Saturday 23:00 hours to midnight to the proposed hours of Monday to Thursday, 23:00 hours to 00:00 hours and Friday and Saturday, 23:00 hours to 03:00 hours the following day.

In support of the application, Ms Mathias highlighted the applicant’s good management, stating that Taf Food Ltd were franchisees, who had a dozen KFC branches, a couple of Starbucks and a food court at London Westfield. Ms Mathias then went on to correct some typos in box (d) of the application at page 80.

The applicant was aware that the premises were situated in the Cumulative Impact Zone, and that there was a need for them to persuade the committee that the premises would not cause any further impact. Ms Mathias stated that her client had been a franchisee for 15 years. She underlined that although the premise was one of the busiest KFC restaurants in the Borough it had been operating without incident. She advised that it was safe to say that it was not under the Metropolitan Police radar.

Ms Mathias commented that pages 90-95 of the agenda pack appeared to focus on KFC and Burger King which were treated as analogous. She therefore referred the Sub-Committee to the supplementary agenda pack and
directed a comparison of KTC at pages 35 and 36 and Burger King at page 37, which was much larger. She advised that her client would remove the few seats that there were so that it would not entice people to linger at the premises. As per page 29 of the supplementary bundle, she advised that there was a proposal to update CCTV conditions, to have conflict training and to have cash handling and hygiene policies, incident report logs proposed as there were none in existence at the moment. She advised that the supplementary bundle also contained awards and prizes won and at ten new signs to improve signage.

The Sub-Committee were asked to consider other premises with later licences in the locality, in particular Burger King – it was requested that the hours permitted at least matched those of Burger King.

It was stated that there was proximity to public transport so dispersal was easy.

In respect of the representations at pages 103 to 105, it was advised that there was no awareness of any drug issues and no paraphernalia had been found by the applicants.

In respect of the litter it was confirmed that there was an unannounced visit and no litter was found. Furthermore there was surprise expressed at the smoking as staff had all been instructed about this. There was no awareness regarding the pipe but it was fixed as soon as it was realised. The issues raised in respect of deliveries were denied, it was confirmed that a fridge had been left out for collection for half an hour but the collectors’ vehicle broke down on the way to the premises and upon notification, the fridge was taken back in.

Allegations regarding mice were denied. It was stated that the premises were small and that there was an opportunity presented to adopt better new conditions as opposed to continuing with the existing scant conditions.

Members then heard from PC Alan Cruickshank, Metropolitan Police, in objection to the application. He referred to the statement of his fellow officer at page 94. The main concern was the location of the premises within the Cumulative Impact Zone, the potential for disorder and the cumulative impact of the extension of hours in a busy night-time economy, in particular, an area notable for street drinkers and people begging along the pavements and at the bus stop which was within close proximity of the premises. He advised that his experience was that the later a premises is open the greater the likelihood of anti-social behaviour. He stated that it was unfortunate that when there was a visit at 2pm in the afternoon there was a street drinker/begger who had to be shooed out of the premises. He stated that the request for increased hours was excessive even without the Cumulative Impact Zone and drawing a comparison to Burger King was not sufficient excuse or reason. Andrew Heron, representing the Licensing Authority and in objection to the application stated that there had been a similar application that was listed for hearing on 14 July which had been withdrawn and that the current application
had not changed that significantly. He stated that an extension to 03:00 hours was not suitable for a takeaway restaurant in that area. He advised that the Licensing Committee had adopted the Cumulative Impact Zone Policy due to a saturation of licensed premises in the area. He advised that he was concerned at the references to Burger King Restaurant as that venue did not hold a late night refreshment license. Andrew Heron advised that of the two premises nearby with late night refreshment one was a public house which closed at midnight and 1.00 a.m. Friday and Saturday and the other was a restaurant with a 2.00am licence for eating in but that there were no takeaways with late night refreshment.

He clarified that the applicant had failed to complete relevant parts of the application form and he pointed to those gaps in the application, in particular Sections a and c which were left blank and that the application did not address how the premises would not affect the cumulative impact zone and the issue of saturation. He did not believe that this was done.

Ms Mathias responded by stating that there were no gaps in the application as all four objectives were covered between the application and the information in the supplementary agenda pack and emails, in particular those of 11 September 2015.

In answer to questions on the level of trade during the night, it was advised that there would be up to 40 customers per hour.

The Chair asked whether the applicant would be willing to offer anything other than 3.00 a.m. and Ms Mathias confirmed that they would be happy for 1.00 a.m. Friday and Saturday.

The Chair asked PC Cruikshank whether there was any particular concern for these premises and was advised that any increase in the cumulative impact zone was not appropriate; in addition it was a busy street and there was a clear difference between this venue as a late night takeaway and a public house.

Members retired to consider their decision at 7.15.pm and reconvened at 8.30pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council’s Statement of Licensing Policy as well as the Cumulative Impact Policy adopted by the Council in 18 September 2013.

Consideration

Each application must be considered on its own merits and after careful consideration, the Chair stated that the Sub Committee had carefully listened to both interested parties as well as considered all the representations, oral
and written, with particular regard to the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

Members noted, as correctly identified by Ms Mathias, that where the premises are situated in the Cumulative Impact Zone, a rebuttal presumption was created. In order to rebut the presumption of refusal, an applicant needed to demonstrate that the premises did not undermine any of the licensing objectives.

Of particular note was the requirement to demonstrate through the operating schedule with supporting evidence that the premises would not add to the cumulative impact already being experienced in the area.

Members noted the applicant’s submission in respect of the good management and accepted good practices by the KFC franchise but felt that the franchisee failed to draw relevant parallels to the current case or situations where they have effectively run premises in an area or cumulative impact or in a busy night-time economy with a view to demonstrating that there would be no impact.

Members noted that the premises were close to transport links. Their general view, however, was that the transport links would not necessarily lead to early dispersal, but rather would attract commuters, delaying their departure from the area.

Members considered representations from the Metropolitan Police and Licensing Authority that an extension to 03:00 hours was not acceptable for a takeaway restaurant in such a busy area. They accepted on the balance of probabilities that there was a greater likelihood of anti-social behaviour if the premises were open later.

The Committee noted gaps in the application pointed out by the Licensing Authority representative, Andrew Heron.

It was also noted that there were only two licensed premises in the vicinity one of which was a restaurant and the other a public house, neither were a takeaway. A third premises, referred to by the Applicants, which was a takeaway, was noted as not having a licence.

In view of the evidence presented, Members were persuaded that the evidence from the applicants did not go far enough to demonstrate that there would be no impact in the Cumulative Impact Zone and that the concerns of the Metropolitan Police and Licensing Authority were founded.

Members however considered that an extension until midnight on weekdays would be acceptable and were minded to grant the application, however in part.

During the course of the hearing the conditions offered by the applicant were discussed, in particular the conditions under the “prevention of public nuisance”. The following amendments were noted:
• Conditions 3 and 4 were identical and condition 4 was to be deleted.

• condition 6 should read “deliveries shall not” as opposed to “deliveries shall only”

• Condition 8 should read “open to the public” not “on the public”.

• Conditions 10 and 12 had been addressed by condition 11 and therefore could be deleted they were unnecessary.

Accordingly, the Sub-Committee unanimously

RESOLVED –

1. That the application for a variation of a Premises Licence for KFC, 84 Whitechapel High Street, London E1 7QX be GRANTED IN PART.

   Provision of late night refreshment
   • Monday to Saturday, 23:00 hours to 00:00 hours

   Hours premises are open to the public:
   • Monday to Friday, 10:00 hours to 00:00 hours
   • Saturday, 10:00 hours to 00:00 hours
   • Sunday, from 10:00 hours to 23:00 hours

2. That the licence hereby granted be subject to the following conditions proposed by the applicant:

   Prevention of Crime and Disorder

   1. Staff training will include training on dealing with violence, aggression and confrontation and crisis management.

   2. CCTV cameras shall cover both the inside and outside of the premises, with 24 hour recording, and shall be kept in good working order.

   3. CCTV recordings to be kept for a minimum of 30 days and made available on request to either a police officer or officer of another responsible authority.

   4. At all times the premises are open to the public, a member of staff capable of operating the CCTV system shall be present.

   5. A panic button shall be installed at the premises, linked to an external security firm.
6. Cash control procedures will be in force at the premises and staff will be trained in these.

7. There shall be no seating provided at the premises.

8. The maximum number of persons permitted on the premises at any time shall be 15, excluding staff.

9. A team member shall be appointed for every shift to carry on such liaison with police as is necessary.

10. A sign shall be displayed at the premises warning customers about the need to be aware of pickpockets and bag snatchers, and to guard their property.

11. An incident log shall be kept and maintained at the premises, in which shall be recorded any incident of crime or disorder, any visits by the Licensing or any Responsible Authority, and any other matters relating to the safe and orderly operation of the premises.

The Prevention of Public Nuisance

1. Staff will use best endeavours to encourage customers to leave the premises promptly upon being served and to disperse quickly from the immediately surrounding area.

2. A sign shall be prominently displayed at the premises encouraging customers to respect the needs of local residents and to leave the premises and the surrounding area quickly and quietly.

3. A sign shall be prominently displayed at the premises asking customers to use bins inside and outside to dispose of rubbish.

4. Waste collection shall be by a designated contractor and all waste shall be properly prepared and presented for collection no more than one hour prior to the designated collection time.

5. Deliveries to and collections from the premises shall not take place between 23.00 and 08.00 hours on any day.

6. Staff will patrol the pavement and gutter outside, and the alleyway adjacent to, the premises at least every four hours and clear them of any litter.

7. The premises licence holder shall ensure, insofar as this is within its control, by the affixing of lights to the walls of its demise or otherwise, that the alley adjacent to the premises is adequately lit at all times the premises are open to the public without causing a nuisance to adjacent premises.
8. No music shall be played on the premises where the music is audible by any customer.

9. All doors and windows at the premises shall be kept closed save for the access and ingress of patrons.

10. The premises shall be regularly inspected by a reputable pest control company.

**The Protection of Children from Harm**

1. No children under 12 unaccompanied by an adult shall be allowed on the premises after 23.00 hours on any day.

**4.2 Application to Review the Premises Licence for Aladin Restaurant, 132 Brick Lane, London E1 6RU**

Note: Items 4.2 and 4.3 were considered together as agreed by all parties in view of the fact that they were linked and managed by the same operators and management.

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the applications for a review of the Premises Licence for Aladin Restaurant, 132 Brick Lane, London E1 6RU and Nazrul Restaurant - 130 and 132 Brick Lane, London, E1 6RU respectively.

Members heard that both reviews at Aladin and Nazrul Restaurants were triggered by the Metropolitan Police and that both reviews sought revocation of the respective licences. It was advised that there were some restricted evidence due to police on-going investigation and evidence. It was advised that Aladin held a licence for late night refreshment and music and that Nazrul for late night refreshment only.

The reviews were supported by Trading Standards, the Licensing Authority and a local residents’ association, Spire.

The review arose after two separate incidents over the Bank Holiday weekend of 22 - 25 May 2015 and an accumulation of past incidents involving one or both of these premises.

It was noted that representations had been received from the Metropolitan Police and the Licensing Authority. They considered that an extension of the terminal hour to 03:00 hours was not acceptable for a takeaway restaurant in such a busy area and that on the balance of probabilities there was a greater likelihood of anti-social behaviour if the premises were open in such a late hour.

PC Alan Cruickshank and PC Brendan O'Rourke appeared on behalf of the Metropolitan Police and were accompanied by Mr Leo Charalambides, Legal Representative for the Metropolitan Police. John McCrohan was in attendance representing Trading Standards, Andrew Heron represented the
Licensing Authority and Jon Shapiro represented the Spire Residents Association.

At the request of the Chair, the Legal Representative for the Metropolitan Police, Mr Charalambides made representations that the premises were in an area of stress and saturation, which had led to a cumulative impact zone being set up. The problem of touting was a great issue in the area and the reviews were linked to it. Touting was such an issue that Licensing Authority, London Borough of Tower Hamlets had had to pass by-laws for touting and there had been many issues with touts fighting and local politics.

Mr Charalambides stressed that all the issues and all the history were relevant. He stated that there was too much supply for the demand and that this had led to sharp practices and had led to two stabbings, a bottling and a punctured lung.

Mr Charalambides stated that in seeking to promote the 'prevention' of crime and disorder the management of both premises had failed. He advised that in reality the Sub-Committee was invited to look at the controlling mind behind the premises and to consider not just the licensable activity but also the operation of the premises by the same management.

The representations on behalf of the police were that the application/review trigger was in the summer however, that nothing had been done in the meantime, other than that Aladin Restaurant Ltd had expanded by buying Jasmin Restaurant so that now the business was spread across three shop fronts and as such all three were tainted with the same brush. He advised that Licensing needed to be considered in the wider public interest as per the Section 182 guidance.

It was further noted on behalf of the police that following on from the report in the Evening Standard on 7 October 2015, this had led to a member of the public coming forward from 2013 to say that he had experienced violence then and the problem was still on-going today.

He explained that the premises licence holder of Nazrul was 'Nazrul Restaurant Ltd'; its directors were brothers Raju and Sabir AHMED. Aladin Restaurant Limited was the previous premises licence holder of Aladin, the company was dissolved on 22 July 2014. The directors were Raju, Sabir and Suhal AHMED. Juhal AHMED became director of Aladin Brick Lane Ltd (company 08590574) on 01 July 2013, when the company was incorporated. An application to transfer the premises licence was only made on 14 August 2014, after Licensing Authority wrote to the premises licence holder to remind them of the dissolution. Their premises licence would otherwise have become null and void on 19 August 2014. In the incidents that were referred to in the review, all four brothers would have been the premises licence holder at one time or another.

Mr Charalambides submitted that although the review had been instigated after the following two incidents, there had been a series of past violent incidents. Over the Bank Holiday weekend of the 22 - 25 May 2015 there had
been two grievous bodily harm incidents (GBH) either involving staff from Nazrul (and Aladin - subject to a section 51 review itself). It included a victim who was stabbed twice. Unfortunately, the timeframe for an 'Expedited Review' passed. The series of incidents which the Police relied on were noted as follows:

**Monday- 25th May 2015- GBH with intent, CAD 00245/25MAY15@ 00:28 hrs; CRIS 4213508/15.** Two staff members from Aladin were arrested after a disturbance which originated at A& Y Wines Off Licence at 116, BRICK LANE (who supply alcohol to Nazrul & Aladin), in which a male was stabbed twice and beaten about the head with a large wooden pole. One staff member was charged by the Crown Prosecution Service.

**Sunday- 24th May 2015 - GBH, CAD 8792/24MAY15 @ 22:10 hrs; CRIS 4213507/15.** The victim was touted outside the Aladin Restaurant and entered with his partner and two friends after an offer of £12.95 each for a starter and main dish. A dispute arose over a strand of hair in their food and the party decided to leave (after questioning a £9.00 charge for the four poppadum consumed so far), whilst the bill was paid on attempting to leave the victim was told to "SHUT UP", at which point he was then assaulted. The assault spilt outside into BRICK LANE and around the corner into HANBURY STREET - at one point six waiters from Aladin/Nazrul Restaurants were seen on CCTV footage to beat up one man.

**Thursday, 2nd April 2015- Common Assault- CAD 010686/02APR15@ 23:43 hrs; CRIS 4208567/15.** BTP officers were flagged down in Brick Lane and initially dealt with the matter. There was a fight between customers in Nazrul Restaurant who are said to be highly intoxicated. One male was arrested for Common Assault and conveyed to Bethnal Green Police Station. In an interview that he had been out with eight friends and they had a lot to drink, an argument with another group who were rowdy and swearing turned sour very quickly over a comment over a beard and turned into a fight amongst themselves, however later staff also become involved.

