

LICENSING SUB COMMITTEE

Tuesday, 10 January 2017 at 6.30 p.m.

Council Chamber, 1st Floor, Town Hall,

5 Clove Crescent, London E14 2BG.

This meeting is open to the public to attend.

Contact for further enquiries:

Antoinette Duhaney, Democratic Services

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Website: <http://www.towerhamlets.gov.uk/committee>

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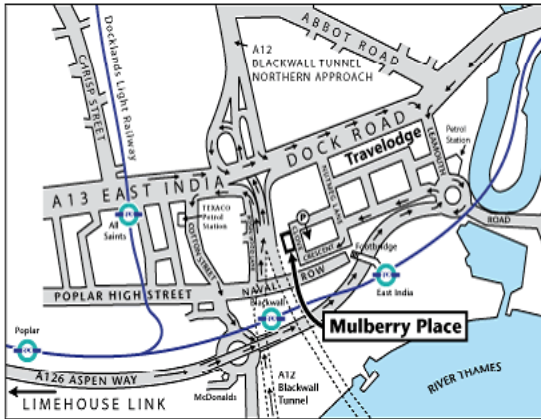
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APOLOGIES FOR ABSENCE

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 - 14)

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

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3.1 Vicolo Romano, 420 Roman Road, E3 5LX	15 - 78	Bow West
Licensing objectives:		
<ul style="list-style-type: none"> • Prevention of Public Nuisance 		
Representations by: Local Resident		
3.2 Tasnim Superstore, 49 Old Ford Road, E2 9PJ	79 - 152	St Peter's
Licensing objectives:		
<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Prevention of Public Nuisance • Public Safety 		
Representations by: Local Residents		
3.3 Efes Express, 79 Brick Lane, E1 6Q	153 - 234	Spitalfields & Banglatown

Licensing objectives:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder

Representations by: Metropolitan Police, Environmental Protection, Licensing Authority, Local Residents

Agenda Item 1

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:-

Graham White, Acting Corporate Director of Law, Probity & Governance & Monitoring Officer,
Telephone Number: 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



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

2. Composition of Sub-Committee

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

3. Procedure

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

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

Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.

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

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

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.
- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

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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 come served basis.

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

Committee :	Date	Classification
Licensing Sub-Committee	10th January 2017	Unrestricted

Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a Premises Licence for (Vicolo Romano), 420 Roman Road, London E3 5LX
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Bow West

1.0 Summary

Applicant:	Volkan Yildirim
Name and	Vicolo Romano
Address of Premises:	420 Roman Road Bethnal Green London E3 5LX
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none">• The sale by retail of alcohol• The provision of regulated entertainment (recorded music only)
Representations:	Local Resident (one)

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

- 3.1 This is an application for a premises licence for (Vicolo Romano), 420 Roman Road, London E3 5LX.
- 3.2 A copy of the premises licence application form is enclosed as **Appendix 1**.
- 3.3 The applicant has revised the licensable activities and timings in consultation with Environmental Protection and Met Police as follows:-

The Sale by retail of alcohol (On sales only)

- Monday to Sunday, from 08:00 hours to 22:30 hours

The provision of regulated entertainment – Indoors (recorded music only)

- Monday to Sunday, from 08:00 hours to 23:00 hours

Note: In light of the amendments agreed with the responsible authorities, the applicant may wish to clarify if recorded music is still being sought.

The opening hours of the premises

- Monday to Sunday, from 08:00 hours to 23:00 hours

4.0 **Location and Nature of the premises**

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

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in March 2015.

5.4 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.

6.0 Representations

6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

6.2 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.

6.3 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.

6.4 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.

6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.

6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

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

- Roman Koblov – **Appendix 6**

6.9 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
- Public Health

- 6.10 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
- 6.11 Essentially, the relevant party opposes the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance.
- 6.12 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.
- 6.13 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.
- 7.0 Conditions consistent with Operating Schedule (as offered by the applicant)**
- 7.1 Full CCTV coverage has been placed within all areas of the premises.
- 7.2 Escape Routes - Fire Risk assessment has been prepared to ensure public safety within the premises.
- 7.3 All fire doors will be regularly checked and monitors via log - book to ensure it is working including fire escape lighting.
- 7.4 Noise and Vibration - Noise and vibration will not effect the neighbouring properties. Doors and windows will be closed at all times. The placing of refuse such as bottles will be hidden inside the premises till it is collected to ensure no disturbance is given to neighbouring properties.
- 7.5 Proof of age cards - Proof of age will be checked at all times during serving alcohol.
- 7.6 CCTV will be recorded at all times in the premises including the main entrance of the restaurant.
- 7.7 Crime prevention notices will be displayed within the premises which will be fixed notices on permanent walls.
- 7.8 Drinks will not be taken from the premises.

- 7.9 Capacity Limits for customers will be taken care of while trading. License holder will ensure door supervision will control the numbers of customers appropriately.
- 7.10 Escape routes - Fire risk assessment and Method statement has been prepared for this stage during the interior design phase and building control phase. All exit doors are easily openable to ensure staff and customer safety. All doors will be regularly checked and record of this will be kept at all times.
- 7.11 Safety checks - all necessary safety checks will be carried out before trading to the public and opening doors. All these will be kept on log - book.
- 7.12 Fire action notices - Fire risk assessment has been prepared ensuring notices will be displayed at all times, ensured these are displayed in any event of fire and danger.
- 7.13 Lighting - Emergency lighting is in place and easily reached at all times.
- 7.14 Noise and Vibration - Noise and vibration will not effect the neighbouring properties. The placing of refuse such as bottles will be hidden inside the premises till it is collected to ensure no disturbance is given to neighbouring properties as well as to ensure it fits within the concept.
- 7.15 Light Pollution - No bright light or flashing of light will appear to the exterior of the building and harm any neighbouring in any way. In fact, careful lighting design has been prepared to ensure mood lighting is within the design and concept. The exterior sign is also designed in this way.
- 7.16 Hours of opening - Although it is a busy/commercial location of the premises we will ensure the opening hours are within reasonable hours to prevent any public nuisance.
- 7.17 We will ensure Proof of Age is shown for anyone under the age of 21.
- 7.18 Proof of age cards - Proof of age will be checked at all times during serving at the restaurant and while anyone under age is ordering.
- 8.0 **Conditions in consultation with the Responsible Authorities/other persons**
- 8.1 Environmental Protection has agreed (please see **Appendix 7**) the following with the applicant:
- “Sale of Alcohol till 22:30 hours seven days a week, premises closing 30 minutes later at 2300 hours

Plus condition to be added as follows: - No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance”.

8.2 Met Police has also agreed (please see **Appendix 8**) the following with the applicant:

“Alcohol: 1100 - 2230

Music will be background music, sufficient to have a conversation without raising your voice”.

8.3 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.

9.0 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.

10.0 No drinks will be taken outside of the premises.

10.1 The revised times and conditions have been emailed to Mr Koblov and he still maintains his objection. The email exchanges are included in **Appendix 6**.

11.0 Licensing Officer Comments

11.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council’s Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

11.2 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)

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

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

11.5 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.

11.6 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)

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

11.8 In **Appendices 9 - 12** 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.

12.0 **Legal Comments**

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

13.0 **Finance Comments**

13.1 There are no financial implications in this report.

14.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendix 6	Representation of Roman Koblov
Appendix 7	Agreement with Environmental Protection
Appendix 8	Agreement with Met Police
Appendix 9	Licensing Officer comments on noise while the premise is in use
Appendix 10	Licensing Officer comments on access/egress Problems
Appendix 11	Planning
Appendix 12	Licensing Policy relating to hours of trading

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Appendix 1



* required information

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

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

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="420"/>
Street	<input type="text" value="ROMAN ROAD"/>
District	<input type="text" value="BETHNAL GREEN"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E3 5LX"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

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

Section 3 of 19

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

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

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

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

Yes No

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

Applicant Contact Details

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

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

Yes No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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.

We will be trading from the above site as an A3 use class restaurant/café also serving wine.

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music 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.

music playing will be low background music

State any seasonal variations for playing recorded music

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 playing of recorded music 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.

Continued from previous page...

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

n/a

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

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

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

Name

First name

Family name

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

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.

N/A

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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.

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) **Page 36**

Continued from previous page...

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

1. Full CCTV coverage has been placed within all areas of the premises.
2. Escape Routes - Fire Risk assessment has been prepared to ensure public safety within the premises. All fire doors will be regularly checked and monitored via log - book to ensure it is working including fire escape lighting.
3. Noise and Vibration - Noise and vibration will not affect the neighbouring properties. Doors and windows will be closed at all times. The placing of refuse such as bottles will be hidden inside the premises till it is collected to ensure no disturbance is given to neighbouring properties.
4. Proof of age cards - Proof of age will be checked at all times during serving alcohol.

b) The prevention of crime and disorder

1. CCTV will be recorded at all times in the premises including the main entrance of the restaurant.
2. Crime prevention notices will be displayed within the premises which will be fixed notices on permanent walls.
3. Drinks will not be taken from the premises.
4. Capacity Limits for customers will be taken care of while trading. License holder will ensure door supervision will control the numbers of customers appropriately.

c) Public safety

1. Escape routes - Fire risk assessment and Method statement has been prepared for this stage during the interior design phase and building control phase. All exit doors are easily openable to ensure staff and customer safety. All doors will be regularly checked and record of this will be kept at all times.
2. Safety checks - all necessary safety checks will be carried out before trading to the public and opening doors. All these will be kept on log - book.
3. Fire action notices - Fire risk assessment has been prepared ensuring notices will be displayed at all times, ensured these are displayed in any event of fire and danger.
4. Lighting - Emergency lighting is in place and easily reached at all times.

d) The prevention of public nuisance

1. Noise and Vibration - Noise and vibration will not affect the neighbouring properties. The placing of refuse such as bottles will be hidden inside the premises till it is collected to ensure no disturbance is given to neighbouring properties as well as to ensure it fits within the concept.
2. Light Pollution - No bright light or flashing of light will appear to the exterior of the building and harm any neighbouring in any way. In fact, careful lighting design has been prepared to ensure mood lighting is within the design and concept. The exterior sign is also designed in this way.
3. Hours of opening - Although it is a busy/commercial location of the premises we will ensure the opening hours are within reasonable hours to prevent any public nuisance.

e) The protection of children from harm

1. We will ensure Proof of Age is shown for anyone under the age of 21.
2. Proof of age cards - Proof of age will be checked at all times during serving at the restaurant and while anyone under age is ordering.

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 £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Continued from previous page...

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 you are required to pay a higher fee

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

* Fee amount (£)

100.00

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.

The 28 full days consultation period on the public notice on the premises and on the newspaper must state the same

* consultation end date. The advert on the local newspaper must be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority.

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

SEDA KORKMAZ

* Capacity

AGENT

* Date

01 / 11 / 2017
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.

Continued from previous page...