**On Saturday, 21st March 2015 at approximately 18:30 hours there was a dispute involving touts between The Bengal Village and Nazrul/Aladin Restaurants.** The incident started outside Nazrul Restaurant and escalated into a large scale disturbance spilling into Woodseer Street at 18:35 hours. There were approximately 20 people involved pushing and shoving each other outside City Spice at 138 Brick Lane. Police were not called, but it was captured on CCTV. This incident was part of a long ongoing dispute between the restaurants. It escalated again later in the evening and directly was linked to the next incident at 22:00 hrs.

**On Sunday, 4th January 2015@ 23:40 hrs (4200343/15; HTRT00411832; CAD 7738/04JAN15@ 23:43 hrs; CAD 7789/04JAN15@ 22:53 hrs)-** This incident was linked to an incident at Aladin Restaurant on Friday 2nd January 2015 at 17:15 hrs, in which a male suffered a fractured shoulder and was taken to the Royal London Hospital. It appeared to be a revenge attack by the victim group of that incident against staff at Nazrul and Aladin Restaurants. An unknown member of staff from Nazrul Restaurant called 999
for police saying "A black male punched a member of staff this afternoon, now the male has turned up in front of the restaurant with 7-8 other black males with sticks". A second 999 call was made to police by a witness in the street advising "A large group of males fighting at location, males have bats and knives, Asian and black". Sabir Ahmed who had been present made no effort to interject, or call the police. There were several other waiters joining in from surrounding premises (one is recognised from Sheba). A member of the management advised the investigating officer that he had CCTV of the incident, but despite the officer trying to contact him on seven separate occasions by telephone or letter, he did not respond or engage with police and the CCTV was never handed over.

• **Friday, 2nd January 2015@ 17:15 hrs- GBH (4200173/15)**- On the face of it, this incident was alleged to have started when the victim tried to open a bottle of cider on the metal shutter of an Indian restaurant and staff attacked him and his friends for this. Their original destination was Aladin. Paramedics arrived and took the victim to hospital with a suspected fractured right shoulder and cut lip.

• **Thursday, 18th December 2014 21:45 hrs- GBH- CAD 9968/18DEC14@ 21:50:38 hrs; CRIS 4232682/14.** Informant calls 999 from Aladin stating "3-4 MALES INVOLVED IN A FIGHT" (outside Aladin). The victim had been at a staff party at Nazrul. After heated discussions over the victims Christmas bonus in the basement, the matter was taken outside where fighting erupted. The victim suffered a fractured skull and required 18 stitches. The CPS had now authorised two suspects (not staff) to be charged with GBH with Intent (who should attend Freshwharf custody suite on 23/06/15).

• **Saturday, 26th July 2014 - 23:15hrs - Common Assault - CAD 11836/26JUL14@ 23:17 hrs;** Police received a call regarding a fight near 'Brick Lane and Hanbury Lane [Street]). Balloon Sellers (laughing gas) Fight - Staff member were seen on CCTV to intentionally bump into a balloon seller walking past Aladin which erupted into a brawl in Brick Lane. The balloon sellers were surrounded by staff from Nazrul and Aladin and two are punched several times. Raju and Sabir AHMED were in the middle of it (one of them pushed a balloon seller into the path of an oncoming car). A marked police mini-bus was flagged down by the victims at 23:19:21 at which point Sabir AHMED was seen walking away south down Brick Lane. No arrests were made.

• **Saturday 7th June 2014 - Violence against the person - CAD 0013/07JUN14 @ 00:00 hrs.** The informant stated that he had been assaulted for no reason and had been punched on the chin and cheek by the owner/manager of Nazrul. A crime report search showed that the matter was not reported beyond the CAD call.

• **Sunday 14th April 2014 - Suspected breach of Section 136 (1) Licensing Act 2003 – Premises License Holder, Raju AHMED was reported to the Police for knowingly allowing touting. He was not prosecuted, as the touting occurred prior to their late night refreshment licence which commenced at 23:00 hrs.**
Mr Charalambides, following his submissions, with the agreement of the applicants and their representative and with the permission of the Chair showed CCTV footage in relation to grievous bodily harm incidents on 24 and 25 May 2015.

In respect of the first video dated 24 May 2015, Mr Charalambides’ asked Members to focus on just before the fall out, when a family walked past. The family were with a small child and it is 10:30pm at night. He stated that it was pertinent that but for a few feet and a few seconds that the family would have been caught up in the fight. He also asked that it be noted that the Ahmed brothers were there outside the premises as witnesses to the fact that their staff were involved.

The CCTV showed that on 24 May 2015 a couple with a young child being carried walk passed the door for Aladin, just as a large group spilt out of the door of the restaurant pushing and shoving. Members’ attention was drawn to the fact that the family quickened their pace then crossed the road to get clear of the fighting and escaped by a few feet and a few seconds. The Members attention was also drawn to the fact that a customer appeared to punch one of the waiters from the restaurant; however there was no evidence as to what occurred inside the restaurant to start the fight. The fight escalated and spilt on to a side street. At one point six waiters in black coloured shirts could be seen kicking and beating a man backed up against a closed shutter. The licensee’s representative asserted that the waiters were from a number or restaurants and not just his client’s waiters.

A couple of the Ahmed brothers, as licensees, were seen on the CCTV footage. Although they were not actively involved in any violence, they were at the scene as spectators and witnessed their staff outside their restaurant fighting with customers and members of the public. Their presence during this incident was not denied by the licensees or their representative.

Mr Uddin for the Licensees asked for the footage to be replayed and to be paused at 27 seconds. He advised that the waiters were the victims. He advised that the white man had punched a waited inside the premises. He asked the Members to keep an eye of the door as the man was pushed out and pointed out that the man was gesticulating to the waiters. At 58 seconds into the video he pointed out that a lady was pulled to the ground by a member of the public and not by waiters. He stated that it was clear from the video that the bald-headed man was a peacemaker. He pointed out that in his view the man with the white shirt and tie was not aggressive and was pushing people away. He advised that camera 5 showed a gentleman in white shirt and jeans punching a waiter. The waiter was not the aggressor. He stated that although camera 10 showed a number of waiters they were from a number of restaurants, not just his clients’ restaurants.

The CCTV footage showed that on 25 May 2015 a fight broke out at a block south of Aladin and Nazrul shortly before 12.30am. The fight moved up the road and waiters from a number of restaurants become embroiled in the fight.
Police identified Raju Ahmed with the hood seen on CCTV at the time. It was advised that the man seen on camerawith the bottle was eventually injured/cut by the bottle. The man with the glasses who stabbed the man worked at Aladin Restaurant and Raju Ahmed was on the left hand side of the aforesaid man.

Both Nazrul and Aladin Restaurants were closed to the public at this time, closing at midnight. The footage showed that the fight ended with five individuals beating a man, three of whom were waiters in black coloured shirts positively identified by police as being employees of Aladin Restaurant. A topless man was stabbed twice with a knife by waiters and cut with a broken bottle. When the attackers walked away, there was an exchange of an object between two of the waiters. As the waiters walked down the road Raju was alleged as being the man with the hood walking with his staff. One waiter then disposed of the aforesaid object behind a pile of black refuse sacks on Woodseer Street. It was not visible what was disposed of, however, a knife was recovered by the police. Police could be seen as part of the footage.

Mr Charalambides invited the Sub-Committee to note the level of police resources directed at the incident. He stated that there were three main aggressors and these were Aladin Restaurant staff, two were from another restaurant, Sheiba Restaurant, and one that was unknown.

Mr Uddin stated that he wished to enlighten the Sub-Committee that matters were at Snaresbrook Crown Court. He advised that both Aladin and Nazrul Restaurants were closed. He stated that it was clear from the footage that a man came out of a club and was on the rampage and at the outset there were no waiters present from any restaurant.

The Chair verified with officers however that the premises were not a club but an off-licence.

Mr Uddin advised that staff left the premises by midnight and that after work some then went off to have meal at a nearby Bangladeshi restaurant. He advised that the man in the black shirt was a member of staff. He advised that staff only became involved and chased the man because he hit one of them. He advised that the man had two weapons in his hand, a bottle and a stick. He stated that the man who ended up causing injury with the bottle was a waiter from the Sheiba Restaurant, however that the knife stabbing was an Aladin Restaurant waiter.

Mr Uddin advised that Raju Ahmed was on a day off and denied that he had been in the vicinity that day.

Mr Uddin advised that two people had been arrested in connection with the stabbing but only one had been charged. The knife being passed between the waiters following the stabbing was accepted.

In response to questions it was advised that nobody came forward to the police with information, despite the number of people present and clearly witnesses to the violence.
Mr Charalambides concluded that the Metropolitan Police Licensing Unit as a result of the two final incidents referred to had lost confidence in the management of Aladin and Nazrul restaurants. The Police did not believe that any further conditions could lead to the premises licence holder upholding the Licensing Objectives.

Members heard from Andrew Heron representing the Licensing Authority and Mr John McCrohan, representing Trading Standards. They briefly explained that the Licensing Authority and Trading Standards also supported the view for revocation of the licence. They expressed concerns about the management of the premises and the impact it had on crime and disorder in the light of the evidence adduced by the Police. They submitted that there had been a failure to adhere to the conditions of the premises licence and an evident lack of control of the business, demonstrated by the breaches set out in the review document. It was their opinion that the premise licence holders were unable to fulfil their responsibilities to ensure the promotion of the licensing objectives.

Members also heard from Mr Jon Shapiro representing the Spires Residents Association. He submitted that he represented the views of over 700 residents whose concerns related to touting by staff of the premises.

At the request of the Chair, Mr Sham Uddin legal representative for the Premises Licence Holders, made representations against the revocation of the premises licences for the Aladin and Nazrul restaurants. He referred to the following Home Office guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in Appendix 7 of the report.

- That the licence should only be suspended or revoked if Members believed that alterations to the existing licence, including imposing new conditions did not have a reasonable prospect of ensuring that the licensing objectives were met.
- That in relation to Reviews Arising In Connection With Crime that was not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms, Licensing authorities did not have the power to judge the criminality or otherwise of any issue. This was a matter for the courts. The licensing authority’s role when determining such a review was not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- Where the review related to a situation the premises have been used for criminal purposes, it was important to recognise that certain criminal activity or associated problems may be taking place or had taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority was still empowered to take any appropriate steps to remedy the problems. The licensing authority’s duty was to take steps with a view to the promotion
of the licensing objectives in the interests of the wider community and not those of the individual licence holder. He advised that none of the activities listed at 11.27 were covered by the review application.

Mr Uddin submitted that all of the issues and all the history set out by the Police including the matters in the Licensing Officer’s covering report were not relevant and that the Sub-Committee should only consider the two separate incidents over the Bank Holiday weekend of 22 - 25 May 2015. He stated that any incidents occurring before 11pm were not to do with the licence for late night refreshment and therefore should not be a consideration for the Sub-Committee. He stated that the committee should look at the times, look at allegations and see how these are linked to the premises.

He stated that contrary to the Police account of the incidents, his instructions were that only one staff member from Aladin was involved and that this was the person who had been arrested and charged. In respect of the incidents specifically, he stated that in the second incident that the fight was clearly started by a man on a rampage who had a stick and hit people indiscriminately and as such his clients were not responsible. The aforesaid member of the public clearly punched a waiter from Aladin which started the fight and that as such the staffs were ‘victims’ and not aggressors – that this was a case of self-defence. In respect of the second incident, the fight was started by others at a time when both restaurants were closed and therefore was not linked to the premises despite staff from the premises admitting to being involved. He accepted that one waiter had been arrested and charged for the stabbing and that he had admitted the stabbing and the handing over of the knife used in the stabbing to another man as viewed on the CCTV footage.

Mr Uddin stated that conditions would alleviate issues. He suggested security personnel at the door and CCTV inside the premises. He advised Members that these were at their disposal.

In response to questions the following were noted:

1. On the question of what mitigating actions the restaurants had taken it was noted with respect to staff training and the compliance of the licensee with their own duties to staff and recording of incidents, that the licensees had now implemented an incident log and proposed to recruit security staff to the door.
2. On the question of touting by staff outside the premises, Mr Ahmed stated that their restaurants were spear-heading a process to stop touting and that they only had men at the door to welcome customers not to tout for their custom.

The Chair invited both parties to give a brief summation of their cases.

In summing up the case for the police Leo Charalambides advised that there was concerned that the matter was treated as “not that serious” even though it had been accepted that staff were involved in a stabbing. There was concern that the chef and some staff were entering/exitng the “closed” premises
around the time of the incidents. It was pointed out Members had heard from the police that they had hit a brickwall in getting evidence. He asked Members to think about the family passing by. The licensing role was to safeguard the local community – a lesson learnt at Rotherham - and the objectives are a 24 hour concern, not just for the one hour of late night refreshment from 11.00pm to midnight for SIA staff. The complaints about these premises went back to 2013 and therefore members were invited to be firm and revoke the licences.

Mr Uddin stated that it was offensive that Rotherham was used. He advised that the Members were in a quasi-judicial role and that emotions needed to be taken out of the consideration. He summed up for his clients that the waiters were the victims and that only one waiter was involved, after hours and therefore the matter was not linked to the premises.

Members retired to consider their decision at 10.15.pm. Members advised that due to the lateness of the hour the meeting was being ended and that the Sub-Committee’s decision would be notified to all parties in writing within the statutory timescale.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council’s Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that Members considered detailed verbal and written evidence in view of the Licensing Act 2003, Home Office Guidance and Licensing Objectives in relation to the prevention of crime and disorder and public safety. Members also viewed CCTV footage supplied by the Police.

The Review

Members found that that both reviews at Nazrul and Aladin were triggered by the Metropolitan Police and that both reviews sought revocation of the respective licences. The reviews were supported by Trading Standards and a local residents’ association, Spire. The review arose after two separate incidents over the Bank Holiday weekend of 22 - 25 May 2015 and an accumulation of past incidents involving one or both of these premises.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub-Committee had carefully listened
to both interested parties as well as all the representations oral and written with particular regard to the licensing objective of the prevention of crime and disorder and public safety.

Members considered detailed verbal evidence on behalf of the Metropolitan Police. Mr Charalambides made representations that any licencing application should be considered in light of the location. As per the Court of Appeal case of Hope & Glory [R (Hope and Glory Public House Limited) v City of Westminster Magistrates’ Court [2011] EWCA Civ 31] licensing decisions involved an evaluation of what was to be regarded as reasonably acceptable in the particular location and he stated that it ought to be noted that the premises were in an area of stress and saturation which had led to the Brick Lane Cumulative Impact Zone.

Members accepted the submission from the Police that all of the issues and all the history were relevant including the matters in the Licensing Officer’s covering report, referred to as not relevant; that in seeking to promote the prevention of crime and disorder the management had failed and sharp practices have led to a man being stabbed, bottled and having a punctured lung.

Members also accepted the submission from the Police that the consideration for the review was not just the licensable activity but the operation of the premises. To that end it was noted that the same management remained in place and nothing had been done to address issues.

The Sub-Committee noted that Licensing should be considered in the wider public interest as per the Home Office section 182 guidance.

Members considered carefully the CCTV footage in relation to grievous bodily harm incidents on 24 and 25 May 2015.

The Sub-Committee were of the opinion that the police had presented a convincing case and that they were in a prime position to advice on the night-time economy and problem premises. It was accepted, as submitted for the police, that the same management was involved in the two neighbouring premises and the reality was that the same “controlling mind” was behind the two premises and they were intrinsically linked.

The Members were concerned at all the differing incidents connected with the premises over a significant period of time. They were further concerned that no member of staff of Aladin or Nazrul Restaurants came forward to assist the police and there had been no active co-operation. Members noted that it was not disputed that the Ahmed brothers were in the first CCTV footage shown on the incident of 24 May 2015 when the Licensees were seen watching their staff (who remained employed at the time of the hearing), involved in a fight and did not interject to stop it and did not contact the police during or after the incident, and as such clearly failed in promoting the objective of crime and disorder.
Members felt that it was apparent that there was insufficient conflict management and recording of incidents. This was highlighted by the answers given by Sabir Ahmed to Councillor Harrison when questioned about whether steps had been taken since the events leading to the review, to record incidents. Whilst the Members appreciated that there was now an incident log implemented and there was a letter dated 8 October 2015 with the intention of recruiting security staff to the door, in their view, these measures did not go far enough.

Members found that submissions in respect of proceedings in the Magistrates’ Court referred to by Mr Uddin were not relevant to the review because those matters were under a different regime, being under the Anti-social Behaviour, Crime and Policing Act 2014 and not the Licensing Act 2003.

Members were not persuaded that the Licensing objective consideration for them related to the hours of late night refreshment from 11:00pm onwards, as suggested by Mr Uddin, but rather were firmly of the view that good management must be considered in the round.

Members noted that in accordance with Paragraph 1.5 of the Home Office section 182 guidance, the aims and purpose of the regime were to protect the public and local residents from crime, anti-social behaviour and nuisance caused by irresponsible licensed premises. They took note of the duty at paragraph 11.26 of the guidance to take steps with a view to promote the licensing objectives in the interest of the wider community and not of the individual licence holder.

The Members were not confident that the Licensees were in control of the premises and their staff and believed that there was a risk of events being repeated. After taking into account the licensing objectives and all relevant considerations and evidence before them, the Sub-Committee, were persuaded on a balance of probabilities, that a revocation was necessary to promote the licensing objectives of promoting the prevention of crime and disorder and public safety.

Despite representations put forward by the licensees, Members were not persuaded that there were sufficient lesser steps at their disposal, by way of conditions, that could address the very serious and long enduring issues at the premises.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the review application for each of the two premises, Nazrul Restaurant at 130 Brick Lane, London E1 6RU and Aladin Restaurant at 132 Brick Lane, London E1 6RU be GRANTED with the revocation of the premises licence.

4.3 Application to Review the Premises Licence for Nazrul Restaurant - 130 Brick Lane, London, E1 6RU
Please see decision at Item 6 above.

5. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no such business.

The meeting ended at 10.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee
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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 27 OCTOBER 2015
THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Amy Whitelock Gibbs (Chair)
Councillor Joshua Peck
Councillor Rachael Saunders

Officers Present:

John Smith - (Senior Licensing Officer)
Gary Ward - (Senior Advocate Enforcement and Litigation, Legal Services)
Victoria Fowler - (Prosecution Lawyer – shadowing Gary Ward)
Elizabeth Dowuona - (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

John McCrohan - Trading Standards (Item 3.1)
Bob Leckie - Applicant (Item 3.1)
Chris Leckie - Proposed DPS (Item 3.1)
Graham Hopkins - Legal Representative (Item 3.1)
PC Alan Cruickshank - Metropolitan Police (Item 3.2)

Objectors In Attendance:

PC Alan Cruickshank - Metropolitan Police (Item 3.1)
Elena De Rothschild, - Local Resident (Item 3.1)
Aliaksander Burak, - Local Resident (Item 3.1)
Elena De Rothschild, - Local Resident (Item 3.1)
Kate Toumazi - Local Resident (Item 3.1)
Chris Davies, - Local Resident (Item 3.1)
Ozgur Gul, - Local Resident (Item 3.1)
Anthony Ross, - Local Resident (Item 3.1)
Sam Fink - Local Resident (Item 3.1)
Graham Hopkins - Legal Representative (Item 3.1)
Linder Potter - Legal Representative (Item 3.1)
Ms Kashfi Kamal - Owner of Premises (Item 3.2)
Ms Georgana Das - Designated Premises Supervisor (Item 3.2)
Mr Jawar Ali - Premises Manager (Item 3.2)
1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

2. **RULES OF PROCEDURE**

The rules of procedure were noted.

3. **ITEMS FOR CONSIDERATION**

3.1 **APPLICATION FOR A NEW PREMISES LICENCE FOR STRAIGHT AND NARROW - UNIT 2, ADRIATIC BUILDING, 45 NARROW STREET, LONDON, E14 8DN**

At the request of the Chair, John Smith, Licensing Officer, introduced the report which detailed the new application for Straight and Narrow - Unit 2, Adriatic Building, 45 Narrow Street, London, E14 8DN. It was noted that representations had been received from the Metropolitan Police and Local residents who considered that proposed extension of hours would undermine the prevention of public nuisance.

At the request of the Chair, Mr Graham Hopkins, Legal Representative of the applicant described the premises. He explained that the premises were a medium sized restaurant/bar which was part of a private residential development located beneath the residential block of apartments overlooking the Old Sun Wharf. He described the premises as a medium sized new Tapas restaurant/bar with 54 covers (with a maximum capacity of 70 people), offering light entertainment in the form of non-amplified music. The premises offered food in the main and alcohol was ancillary to food although the applicant proposed to serve alcohol without food. Seating would include a small outside space.

Mr Hopkins described the applicant’s clientele as discerning middle income local businesses and local residents and who would not binge drink. The premises was not a late night music venue and only background piano playing, except in the event of private functions and non-standard times when recorded music would be played. That the premises was not located in a cumulative Impact Zone and there was only one other restaurant with similar hours in the vicinity. It was noted that the applicant had not started trading.

Mr Hopkins stated that his clients were experienced operators and had made careful operational provisions, good management and had a robust security system in place. Mr Hopkins asked Members to note that no objections had been received by the environmental responsible authorities.

Given the Licensing officer’s remarks that the hours that had been applied for were somewhat confusing from the application, Mr Hopkins sought to clarify
the hours proposed. He referred to an email dated 21 October 2015 circulated to all parties at the hearing, of his client’s request for permission to amend the application for the new Premises Licence as follows:

1) The sale of alcohol for consumption on the premises to be:
   Sunday from 08.00 to 22.30 hours
   Monday to Wednesday 08.00 to 23.00 hours
   Thursday to Friday 08.00 to 00.00 hours (midnight)

2) The provision of late night refreshment to be:
   Monday to Wednesday       Not Required
   Thursday to Saturday from 23.00 to 00.00 hours (midnight)

3) No change to live music except it is to be limited to a pianist

4) The opening hours to be as follows:
   Sunday from 08.00 to 23.00 hours
   Monday to Wednesday 08.00 to 23.30 hours
   Thursday to Saturday 08.00 to 00.30 hours

5) Non standard timings. On Christmas Eve and New Year’s Eve the permitted hours for all licensable activities to be extended to 01.30 hours and close of the premises to be extended to 02.00 hours.

6) The use of the outside tables and chairs to cease at 21.00 hours daily. After that time a maximum of 10 smokers will be allowed outside to the front of the premises. After 21.00 hours no drinks, glasses or bottles will be allowed outside.

In his oral submission he stated that the applicant had further offered a reduction of the hours of operation from a start time of 08:00hrs to 10:00hrs. The proposed hours on the application were therefore noted as follows:-

**Sale of Alcohol (on sales only)**
- Sunday to Thursday from 10:00hrs to 00:00hrs (midnight)
- Friday and Saturday from 10:00hrs to 02:00hrs (the following day)

**The Provision of Late Night Refreshment (indoors):**
- Sunday to Thursday from 23:00hrs to 00:00hrs (midnight)
- Friday and Saturday from 23:00hrs to 02:00hrs (the following day)

**The Provision of Regulated Entertainment in the form of live music (indoors):**
- Tuesday and Wednesday from 19:00hrs to 22:00hrs (midnight)
- Thursday from 19:00hrs to 22:30hrs.
- Friday and Saturday from 19:00hrs to 23:30hrs (the following day)
- Sunday from 19:00hrs to 22:00hrs

In support of the application and in recognition of the concerns of the objectors and the Metropolitan Police, the applicant was proposing the withdrawal of non-standard timings in the application and a revised list of
conditions. An incident book would be kept at the premises, and made available to the police or authorised council officers, staff would have regular staff training, last orders for the restaurant would be taken 30 minutes before closing. Phone numbers for management would be available to residents if they had any problems and management would arrange regular meetings with residents six monthly.

Members heard from local residents objecting to the application on the grounds of potential of noise while the premise was in use. Elena De Rothschild, Aliaksander Burak, Elena De Rothschild, Kate Toumazi Chris Davies, Ozgur Gul, Anthony Ross, Sam Fink expressed concerns around the following:

- The likelihood of disturbance from the operation of the premises;
- The impact of the close proximity to residential properties and the potential disturbance from late opening hours;
- Noise breakout,
- Noise from the applicant’s patrons smoking outside,
- additional traffic and parking congestion in the vicinity,
- smells from cooking and refuse storage.
- It was also noted that noise travelled across water and therefore there would be an increase in noise to residents and in particular, impact negatively on the residents living above the premises whose bedroom windows faced the wharf and those directly above the seating area outside the premises.

In their submissions, it was noted that a majority of the residents were professionals, who would be working from home or leaving for work early in the morning and it would be unreasonable for them to be disturbed later than 22.00 hours.

In conclusion, it was noted that the proposed hours would cause an unreasonable noise disturbance in a primarily residential area, add to noise and other nuisance in the area including crime and disorder and would be a source of litter. They were extremely concerned about loss of residential amenity and the right to a quiet and peaceful existence in their homes. They considered that the location of the premises and the hours proposed were inappropriate.

In response to questions from Members the following points were noted;

- Mr Hopkins acknowledged the close proximity of the premises to residential premises, however stated that the proposed hours were reasonable and the applicant had stringent measures in place to ensure that the premises operated without causing disturbance to residents. He pointed to the revised conditions.
- That the applicant was obliged to cater for patrons who smoked and had made an effort to keep the smoking area away from the adjoining residential part of the development, however it was unfortunate that there were windows above, which was unavoidable.
- That residents’ submissions regarding noise and smells travelling up to the third floors of the development when their windows were opened should be treated with caution given that their experiences related to the previous establishment.

- That the applicant’s representative pointed to the following proposed conditions:
  - The applicant would be happy to restrict the number of people outside smoking to ten patrons.
  - No vertical consumption of alcohol will be permitted within the premises or outside seating area.
  - No open containers of alcohol will be supplied for consumption off the premises or outside seating area.
  - Staff would ensure that no more than 10 customers were outside the front after 21.00 hours to smoke and did not take drinks outside onto the front terraces when they were closed.
  - The outside tables and chairs would close to the public at 21.00 hours daily and be taken out of use. Any customers outside would be asked to go inside the premises at that time.
  - Staff would regularly monitor noise levels and the conduct of customers.
  - A litter bin and ashtrays will be provided for customers using the terraces / smoking area.

Members retired to consider their decision at 8.15.pm and reconvened at 8.40pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council’s Statement of Licensing Policy as well as the Cumulative Impact Policy adopted by the Council in 18th September 2013.

Consideration

Each application must be considered on its own merits and the after careful consideration, the Chair stated that the Sub Committee had carefully listened to both interested parties as well as considered all the representations, oral and written, with particular regard to the licensing objectives of the prevention of public nuisance.

Members noted real concerns about the location of the premises in a densely populated residential area and noise disturbance, especially from outside the premises and the close proximity of residential premises. They considered that it was likely that residents living directly above the premises would be particularly disturbed by the applicant’s patrons seated eating, drinking and smoking outside the premises if the premises were permitted to open until late/early hours of the morning. They welcomed the applicant’s offer of a reduction of the hours of operation, the withdrawal of non-standard timings in the application and the list of revised conditions circulated to all parties at the
hearing, in recognition of concerns of the objectors and the Metropolitan Police.

In deliberation, members discussed the proposed conditions in detail and considered that ten people standing outside the premises smoking was likely to result in noise disturbance and agreed to reduce the maximum number to five. Members also considered that notices displayed inside and outside the premises indicating restrictions on smoking after 21.00 hours would assist in drawing the applicant’s patron’s attention to the prevention of public nuisance.

They had regard to the representations from the Metropolitan Police and Licensing Authority that an extension of 03.00 hours was not acceptable for a restaurant in such a highly residential area. They accepted on the balance of probability that there was a greater likelihood of noise disturbance if the premises were open at that time.

Decision

Members considered the Council’s framework hours and noted that there were two licensed premises in the vicinity which closed at 22.00 hours. They were mindful of the impact of late hours on residential amenity and accordingly, unanimously

RESOLVED –

1. That the application for a new Premises Licence for Straight and Narrow – Unit 2, Adriatic Building, 45 Narrow Street, London E14 8DN be GRANTED in part as follows:

   **Sale of Alcohol (On sales only)**
   
   - Sunday to Thursday, 10:00 hours to 22:30 hours
   - Friday to Saturday, 10:00 hours to 23:30 hours

   **Hours premises are open to the public:**
   
   - Sunday to Thursday, 10:00 hours to 23:00 hours
   - Friday to Saturday, 10:00 hours to 00:00 hours

   **Provision of late night refreshment**
   
   - Sunday to Thursday, Not required
   - Friday to Saturday, 23:30 hours to 00:00 hours

2. That the licence hereby granted be subject to the following conditions as proposed by the applicant (save for the words in square brackets in B.3 and D.8 which were amended by the decision above):-
A) GENERAL

The premises will be operated in a responsible manner and actively promote the licensing objectives at all times.

B) PREVENTION OF CRIME and DISORDER

1) The premises will operate strictly as a café bar;
2) Within the premises and at the outside tables and chairs alcohol may only be sold to customers seated at a table with all service of alcohol and food by waiting staff only;
3) The last order for food shall be taken 15 minutes before the terminal hour on any day. Food offer will be available until 22.15 hours Sunday to [Thursday and 23.45 hours on Friday and Saturday];
4) No vertical consumption of alcohol will be permitted within the premises or outside seating area;
5) No open containers of alcohol will be supplied for consumption off the premises or outside seating area;
6) No drinks, bottles or glasses may be removed from the premises or outside seating area;
7) The DPS or a personal licence holder shall be on duty from 19.00 hours to close on Friday and Saturday evenings at other times the DPS, a personal licence holder or a trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public;
8) a) a CCTV system covering the interior and frontage of the premises will be installed to current metropolitan police / home office standards and shall be kept operational at all times the premises are open to the public.
   b) The CCTV shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
   c) All staff who may work front of house shall be trained to operate the CCTV system and download images.
   d) At least one member of staff trained to operate the CCTV system and download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a usb stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request;
9) Challenge 25 shall be operated as the proof of age policy. (see section e condition 1 for full details.);
10) All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing;
11) No child or young person under 18 may be permitted to consume alcohol on the premises at any time.

12) An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
   a) All crimes reported,
   b) Lost property,
   c) All ejections of customers,
   d) Any complaints received,
   e) Any incidents of disorder,
   f) Any seizure of drugs or offensive weapons,
   g) Any faults in the CCTV,
   h) Any refusal in the sale of alcohol.
   i) Any visit by a relevant authority or emergency service.

13) Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers:
   a) That CCTV and Challenge 25 are in operation;
   b) Advising customers of the provisions of the licensing act regarding underage and proxy sales;
   c) Of the permitted hours for licensable activities and the opening times of the premises;
   d) That no drinks, bottles or glasses may be removed from the premises or outside seating area;
   e) Not to drink in the street;
   f) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.

14) Staff will monitor the outside area, including customer conduct regularly, both physically and by use of the CCTV and all empty/dirty bottles, glasses and crockery etc. shall be regularly removed. Smokers will be similarly monitored after 21.00 hours.

C) PUBLIC SAFETY

1) A fire risk assessment and emergency plan will be prepared and regularly reviewed.

2) Staff will be given appropriate fire safety training.