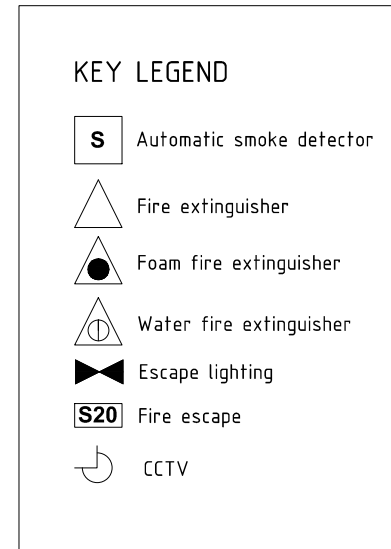
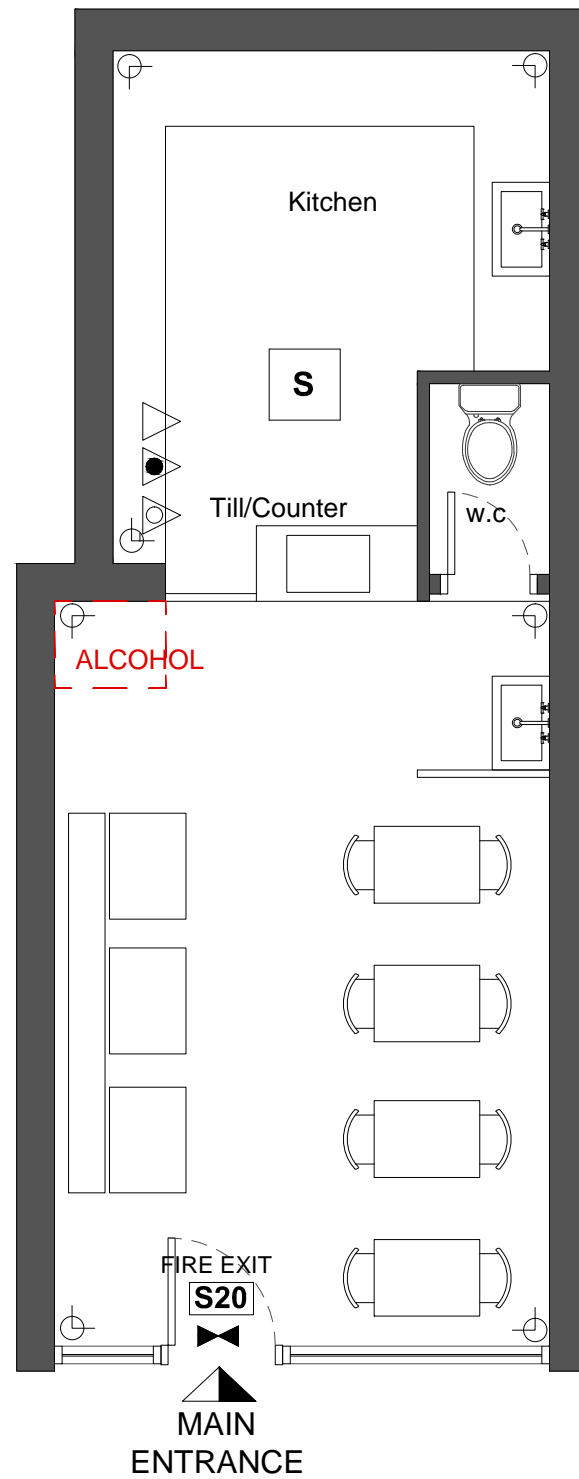
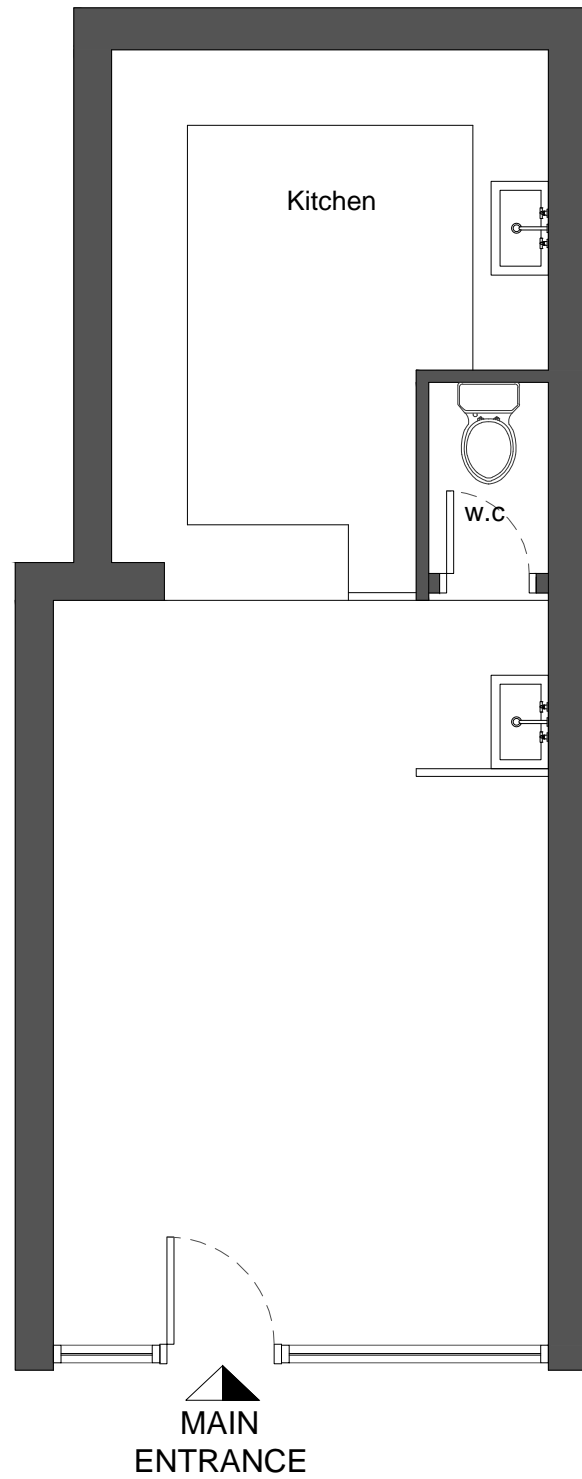
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

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

[< Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [Next >](#)

Appendix 2



This Is A Cad Drawing
 UNDER NO CIRCUMSTANCES SHALL
 MANUAL ALTERATIONS BE MADE.
 FIGURED DIMENSIONS TAKE
 PREFERENCE TO SCALE.
 VERIFY AND CHECK ALL DIMENSIONS ON
 SITE BEFORE WORK IS PUT IN HAND,
 AND ANY DISCREPANCIES ARE TO BE
 REFERRED TO SEESAW-STUDIOS.

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Disclaimer
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 ELECTRONIC DATA IS THE LEGAL



Rev.	Date.	Amendment.

Project:
 420 Roman Road,
 Bethnal Green,
 E3 5LX



30 Shacklewell Lane,
 London, E8 2EZ

T +44 (0)20 7254 5671
 info@seesaw-studios.com

Drawing title:

Existing & Proposed Plans

Status:
 ALCOHOL LICENCE

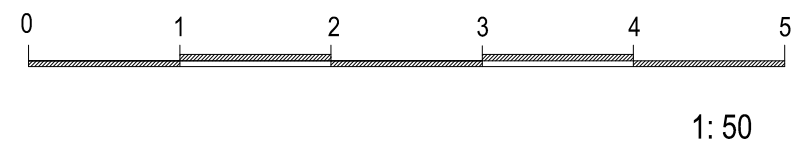
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 VICOLO ROMANO

Scale:
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DWG No.
 SE1369_01

Date:
 Sept16

Dwn.
 S.K



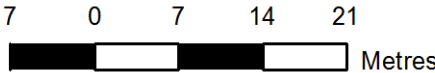
Appendix 3



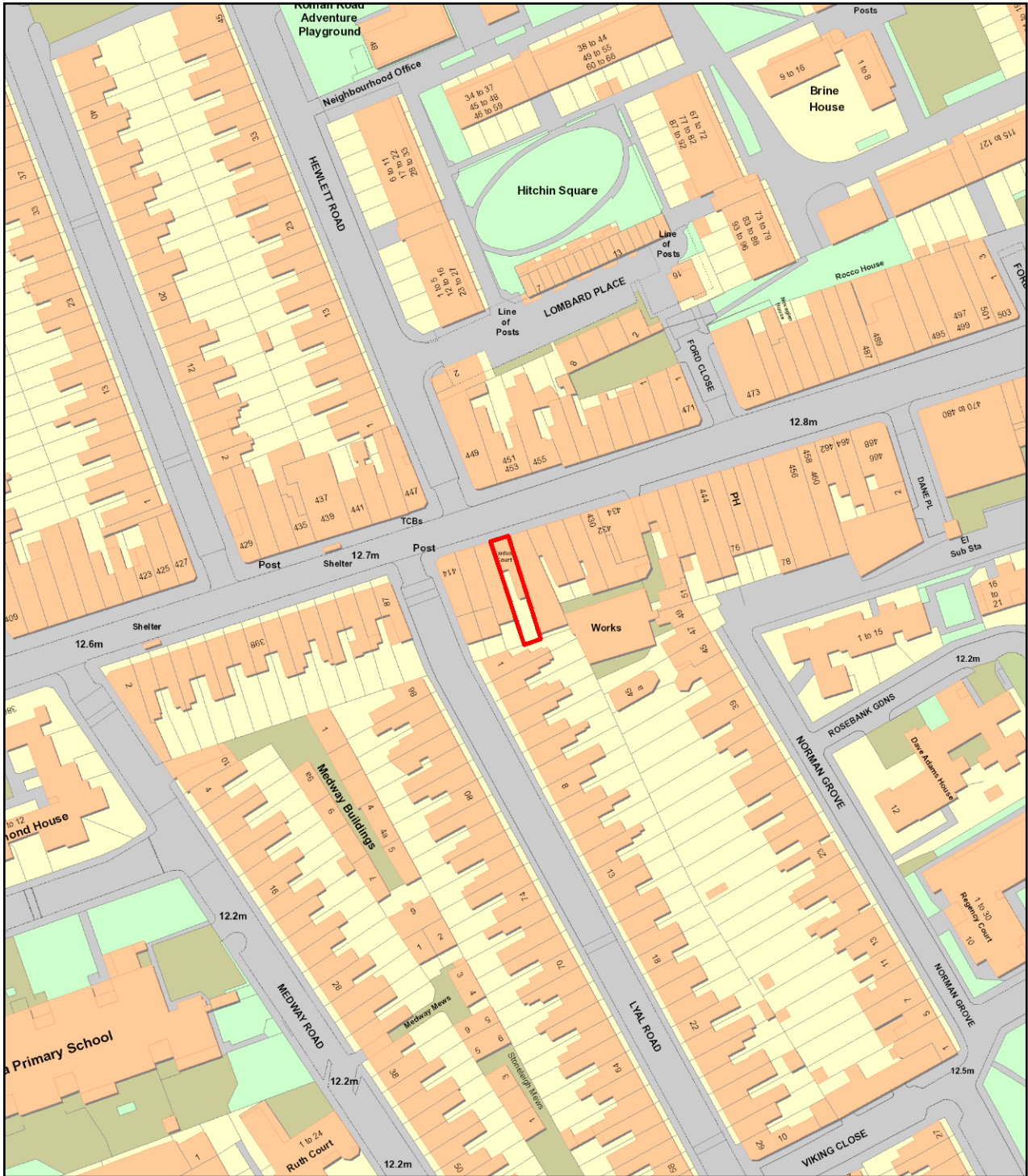
420 Roman Road



Scale 1:769



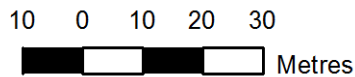
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420 Roman Road



Scale 1:1537



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Appendix 4

Nearest licensed premises: for (Vicolo Romano), 420 Roman Road, London E3 5LX.