D) PREVENTION OF PUBLIC NUISANCE

1) The area outside of the premises shall be kept tidy at all times and be swept at close;

2) Relevant notices will be prominently displayed by the entry/exit door and point of sale (as appropriate). See section b condition 13 for full details.

3) No deliveries will be received or rubbish including bottles or glass removed from the premises between 19.00 and 08.00 hours.

4) Any music played will only be played at background level.

5) The outside tables and chairs will close to the public at 21.00 hours daily and be taken out of use. Any customers outside will be asked to go inside the premises at that time.

6) Staff will regularly check the terraces and collect all glasses, crockery etc. Staff will also monitor noise levels and the conduct of customers.
7) A litter bin and ashtrays will be provided for customers using the terraces / smoking area.

8) Staff will ensure that no more than [5] customers go outside the front after 21.00 hours to smoke and do not take drinks outside onto the front terraces when they are closed. [Notices shall be displayed inside and outside the premises indicating restrictions on smoking after 21.00 hours].

9) An incident book shall be kept at the premises and made available to the police or authorised council officers -- see box b condition 12 for full details of the information to be recorded.

10) A phone number will be displayed for residents to contact the business with any concerns. The phone number will be made available to residents of the Ionian and Adriatic buildings. Details of complaints and action taken by the management will be included in the incident book.

E) PROTECTION OF CHILDREN FROM HARM

1) Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM Forces photographic ID card or proof of age card with the pass logo or hologram on it may be accepted as proof of age.

2) All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police and authorised council officers on request -- see section b condition 12 for full details.

3) Relevant notices will be prominently displayed by the entry/exit door and point of sale as appropriate-- see section b condition 13 for full details.

4) No person under the age of 18 will be allowed to consume alcohol at any time.

5) All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.

6) Written training records will be kept for all staff members and made available to police or authorised council officers on request.

7) Unless an epos system with an automatic proof of age check reminder incorporated in it is in use a manual prompt will be displayed by the till(s) to remind staff to check proof of age where appropriate.

8) No unaccompanied children under 18 will be allowed on the premises after 19.00 hours.

The Chair advised all attendants that they would be sent written notification of the decision within 5 working days of the hearing. She also confirmed the parties' right of appeal.
3.2 APPLICATION TO REVIEW THE PREMISES LICENCE FOR MEM SAHEB ON THAMES, 65-67 AMSTERDAM ROAD, LONDON E14 3UU

At the request of the Chair, John Smith, Licensing Officer, introduced the report which detailed the application to Review the Premises Licence for Mem Saheb on Thames, 65-67 Amsterdam Road, London E14 3UU. It was noted that the review had been triggered by Metropolitan Police and was supported by Licensing Authority.

At the request of the Chair, Pc Alan Cruickshank made representations to the Sub-Committee that the premises had been a subject of criminal activity relating to non-registering of VAT and tax evasion from 1 October 2003 to 16 November 2011. The premises continued to be subject to further criminal investigation by HMRC on suspicion that there was continued evasion of VAT from 15 November to 11 March 2015.

The review arose after the premises license holders, Messrs Raiul Hoque and Mridul Kanti Das were charged for VAT tax evasion and sentenced to seven years imprisonment and disqualified from being company directors for eight years. The licence holder at the time of the review was Mridul Kanti Das and Rabiul Hoque.

On 8th July 2015 an application for the transfer of the licence Ms Georgina Das and Mrs Kashfi Kamal was received by the Licensing Authority. There were no objections from the Police.

The case of the Metropolitan Police and the Licensing Authority was that the continued presence of Ms Georgana Das, the wife of the previous director Mridul Kanti Das as the designated premises holder led to the suggestion of a link with the previous operators of the premises.

At the request of the Chair, Mr Graham Hopkins, Legal Representative explained that the premises were a Mrs Kashfi Kamal had purchased the premises and was now the new owner and sole director of the company; Mr Graham Hopkins further submitted in objection to the review, the following points:

- The premises had now been registered for VAT on the HMRC website in the name of Mrs Kashfi Kamal;
- That the previous lease had been surrendered and now in the name of Mrs Kashfi Kamal;
- That the business had been correctly registered as a new business;
- That the business had been registered for business rates in the name of the new owner, Mrs Kashfi Kamal;
- That Ms Georgina Das was only an employee at the premises, being paid under PAYE;
- That Ms Georgina Das had not been charged with any criminal offence in relation to the operation of the premises and in the charge for VAT tax evasion offences.
• That Ms Georgina Das was now separated from her husband, Mridul Kanti Das and had obtained a judicial separation on 21 July 2015 due to irreconcilable differences;
• That Mr Jawar Ali, the new manager was not connected with the previous owners in any way;
• That Mrs Kashfi Kamal was amenable to the removal of Ms Das as DPS and was willing to hold the position of Licensee and DPS herself.

The Licensing Objectives

In considering the application for a review of the premises licence by the Metropolitan Police, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council’s Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub-Committee had carefully listened to both interested parties as well as all the representations oral and written with particular regard to the licensing objective of the prevention of crime and disorder.

Members considered the detailed verbal evidence on behalf of the Metropolitan Police. They noted that the review arose after the premises license holders, Messrs Raiul Hoque and Mridul Kanti Das were charged for VAT tax evasion and sentenced to seven years imprisonment and disqualified from being company directors for eight years.

Members found that the premises had been a subject of criminal activity relating not registering for VAT and tax evasion from 1 October 2003 to 16 November 2011. The premises continued to be subject to further criminal investigation by HMRC on suspicion that there was continued evasion of VAT from 15 November to 11 March 2015.

Members considered the submission from the Metropolitan Police that the continued presence of Ms Georgana Das, the wife of the previous director Mridul Kanti Das as the designated premises holder suggested a link a possible link with the previous licensees and links to the criminal activities and asked a number of questions to establish this assertion.

In response to questions, the Sub-Committee noted the following:
• As stated by the Licensing Authority Ms Georgina Das had not been found as a ‘not a fit and proper person’ to hold the position of Designated Premises Supervisor at the premises, as she had not been charged with any offences.
• That Ms Georgana Das, had obtained a judicial separation on 21 July 2015 from the previous director Mridul Kanti Das, having noted the evidence submitted by Mr Hopkins.
Whilst the Sub-Committee recognised the serious offence of VAT fraud, they considered that this matter had been dealt with by criminal law. Following responses to all parties, they considered on a balance of probabilities and based on the evidence submitted, that the current licensee was the new owner of the premises and there was no evidence that the new owner and manager were connected in any way. Further, there was no evidence that Ms Georgina Das, the wife of one of the previous licensees, Mr Mridul Kanti Das was not a fit and proper person to hold the position of DPS at the premises, as she had not been charged with any offences during the criminal investigation in the operation of the premises.

Sub-Committee, on a balance of probabilities and based on the evidence submitted was not persuaded that a revocation was necessary to promote the licensing objectives of promoting the prevention of crime and disorder.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for the review of the Premises Licence for Mem Saheb on Thames, 65-67 Amsterdam Road, London E14 3UU be DISMISSED.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no such business.

The meeting ended at 9.00 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee
1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST
Councillor Amy Whitelock-Gibbs and Councillor Rachael Saunders mentioned at the meeting that they had no interest but had both visited the Birdcage, 80 Columbia Road, London E2 7QB in the past as customers however had not discussed the application at any point.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for The Birdcage - 80 Columbia Road, London, E2 7QB

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the new licence application for the Birdcage, 80 Columbia Road, London E2 7QB. It was noted however that there was an existing licence. There are were a number of objectors however it was noted that a number of residents had withdrawn their objections since the report was written and their names were read out at the meeting. It was noted that Environmental Health had also withdrawn their objection subject to a condition being agreed. Members were informed that there had been a number of representations in support of the premises which were rejected as they were out of time however they were also sent to the applicant’s solicitors and form part of their documentation. Members were also informed that the application had been amended and hours reduced. Mr Heron highlighted the fact that there was already a licence in place so if the application was not granted the premises would still be able to continue to trade under their existing licence. He stated that most complainants failed to realise that the incumbent licence was until 3am at weekends and 2am weekdays (see page 38).

The Chair asked for confirmation that if the new licence application were refused whether the licensee could default to the incumbent licence and open later until 3am? Andrew Heron confirmed that this was correct. He also stated that it may be worth asking if the old licence would be surrendered if there was a new licence granted.

At the request of the Chair, Ms Clare Eames, Legal Representative explained that upon a satisfactory grant they would surrender their existing licence. She said that the applicant has been trading for the past year with no history of complaints. That this new application was to add the 1st floor to the premises licence to develop an area for food and functions room. She said that there were lease restrictions hence the reason why they had to replicate the existing hours in the lease in their original application, however, due to the response from the community the Applicant was able to negotiate with the landlord and amend the lease with the proposed reduced hours.
Ms Eames explained that through consultation they were able to resolve concerns with the Police and Environmental Health. It was noted that the Applicant was keen to invest in the premises and would be investing £500k into the premises to renovate and expand the kitchen area. She said that the Applicant wanted to work with residents, however it was unfortunate that the application has brought up old wounds.

Members then heard from Mr Charlie McVeigh, Applicant, he said that Draft House ran a chain of 7 pubs, that they kept the premises orginal name of The Birdcage due to its historic value. He said that there haven’t been any complaints to police or Environmental Health in any of those pubs, including the Birdcage, this year. That the pub was quite small and therefore wanted to expand the kitchen area and introduce Sunday lunches and need extra dinning space. It was stated that as part of the works he will also put in a new fire escape. It was noted that when he first took over the premises it was on the verge of closing down as there were many problems. He said that when he reopened the premises he introduced food – a rudimentary menu in a small limited space, strong management and improved the customer base and has had no complaints.

There would be three things on the 1st floor:
- Sunday lunch
- Courses with the Idler academy early evenings during weekdays
- Functions for weekends, which would serve as an amenity space for the community hopefully.

Ms Eames then referred Members to the supplemental pack with photographs and details of the course and stated this showed the direction of investment. She stated that the applicant had found the right balance to address community concern, whilst utilising the first floor as the applicant wants to be sustainable as he is in it for the long haul.

Members then heard from Mr Christopher Sheppard, local resident, he said that he had lived in the area for the past 26 years. He said that it was a great pub and commended the management on how well run it was. He stated that there were no objections to the Sunday Roast, the courses etc. He said that he was mainly concerned about the late hours and was surprised that they had an existing licence till 3am. He said that the night life from Shoreditch High Street was creeping up to Columbia Road. He also referred to Hackney Council’s Licensing Policy and felt that a similar approach should be adopted by Tower Hamlets and regard should be had to it as a relevant document as it borders Columbia Road. He stated that there were other pubs in the area which had earlier closing up times such as 11pm weekdays and 12 midnight during weekends and suggested that the Birdcage be in line with other premises in the local area. The Chair advised Mr Shepperd that the policy of the neighbouring borough was not deemed relevant.

Members lastly heard from Councillor John Pierce, who also spoke on behalf of Councillor Mukit Miah, both Ward Councillors. He highlighted the complaints and problems from the previous operators. He said that a 1am closing time could act as a magnet to attract late night drinkers to the venue.
once other premises have closed. He said that there was no mitigation for the late opening and that people will follow the late licence. He also asked what type of functions the premises would be hosting? He said that he welcomed the noise limiter (see pg 40 supplementary) but invited that the conditions be put on the licence if the applicant was committed to the conditions. The cllr acknowledged the offer of surrendering the existing licence and welcomed the engagement by the applicant however had concerns about the overspill from Shoreditch and the “Hoxton creep”.

In response to questions from Members the following was noted;

- That there were no complaints specific to the premises
- That the premises currently closed at 1.30am during the weekends and 11.30pm during weekdays even though the premises had longer hours.
- That most of the complaints made by local residents referred to the previous operator.
- There were fears that the capacity would be doubled and therefore problems would be too.
- That Mr Sheppard referred to some of the information supplied by residents as anecdotal but the assumption was that there would be a creep in late night hours into Columbia Road from Shoreditch High Street.
- That the objectors were unable to give an approximate number of times there was disturbance during an average week.
- That there was not enough mitigation on dispersal, possible door staff, capacity, smoking outside etc.
- That the functions would be for special occasions such as birthday parties, wedding receptions etc.
- That the landlord had made a concession by agreeing to reduced hours and that they would not always trade till 1am but wanted the hours to allow flexibility.
- That the premise currently had a licence till 3am on weekends without conditions.
- That the Applicant had been trading for the past 1 year without any complaints or problems.
- That there had been no objections from Responsible Authorities.
- It was agreed that a noise limiter could be put in and also that they could offer the following conditions from page 40: 7, 9(a) and (b), and 10. There were however no proposed changes to smoking.

In summation, Ms Eames said that they had reduced the hours, the applicant was responsible and an experienced operator, positive application for the community, with a management team who understands and respects the community. Ms Eames concluded by saying that she recognised the concerns raised by local residents but these would be addressed by the conditions offered by the Applicant. She pointed out however that there was a current licence with minimal conditions and what was being offered was a licence with stricter conditions. She stated that the objections are largely anecdotal, historical and “what ifs”. She stated that the applicant had upheld the licensing objectives for 12 months. She stated that the premises was much better managed now. Where there is evidence she advised it would be right
to restrict but where there was none then the sub-committee ought to be flexible and permissive in their decision-making.

Mr Sheppard stated that by granting the licence the capacity of the premises would be doubled, full hours would be used for the viability of the business and therefore he urged Members to refuse the application.

Members retired at 7.30pm to consider the decision and reconvened at 7.50pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council’s Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the written evidence and listened to the representations made on behalf of the applicant and objectors at the meeting.

Members welcomed the amended hours and conditions offered by the Applicant and the condition agreed with Environmental Health. Members noted the general point regarding anti-social behaviour and licensed premises, but most objections against the premises were historic concerns and referred to 2am and 3am licences and there had been no specific evidence linked to the actual premises in recent months. It was also noted that whilst under new management there had been no complaints to the Police or Environmental Health.

Members also noted the compliment from the resident objector on how well run the premises had been since the new management/Applicant had been in place. It was noted that the terminal hours applied for were lesser hours then the current licence in place.

Members felt that it was not proportionate to reject the application however understand the concerns raised in relation to noise and the increased capacity therefore Members decided to grant the application with the amended hours, the proposed conditions agreed during the hearing (as per the letter to Councillor Pierce) and conditions on the operating schedule and imposed conditions which would help alleviate the concerns raised.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED
That the application for a New Premises Licence for, The Birdcage, 80 Columbia Road, London E2 7QB be **GRANTED with conditions.**

**Sale of Alcohol (On and Off Sales)**

Monday to Saturday from 10:00hrs to 01:00hrs (the following day)
Sunday from 08:00hrs to 01:00hrs (the following day)

**The Provision of Late Night Refreshment (indoors):**

Monday to Sunday from 23:00hrs to 01:00hrs (the following day)

**The Provision of Regulated Entertainment in the form of Films (indoors):**

Monday to Sunday from 07:00hrs to 01:00hrs (the following day)

**The Provision of Regulated Entertainment in the form of Live Music and Recorded Music (indoors):**

Monday to Saturday from 10:00hrs to 01:00hrs (the following day)
Sunday from 08:00hrs to 01:00hrs (the following day)

**Hours premises is open to the public:**

Monday to Sunday from 07:00hrs to 01:30hrs (the following day)

**Non-standard times:**

From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day

An additional hour to the standard and non-standard times on the day when British Summertime commences

**Conditions**

1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service with the presence of the License Premises acoustician so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound
generating equipment shall be used on the premises without being routed through the sound limiter device.

2. Windows and doors will be closed during regulated entertainment in the form of live or recorded music and except for access and egress.

3. First floor capacity – a capacity of 100 (plus staff) for general trading and 125 (plus staff) for a private function.

4. Private functions will be individually risk assessed and if deemed necessary, door supervisors will be employed to ensure quiet departure of guests.

5. 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 31 days. 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 must also be someone on the premises, who can download the Images and present them on request by a police officer or other responsible authority.

6. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.

7. An Incident log book (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
   - Any Incidents of disorder
   - Any seizures of drugs or offensive weapons
   - Any ejections of patrons

8. The premises shall maintain a written dispersal policy, which shall be made available to the Police or an authorised officer of the Council upon request.

9. All bar staff receive appropriate training in relation to alcohol sales prior to commencing their duties. This training will include the contents of the premises licence, terms of operation, licensable activities and all conditions and underage sales policy. Training documents shall be signed and dated and training documents shall be made available to a Police Officer or Council Officer upon request. The records will be retained for at least twelve months.

10. Reasonable steps will be taken to recognise the rights of local residents and notices will be displayed at the premises exits requesting customers to leave quietly and reminding them that they are in a residential area.
11. A Challenge 21 Proof of Age Scheme will be operated at the premises where the only acceptable forms of identification are photographic identification cards; such as a driving licence or passport.

12. A log (which may be electronic) will be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report should be made available upon reasonable request from an authorised officer of the Council or Police.

3.2 Application to Review the Premises Licence for Kivre Food Centre - 497 Cambridge Heath Road, London, E2 9BU

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the review application for Kivre Food Centre, 497 Cambridge Heath Road, London E2 9BU. It was noted that the review had been triggered by the Metropolitan Police and supported by Trading Standards and the Licensing Authority.

At the request of the Chair, PC Mark Perry, Metropolitan Police explained that on 5th June 2015 a joint licensing visit with Trading Standards and HMRC Customs and Excise was conducted at the premises. He said that on arrival, behind the serving counter was Mr Niyazi Kaya the current Premises Licence Holder and Designated Premises Supervisor.

He explained that during the search visit, trading standards seized the following;
Seizure of illicit tobacco, 4 x 50g GV HRT, 300 x Silk Cut cigarettes, 180 x B&H Gold and 80 x Marlboro.

It was noted that Mr Kaya later admitted he sold the rolling tobacco for £4 and the cigarettes for £3. During the search investigation a variety of bottles and types of alcohol were found behind the counter and on the shelves. In total 323 bottles were seized which amounted to 216.025 litres and the total amount of excise evaded was £2373.88.

It was noted that during the visit, Mr Kaya admitted to Mr Cooper, from HMRC, that he had brought the cigarettes and alcohol from a man in a white van without asking for receipts. There was a risk that there was no quality control/ standards check on the items. There was also an issue of trust in management who purchased smuggled goods.

PC Perry referred to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 which makes reference to the fact that the sale of smuggled tobacco and alcohol should be treated particularly seriously and that revocation in the first instance should be seriously considered.
Members then heard from Mr John McCrohan, Trading Standards, who referred to his representation on page 287 and said that as the alcohol was brought from an untraceable source, it was foreseeable that the product could be unsafe and falsely labelled. He stated that there was an admission of illegal supplier and no receipts for the products purchased and that this was a catastrophic management failure. He concluded that he supported the review application to revoke the licence and that there was a recognised problem with such products within the borough.

Members also heard from Ms Kathy Driver, Licensing Authority, she referred to her representation on page 284, where she highlighted the complaints received about the premises and detailed a failed test purchase undertaken at the premises. She stated that under the circumstances it was not believed that any conditions set will be adhered to.

PC Mark Perry concluded that the seizures were one of the most blatant breaches of excise duty evasion.

At the request of the Chair, Mr Robin Halstead, Legal Representative for the Premises Licence Holder, stated that the guidelines at 11.2 state that the Committee has a duty to deter and not to punish and that if there is a means to deter then that should be be seriously considered. He said that Mr Kaya has proposed strong conditions on page 291 and has been adhering to them and is happy to have all these conditions put on the licence.

He said a revocation would mean his livelihood would be at risk, that this was not a criminal court and punishment was not for this bench. He said Members should consider best ways to comply and prevent crime and disorder and achieving the licensing objectives.

In response to questions from Members the following was noted;

- That the minor variation was withdrawn as the notice was taken off 1 day before the consultation end date and therefore had to restart the consultation again (not a new application as suggest by Mr Kaya’s legal representative), but whilst in the process of restarting the consultation the review was triggered and it was deemed by the licensee’s representative that all matters could be dealt with at the review.
- That there had been no prosecutions from the complaints mentioned in the licensing representations but that Mr Kaya had been at the premises at the time of the test purchase.
- That the premises had been currently complying with conditions from 1st August 2015, bottles are now marked with the date they are received and all invoices are being stored.
- That only Mr Kaya and his business partner would serve customers.
- Mr Kaya apologised for the incident and said that if he had known this would harm anyone he would never have done it.
- That it was Mr Kaya’s first business and he was still learning.
- That the Police believed that Mr Kaya was acting dishonestly and had only stopped because he had been caught.
- That the sale of counterfeit goods was a widespread problem in the area.
- That Licensing had no confidence in likely compliance given the history.

Members retired from the meeting at 8.25pm to consider the decision and reconvened at 8.45pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council’s Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had listened to representations from all interested parties.

In reaching the decision Members gave particular regard to Section 182 guidance from the Home Office at paragraphs 11.26 and 11.27 and paragraphs 6.11 – 6.15 of the Council’s own Licensing Policy which made it clear that revocation should be seriously considered even on the first instance. Members were concerned about the scale of counterfeit goods that were seized and the duty tax evaded. Members noted the complaints over the period of time and were concerned as the premises licence holder was unable to explain how such serious breaches of the licence and the law had happened.

Members noted that their decision is required to be on the balance of probabilities. They felt that the weight of evidence from the Police, Licensing and Trading Standards was stronger than that of the licensee and with previous breaches of conditions, Members did not feel assured that by placing conditions regarding counterfeit goods would be sufficient to promote the licensing objectives.

Members made a decision and the decision was unanimous, Members decided to grant the review application by revoking the premise licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for Review of the Premises Licence for Kivre Food Centre, 497-499 Cambridge Heath Road, London E2 9BU be GRANTED and the Premises Licence be REVOKED.
4. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business.

The meeting ended at 9.00 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee
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1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.
2. **RULES OF PROCEDURE**

The rules of procedure were noted.

3. **MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the meeting held on 19th October and 18th November were agreed as a correct record.

4. **ITEMS FOR CONSIDERATION**

4.1 **Application for a New Premises Licence for the Lord Cardigan - 112 Anglo Road, London, E3 5HD**

At the request of the Chair, Mr Kathy Driver, Licensing Officer, introduced the report which detailed the new application for the Lord Cardigan, 112 Anglo Road, London E3 5HD. It was noted that objections had been received on behalf of local residents. Members were informed that there was an existing licence and that upon grant the applicant would surrender their existing licence. Members were also informed that the hours applied for were the same as the existing license with the addition of late night refreshments. It was also noted that Regulated Entertainment in the form of live and recorded music had been withdrawn from the application.

Ms Driver highlighted the fact that there was already a licence in place so if the application was not granted the premises would still be able to continue to trade under their existing licence.

At the request of the Chair, Mr Niall McCann, Legal Representative on behalf of the Applicant explained that the Applicant had nothing to do with the previous management, and that it had a new management team. It was noted that the premises was currently closed and the Applicants would be investing £2million into the property for refurbishment etc. He said that they wanted to transform the venue into a modern food led pub. It was also noted that the Applicant could have kept the old licence but wanted a new licence which wasn’t associated with previous management.

Mr McCann said that there were new conditions proposed which would help alleviate the concerns of local residents. It was noted that the changes to the premises would include the introduction of a kitchen area, as the premises would be moving to a more food led venue. He said that they had tried to replicate the existing licence but have withdrawn regulated entertainment to help alleviate the concerns regarding noise nuisance. Having spoken to residents, they welcomed the removal of regulated entertainment but still had concerns over the timings. Mr McCann said that hours applied for would not always be used but were there to allow flexibility.

It was noted that Mr Peter McDonald, Applicant, was very experienced and had previously managed a number of licensed premises including the Morgan
Arms, which he managed for 3 years. In summary Mr McCann said that the application included a change in the layout of the premises, new conditions and the removal of regulated entertainment.

Members then heard from local residents, Alan Tucker, Tony Gould and Karl Pike, who expressed similar concerns of noise nuisance, excessive hours and public nuisance caused when customers are outside the premises, in the beer garden or when leaving the premises.

They welcomed the new management and dynamic improvements to the premises but were still concerned about the late hours.

Members also heard from Cllr Marc Francis who spoke on behalf of Karl Pike, local resident, he said he supported residents and welcomed the new management and the changes but felt they needed to re-establish reputation amongst neighbours. He said that there was an indication from the Applicant that they may impose restrictions on the outside areas and wanted to hear more on that.

In response to Members questions the following was noted;

- That the Applicant would agree to have a condition where no drinks would be allowed outside the premises (front or back) after 11pm.
- That the beer garden could be used as a designated smoking area.
- That the hours applied for were past framework hours
- That CCTV cameras would be placed at all entrance and exit points and cover all areas, beer garden etc.
- That the Applicant confirmed that they would surrender their existing licence upon a grant of the application.
- That it was envisaged that smoking would decrease as the venue would be a more food led establishment rather than drinking establishment.

There was a short discussion amongst the residents, Applicant and Mr McCann and an 11pm closing time on Mondays to Wednesdays was offered by the Applicant which was welcomed by the residents.

Members retired at 7.10pm to consider the application and reconvened at 7.25pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council’s Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before
them and had heard representation from the Applicant’s representative and objectors.

Members also welcomed the efforts made by the Applicant to alleviate the concerns of residents by offering a reduction in hours and restricting the hours for the beer garden.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help alleviate the concerns of local residents and help promote the licensing objectives.

**Decision**

Accordingly, the Sub-Committee unanimously –

**RESOLVED**

That the application for a New Premises Licence for, The Lord Cardigan, 112 Anglo Road, London E3 5HD be **GRANTED with conditions**.

**Sale of Alcohol (On and Off Sales)**

Monday to Wednesday from 11:00 hours to 23:00 hours  
Thursday to Friday from 11:00 hours to 00:00 hours (midnight)  
Saturday from 11:00 hours to 01:00 hours (the following day)  
Sunday from 12:00 hours to 23:00 hours

**The Provision of Late Night Refreshments (indoors)**

Thursday to Friday from 23:00 hours to 00:30 hours (the following day)  
Saturday from 23:00 hours to 01:30 hours (the following day)

**The Opening Hours of the Premises**

Sunday to Wednesday from 09:00 hours to 23:30 hours  
Thursday to Friday from 09:00 hours to 00:30 hours (the following day)  
Saturday from 09:00 hours to 01:30 hours (the following day)

**Non-standard times:**

An additional hour for each Friday, Saturday, Sunday and Monday for each May Bank Holiday weekend, Whitsun/Spring Bank Holiday weekend and August Bank Holiday weekend

A further additional hour into the morning for each Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend

A further additional hour for Christmas Eve and Boxing Day.
From the end of permitted hours on New Year’s Eve until the end of permitted hours on New Year’s Day

Conditions

1. There to be a designated smoking area at the rear of the premises in the beer garden

2. No drinks to be taken outside after 11pm

3. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

4. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.

5. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

6. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

7. The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
8. CCTV system will be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.

9. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

10. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.

11. The correct time and date will be generated onto both the recording and the real time image Screen.

12. If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

13. The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

14. The venue shall provide information of local taxi firms and transport links to all patrons leaving the venue.

15. The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises, and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.

16. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

17. Notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.
It was stated by the bench that all relevant parties would receive written notification of the decision within 5 working days and that any relevant party had the right to appeal the decision of the members within 21 days of receiving the written decision.

4.2 Application to Review the Premises Licence for the Redchurch, 107 Redchurch Street, London E2 7DL

At the request of the Chair, Mr Kathy Driver, Licensing Officer, introduced the report which detailed the review application for The Redchurch, 107 Redchurch Street, London E2 7DL. It was noted that the review had been triggered by a local resident and supported by a local resident and a Resident Association.

At the request of the Chair, Mr Brian Gurtler, Applicant, explained that over the past few years he has made numerous direct appeals to various different bar managers regarding noise disturbances. This has meant, having to get out of bed, get dressed, go downstairs and then go into the Redchurch Bar itself to request that the music be turned down, or to ask the Redchurch Bar's customers on the pavement to keep the noise down.

He said that he had objected to seating being provided on the pavement as this encouraged people to congregate outside, that he has objected to customers being permitted to drink outside and also made numerous complaints to the Council which could be confirmed by the records held by the Tower Hamlets Noise Team.

He went on to explain that much of the properties surrounding the Redchurch Bar were vacant and derelict. He said that the occupants of the flats above 105 and 107 Redchurch Street are extremely transitory, and the turnover of tenants at these two properties is frequent with no-one ever staying for any great length of time.

He further explained that he and his wife have had several conversations with neighbours over the past few years who have expressed concerns about noise issues relating to licensed premises. These tenants have since moved out of the area to quieter locations. If the panel were to check the records of the Tower Hamlets Noise team for the past few years he was quite certain that these would confirm that they were not the only local residents to have lodged a complaint at some time.

Mr Gurtler questioned the letter of support from the residents who live above the Redchurch Bar, provided by the Premises Licence Holder and wanted to know if the residents had any connection to the licensee.

He also mentioned that they have also experienced numerous occasions where he found broken glass from bottles and from glasses on the pavement directly outside his front door and on the pavement outside the Redchurch Bar. This represented a serious hazard to his children as they walked to the bus stop on Bethnal Green Road on their way to school in the mornings.
He also referred to Section 8 of the Tower Hamlets Licensing Policy which recognised that there were problems in the Brick Lane area, including this location, arising from the cumulative impact of so many bars and pubs and in his opinion the Council should address this problem by closing down bars that do not meet satisfactory standards of practice.

Also Section 15 of the Tower Hamlets Licensing Policy recognised that there were particularly problems, including disturbance to residents, where licensing hours extend beyond 11.30pm.

In conclusion, Mr Gurtler said that since the license holder received notification that a review of license had been requested, he, his manager and his staff have been extremely careful to manage the premises in a responsible manner, as per the guidelines which until now had been totally disregarded. They immediately removed the external seating on the pavement, they have ensured that the sound doors are kept closed to contain the noise, they have been keeping noise levels within the premises to an acceptable level. The door staff have not been allowing customers to take their drinks outside any more. They have also been overseeing and controlling the noise levels of customers smoking on the pavement and also those leaving the premises. Mr Gutler’s concern is - that if the license is upheld, they will revert to the old style and he would see the problems return.

Members then heard from Sarah Le Ferve, Legal Representative on behalf of the Premises Licence Holder. She explained how serious this was. She said that the premises had been operating since 2008, a small premises with a capacity of 85 and recently awarded First Best Bar None for excellence in management 2014.

She then went onto highlight the five key aspects of her submission which were the following:

That during the whole period of ownership there has been no enforcement actions taken, and no concerns from responsible authorities raised. She said that they had checked records since 2013 and there was not one complaint except for the one in July 2015.

That residents lived above and around the premises and no concerns had been raised by them but instead a letter of support was received. It was noted that Mr Alex Shute lived 32 premises away from where The Redchurch was, and as for the representations from Jago Action Group, the issues raised were general concerns and therefore irrelevant as they were not specific to the actual premises itself.

It was noted that on 6th August 2015 Mr Gurtler had written to residents requesting support for the review to which the two representations from Mr Shute and the Jago Action Group were received.

Ms Le Ferve then stated that the complaints made by Mr Gurtler were analysed by the CCTV cameras on the alleged nights of disruption but these could not be seen on the cameras. Council officers were invited to view these
footages but have not done so. Ms Le Ferve concluded that they were happy to hear that in Mr Gurtler’s opinion the premises had been running properly and professionally for the past four months.