(Best Food Centre)
413-417 Roman Road
London E3 5QS

The Supply of Alcohol (off sales only)

- Monday to Thursday from 08:00hrs to 00:00hrs (midnight)
- Friday and Saturday from 08:00hrs to 01:00hrs (the following day)
- Sunday from 10:00hrs to 00:00hrs (midnight)

The opening hours of the premises

- Sunday to Thursday from 06:00hrs to 00:00hrs (midnight)
- Friday and Saturday from 06:00hrs to 01:00hrs (the following day)

(Laxmi News)
495 Roman Road
London E3 5LX

For the Supply of Alcohol - Off sales only
Monday to Sunday inclusive

- 05 00 hrs to 22 00 hrs

The opening hours of the premises

- Monday to Sunday inclusive, 05 00 hrs to 22 00 hrs

(Best Of India),
431 Roman Road, Bow,
London E3 5LX

The sale by retail of alcohol: On sales only
Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to midnight.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

For conditions relating to times for restaurants see Mandatory Conditions

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Late Night Refreshment

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

See also Mandatory conditions

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

(Roman Empire),
485 Roman Road,
London E3 5LX

The provision of late night refreshment

Monday until 00:30 hours the following day

Tuesday until 00:30 hours the following day

Wednesday until 00:30 hours the following day

Thursday until 00:30 hours the following day

Friday until 00:30 hours the following day

Saturday until 00:30 hours the following day

Sunday until 00:30 hours the following day

The opening hours of the premises (same as above)

(Best Food Centre)
415-417 Roman Road
London E3 5QS

The sale by retail of alcohol - Off sales only
Monday to Thursday from 08:00 hours to midnight
Friday and Saturday from 08:00 hours to 01:00 hours
Sunday from 10:00 hours to midnight

The opening hours of the premises

Monday to Thursday from 06:00 hours to midnight
Friday and Saturday from 06:00 hours to 01:00 hour
Sunday from 06.00 hours to midnight

(Fair Price Cash & Carry)
524 Roman Road
Bow
London
E3 5ES

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means: Off sales only
a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
d. On Good Friday, 8 a.m. to 10.30 p.m.
See Mandatory conditions for drinking up time

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

(City Supermarket)
462 Roman Road
London
E3 5LU

The sale by retail of alcohol - Off sales only

- Monday to Sunday, from 08:00 hours to midnight

The opening hours of the premises

- Monday to Sunday, from 06:00 hours to midnight

(Sang Lee Takeaway)
367 Roman Road
London
E3 5QR

The provision of late night refreshment
Monday to Sunday until 01 00 hrs

The opening hours of the premises
These are not restricted

(Dago Wines)
536 Roman Road
London
E3 5ES

The sale by retail of alcohol - On and off sales
Monday to Sunday 08:00 hours to 23:00 hours

The opening hours of the premises
Monday to Sunday 08:00 hours to 23:00 hours

(Fika)
414 Roman Road
London
E3 5LU

The sale by retail of alcohol (both on and off sales)

- Monday to Wednesday from 12:00hrs (midday) to 19:30hrs
- Thursday and Friday from 12:00hrs (midday) to 23:00hrs
- Saturday from 09:00hrs to 23:00hrs
- Sunday from 09:00hrs to 22:00hrs

The opening hours of the premises

- Monday to Wednesday from 12:00hrs (midday) to 20:00hrs
- Thursday and Friday from 12:00hrs (midday) to 23:30hrs
- Saturday from 09:00hrs to 23:30hrs
- Sunday from 09:00hrs to 22:30hrs

(Chicchi)
516 Roman Road
London
E3 5ES

Supply of alcohol - On sales only
Monday to Sunday inclusive 11 00 hrs to 19 00 hrs
Regulated Entertainment (recorded music only)
Monday to Sunday inclusive 08 00 hrs to 19 00 hrs

The opening hours of the premises
Monday to Sunday inclusive 08 00 hrs to 19 00 hrs

(Chicken Delight)
457 Roman Road
London
E3 5LX

Late Night Refreshments

- Sunday to Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday from 23:00 hours to 00:30 hours

The opening hours of the premises

- Sunday to Thursday from 11:00 hours to 23:30 hours
- Friday and Saturday from 11:00 hours to 00:30 hours

(Dominos Pizza)
473 Roman Road
London
E3 5LY

The provision of late night refreshment
Monday to Sunday 23:00 hours – midnight (Will not trade Christmas Day).

The opening hours of the premises
Monday to Sunday 23:00 hours – midnight
(Will not trade Christmas Day).

(Balman's Kebab House)
401 Roman Road
London
E3 5QS

Late Night Refreshment (Night Café)
Sunday to Thursday until 01 00 hrs
Friday and Saturday until 0200 hrs

The opening hours of the premises
These are not restricted

Appendix 5

**Section 182 Advice by the Home Office
Updated on March 2015**

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 6

Mohshin Ali

From: Mohshin Ali
Sent: 01 December 2016 16:46
To: 'Roman K'
Subject: RE: Licensing application 'Vicolo Romano, 420 Roman Road E3 5LU

Dear Roman Koblov,

Licensing Act 2003

Premises: Vicolo Romano, 420 Roman Road, London E3 5LX

Thank you for your email. What was the actual breach? While they were open, did they conduct any licensable activities under the Licensing Act 2003? Do you have evidence that they were they selling alcohol? Were they providing hot food / hot drinks after 23:00 hours or regulated entertainment.?

Please note that they had applied to Temporary Event Notices which allowed them to have licensable activities on the following dates:

- 22nd November 2016 to 28th November 2016, from 10:00 hours to 23:00 hours

In the meantime, please note that I have brought your complaint to the attention of Environmental Health. I acknowledge your representation and the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. Please note that your representation will become a public document (contact details redacted) and the applicant is entitled to a full, un-redacted copy of your representation. The last date to receive any further representation is 8th December 2016.

The Democratic Services will write to you with the details of the hearing in due course. If I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer

Licensing . Environmental Health & Trading Standards . John Onslow House . 1 Ewart Place . London E3 5EQ

[REDACTED]



From: Roman K [REDACTED]
Sent: 30 November 2016 14:07
To: Mohshin Ali
Subject: Re: Licensing application 'Vicolo Romano, 420 Roman Road E3 5LU

Dear Mr Mohshin Ali,

Thank you for your reply.

According to your records, you have said that the council had received the premise license application on the 1st November 2016 yet the premise has already been operating for at least a week before this date. Would this be in breach of the law to be operating before the license was actually issued?

I do wish to object relating to the following conditions - "No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance"

The smell has certainly been a nuisance and radiates very strongly in my living room and bedroom which is directly above the premises. The smell is only present when the premises is open.
I have already made a noise complaint to the council on Friday 28th October and there is a record of council officers arriving to resolve the issue of loud music coming from the premises.

I will therefore like to make a representation challenging the conditions of the licensing application.

Kindest regards,
Roman Koblov

On Wed, Nov 30, 2016 at 12:55 PM, Mohshin Ali [REDACTED] > wrote:
Dear Roman Koblov,

Licensing Act 2003
Premises: Vicolo Romano, 420 Roman Road, London E3 5LX

Thank you for your email. The premises licence application was received on the 1st November 2016 so you would have received the consultation letter at some point after. I can also confirm the premises did also apply for a temporary event notice.

In relation to this premises licence application, please note that the applicant has agreed the following in consultation with Environmental Protection:

"Sale of Alcohol (on sales),
Monday to Sunday, from 08:00 hours to 22:30 hours

Hours the premises is open to the public and recorded music (indoors)
Monday to Sunday, from 08:00 hours to 23:00 hours"

Plus condition to be added as follows: - "No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance"

The applicant has also agreed the following in consultation with Met Police:

- "- 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.
- No drinks shall be taken outside of the premises."

I acknowledge your representation in relation to this particular application. Please let me know if any of the above satisfy your concerns. If not, then the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. You will be notified by the Democratic Services at Mulberry Place, 5 Clove Crescent, London E14 2BG of the date, time and venue of the public hearing and invited to attend. Please note that your representation will become a public document (contact details redacted) and the applicant is entitled to a full, un-redacted copy of your representation.

Please note that due to a technical issue the last date to receive representations has been extended to 8th December 2016. Finally, if I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer
Licensing . Environmental Health & Trading Standards . John Onslow House . 1 Ewart Place . London E3 5EQ

[REDACTED]
[REDACTED]

-----Original Message-----

From: Roman [mailto:[REDACTED]]
Sent: 29 November 2016 11:00
To: Licensing
Subject: Licensing application 'Vicolo Romano, 420 Roman Road E3 5LU

Dear Sir / Madam,

I am writing regarding the proposed licensing change from an A1 to A3 license for Vicolo Romano, 420 Roman Road, London E3 5LU.

I am the leaseholder and resident in [REDACTED]
[REDACTED].

I first wish to complain regarding the late notification of the proposed licensing changes. I received a letter dated the 2nd November 2016, by which point the restaurant had already been opened and operating for a couple weeks.

Since Vicolo Romano has opened, I have already had to contact the council to make a noise complaint as there was a party being held in the premises which was very audible throughout my home. In the licensing application it states that only light background music will be used but this has not been the case on several occasions now.

I also wish to object regarding the smell. As this restaurant is only open during the evenings, I am often home during their opening hours and can smell a strong pizza odour in my living room and bedroom.

I hope that you will take my objections into account. If you would like to contact me for further information then I am contactable via this email address.

Sincerely,
Roman Koblov

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

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Appendix 7

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 03 November 2016 15:41
To: Mohshin Ali
Subject: FW: Premises License Application - Vicolo Romano 420 Roman Road - Ref M/095664

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nicola Cadzow
Sent: 03 November 2016 15:20
To: Licensing
Cc: [REDACTED]@met.police.uk; [REDACTED] SEESAW-STUDIOS [REDACTED]
Subject: FW: Premises License Application - Vicolo Romano 420 Roman Road - Ref M/095664

Dear Licensing,

I have no objections to the License Application for Vicolo Romano 420 Roman Road - Ref M/095664 following amendment as below (also see email trail);

Sale of Alcohol till 22:30 hours seven days a week, premises closing 30 minutes later at 2300 hours

Plus condition to be added as follows: - No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

From: Seesaw Studios [REDACTED]

Sent: 03 November 2016 14:59
To: Nicola Cadzow
Cc: [REDACTED]@met.police.uk; [REDACTED]@met.police.uk
Subject: Re: Premises License Application - Vicolo Romano 420 Roman Road - Ref M/095664

Nicola,

Apologies. Supply of Alcohol after 22:30 pm will not be served.


I have noted query relating to music.

Kind Regards

Tuba

[REDACTED]

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On 3 November 2016 at 14:47, Nicola Cadzow [REDACTED] > wrote:

Hi Tuba

I know what you mean with regards to point (1) but please could you confirm no alcohol after 22:30pm, not before, so it is clear to all parties.

Also point (2) wording that I have used takes into consideration that music in particularly bass music can reverberate through a premises and can affect persons in adjacent premises so prefer that the condition added reads as follows:-

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

I await your response in due course.

Regards

Nicola

From: Seesaw Studios [REDACTED]
Sent: 03 November 2016 14:14
To: Nicola Cadzow
Cc: [REDACTED] [met.police.uk](mailto:[REDACTED]@met.police.uk); [REDACTED] [met.police.uk](mailto:[REDACTED]@met.police.uk)
Subject: Re: Premises License Application - Vicolo Romano 420 Roman Road - Ref M/095664

Good afternoon Nicola,

We are the acting agents for Mr Yildirim.

I confirm the following;

1. No supply of alcohol before 22:30 pm before the closing time of 23:00
2. No noise to emanate from the premises which give impact to any neighbouring properties.

Should you require additional information, please feel free to contact me.

Kind Regards

Tuba Korkmaz

[REDACTED]

[REDACTED]

[REDACTED]

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On 3 November 2016 at 12:43, Nicola Cadzow <[REDACTED]> wrote:

Dear Mr Yildirim,

I am the Noise Officer who is dealing with your License Application for Vicola Romano 420 Roman Road, ref M/095664.

There is just a couple of things I wanted to discuss as follows:

(1) On your application you have applied for the Sale of Alcohol (on the premises only) 7 days a week until 23:00 hours, at the same time as premises closing time. We would agree that there is a 30 minute drink up time prior to closing so:

Supply of Alcohol till 22:30 seven days a week, with premises closing 30 minutes later at 2300 hours

(2) I would also like to add a condition that:

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

I shall await your response at your earliest convenience

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

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Appendix 8

Mohshin Ali

From: Seesaw Studios [REDACTED] >
Sent: 11 November 2016 10:53
To: [REDACTED]@met.pnn.police.uk
Cc: Nicola Cadzow; Mohshin Ali
Subject: Re: 420 Roam Road, E3
Attachments: police_rep.pdf; NewPremise.102.doc.pdf

Dear Mr Alan,

Thank you for your email.

I have read and understood the comments made by the metropolitan police.

We can confirm we have taken the following into consideration:

- Alcohol : 1100 - 2230
- Music will be background music, sufficient to have a conversation without raising your voice.
- I have attached the confirmation in response to your comments.

I have also attached a copy of the premises notice with the amended times for the supply of Alcohol.

Should you require any additional information, Please do not hesitate to contact me.

Kind Regards

[REDACTED]

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

[REDACTED]

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On 11 November 2016 at 10:03, [REDACTED] wrote:
Dear Mr Yildirim

I am the police officer assigned to your application.

I would like you to consider the following

Alcohol : 1100 - 2230

Regarding recorded music, if it is background only (sufficient to have a conversation without raising your voice, it is not required)

I am happy with the opening hours

Also I would like you to consider the following conditions to be attached 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.

2. No drinks to be taken outside.

Best wishes

Alan

PS

On a separate email can you please provide me your date and place of birth .

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Site address: 420 Roman Road, London, E3 5LX

11/11/2016

Dear Mr Alan,

Thank you for your representation for the new premises licence at the site addressed at 420 Roman Road, London, E3 5LX. I can confirm the following will be taken into account before and during the premises is open and trading to the public.

These have been discussed by myself with the premises licence holder and will be taken into action following your comments.

Below are the revised licensing objectives for Prevention of crime and disorder;

1. 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.
 - A. There will also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

SEESAW – STUDIOS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SEESAW - STUDIOS
Architecture.Planning.Interior Design.

2. No drinks will be taken outside of the premises.

Should you have additional comments, please feel free to contact me.

Kind Regards,

Seda Korkmaz
Interior Architect

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



Appendix 9

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 10

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 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.

Appendix 12

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 frame work hours to any particular application regard should be had to the following

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

(See 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

Agenda Item 3.2

Committee : Licensing Sub-Committee	Date 10th January 2016	Classification Unrestricted
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Tasnim Superstore), 49 Old Ford Road, London E2 9PJ Ward affected: St. Peter's
--	--

1.0 Summary

Applicant:	Shelbia Begum
Name and	Tasnim Superstore
Address of Premises:	49 Old Ford Road London E2 9PJ
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none">• The sale by retail of alcohol (off sales)
Representations:	Local Residents/ Residents Association

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Tasnim Superstore), 49 Old Ford Road, London E2 9PJ.

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

3.3 The licensable activities and timings that have been applied for are as follows:-

The Sale by retail of alcohol (Off sales only)

- Monday to Thursday, from 09:00 hours to 22:00 hours
- Friday and Saturday, from 09:00 hours to 23:00 hours
- Sunday, from 09:00 hours to 22:00 hours

The opening hours of the premises

- Monday to Thursday, from 09:00 hours to 22:00 hours
- Friday and Saturday, from 09:00 hours to 23:00 hours
- Sunday, from 09:00 hours to 22:00 hours

4.0 **Location and Nature of the premises**

4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.

4.2 The site plan of the venue is included as **Appendix 2**.

4.3 Maps showing the vicinity are included as **Appendix 3**.

4.4 Details of the nearest licensed venues are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

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

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

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

5.4 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.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made the following local resident:
 - Orla Houston-Jibo - **Appendix 6**
- 6.9 In addition two petitions signed by local residents have been submitted by the following residents:
 - Philip Magee - **Appendix 7**
 - Rita Serrano - **Appendix 8**
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
 - The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards

- Child Protection
- Public Health

6.11 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

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

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

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

7.0 **Conditions consistent with Operating Schedule (as offered by the applicant)**

7.1 *An incident book will be kept on premises to ensure any refusals of sale are logged.*

7.2 *No beer or cider will be sold on premises that exceeds a strength of 5.6% unless it is sold collectively as a 3 bottles/cans or more.*

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

- e) There will be two cameras fitted outside the entrance and four inside with one internally facing the entrance logging who is coming in and leaving the premises.
- 7.4 Alcohol is kept inside the premises out of reach of children. The area specified for child friendly products is kept away from the alcohol so as to divert the attention of children away from it.
- 8.0 **Conditions in consultation with the Responsible Authorities/other persons**
- 8.1 No conditions were agreed with responsible authorities/other persons.

9.0 **Licensing Officer Comments**

- 9.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.2 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)
- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 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.
- 9.6 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)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

9.8 In **Appendices 9 - 15** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendix 6	Representation of Orla Houston-Jibo (resident)
Appendix 7	Petition of Philip Magee (residents)
Appendix 8	Petition of Rita Serrano (residents)
Appendix 9	Licensing Officer comments on noise while the premise is in use
Appendix 10	Licensing Officer comments on access/egress Problems
Appendix 11	Licensing Officer comments on crime and disorder on the premises
Appendix 12	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 13	Public safety
Appendix 14	Planning
Appendix 15	Licensing Policy relating to hours of trading

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Appendix 1



* required information

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

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

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

Continued from previous page...

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="49"/>
Street	<input type="text" value="Old Ford Road"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E2 9PJ"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="6,600"/>

Section 3 of 19

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

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

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

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

Yes No

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

Applicant Contact Details

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

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

Yes No

E-mail	<input type="text" value=""/>
Telephone number	<input type="text" value=""/>
Other telephone number	<input type="text" value=""/>

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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 license is to be for an "Off License" selling alcohol to be consumed off the premises.

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

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

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

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.

Both the licence holder and their staff have undergone a large amount of training, both in regards to the sale and consumption of alcohol, together with the risks attached to them. The shop has been adapted to ensure the alcohol can be kept safe away from thieves and young children, to ensure it cannot be easily removed from the premises. An incident book will be kept on premises to ensure any refusals of sale are logged. No beer or cider will be sold on premises that exceeds a strength of 5.6% unless it is sold collectively as a 3 bottles/cans or more.

b) The prevention of crime and disorder

Security cameras have been fitted to the property and record onto a hard drive. This can be copied and sent to police if necessary. More on this is below under public safety:

c) Public safety

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

Continued from previous page...

any licensable activity. There will also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority. There will be two cameras fitted outside the entrance and four inside with one internally facing the entrance logging who is coming in and leaving the premises.

d) The prevention of public nuisance

Restricted hours during the week and policies in place to ensure alcohol is not sold at times which may cause nuisance to neighbours. The property will operate more like a mini-supermarket than a traditional off-license, the focus is on family friendly products with a small area specified for alcohol.

e) The protection of children from harm

Alcohol is kept inside the premises out of reach of children. The area specified for child friendly products is kept away from the alcohol so as to divert the attention of children away from it.

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 £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

Continued from previous page...

AUTHORITY POSTAL ADDRESS

Address

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

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.

The 28 full days consultation period on the public notice on the premises and on the newspaper must state the same
* consultation end date. The advert on the local newspaper must be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority.

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	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

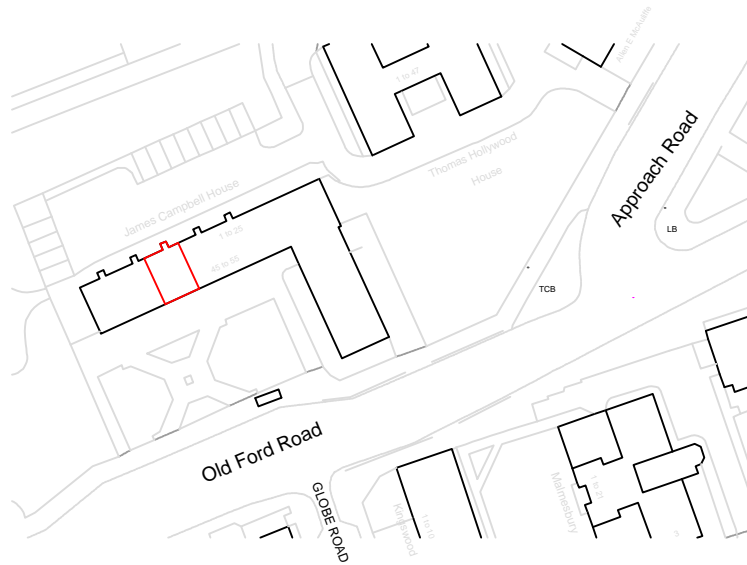
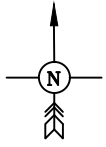
Once you're finished you need to do the following:

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

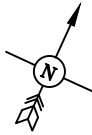
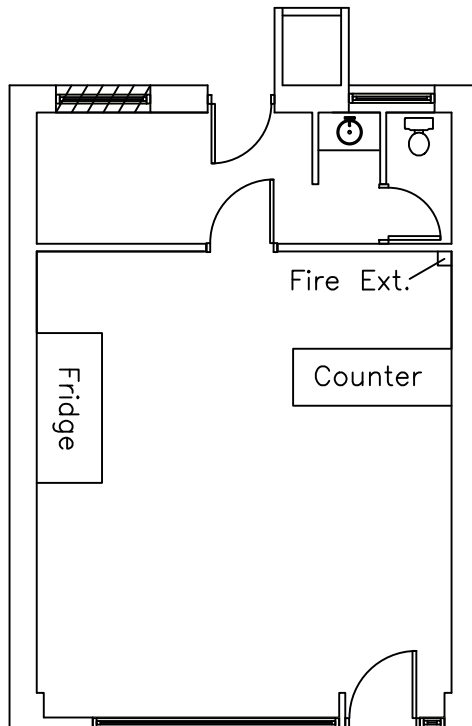
Appendix 2

LOCATION MAP



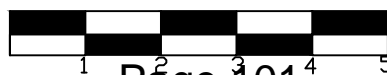
Mapping contents (c) Crown copyright and database rights 2016 Ordnance Survey 100035207

OS PLAN: SCALE 1:1250



Ground Floor

5000mm @ 1:100



Page 101

No	DATE	AMENDED	BY	CHK

TITLE:

Premises Plan

ADDRESS:

49 Old Ford Road,
London, E2 9PG

SCALE:

1:100

SHEET SIZE:

A4

SHEET NO:

1 of 1

DRAWN:

JS

CHECKED:

OmB

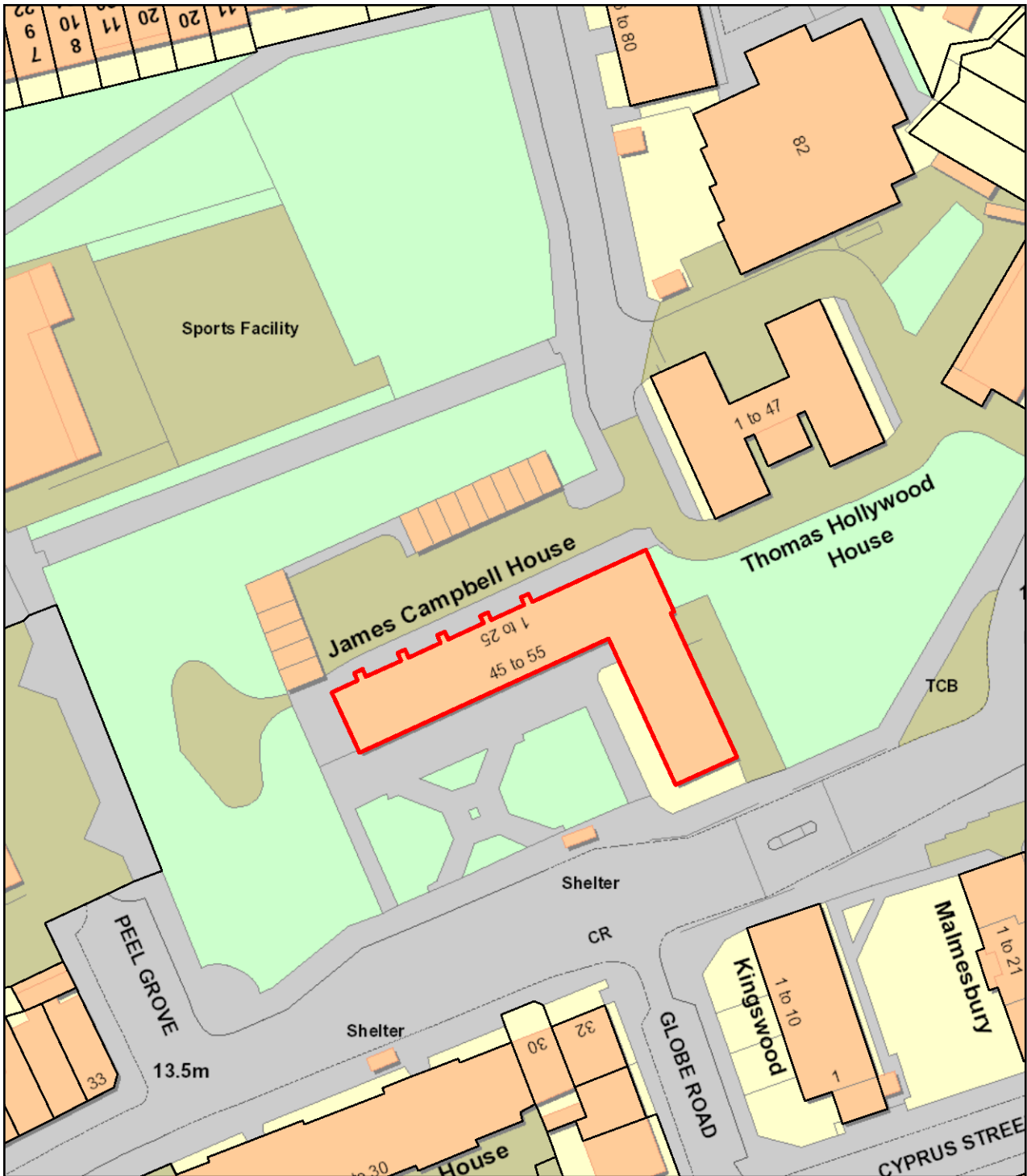
DATE:

October 16

McBryer Beg
CHARTERED SURVEYORS

28 NEW ROAD, WHITECHAPEL, LONDON, E1 2AX
TEL: 020 7702 8228 FAX: 020 7702 8142

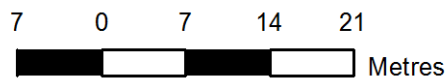
Appendix 3



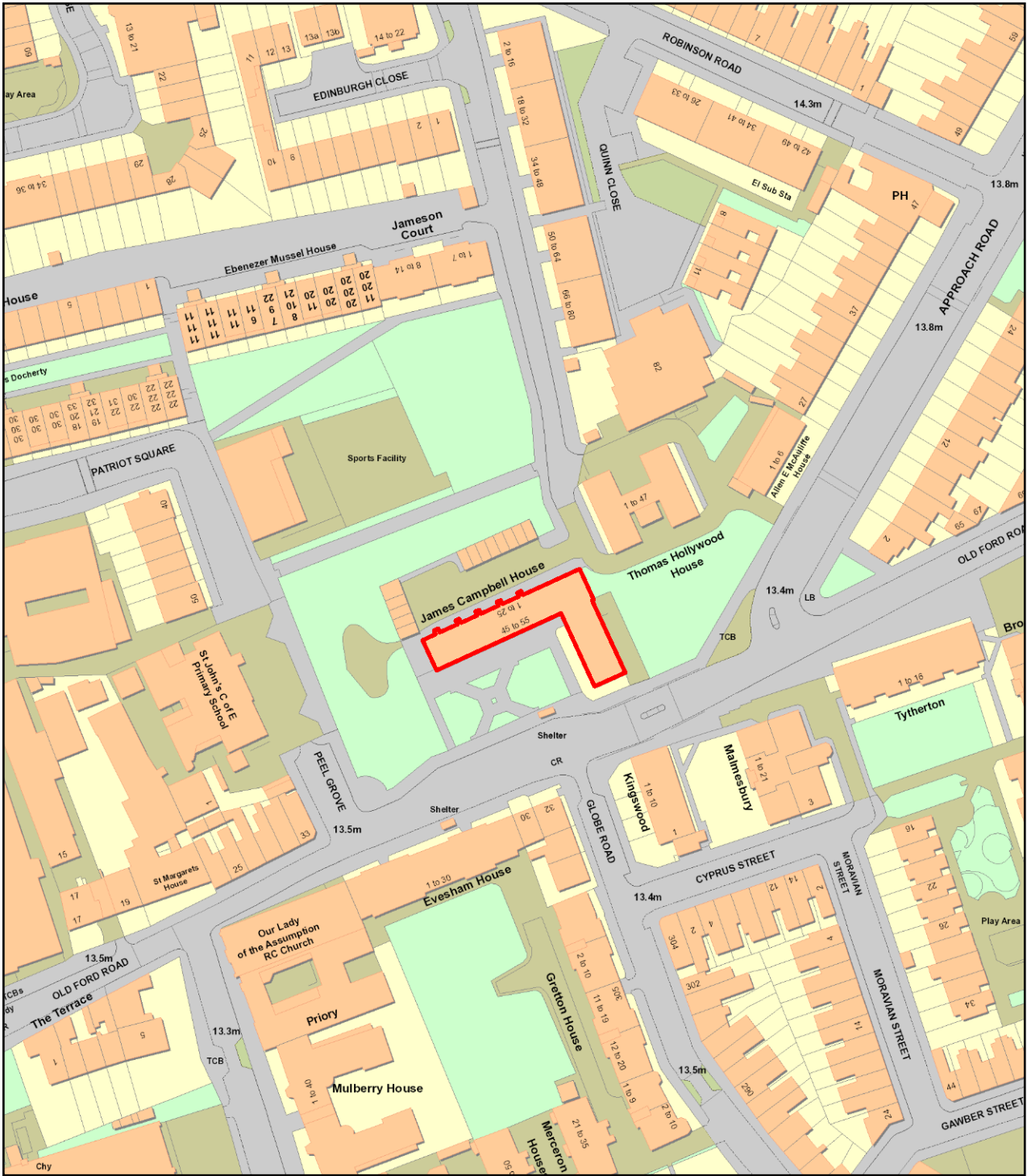
49 Old Ford Road



Scale 1:769



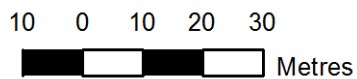
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49 Old Ford Road



Scale 1:1537



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Appendix 4

Nearest licensed premises: (Tasnim Superstore), 49 Old Ford Road, London E2 9PJ

(York Hall Leisure Centre)
5-15 Old Ford Road
London
E2 9PJ

The sale by retail of alcohol: On and off sales

On Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve, 10:00 hrs to 23:00 hours

On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 22:30 hours

On Good Friday, 12 noon to 22:30 hours

On Christmas Day, 12 noon to 15:00 hours and 19:00 hours to 22:30 hours

On New Year's Eve, except on a Sunday, 11:00 hours to 23:00 hours

On New Year's Eve on a Sunday, 12 noon to 22:30 hours

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

For conditions re. "drinking up time" see Annex 1 Mandatory Conditions

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The provision of regulated entertainment consisting of Films, Indoor sporting events, recorded music and similar. Facilities for music and dancing:

Monday to Saturday from 10:00 hours to 23:00 hours.

Sunday from 12:00 hours to 22:30 hours

In addition no more than six events per licence term of 12 months an extension of hours until midnight (this would include the sale of alcohol).

Plays:

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

Live music, Boxing or Wrestling entertainment:

Monday to Sunday from 10:00 hours to midnight.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

(University Stores)
25 Old Ford Road
Bethnal Green
London
E2 9PJ

For off sales

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

For conditions relating to times re off see Mandatory Conditions

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

(Gallery Cafe)
St Margarets House
21 Old Ford Road
London
E2 9PL

Sale of alcohol: On sales only
Monday to Sunday from 12:00 hrs to 22:00 hrs

Regulated entertainment consisting of:

Live Music:

Monday to Sunday from 18:00 hrs to 22:00 hrs

Recorded music:

Monday to Sunday from 09:00 hrs to 22:00hrs

The opening hours of the premises

Monday to Sunday from 09:00 hrs to 22:30 hrs

Appendix 5

**Section 182 Advice by the Home Office
Updated on March 2015**

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

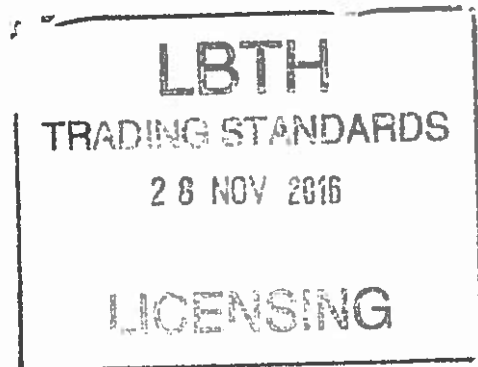
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 6

23 November 2016



Ms Kathy Driver
Principal Licensing Officer
Licensing section
John Onslow House
1 Ewart Place
E3 5EQ



cc. Councillor Rajib Ahmed
Chair, Tower Hamlets Licencing Committee
c/o Councillor Support Team
LBTH Town Hall, Mulberry Place
5 Clove Crescent
E14 2BG

Re: Tasnim Superstore, 49 Old Ford Road, London, E2 9PJ

Dear Ms Driver,

I am writing to you in response to your letter dated 1st November, regarding Tasnim Superstore's (49 Old Ford Road, E2 9PJ) application to sell alcohol from their premises. I live in [REDACTED], the block of flats that Tasnim Superstore is located within, and I am writing to express my very strong objection to the application and to request that a licence is *not* granted.