In response to questions from Members the following was noted;

- That glasses were not permitted outside the premises.
- That staff generally swept up and cleaned up outside the premises after each day.
- That no complaints had been made to the Police.
- That Mr Gurtler had made numerous noise complaints to the Environmental Health Team but received no response and therefore had given up.
- It was confirmed by Mr Gurtler that the past four months had been good but the risk was that they would go back to their old ways after the review.
- That there were a few other licensed premises in close proximity to the Redchurch.
- That following complaints the premises has been inspected by Licensing Services and that there has only been one complaint this year.
- That the applicant wanted a reduction in hours and no drinking outside the premise as remedial action as a result of the review.

Mr Gurtler concluded that the premises was only interested in making money and that there were always people drinking and smoking everywhere. There were on-going problems and therefore the last resort was to review the premises.

Ms Le Ferve said that there had been no concerns from Responsible Authorities, it was agreed that the premises was acceptable and there were no current issues or problems.

Members retired at 8.15pm to consider the application and reconvened at 8.40pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council’s Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from both the Applicant and the Representative on behalf of the Premises Licence Holder.
Members made a decision and the decision was unanimous. Members decided to refuse the review application for the following reasons:

Members acknowledged that there have been no issues at the Redchurch Bar for a period of 4 months and this was confirmed by Mr Gurtler.

In considering concerns relating to disturbance from egress, members needed to be satisfied that premises under consideration had been identified as the source of the actual disturbance on the balance of probabilities. The members were not satisfied on the evidence that the Redchurch Bar is the sole cause of any disturbance.

The other representations in support of the review application were complaints about the area in general and not specifically against the Redchurch Bar. On Review Responsible Authorities are notified. They have the opportunity to check their records and then either join or support the review. On this occasion they did not decide to support the review.

Members recommended that should this position change then Mr Gurtler should contact his local councillor or contact the police, and specifically licensing services.

It was stated by the bench that all relevant parties would receive written notification of the decision within 5 working days and that any relevant party had the right to appeal the decision of the members within 21 days of receiving the written decision.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for The Redchurch, 107 Redchurch Street, London E2 7DL be REFUSED.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.45 p.m.

Chair, Councillor Khales Uddin Ahmed
Licensing Sub Committee
1.0 **Summary**

Applicant: Tandoori Catering Ltd

Name and Address of Premises: Burger King 90 Whitechapel High Street E1 7RA

Licence sought: Licensing Act 2003 new application for Late Night Refreshment, the supply of hot food and hot drink

Representations: The London Borough of Tower Hamlets as Licensing Authority

2.0 **Recommendations**

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

**LOCAL GOVERNMENT 2000 (Section 97)**

**LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

<table>
<thead>
<tr>
<th>Brief description of &quot;background paper&quot;</th>
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<th>If not supplied, name and telephone number of holder</th>
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<tbody>
<tr>
<td>File Only</td>
<td>John Smith</td>
<td>020 7364 3986</td>
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</table>
3.0 **Background**

3.1 This is an application for a new premises licence for 90 Whitechapel High Street London E1 7RA

3.2 A copy of the application is enclosed as Appendix 1. The applicant has described the nature of the application as follows:

The provision of Late Night Refreshment for consumption both on and off the premises.

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

*Provision of Late Night Refreshment for consumption both on and off the premises.*

- Monday 23:00 - 24:00
- Tuesday 23:00 - 24:00
- Wednesday 23:00 - 24:00
- Thursday 23:00 - 24:00
- Friday 23:00 - 01:00
- Saturday 23:00 - 01:00
- Sunday 23:00 - 24:00

*Hours premises is open to the public:*

- Monday 08:00 - 24:00
- Tuesday 08:00 - 24:00
- Wednesday 08:00 - 24:00
- Thursday 08:00 - 24:00
- Friday 08:00 - 01:00
- Saturday 08:00 - 01:00
- Sunday 08:00 - 24:00

3.4 A map showing the relevant premises is included as Appendix 2.

4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the November 2014.

4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
4.3 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 will also be available at the hearing. It was substantially revised on the March 2015.

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 Government’s advice, or has developed it further.

5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authorities:
   The Licensing Authority (See Appendix 3)

5.2 The application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
   - the prevention of crime and disorder
   - public safety
   - the prevention of public nuisance
   - the protection of children from harm

5.3 Essentially, the Licensing Authority does not have confidence in the ability of the management, having carried out a test purchase at a time when the premises should have been closed. The premise is also situated with the cumulative Impact zone.

5.4 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.

5.5 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Following the hearing Officers will still carry out this process, taking into account any recommendations made by members in relation to these measures (10.9 - 10.13).

6.0 Licensing Officer Comments
6.1 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.

6.2 Guidance issued under section 182 of the licensing Act 2003

- As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).

- Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).

- Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)

- Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

- Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).

- The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from
those requested.” (10.14)

- Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).

- The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

6.3 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.

6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

6.5 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.

6.6 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)

6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows the comments of the Association of Chief Police Officers on non-standard times is also included:

Appendix 4 Licensing Officer comments on Crime and Disorder on the Premises
Appendix 5 Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises
Appendix 6 Licensing Officer comments on Noise While The Premise Is In Use
Appendix 7 Licensing Officer comments on Egress Problems
This needs to be checked in each case

Appendix 8  Planning
Appendix 9  Licensing Policy relating to hours of trading
Appendix 10 Cumulative Impact Policy

7.0 Exemptions

7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.

7.2 Acts of religious worship, wherever performed are not licensable.
8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1  Copy of application.
Appendix 2  Maps of the area
Appendix 3  Representation of the Licensing Authority
Appendix 4  Licensing Officer comments on Crime and Disorder on the Premises
Appendix 5  Licensing Officer comments on Crime and Disorder from Patrons Leaving the Premises
Appendix 6  Licensing Officer comments on Noise While the Premise Is in Use
Appendix 7  Licensing Officer comments on Egress Problems
Appendix 8  Planning
Appendix 9  Licensing Policy relating to hours of trading
Appendix 10 Cumulative impact policy
## Section 1 of 19

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

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

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

**Are you an agent acting on behalf of the applicant?**

- Yes
- No

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

### Applicant Details

<table>
<thead>
<tr>
<th><strong>First name</strong></th>
<th>Subhash</th>
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<tbody>
<tr>
<td><strong>Family name</strong></td>
<td>Chadha</td>
</tr>
<tr>
<td><strong>E-mail</strong></td>
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</tbody>
</table>

**Main telephone number** [Redacted]

**Other telephone number**

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

### Applicant Business

<table>
<thead>
<tr>
<th><strong>Is your business registered in the UK with Companies House?</strong></th>
<th>Yes</th>
<th>No</th>
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A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

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<tr>
<th><strong>Registration number</strong></th>
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<tr>
<td><strong>Business name</strong></td>
<td>Tandoori Catering Consultants Ltd</td>
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<tr>
<td><strong>VAT number</strong></td>
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<td><strong>Legal status</strong></td>
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* Your position in the business
  Director

Home country
  United Kingdom

The country where the headquarters of your business is located.

Registered Address

* Building number or name
  90A

* Street
  Whitechapel High Street

* City or town
  London

* Country
  United Kingdom

Address registered with Companies House.

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address
- OS map reference
- Description

Postal Address Of Premises

Building number or name
  90

Street
  Whitechapel High Street

City or town
  London

Country or administrative area

Postcode
  E17RA

Country
  United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£)
  30,010.5
APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 19

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name: Subhash Chadha

Details

Registered number (where applicable): 

Description of applicant (for example partnership, company, unincorporated association etc)
Address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country United Kingdom

Contact Details

You must enter a valid e-mail address

E-mail
Telephone number 0
Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? 15 / 10 / 2015

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

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premise is a Burger King restaurant set over two floors with toilet facilities on the lower floor and a seating and serving area on the ground floor, serving a variety of hot "burger & fries" type products and soft drinks.
Continued from previous page...
If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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<thead>
<tr>
<th>Section 6 of 19</th>
<th>PROVISION OF PLAYS</th>
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<tr>
<td>Will you be providing plays?</td>
<td>Yes</td>
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<th>Section 7 of 19</th>
<th>PROVISION OF FILMS</th>
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<th>PROVISION OF INDOOR SPORTING EVENTS</th>
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<tr>
<td>Will you be providing indoor sporting events?</td>
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<th>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</th>
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<tr>
<td>Will you be providing boxing or wrestling entertainments?</td>
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<tr>
<th>Section 10 of 19</th>
<th>PROVISION OF LIVE MUSIC</th>
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<td>Will you be providing live music?</td>
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<tr>
<th>Section 11 of 19</th>
<th>PROVISION OF RECORDED MUSIC</th>
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<td>Will you be providing recorded music?</td>
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<tr>
<th>Section 12 of 19</th>
<th>PROVISION OF PERFORMANCES OF DANCE</th>
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<td>Will you be providing performances of dance?</td>
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<th>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</th>
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<tbody>
<tr>
<td>Will you be providing anything similar to live music, recorded music or performances of dance?</td>
<td>Yes</td>
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</table>
Will you be providing late night refreshment?

- Yes
- No

Standard Days And Timings

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<tr>
<td>SUNDAY</td>
<td>08:00</td>
<td>24:00</td>
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</table>

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.

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

- Indoors
- Outdoors
- Both

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

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

License will allow for the serving of "burger & fries" and a variety of soft drinks to be consumed both on the premises and to be taken away.
State any seasonal variations
For example (but not exclusively) where the activity will occur on additional days during the summer months.
No variations

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
We would request the ability to trade later on New Year's Eve should that day not fall on a Friday or Saturday

Section 15 of 19
SUPPLY OF ALCOHOL
Will you be selling or supplying alcohol?
- Yes
- No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT
How will the consent form of the proposed designated premises supervisor be supplied to the authority?
- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)  
If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19
ADULT ENTERTAINMENT
Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children
Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.
None

Section 17 of 19
HOURS PREMISES ARE OPEN TO THE PUBLIC
### Standard Days And Timings

**MONDAY**
- Start: 08:00
- End: 24:00

**TUESDAY**
- Start: 08:00
- End: 24:00

**WEDNESDAY**
- Start: 08:00
- End: 24:00

**THURSDAY**
- Start: 08:00
- End: 24:00

**FRIDAY**
- Start: 08:00
- End: 01:00

**SATURDAY**
- Start: 08:00
- End: 01:00

**SUNDAY**
- Start: 08:00
- End: 24:00

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.

### State any seasonal variations
For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

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

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

We would request to trade later on New Year’ Eve should that day not fall on either a Friday or Saturday
Section 18 of 19

**LICENSING OBJECTIVES**

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

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

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

b) The prevention of crime and disorder

Our premises are covered by recorded CCTV. All managers are trained to identify and remove any persons identified as seeking to commit crimes. We work with the local Community Support Officers to manage any trouble makers we may be aware of.

c) Public safety

The premises are covered by recorded CCTV. We operate within the strict guidelines of Burger King UK Ltd to provide a safe environment.

d) The prevention of public nuisance

We do not play music and work with the local Community Support Officers to manage any known trouble makers.

e) The protection of children from harm

The premises are covered by recorded CCTV. We have disabled toilets available for parents to accompany their children if they prefer them not to go downstairs to the facilities.

Section 19 of 19

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non-domestic rateable value of the premises.

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

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<tr>
<td>B</td>
<td>£4300 to £33000</td>
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<td>C</td>
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<td>D</td>
<td>£87001 to £12500</td>
<td>£450.00*</td>
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<tr>
<td>E</td>
<td>£125001 and over</td>
<td>£635.00*</td>
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*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee.
Continued from previous page...

Band D - £87001 to £125000 £900.00
Band E - £125001 and over £1,905.00

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

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

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

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<th>Fee amount (£)</th>
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<tr>
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<tr>
<td>90000 and over</td>
<td>64,000.00</td>
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* Fee amount (£) 190.00

DECLARATION

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

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

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

* Full name

* Capacity

Director

* Date

15 / 10 / 2015

dd mm yyyy

Add another signatory

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

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

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

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

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Dear Mr Sir/Madam,

Licensing Act 2003
Re: Burger King – 90 Whitechapel High Street, London, E1 7RA

An application has been received from Tandoori Catering Consultants Ltd to provide late night refreshment at the above premises until 00:00hrs (midnight) Sunday to Thursday and until 01:00hrs (the following day) Friday and Saturday.

This application was the direct result of me writing to the premises advising that it had come to our attention that the restaurant was already operating to these hours, without the appropriate licence. A copy of that warning letter (dated 15th October 2015) and details of a website advertising those hours are attached.

I then visited the premises on 13th November 2015 at 23:32, well after the premises should have been closed. I entered the premises, noting that the blue notice advertising the application was visible by the door. There was a queue of people waiting to be served. There were a number of staff taking orders and preparing fresh burgers. I could see that there were two different types of uniform behind the counter, one in coloured polo shirts and senior staff in white shirts and ties. I could see that one member of senior staff was putting fresh uncooked fries into the fryer.

I purchased a portion of fries for £1.79. I sat and ate them and observed a continual stream of customers entering the premises and joining the queue. I then returned to the counter and asked to speak to the manager. The gentlemen whom I had witnessed cooking fries took some time to come to the...
restaurant front. Another female Assistant Manager with a badge stating ‘Lucy’ preceded him and went to the door of the restaurant to close it. His badge stated his name was ‘Zilkay’ and that he was an Assistant Manager. He advised that his Manager ‘Nibras’ had told him to keep the restaurant open until midnight, though he admitted that he knew they should be closing at 23:00hrs as the application had not yet been granted.

The Licensing Authority therefore has no faith in the Management. We had received information that the premises was selling hot food without a licence. A test purchase was carried out during the consultation period, a time when the restaurant should be doing its upmost to comply; yet hot food was sold outside of permitted hours. What’s most worrying was that those in charge knew that the relevant permissions were not in place and that an application was pending. A prosecution will most likely follow, therefore it would not be appropriate to reward the premises with a licence until that matter is resolved.

In addition, the premises lies within the Tower Hamlets Cumulative Impact Zone. As with many other London Borough’s the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a Cumulative Impact Policy (CIP) was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in this area is having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone (CIZ).

The effect of this CIP is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late night refreshment for new premises licences, club premises certificates or provisional statements and applications for variations of existing premises licences, club premises certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the Operating Schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ, however, with the area already at saturation point, this is not a suitable venue to grant additional hours. The Applicant has offered nothing additional in the Operating Schedule that may mitigate the cumulative
impact. That coupled with bad management, knowingly permitting continued unlicensed activities and a resulting upcoming prosecution; the Licensing Authority asks that the application be rejected in full.

Yours sincerely,

Andrew Heron
Licensing Officer
Dear Mr Sir/Madam,

Licensing Act 2003
Premises: Burger King - 90 Whitechapel High Street, London, E1 7RA

This Authority has received a complaint that your premises is open and serving hot food until 00:00hrs (midnight) Monday to Friday and until 01:00hrs Saturday and Sunday. In order to do this, you must have a Late Night Refreshment Premises Licence. According to the Council records you do not hold a licence under the Licensing Act 2003.

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

1) the sale by retail of alcohol (off or on sales)
2) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
3) the provision of regulated entertainment (with or without a licence to sell alcohol)
4) the provision of late night refreshment (selling meals past 11pm)

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

You are advised to cease the unauthorised licensing activity with immediate effect.
For further advice please contact your legal representative. Application forms and further details are available upon request from the Licensing Authority, please contact our hotline on 0207 364 5008. This Authority does intend to conduct test purchases. If sales are made without the appropriate licence, we will have no option other than to instigate enforcement action.

I would also welcome any comments you have to make.

Yours sincerely,

Andrew Heron
Licensing Officer
Burger King

Fast Food  |  Whitechapel

90 Whitechapel High Street, Whitechapel, London, E1 7RA
(020) 7247 7001
add to my map
write a review

Work here? Claim this business

venue information
venue map
write a review

Burger King Information

Burger King is a fast food restaurant on Whitechapel High Street serving a variety of burger meals.

Opening Hours
Mon-Fri 08:00-00:00
Sat-Sun 09:00-01:00

Tube/Rail
Aldgate East

Cuisine
Fast Food

Booking
Not Necessary on Mon, Tue, Wed, Thu, Fri, Sat, Sun

Avg Food Spend
Under £10 per person

Food Info
Take Away Service

Kids
Children welcome - any time
Kids Menu

Payment

Disabled Facilities
Wheelchair Access, Disabled Toilets

Add your own review for Burger King

Symantec.cloud

Restricted

The web page you tried to open contains malware

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03. Neo
04. Boujis
05. Love and Liquor
06. Park Chinois
07. Pasta Serena
08. Horse and Groom
09. sketch
10. Canto Corvino

Latest Restaurants

User Reviews

Water Margin
It was a great experience I had at Water Margin Restaurant. I inv...

Elnas on 11/10/2015 @ 14:35

Spice Fusion
Terrible service, avoid at all costs! Ordered the food at 7pm, di...

ERSMITH on 10/10/2015 @ 22:13

Princi
Glad To been in a good quality place like this! I had an amazing...

moderntalking on 10/10/2015 @ 12:31

Akash Tandoori
A lovely restaurant, very friendly and welcoming staff. The food ...

Roo77 on 07/10/2015 @ 20:11

Common Ground Cafe Bar
The owner is shockingly rude. The staff are trying their best...

Lawford on 06/10/2015 @ 14:42

Most Booked Restaurants
01. Rainforest Cafe

http://www.viewlondon.co.uk/restaurants/burger-king-info-278415.html
Appendix 4
Crime and disorder - S182 Updated March 2015

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (see Section 4.15 and 4.16 of the Licensing Policy).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (See Sections 6.2 of the Licensing Policy)

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

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions aimed at stopping irresponsible promotions
- Signage
Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (See Section 7 of the Licensing Policy).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.14 – 2.20).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.20).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (13.13).

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

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism
Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (See Sections 8.1 of the Licensing Policy).

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (See Section 12.11).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council’s Environmental Health Officers. (See Section 8.2 of the Licensing Policy).

The Licensing Authority will consider attaching conditions to prevent nuisance 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):

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (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 (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

Other Legislation

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

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

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

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

The Council has adopted a set of framework hours (See 15.8 of the licensing policy). This relates to potential nuisance caused by late night trading.
The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (See Annex G of the Licensing Policy). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.19).

Licence conditions should not duplicate other legislation (1.16). Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

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

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.
Appendix 8
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 of 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.
Licensing Policy Relating to Hours of Trading
All applications have to be considered on their own merits.
The Council has however adopted a set of framework hours as follows:

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

(see 15.8 of the Licensing Policy)
In considering the applicability of framework hours to any particular application regard should be had to the following:

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

(See 15.9 of the licensing policy)
Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom:

- Theatres
- Cinemas
- Premises with club premises certificates
Appendix 10
Appendix *

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough’s the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

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

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

The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.
### Agenda Item 4.2

<table>
<thead>
<tr>
<th>Committee :</th>
<th>Date</th>
<th>Classification</th>
<th>Report No.</th>
<th>Agenda Item No.</th>
</tr>
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<tr>
<td>Licensing Sub Committee</td>
<td>26th January 2016</td>
<td>Unclassified</td>
<td>LSC 33/156</td>
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</table>

Report of:  
**David Tolley**  
Head of Consumer and Business Relations  

Originating Officer:  
**Andrew Heron**  
Licensing Officer  

Title:  
**Licensing Act 2003 Application for a Premises Licence for Papa John’s – 6 Cable Street, London, E1 8JG**  

Ward affected:  
Whitechapel

#### 1.0 Summary

Applicant:  
PJ Star Limited  

Name and  
Papa John’s Pizza  

Address of Premises:  
6 Cable Street  
London  
E1 8JG

Licence sought:  
Licensing Act 2003  
Provide Late Night Refreshment

Objectors:  
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**

<table>
<thead>
<tr>
<th>Brief description of &quot;background paper&quot;</th>
<th>Tick if copy supplied for register</th>
<th>If not supplied, name and telephone number of holder</th>
</tr>
</thead>
<tbody>
<tr>
<td>File Only</td>
<td>Andrew Heron</td>
<td>020 7364 2665</td>
</tr>
</tbody>
</table>
3.0 **Background**

3.1 This is an application for a premises licence for Papa John’s – 6 Cable Street, London, E1 8JG.

3.2 A copy of the application is enclosed as **Appendix 1**.

3.3 The applicant has described the nature of the application as:
- Providing late night refreshment

3.4 The hours originally applied for were as follows:-

**The Provision of Late Night Refreshment (indoors):**
- Sunday to Thursday from 23:00hrs to 01:00hrs (the following day)
- Friday and Saturday from 23:00hrs to 02:00hrs (the following day)

**Hours premises is open to the public:**
- Sunday to Thursday from 10:00hrs to 01:00hrs (the following day)
- Friday and Saturday from 10:00hrs to 02:00hrs (the following day)

**There are further non-standard times:**
- New Year’s Eve & New Year’s Day 10:00 - 04:00

3.5 The application has been amended upon consultation with the Metropolitan Police. The hours now applied for are as follows:

**The Provision of Late Night Refreshment (indoors):**
- Monday to Sunday from 23:00hrs to 00:00hrs (midnight)

**Hours premises is open to the public:**
- Monday to Sunday from 10:00hrs to 00:00hrs (midnight)

- The non-standard hours have been withdrawn

- The applicant has agreed to add the following conditions:

  **CCTV:** 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 31 days. 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 must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.
An email in relation to the agreement between the Applicant and the Police is available in Appendix 2.

3.6 Maps showing the relevant premises are included as Appendix 3.

4.0 Licensing Policy and Government Advice

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.

4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in March 2015.

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

5.0 Representations

5.1 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.

5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

5.3 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.

5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as Appendix 4.

5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.

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

- Daniel Gleeson
- Emmet Coldrick
- Natalie Moore
- John McBride
- Erik Skyllberg
- Philip Montgomery

See Appendices 5-6

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

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust

5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. 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

5.11 The objections cover allegations of

- Anti-social behaviour on the premises
- Anti social behaviour from patrons leaving the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Close proximity to residential properties
- Lack of planning permission
5.12 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.

5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

6.1 The following is intended 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.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).

- Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).

- Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)

- Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing
objectives and in some cases no additional conditions will be appropriate. (10.8)

- Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).

- The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)

- Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).

- The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

6.5 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.

6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant
responsible authorities.

6.8 In **Appendices 7-11** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

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** Email agreeing amendments to licence application
- **Appendix 3** Maps of the area
- **Appendix 4** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- **Appendix 5** Representation of local resident Daniel Gleeson
- **Appendix 6** Representations of local resident Emmet Coldrick
- **Appendix 7** Licensing Officer comments on Anti-Social Behaviour on the Premises
- **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 Noise while the premise is in use
- **Appendix 11** Licensing Officer comments on Planning
This page is intentionally left blank
### Section 1 of 19

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

**System reference**
Not Currently In Use

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

**Your reference**

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

**Are you an agent acting on behalf of the applicant?**
- [ ] Yes
- [x] No

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

### Applicant Details

**First name**
Raheel

**Family name**
Choudhary

**E-mail**

**Main telephone number**

Include country code.

**Other telephone number**

**Are you:**
- [ ] Applying as a business or organisation, including as a sole trader
- [ ] Applying as an individual

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

### Applicant Business

**Is your business registered in the UK with Companies House?**
- [x] Yes
- [ ] No

**Registration number**
09000650

If your business is registered, use its registered name.

**Business name**
PJ Star Ltd

**VAT number**
GB 197064871

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

**Legal status**
Private Limited Company
**Continued from previous page...**

* Your position in the business: Director

Home country: United Kingdom

**Registered Address**

* Building number or name: 54
* Street: New Road
* District: Woodford Green
* City or town: Essex
* Country: United Kingdom

Address registered with Companies House.

---

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

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

- Address
- OS map reference
- Description

**Postal Address Of Premises**

Building number or name: 6
Street: Cable Street
District:
City or town: London
County or administrative area:
Postcode: E1 8JG
Country: United Kingdom

**Further Details**

Telephone number:
Non-domestic rateable value of premises (£): 10,750
APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name: PJ Star Ltd

Details

Registered number (where applicable): 09000650

Description of applicant (for example partnership, company, unincorporated association etc)
Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? 22 12 2015

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

Provide a general description of 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.

Takeaway Food Shop

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend
<table>
<thead>
<tr>
<th>Section 6 of 19</th>
<th>PROVISION OF PLAYS</th>
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</thead>
<tbody>
<tr>
<td>Will you be providing plays?</td>
<td></td>
</tr>
<tr>
<td>☐ Yes  ☐ No</td>
<td></td>
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<thead>
<tr>
<th>Section 7 of 19</th>
<th>PROVISION OF FILMS</th>
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<tr>
<td>Will you be providing films?</td>
<td></td>
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<tr>
<td>☐ Yes  ☐ No</td>
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<thead>
<tr>
<th>Section 8 of 19</th>
<th>PROVISION OF INDOOR SPORTING EVENTS</th>
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<tbody>
<tr>
<td>Will you be providing indoor sporting events?</td>
<td></td>
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<tr>
<td>☐ Yes  ☐ No</td>
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<table>
<thead>
<tr>
<th>Section 9 of 19</th>
<th>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will you be providing boxing or wrestling entertainments?</td>
<td></td>
</tr>
<tr>
<td>☐ Yes  ☐ No</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 10 of 19</th>
<th>PROVISION OF LIVE MUSIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will you be providing live music?</td>
<td></td>
</tr>
<tr>
<td>☐ Yes  ☐ No</td>
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<table>
<thead>
<tr>
<th>Section 11 of 19</th>
<th>PROVISION OF RECORDED MUSIC</th>
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<tbody>
<tr>
<td>Will you be providing recorded music?</td>
<td></td>
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<table>
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<th>PROVISION OF PERFORMANCES OF DANCE</th>
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<tbody>
<tr>
<td>Will you be providing performances of dance?</td>
<td></td>
</tr>
<tr>
<td>☐ Yes  ☐ No</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 13 of 19</th>
<th>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will you be providing anything similar to live music, recorded music or performances of dance?</td>
<td></td>
</tr>
<tr>
<td>☐ Yes  ☐ No</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 14 of 19</th>
<th>LATE NIGHT REFRESHMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will you be providing late night refreshment?</td>
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Standard Days And Timings

<table>
<thead>
<tr>
<th>Day</th>
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<th>End</th>
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<tr>
<td>FRIDAY</td>
<td>23:00</td>
<td>02:00</td>
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<tr>
<td>SATURDAY</td>
<td>23:00</td>
<td>02:00</td>
</tr>
<tr>
<td>SUNDAY</td>
<td>23:00</td>
<td>01:00</td>
</tr>
</tbody>
</table>

Will the provision of late night refreshment take place indoors or outdoors or both?
- Indoors
- Outdoors
- Both

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.

Takeaway Food Shop

State any seasonal variations
Continued from previous page...

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

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

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

New Years Eve & New Years Day 23:00-04:00

Section 15 of 19
SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?
- Yes
- No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?
- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

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

Section 16 of 19
ADULT ENTERTAINMENT

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

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19
HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings
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.

<table>
<thead>
<tr>
<th>Day</th>
<th>Start</th>
<th>End</th>
</tr>
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<tbody>
<tr>
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<tr>
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<td>02:00</td>
</tr>
<tr>
<td>SUNDAY</td>
<td>10:00</td>
<td>01:00</td>
</tr>
</tbody>
</table>

State any seasonal variations

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

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

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

New Years Eve & New Years Day 10:00 - 04:00
Section 18 of 19

LICENSING OBJECTIVES

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

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

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

We have trained all staff to understand the four licensing objectives, we will put up notices for our customers to leave the premises quietly, we will set up regular litter patrols around the shop for rubbish, we will monitor activity through CCTV to ensure public safety, there will be a dedicated staff handler for children

b) The prevention of crime and disorder

We have installed CCTV systems to record and monitor activity the police and other law enforcement agencies will have access, staff have been trained to tackle disorderly customers

c) Public safety

We have installed CCTV systems that the police can use, we will ensure that disabled users are given appropriate help. We will not engage in any activity that may put the public at risk.

d) The prevention of public nuisance

We respect our neighbors and will keep the street clean of litter and keep noise to a minimum and ask our customers to do the same

e) The protection of children from harm

The manager on duty will be trained to deal with issues relating to children

Section 19 of 19

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00
Band B - £4301 to £33000 £190.00
Band C - £33001 to £8700 £315.00
Band D - £87001 to £12500 £450.00*
Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00
Continued from previous page...

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00
Capacity 10000-14999 £2,000.00
Capacity 15000-19999 £4,000.00
Capacity 20000-29999 £8,000.00
Capacity 30000-39000 £16,000.00
Capacity 40000-49999 £24,000.00
Capacity 50000-59999 £32,000.00
Capacity 60000-69999 £40,000.00
Capacity 70000-79999 £48,000.00
Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£) 190.00

DECLARATION

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

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

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

* Full name Raheel Choudhary
* Capacity Director
* Date 21 / 11 / 2015
  dd mm yyyy

Add another signatory

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1 to upload this file and continue with your application.

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK ON SHOP DRAWINGS

IF THIS DRAWING EXCEEDS THE QUANTITIES IN ANY WAY THE ARCHITECTS ARE TO BE INFORMED BEFORE THE WORK IS INITIATED

MartinAnthonyDesign Copyright

PapaJohns(GB)Ltd
GROUND FLOOR PLAN PROPOSED

00537-02 B
FEB'15 - MAS 1:100@A3

6 (FORMER LADBROKES) CABLE STREET LONDON E1 8JG

ADRAWING REVISED 6.3.15 MAS
B DRAWING REVISED 31.7.15 MAS
Hi licensing

Please note our agreement. To summarise:

1. Seasonal variations withdrawn (NYE and NY day)

2. Late night refreshments all week to midnight

3. CCTV

   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 31 days. 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 must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

Best wishes

Alan

Hi Alan

This is also agreed.

Thanks

Raheel
Good morning

Further to my last, I would like you to withdraw your seasonal variation for NYE and NY day. If necessary you could apply for a TEN

Thanks

Alan

Dear Mr Choudhary

I am the police licensing officer assigned to your application. I have discussed this with my Environmental health colleague (above).

We would like you to consider late night refreshments until midnight all week. If this goes well, we could consider a variation in the future.

I note you have CCTV. We would like you to add the following condition to your licence.

1. CCTV

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 31 days. 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 must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

Best wishes

Alan
Appendix 3
6 Cable Street

Map 3

Relevant, vexatious and frivolous representations

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

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

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

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

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

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

Please consider this email as a written Representation concerning the application submitted under the Licensing Act 2003 by 'Takeaway 6 Cable Street E1 8JG' ('the premises') on 23/11/15. The reference I have for this case is TSS/LIC/088757.

Our names are Natalie Moore, Emmet Coldrick, John McBride, Erik Skyllberg, Philip Montgomery, and Daniel Gleeson, all resident next-door to the above-mentioned premises. We wish to object strongly to this application.

The application regards an extension of opening hours beyond what was very recently granted in the premises' Permission on 11/09/15. Since that date the premises have undergone rapid refurbishment, and indeed have now been open and trading for approximately three weeks.

The Permission granted on 11/09/15 denotes opening hours as being until 23:00 every night except Saturday which is until 00:00 (midnight). This current Licensing application is for an extension of these hours until 01:00 every night except Friday & Saturday when 02:00 is sought.