The basis for my objection is that we have had retail units selling alcohol in the building before and these have led to a great deal of noise pollution and anti-social behaviour that have caused me and my neighbours much distress. James Campbell House is set back from the road around a small square and having a shop selling alcohol attracted young adults/older children to loiter around the block of flats. These young adults stood around at night shouting, driving mopeds around/revving engines and generally making a lot of noise, drinking, smoking drugs and creating a very unpleasant and intimidating atmosphere. I have no doubt in my mind that it was the fact that the shops sold alcohol that led to these problems as we have not experienced these problems at James Campbell House after the last licenced business closed.

Having used Tasnim Superstore regularly since it opened, I can say that the proprietors are nice, well-intentioned people but in my opinion they do not have the experience or aptitude required to sell alcohol, as is claimed but not proven in their application. Furthermore I do not believe, as is also claimed in the licencing application, that the shop has been adapted to keep alcohol away from thieves and young children; for example, the space behind the counter is very small, which means the alcohol will be on open shelves attracting the attention of vulnerable/young people who should not be purchasing alcohol. I believe that this is another factor that will encourage antisocial behaviour.

The application also states that security cameras have been fitted. I assume that this is within the store as, to the best of my knowledge, there are no security cameras filming the square, which is where the anti social behaviour takes place. I therefore don't think this is enough of a preventative measure to ensure public safety and discourage distressing behaviour.

I would also like to point out that in section 18 of the application Tasnim Superstore claims that alcohol will be sold only during restricted, family-friendly hours however, in section 15 they have requested a licence to sell alcohol from 09.00 to 22.00 seven days a week - this would indicate that they plan to be able to sell alcohol at all times or as and when they want to.

I was incredibly relieved when the last premises with an alcohol licence was closed down and am very distressed at the possibility of a new licenced premise opening and as a consequence having to live with the same problems again. Please note there are already three off licences within a 250-meter waking distance of Tasnim Superstore and there is absolutely no need for another licenced shop in this part of the ward.

In summary I would like to reiterate that I am objecting the application for a licence to sell alcohol in the strongest terms, and would be very happy to discuss this matter further with you either on the phone or in person. I have spoken to other residents of James Campbell House who share my objection and I am sure that they would be happy to speak to you also if they have not already done so.

I look forward to hearing from you.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Orla Houston-Jibo

Appendix 7

VIBEKE NORBERG (Approach 1011, Secretary)

Hollywood 1 page, double



Communities, Localities & Culture,
Licensing Section
John Onslow House, 1 Ewart Place, London E3 5EQ
licensing@towerhamlets.gov.uk

Ref. no 095571

R

We the undersigned residents from Thomas Hollywood House hereby make representation against the License applied for by Tasnim Superstore, Campbell House, 49 Old Ford Road, London E2 9PJ.

Based on experience with a (now converted) licensed shop in Campbell House, we foresee that granting of the application will entail crime and disorder, public nuisance, and threat to public safety, particularly for children. Children are often playing in the area outside the shops as well as in the "Approach Park Area with Playground" next to the building.

The shop that sold alcohol was shut down because of the serious problems it caused: crowds of (mostly) young people, sometimes with dogs, were congregating in the area around the shops, an attractive area as it is partly secluded from the road. They also occupied the adjacent Play Ground. They were noisy, smoking and drinking, using the area as a public toilet, and throwing their waste all over the place.

They were a threat to the safety and security of residents especially vulnerable and children not only of Campbell House, but also residents of Thomas Hollywood House and of buildings in Russia Lane, who use the pathway next to and behind Campbell House to get access to our flats. There is no doubt that these problems will reemerge if sale of alcohol were to be permitted. While we appreciate that the owner of Tasnim Superstore has installed CCTV surveying the entrance to the shop, we are convinced this will not make a big difference as the nuisance and ASB will take place outside the area surveyed.

Full Name Nominated Spokesperson:	Full Address	Signature and date
[Redacted] PHILIP MAKEE	[Redacted] E3	[Redacted] 22/11/16
Norma Devlin	[Redacted]	[Redacted] 22/11/16
ANNA BEZZINA	[Redacted]	[Redacted] 22.11.16
Diane Beck	[Redacted]	[Redacted] 22.11.16
Vibeke Norberg	[Redacted]	[Redacted] 23.11.16
Mahfuja Choudhury	[Redacted]	[Redacted] 23/11/16
Denise Simms-Williams	[Redacted]	[Redacted] 23.11.16
IQBAC HUSSAN	[Redacted]	[Redacted] 23/11/16
Tity Yemane	[Redacted]	[Redacted] 23/11/16
MARIA M Jama	[Redacted]	[Redacted] 25/11/16
Momotus Beg	[Redacted]	[Redacted] 23/11/16

Shaun Tierney
Lilian Barnett

Jaiyane Ali

Ruqiya Egeh

MD. ALAM

ELESA-KASSA 1

Simone SPAGNOLO

DRUNO CORREIA DA SILVA

EMILY O'SHEA



23/11/16
23/11/16.

23/11/16.

23/11/16

23/11/16

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23/11/16

23/11/16.

Appendix 8

Communities, Localities & Culture,
Licensing Section
John Onslow House, 1 Ewart Place, London E3 5EQ
licensing@towerhamlets.gov.uk

Ref 095571

We the undersigned residents from James Campbell House hereby make representation against the License applied for by Tasnim Superstore, Campbell House, 49 Old Ford Road, London E2 9PJ.

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James Campbell House is a block of 25 flats + 3 shops and 2 flats converted from shops. The shop that sold alcohol was shut down because of the serious problems it caused: crowds of (mostly) young people, sometimes with dogs, were congregating in the area around the shops, which is attractive as it is partly secluded from the road.

They also occupied the adjacent Play Ground and accessed the very building, loitering on landings and stairs: they were noisy, smoking and drinking, using the area as a public toilet, and throwing their waste all over the place.

They were a threat to the safety and security of residents, especially vulnerable and children. There is no doubt that these problems will reemerge if sale of alcohol were to be permitted. While we appreciate that the owner of Tasnim Superstore has installed CCTV surveying the entrance to the shop, we are convinced this will not make a big difference as the nuisance and ASB will take place outside the area surveyed.

Full Name
Nominated spokesperson:

Rita Serrano

Full Address

[Redacted Address]
K2

Signature and date

[Redacted Signature]

22/11/16

Communities, Localities & Culture,
Licensing Section
John Onslow House, 1 Ewart Place, London E3 5EQ
licensing@towerhamlets.gov.uk

Ref. 095571

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Full Name	Full Address	Signature and date
NOMINATED SPOKE PERSON:		
[REDACTED] RITA SERANO	[REDACTED]	[REDACTED] 22/11/16 R. Serano
ALEX SHAPIRO	[REDACTED]	[REDACTED]
Emmy Tio	[REDACTED]	[REDACTED] 24/11/16
[REDACTED]	[REDACTED]	[REDACTED] 24/11/16

Communities, Localities & Culture,
Licensing Section
John Onslow House, 1 Ewart Place, London E3 5EQ
licensing@towerhamlets.gov.uk

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095571

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Full Name	Full Address	Signature and date
Nominated spokesperson: M A K KRAVEISKY	[REDACTED]	[REDACTED] 23-11-2016
RITA SERRANO	[REDACTED]	[REDACTED] 22/11/16

Please return, as a matter of urgency, to [REDACTED]

Communities, Localities & Culture,
Licensing Section
John Onslow House, 1 Ewart Place, London E3 5EQ
licensing@towerhamlets.gov.uk

Ref 095571

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Full Name

Full Address

Signature and date

Nominated spokesperson:

CORRINA DONEGAN

[REDACTED]

[REDACTED]

NOV. 24, 2016.

RITA SERRANO

[REDACTED]

— a —

[REDACTED]

22/11/16

Please return, as a matter of urgency, to [redacted]

Communities, Localities & Culture,
Licensing Section
John Onslow House, 1 Ewart Place, London E3 5EQ
licensing@towerhamlets.gov.uk

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Full Name	Full Address	Signature and date
Nominated spokesperson: Dennis Hesketh	[redacted]	[redacted] 23/11/16

DAVID WHITEHEAD	[redacted]	[redacted] 23/11/2016
-----------------	------------	-----------------------

RITA SERIANO	[redacted]	22/11/16
NOM. SPOKESPERSON		

Please return, as a matter of urgency, to [redacted]

Communities, Localities & Culture,
Licensing Section
John Onslow House, 1 Ewart Place, London E3 5EQ
licensing@towerhamlets.gov.uk

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Full Name	Full Address	Signature and date
Nominated spokesperson Miranda Ote-lanyo	[redacted]	[redacted] 24 NOV 2016
RITA SERRANO	[redacted]	[redacted] 22/11/16

Please return, as a matter of urgency, to [redacted]

Communities, Localities & Culture,
Licensing Section
John Onslow House, 1 Ewart Place, London E3 5EQ
licensing@towerhamlets.gov.uk

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Full Name	Full Address	Signature and date
Nominated spokesperson:		
TORY MATHER	[redacted]	23/11/2016
DOUGLAS GKIANI	[redacted]	23/11/16
Sara Ahmed	[redacted]	28/11/16
RITA SERRANO	[redacted]	22/11/16

Please return, as a matter of urgency, to [REDACTED]

Communities, Localities & Culture,
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John Onslow House, 1 Ewart Place, London E3 5EQ
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Ref 095571

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Based on experience with a (now converted) licensed shop in Campbell House, we foresee that granting of the application will entail crime and disorder, public nuisance, and threat to public safety, particularly for children. Children are often playing in the area outside the shops as well as in the "Approach Park Area with Playground" next to the building.

James Campbell House is a block of 25 flats + 3 shops and 2 flats converted from shops. The shop that sold alcohol was shut down because of the serious problems it caused: crowds of (mostly) young people, sometimes with dogs, were congregating in the area around the shops, which is attractive as it is partly secluded from the road.

They also occupied the adjacent Play Ground and accessed the very building, loitering on landings and stairs: they were noisy, smoking and drinking, using the area as a public toilet, and throwing their waste all over the place.

They were a threat to the safety and security of residents, especially vulnerable and children. There is no doubt that these problems will reemerge if sale of alcohol were to be permitted. While we appreciate that the owner of Tasnim Superstore has installed CCTV surveying the entrance to the shop, we are convinced this will not make a big difference as the nuisance and ASB will take place outside the area surveyed.

Full Name	Full Address	Signature and date
Nominated spokesperson: KAMAL PASHA	[REDACTED]	[REDACTED]
RITA SERRANO [REDACTED]	[REDACTED] — u — [REDACTED]	23/11/2016 22/11/16

Please return, as a matter of urgency, to [REDACTED]

Communities, Localities & Culture,
Licensing Section
John Onslow House, 1 Ewart Place, London E3 5EQ
licensing@towerhamlets.gov.uk

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Full Name	Full Address	Signature and date
Nominated spokesperson: Gary Ottway	[REDACTED]	[REDACTED] 23/11/16
RITA SERRANO	[REDACTED] ——— " ——— [REDACTED]	[REDACTED] 22/11/16

Please return, as a matter of urgency, to [redacted]

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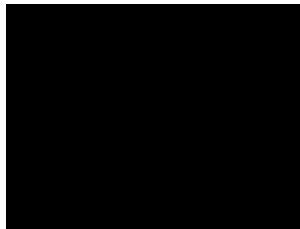
Full Name

Full Address

Signature and date

X Nominated spokesperson:

MRS. BARBARA
BENJAMIN



23-11-16

RITA SERRANO



22/11/16

Please return, as a matter of urgency, to [REDACTED]

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Full Name	Full Address	Signature and date
Nominated spokesperson:	[REDACTED]	[REDACTED]
ORLA HOUSTON-JIRO	[REDACTED]	24/11/16
RITA SERRANO	[REDACTED]	22/4/16

Please return, as a matter of urgency, to [redacted]

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Full Name	Full Address	Signature and date
Nominated spokesperson:		
George Atkinson	[redacted]	23/11/16
RITA SERRANO	[redacted]	[redacted] 22/11/16

Appendix 9

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 10

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 11

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 12

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 13

Public safety – Licensing Policy182 Updated March 2015

- 9.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 9.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire and Emergency Planning Authority before preparing their plans and Schedules.
- 9.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 9.4 The Licensing Authority, where its discretion is engaged, will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a Model Pool of Conditions as proportionate and appropriate are contained in Appendix 2.
- 9.5 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

Public safety - S182 Updated March 2015

- 2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.7 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances; Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33- 8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist 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.

Maintenance and repair

- 2.10 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.11 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

- 2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.13 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Appendix 14

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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.

Appendix 15

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 frame work hours to any particular application regard should be had to the following

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

(See 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

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Agenda Item 3.3

Committee :	Date	Classification
Licensing Sub Committee	10th January 2017	Unrestricted

Report of : David Tolley - Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a Premises Licence for Efes Express – 79 Brick Lane, London, E1 6QL
Originating Officer: Andrew Heron - Licensing Officer	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant: **Ahmet Uzun**

Name and Address of Premises: **Efes Express
79 Brick Lane
London
E1 6QL**

Licence sought: **Licensing Act 2003
Provide Late Night Refreshment**

Objectors: **The Metropolitan Police (Licensing Division)
LBTH Environmental Health
LBTH Licensing Authority
Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a premises licence for Efes Express – 79 Brick Lane, London, E1 6QL.

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 that have been applied for are as follows:-

The Provision of Late Night Refreshment (indoors):

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

Hours premises is open to the public:

- Monday to Sunday from 08:00hrs to 02:30hrs (the following day)

4.0 **Location and Nature of the premises**

4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.

4.2 The site plan of the venue is included as **Appendix 2**.

4.3 Maps showing the vicinity are included as **Appendix 3**.

4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

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

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

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

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

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant Officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following Responsible Authorities:
- **Appendix 6** PC Alan Cruickshank of the Metropolitan Police (Licensing Division)
 - **Appendix 7** Nicola Cadzow of LBTH Environmental Health
 - **Appendix 8** Mohshin Ali of LBTH Licensing Authority
- 6.9 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents.
- **Appendix 9** Keith Bowler
 - **Appendix 10** John and Sandy Critchley
 - **Appendix 11** Jane Curtis
 - **Appendix 12** Olwen Evans

- **Appendix 13** Jeremy Freedman
- **Appendix 14** Sarah and Ed Jenkins
- **Appendix 15** Susan and Michael Kay
- **Appendix 16** Glenn Leeder
- **Appendix 17** Conor McLernon
- **Appendix 18** Glen Misfud
- **Appendix 19** Spitalfields Community Group (C/o Selina Misfud)
- **Appendix 20** John Shapiro

6.10 Please note that the application also received a number of invalid and late representations. Objectors who made invalid representations were written to in order to provide an opportunity for them to validate their objections. Representations received after the end consultation date were duly rejected.

6.11 Some local resident representations lack detail and in some cases fail to make direct reference to the premises. However, as the premises lies within the LBTH Cumulative Impact Zone, borderline representations have been accepted if they infer towards that Policy.

6.12 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 (Public Health England)

6.13 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

6.14 The objections cover allegations of:

- Close proximity to residential properties
- Excessive hours, outside of the Council Policy framework hours
- The LBTH Cumulative Impact Zone

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

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

7.0 Conditions consistent with Operating Schedule

7.1

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

2. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500-metre radius of the premises.

3. Clear signage shall be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

4. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification with a "head and shoulder" image of every person entering, in any light condition. The CCTV system shall continually record whilst the premise is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon request of Police or authorised officer throughout the preceding 31-day period (subject to data protection legislation).

5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

6. A minimum of one SIA registered door supervisor shall be on duty from 23:00 daily until the closure of the premises to the public.

7. Reasonable steps shall be taken to ensure that any persons loitering outside the premises disperse quickly and do not congregate.

8.0 Conditions Agreed with Responsible Authorities

8.1 None. The Applicant' legal agent has failed to respond to representations of the Responsible Authorities.

9.0 Licensing Officer Comments

9.1 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.

9.2 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)
- 9.3 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.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 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.
- 9.6 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)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 21-23** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Site Plan
- Appendix 3** Maps of the surrounding area
- Appendix 4** Other licensed venues in the area
- Appendix 5** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 6** Representation of PC Alan Cruickshank of the Metropolitan Police (Licensing Division)
- Appendix 7** Representation of Nicola Cadzow of LBTH Environmental Health
- Appendix 8** Representation of Mohshin Ali of LBTH Licensing Authority
- Appendix 9** Representation of local resident Keith Bowler
- Appendix 10** Representation of local resident John and Sandy Critchley
- Appendix 11** Representation of local resident Jane Curtis
- Appendix 12** Representation of local resident Olwen Evans
- Appendix 13** Representation of local resident Jeremy Freedman
- Appendix 14** Representation of local resident Sarah and Ed Jenkins
- Appendix 15** Representation of local resident Susan and Michael Kay
- Appendix 16** Representation of local resident Glenn Leeder

- Appendix 17** Representation of local resident Conor McLernon
- Appendix 18** Representation of local resident Glen Misfud
- Appendix 19** Representation of local resident Spitalfields Community Group (C/o Selina Misfud)
- Appendix 20** Representation of local resident John Shapiro
- Appendix 21** Licensing officer comments on Access and Egress Problems
- Appendix 22** Licensing officer comments on Licensing Policy Relating to Hours of Trading
- Appendix 23** Licensing officer comments on Special Cumulative Impact Policy for the Brick Lane Area

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Appendix 1



* required information

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

IBR1-1

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

Ahmet

* Family name

Uzun

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

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

Is the applicant:

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

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

Continued from previous page...

Address

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

Agent Details

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

Include country code.

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

Are you:

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

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

Agent Business

* Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
* Registration number	<input type="text" value="OC358152"/>	
* Business name	<input type="text" value="Dadds LLP"/>	
* VAT number	<input type="text" value="GB"/>	<input type="text" value="101 5996 25"/>
* Legal status	<input type="text" value="Partnership"/>	
* Your position in the business	<input type="text" value="Solicitor"/>	
Home country	<input type="text" value="United Kingdom"/>	

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

* Building number or name	Crescent House
* Street	51 High Street
District	
* City or town	Billericay
County or administrative area	Essex
* Postcode	CM12 9AX
* Country	United Kingdom

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	79
Street	Brick Lane
District	
City or town	London
County or administrative area	
Postcode	E1 6QL
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	29,750

Section 3 of 19

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

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

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

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

Yes No

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

Applicant Contact Details

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

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

Yes No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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.

This premises was previously known as The Shampan restaurant. The applicant intends to operate as a fast-food outlet in line with similar operations under the Efes trade name.

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

Continued from previous page...

State any seasonal variations

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

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

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

Section 15 of 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.

There will be no activity of this nature

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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.

Continued from previous page...

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.

The premises licence holder agrees to abide by the mandatory conditions of the premises licence and all other legislation regarding the premises, ie health and safety and fire regulations. In addition, he is offering for the steps below to be attached to the new premises licence;

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
2. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500-metre radius of the premises.
3. Clear signage shall be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.
4. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification with a "head and shoulder" image of every person entering, in any light condition. The CCTV system shall continually record whilst the premise is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon request of Police or authorised officer throughout the preceding 31-day period (subject to data protection legislation).
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
6. A minimum of one SIA registered door supervisor shall be on duty from 23:00 daily until the closure of the premises to the public.
7. Reasonable steps shall be taken to ensure that any persons loitering outside the premises disperse quickly and do not congregate.

b) The prevention of crime and disorder

Please see above

c) Public safety

Please see above

d) The prevention of public nuisance

Continued from previous page...

Please see above

e) The protection of children from harm

Please see above

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 £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

* 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.

Continued from previous page...

The 28 full days consultation period on the public notice on the premises and on the newspaper must state the same * consultation end date. The advert on the local newspaper must be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority.

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	<input type="text" value="Alan Aylott"/>
* Capacity	<input type="text" value="Applicant's solicitor"/>
* Date	<input type="text" value="15"/> / <input type="text" value="11"/> / <input type="text" value="2016"/> dd mm yyyy

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.

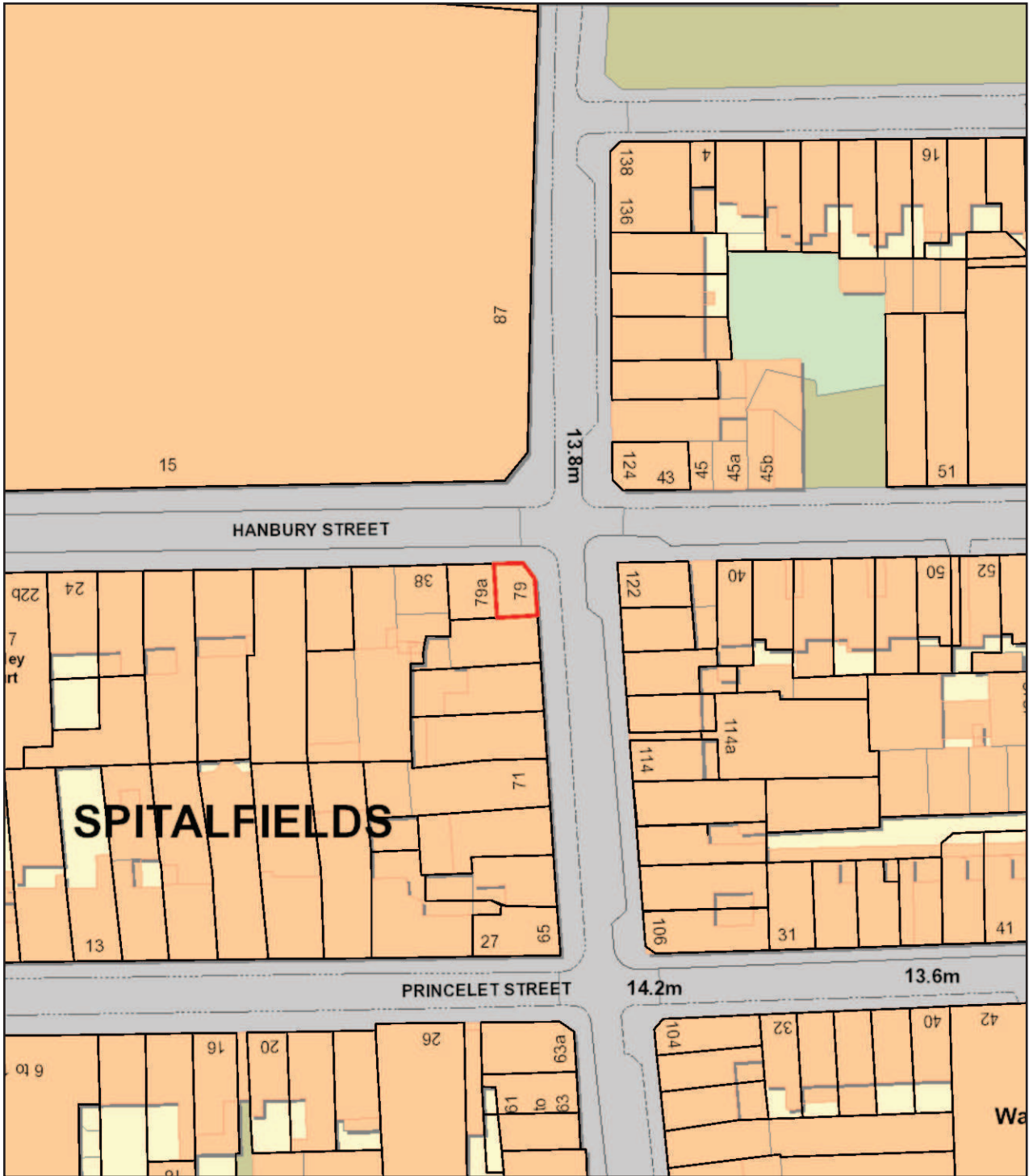
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="IBR1-1"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Appendix 2