Please note our objection to this, under the Licensing Act 2003, specifically concerning the planning objectives:
- the prevention of public nuisance (primarily)
- the prevention of crime and disorder (to a lesser extent)

To put the premises into context: it is situated at the western end of Cable Street - a small narrow one-way street which is predominantly residential, and so is comparatively calm & quiet at nighttime. To one side of the premises is a cafe which closes daily at 4pm, and to the other a tiny noodle restaurant which closes daily at midnight (no alcohol served past 23:00). The only other three businesses in the immediate vicinity (same parade of businesses) are a barbers, museum, and convenience store, all of which close by 19:00. Footfall along this part of Cable Street, in this area, is light at nighttime. Consequently public nuisance and crime & disorder have been relatively minor issues in this immediate area. We believe that the introduction of such late opening hours would only serve to change this negatively. In fact, it seems this has started to happen already as a result of the premises beginning to trade.

Customers waiting for takeaway food (mainly pizza) will - and now do - invariably wait outside on the
narrow pavement (approx 4ft wide), immediately beneath our and others' residential windows, talking/shouting/smoking. Indeed, in the three weeks the premises have already been open & trading, this public nuisance has already become evident in the hours before 23:00. Cigarette smoke and noise have become apparent through any open windows. In addition, on the evening of Friday 20th November one waiting customer of the premises vomited onto the residential communal doorway and footstep of 8 Cable Street where we live. Late night noise has also come from the delivery motorcycles parked immediately outside the premises, and from the drivers/staff shouting to one another from inside the premises to outside & vice versa. Thus far this has been as late as 01:00 or some time afterwards. These examples all constitute public nuisance and disorder already, with the premises' official closing hours at 23:00/00:00. We do not want to see this extend into the early hours of the morning, every night.

Please bear in mind also that the following points are NOT true for these premises when its geographical location is considered:
- situated in the immediate proximity of a tube station
- situated along a frequent/24-hr bus route
- situated on a busy main highway (eg, Whitechapel High St or Commercial Rd)
We therefore consider the above application misjudged and inappropriate in terms of its surrounding environment. There is no need nor call for such extended hours in this area. To permit this application would only serve to increase and encourage public nuisance, crime, and disorder.

Furthermore, the premises is located within the boundary of the Wiltons Music Hall Conservation Area. This area, as designated and supported by Tower Hamlets Council, has as its aim to preserve the buildings and townscape of the streets immediately around the Music Hall, in order to support the preservation of the Hall's important heritage. We do not believe the presence of a pizza take-away business is appropriate for such an area (this was documented & raised in objections by residents to the original Planning Permission application), and most definitely do not believe that permitting this Licensing application is in keeping with the aims of the Conservation Area. Inviting public nuisance, crime, and disorder through permitting this application would mean Tower Hamlets Council paying no more than lip service to its commitment to the Conservation Area.

As a final consideration, please note that the premises have already breached their original Permission on several counts. This is currently under monitoring and investigation by both Planning Development and Planning Enforcement at Tower Hamlets Council. Pertinent to this particular Licensing application, one such breach is the opening hours which are currently operated by the premises, and indeed since its opening three weeks ago: on each evening one of us neighbours have been around to observe, the premises have been open well past 23:00 (their permitted closing time six nights per week). We have observed trading/operation as late as 00:30, 00:45, and past 01:00 some nights. The company website even lists trading hours as being until 01:00 seven nights per week (see attached screenshot below), and has done for the past three weeks. Also locally delivered flyers denote their closing time as being 01:00 every night (see second attachment below). In our view, this action (along with the several other breaches) makes a mockery of the Planning Permission already granted.

In summary, with a view to discouraging any further late night public nuisance and disorder which these premises generate in this quiet nighttime Conservation area, and in consideration of the premises' disregard of Tower Hamlets' due planning and licensing processes thus far, it is our belief that this Licensing application can only be refused.

Thank you for your time in reading and considering this Representation, we look forward to hearing from you in due course.

Sincerely,
Natalie Moore
Emmet Coldrick
resident at [REDACTED]

John McBride
Erik Skyllberg
resident at [REDACTED]

Philip Montgomery
Daniel Gleeson
resident at [REDACTED]
Enter your postcode to find your

OPEN

London
6 Cable St

Opening Hours

Sun: 
Mon: 
Tues: 
Wed: 

ORDER

Minimum
<table>
<thead>
<tr>
<th>Item</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sweetcorn - Fresh Tomatoes</td>
<td>14.99</td>
</tr>
<tr>
<td>Pork Sausage - Bacon - Cranberry Drizzle</td>
<td>15.99</td>
</tr>
<tr>
<td>Italian Style Seasoning</td>
<td></td>
</tr>
<tr>
<td>- Pepper Confit - SunBlush® Red &amp; Yellow Tomato - Italian Style Seasoning</td>
<td></td>
</tr>
<tr>
<td>Chilled Mint Raita</td>
<td></td>
</tr>
<tr>
<td>Roasted Mushrooms - Double Red Pepper</td>
<td></td>
</tr>
</tbody>
</table>
If you're looking for fresh, quality pizza then London - Aldgate is the place to be. Using fresh and quality ingredients has been the foundation of Papa John's for years, and we believe that better ingredients make better pizzas. Take a look at our menu for a selection of delicious pizzas and side dishes, you can also check out our great deals online. You can order online to pick up in store or have your favourite pizza delivered. While enjoying your pizza you can learn a thing or two about London - Aldgate.

So once you have finished discovering what London - Aldgate has to offer why not reward yourself with a Papa John's pizza from the London - Aldgate store!
Dear Mr Heron,

Thank you for your emails of 14th & 15th December, respectively acknowledging receipt of our Representation re case #TSS/LIC/088757, and then advising of the applicant's amendment to their application.

As a result of the applicant's amendment, please note that we wish to maintain our Representation as submitted in its original form.

This is for the following reasons, in response to the applicant's amendments:

- drawing back the hours of operation to end at midnight (rather than 01:00) will not, in our view, contribute to a reduction in nighttime public nuisance and disorder in the immediate residential area. Be it midnight or 01:00, such late hours of operation in a residential area which is otherwise predominantly quiet & calm at night, will only serve to attract & create public nuisance & disorder - issues whose occurrence until the recent opening of the premises was very seldom.

- furthermore, we feel the offer to draw back closing hours by one hour, to midnight, is insincere and superficial. Despite originally permitted closing times of 23:00 (midnight on Saturdays) as granted in the original Permission earlier this year, the premises have been open beyond midnight and even after 01:00 many nights (every night?) this past month. Online and printed information shows this. So we find no reason to believe that amended closing hours of midnight, 7 nights per week, will be honoured or adhered to.

- we believe the action of offering to "have CCTV on the premises" is unhelpful and empty. Unhelpful because whilst CCTV might help to deter crime, it will do little to help deter public nuisance & disorder (please see examples in Representation). And empty because it suggests the applicant will take the step of installing & using CCTV; in fact it was installed and working before the premises began trading, so this offer should not be seen as a concession or compromise on the part of the applicant.

Again, many thanks for your time in this matter, and we look forward to hearing from you in due course.

Best regards,

Natalie Moore
Emmet Coldrick
John McBride
Erik Skyllberg
Philip Montgomery
Daniel Gleeson

On 15 Dec 2015, at 13:58, Licensing > wrote:
Dear Mr Gleeson,

Further to my previous email acknowledging receipt of your representation, please be advised that the applicant has since amended their application to the following:

1. The hours of operation have been drawn back to end at midnight, 7 days a week.
2. The Applicant has agreed to have CCTV on the premises.

If this should affect your representation, please respond in writing whether or not you wish to maintain or withdraw.

Regards,

Andrew Heron
Licensing Officer

Licensing Section
London Borough of Tower Hamlets
Mulberry Place (TC)
6th Floor Mulberry Place
5 Clove Crescent
London, E14 2BG

www.towerhamlets.gov.uk
Dear Sir/ Madam,

This is a representation in relation to the pending application made by Raheel Choudhary on behalf of PJ Star Ltd for a premises licence in relation to premises at 6 Cable Street, London, E1 8JG. The premises are currently operated as a hot food takeaway trading as Papa John's.

The representation is made on behalf of my wife, Natalie, and myself. We live next door to Papa John's. Our address is [redacted]. We can also be contacted by [redacted].

We confirm that we have read the representation in relation to the application sent by Daniel Gleeson by email dated 10 December 2015 and that we agreed with and adopt those representations in relation to the application.

Mr Gleeson has provided us with a copy of the email from your Andrew Heron dated 15 December 2015 by which Mr Heron informed Mr Gleeson that the applicant has amended the application by (a) reducing the hours for which a licence is sought to midnight 7 days a week and (b) offering to instal CCTV on the premises. We maintain our representations and opposition to the application.

The representations that we wish to add to those already made by Mr Gleeson concern 3 matters: (1) the relevance of the planning conditions as to opening hours; (2) the criminal conduct of those carrying on business at the premises and (3) public nuisance considerations.

(1) The planning conditions

Planning permission for change of use of the premises to hot food takeaway was granted by letter dated 11 September 2015. Among the conditions imposed was that the use allowed by the permission (i.e. use of the premises for hot food takeaway) shall not take place other than between the hours of 10.00 and 23.00 Sunday to Friday and 10.00 to midnight on Saturdays. Insofar as we are aware, that condition was not appealed against and no application to vary it has been made.

Accordingly, aside from the 1 hour period between 23.00 and midnight on Saturdays, the applicant is seeking a premises licence to carry on business that would be unlawful and in breach of the planning conditions that were recently imposed. No such licence should be granted. It would not be in accordance with the licensing objectives, and arguably would be unlawful, to grant a licence for such unlawful trading.

We appreciate that planning and licensing are separate functions, with separate regimes. However, as is recognised in publicly available guidance on the websites of a number of local authorities, the granting of a premises licence to carry out activities that would be contrary to planning conditions that have been imposed would be inappropriate.
For example, Hackney Council’s Licensing Policy No. 1 (on page 24 of its Statement of Licensing Policy, available at http://www.hackney.gov.uk/Assets/Documents/Statement-of-Licensing-Policy.pdf) states that:

"Licence applications should normally be from premises where:
(a) The activity to be authorised by the licence is a lawful planning use ...
(b) The hours sought do not exceed those authorised by any planning permission"

By way of further example, the premises licence guidance given by Cambridge City Council (available at https://www.cambridge.gov.uk/content/premises-licence-guidance) states that:

"A licensing application must only be made if the premises is or will be operating lawfully in planning terms and all conditions imposed on a permission or planning obligation have been or are being complied with. In particular, hours must not exceed those authorised by planning permission."

(2) Criminal conduct

As you will be aware:

(1) Pursuant to section 1(d) of the Licensing Act 2003 (“the 2003 Act”), the provision of late night refreshment is a licensable activity. Paragraph 1 of schedule 2 to the 2003 Act in effect defines late night refreshment so as to include supply of hot food from premises between the hours of 11pm and 5am.

(2) Pursuant to section 136 of the 2003 Act, it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation (i.e. a premises licence granted under the 2003 Act) and it is an offence knowingly to allow a licensable activity to be so carried on.

(3) A person guilty of an offence under section 136 is liable on summary conviction to 6 months imprisonment or a £20,000 fine.

(4) Pursuant to section 187 of the 2003 Act, where an offence under section 136 has been committed with the consent or connivance of a company officer (e.g. a director), or is attributable to any neglect on the part of a company officer, the officer is guilty of the offence as well as the company and is liable to be punished accordingly.

No premises licence is currently in place in relation to the premises at 6 Cable Street. Yet, as Mr Gleeson noted in his email, Papa John’s have been carrying on hot food takeaway business after 11pm and indeed have been advertising – both on their website and on advertising leaflets that have been distributed locally (one of which we received through the letter box at 8 Cable Street on 7th December 2015) – that they are open at 6 Cable Street from 10am to 1am 7 days a week.

They have done so despite repeated complaints in person by me that business is being carried on outside the hours for which planning permission was given, despite my hand-delivering to Papa John’s a copy of the letter (including schedule) referred to above by which planning permission was granted subject to conditions and despite oral assurances given to me by staff at Papa John’s that the planning conditions would be complied with.

For example, at about 00.05 hours in the early hours of the morning of Saturday 12th December (over an hour after 23.00 cut off under both the Licensing Act and the planning conditions), I went into Papa John’s. Staff were taking orders for pizza at the counter. Other staff were making pizzas. A man was told that his pizza was ready for collection. When I checked back at about
01.05 hours, the premises were still open (albeit apparently were in the process of closing for the night).

The application for a premises licence for hours beyond those permitted by the planning conditions is plainly being made because Papa John's intends to trade beyond the hours permitted by the planning conditions. Such trading would be unlawful. Granting the licence sought in these circumstances would be wholly contrary to the planning objectives and policy.

(3) Public nuisance

By way of brief supplement to what Mr Gleeson has said, we wish to add that:

(a) We believe that very many, and perhaps most, of the people collecting pizza from the premises after 23.00 hours will have consumed alcohol in the previous hours. Some of them congregate on the footpath outside the premises while waiting for their pizzas, making noise and causing obstruction.

(b) We do not recollect the front door to 8 Cable Street being vomited on before Papa John's opened. (I have lived at 8 Cable Street for over 10 years.)

(c) Initially, Papa John's parked its delivery motorcycles (often 5 or 6 of them, perhaps more) on the double yellow lines outside no.6. More recently, they have been parked directly outside no.8. These motorcycles, often parked closely together given the very limited space available, cause obstruction and themselves amount to a public nuisance - see by analogy East Hertfordshire DC v Isabel Hospice Trading Ltd [2001] J.P.L. 597.

(d) “A person is guilty of a public nuisance (also known as common nuisance), who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property ... or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects”; see R v Rimmington [2005] UKHL 63; [2006] 1 A.C. 459 at paras. 10 and 36. As regards noise late at night and obstruction of the public highway, the operation of the premises after 11pm is likely to cause public nuisance.

(e) The buildings in the immediate vicinity are primarily residential. The majority of the buildings (all of the upper floors) at 4, 6 and 8 Cable Street are in residential use.

We understand that, in view of the representations that have been made, there will be an oral hearing of the application (unless it is withdrawn). We look forward to hearing from you and should be grateful for as much notice as possible of the oral hearing.

Yours faithfully,

Emmet & Natalie Coldrick
Appendix 7
Appendix 7

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

The key role of the Police and SIA is acknowledged (2.1-2.2).
Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.7).

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

- The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder
Appendix 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 4.15 and 4.16 of the Licensing Policy).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (See Sections 6.2 of the Licensing Policy)

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

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (See Section 7 of the Licensing Policy).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.14 – 2.20).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.20).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (13.13).

Other Legislation

Crime and Disorder Act 1998
The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.
The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism
Appendix 9

Access and Egress Problems

Such as:

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

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

The Council has adopted a set of framework hours (See 15.8 of the licensing policy). This relates to potential disturbance caused by late night trading.
The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (See Annex G of the Licensing Policy). In particular Members may wish to consider (this list is not exhaustive):

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

**Guidance Issued under Section 182 of the Licensing Act 2003**

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.19).

Licence conditions should not duplicate other legislation (1.16). Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

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

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.
Appendix 10
Appendix 10

Noise while the premise is in use

General Advice

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

The hours of operation also need to be considered (see below). If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (See Sections 8.1 of the Licensing Policy). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (See Section 12.11).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council’s Environmental Health Officers. (See Section 8.2 of the Licensing Policy).

The Licensing Authority will consider attaching conditions to prevent nuisance 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):

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

Police Powers
Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003
The Licensing Policy has adopted the recommended Pool of Conditions as permitted (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 (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

Other Legislation

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

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.
Appendix 11

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 of 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.