Appendix 3

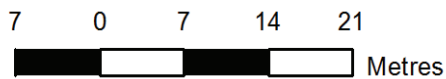


79 Brick Lane

Map 1



Scale 1:769



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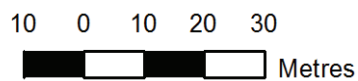


79 Brick Lane

Map 2



Scale 1:1537



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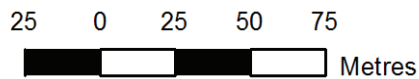


79 Brick Lane

Map 3



Scale 1:3074



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Appendix 4

79 Brick Lane, E1 **Surrounding Premises**

(Bengal Village)

75 Brick Lane
London
E1 6QL

The times the licence authorises the carrying out of licensable activities

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00hrs to 00:00hrs (midnight)
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00hrs (midday) to 23:30hrs
- (3) On Christmas Day from 12:00hrs (midday) to 23:30hrs;
- (4) On New Year's Eve, except on a Sunday from 11:00hrs to 00:00hrs (midnight);
- (5) On New Year's Eve on a Sunday, 12:00hrs (midday) to 23:30hrs;
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

For conditions relating to times for restaurants and residential properties see Mandatory Conditions

Late Night Refreshment

- On weekdays from 23:00hrs to 00:00hrs (midnight)
- On Sundays from 23:00hrs to 23:30hrs

Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours.

However, New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day

The opening hours of the premises

- There are no restrictions on the hours during which this premises is open to the public

(Curry Bazaar)

77 Brick Lane
London
E1 6QL

The sale by retail of alcohol (on sales only)

- Sunday to Thursday from 11:00hrs to 00:00hrs (midnight)

- Friday and Saturday from 11:00hrs until 02:0 hrs (the following day)
On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Note: However, New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day.

For provision of Late Night Refreshment:

- Sunday to Thursday from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday from 11:00hrs until 02:00hrs (the following day)

The opening hours of the premises

Sunday to Thursday from 11:00hrs to 00:30hrs (the following day)
Friday and Saturday from 11:00hrs to 02:30hrs (the following day)

(Preem)

118 -122 Brick Lane
London
E1 6RL

Sale of Alcohol (On Sales Only)

- Monday to Sunday from 12:00hrs (midday) to 01:00hrs (the following day)

The Provision for Late Night Refreshment

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

The opening hours of the premises

- Monday to Sunday from 12:00hrs (midday) to 01:30hrs (the following day)
-

(Cocoa House)

124 - 126 Brick Lane
London
E1 6RU

Alcohol and Late Night Refreshment

- Monday to Sunday from 11:30hrs to 01:30hrs (the following day)

Regulated Entertainment (Recorded Music)

- Monday to Sunday from 11:30hrs to 02:00hrs (the following day)

The Opening Hours of the premises

- Monday to Sunday from 11:30hrs to 02:00hrs (the following day)
-

(Jasmine)
128 Brick Lane
London
E1 6RU

The sale by retail of alcohol (on sales only)

- Sunday to Wednesday from 12:00hrs (midday) to 01:00hrs (the following day)
- Thursday to Saturday from 12:00hrs (midday) to 03:00hours (the following day)

Late Night Refreshment

- Monday to Saturday from 23:00hrs to 00:30hrs (the following day)

Regulated Entertainment consisting of Recorded Music only

- Sunday to Wednesday from 12:00hrs (midday) to 01:00hrs (the following day)
- Thursday to Saturday from 12:00hrs (midday) to 03:00hours (the following day)

Note: New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day.

The opening hours of the premises

- Sunday to Wednesday from 12:00hrs (midday) to 01:00hrs (the following day)
- Thursday to Saturday from 12:00hrs (midday) to 03:00hours (the following day)

Note: New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day.

(Sichuan Folk)
32 Hanbury Street
London
E1 6RL

The times the licence authorises the carrying out of licensable activities

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00hrs to 00:00hrs (midnight);
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00hrs (midday) to 23:30hrs;
- (3) On Christmas Day: 12:00hrs (midday) to 23:30hrs;
- (4) On New Year's Eve, except on a Sunday from 10:00hrs to 00:00hrs (midnight);
- (5) On New Year's Eve on a Sunday from 12:00hrs (midday) to 23:30hrs;

(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Note: However, New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day.

Late Night Refreshment

Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours.

Regulated Entertainment (recorded music only)

- This is not restricted as to hours

The opening hours of the premises

- There are no restrictions on the hours during which this premises is open to the public

Appendix 5

Section 182 Advice by the Home Office Updated on March 2015

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 6

Tom Lewis
LBTH Licensing
Toby Club
Vawdrey Close

E1 4UA

HT - Tower Hamlets Borough
HH - Limehouse Police Station

Licensing Office
Limehouse Police Station
27 West India Dock Road
E14 8EZ



www.met.police.uk

Your ref:

Our ref:

1 December 2016

Dear Mr Lewis

Application for a premises licence

79 Brick Lane, E1 6QL

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

The prevention of crime and disorder

The prevention of public nuisance

The applicant, Efes, already has a restaurant in the CIZ at 1 Whitechapel Road, E1
The basis of my representation reflects the representation I made for 1 Whitechapel Road.
It is welcome that no alcohol licence has been requested.

The applicant wishes the following for LNR

2300 -0200 : all week: closing at 0230

LBTH has adopted a Saturation Policy / Cumulative Impact Policy specifically for the Brick Lane area which includes the applicant's premises. This policy was adopted due to the concerns about the number of licensed premises and late night eateries in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; *unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.*

79 Brick Lane is situated in the heart of the CIZ. Although there continues to be an increase in licensed premises, there has been a consensual approach with all responsible authorities in limiting the hours in the CIZ

The applicant was aware of the saturation policy and the late hours applied for do not reflect the concerns that have led to the implementation of a CIZ. One of the main reasons for the introduction of the CIZ was to combat the expansion of late night venues. One more late night opening venue will only compound the problems in this area. By remaining open it will result in people hanging about the area for a longer period of time. Even without intending to, their customers could stand or sit outside residential premises whilst eating their food. At this hour in the morning even people talking loudly can be disruptive.

Many people who attend late night eateries are under the influence of alcohol. ASB or violence can occur when some intoxicated people are in close proximity to one another. I accept a SIA supervisor is welcome but they will only deal with the immediate environs of the restaurant and not the side streets where people often tend to congregate.

Licensing Guidance :Paragraph 8.34 states "applicants are in particular expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives".....including "any risk posed to the local area by the applicants' proposed licensable activities" . I don't believe the applicant has taken into consideration the local community and the impact such late hours will have on the neighbourhood.

I believe that since the “saturation policy” was adopted, the local environment has improved and whilst welcoming Efes, it would be a retrograde step if the full hours were granted.

I ask the committee to consider the following hours:

Late night refreshments

All week: 2300 - midnight.

Alan Cruickshank PC 189HT

Appendix 7

Andrew Heron

From: Nicola Cadzow
Sent: 02 December 2016 14:08
To: Licensing
Cc: [REDACTED]
Subject: MAU REPRESENTATION - Efes 79 Brick Lane London E1 6QL - ref M/096105
Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing

When regarding the application for New Premises License for 79 Brick Lane I considered the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are well beyond the Council's framework hours. Added to this is the fact that the Premise is within a Cumulative Impact Zone.

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

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

The applicant is proposing:

- **Late Night Refreshment until 0200 hours, closing 30 minutes later at 02:30 hours, 7 days a week.**

I would agree to the following hours:

- **Late Night Refreshment until Midnight, closing 30 minutes later at 00:30 hours, 7 days a week.**

Noise Sensitive premises: residential and commercial premises in close proximity to 79 Brick Lane London.

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

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

CONCLUSION

Environmental Protection **does not** support the application for 79 Brick Lane, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

Appendix 8

Communities, Localities & Culture Safer Communities

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

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

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

[REDACTED]

[REDACTED]

13th December 2016

[REDACTED]

Your reference
My reference: CLC/LIC/96105/MA

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

New premises licence application: Efes, 79 Brick Lane, London E1 6QL

On 1st November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. *The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect (8.2)*

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

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone (CIZ) (8.3).

The effect of this CIZ 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 CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ (8.4).

The Licensing Authority is therefore making a representation against the above application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CIZ. If the applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area; then I ask the Committee to reject the application in full.

The Tower Hamlets statement of licensing policy makes it clear (8.4) that the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This is also repeated in the Home Office guidance (8.35). *Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.*

The hours applied for are longer than the framework hours in the Tower Hamlets licensing policy (15.8). The policy states that application to operate outside of the framework hours will be considered on their merit, with regard to:

a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).

b) *The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.*

c) *The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder **and** the prevention of public nuisance.*

d) *Where the premises have been previously licensed, the past operation of the premises.*

e) *Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.*

f) *The proximity of the premises to other licensed*

In my opinion, the applicant has not satisfied these criteria. The Home Office guidance (8.33) says:

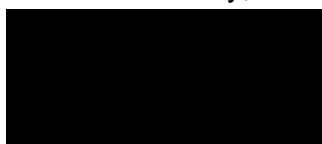
Applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

If the Licensing Sub-Committee is minded to grant a licence then I would ask that the hours are reduced to the framework hours.

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

I would also request the conditions offered in the application form are also included. However, in relation to the CCTV condition (section 18) I would request that members remove the statement about data protection requirement "(subject to data protection legislation)".

Yours faithfully,



Mohshin Ali
Senior Licensing Officer
Acting as a Responsible Authority

CC: Applicant's solicitor (Alan Aylott - 

Appendix 9

Andrew Heron

From: Keith Bowler [REDACTED]
Sent: 12 December 2016 16:22
To: Licensing
Subject: 79 Brick Lane Application for a Refreshments Licence

Follow Up Flag: Follow up
Flag Status: Completed

[REDACTED]
Subject: 79 Brick Lane Application for a Refreshments Licence

Dear Licensing Authority

Re 79 Brick Lane Application for Refreshment License

I object to the hours asked for by the applicant in the 79 Brick Lane licence application. The applicant is asking to serve food until 2am and be open until 2:30, this is far too late in an area which already suffers from problems of anti social behaviour and is being considered for a Public Spaces Protection Order. This is a large restaurant next door to residential homes and in the middle of an area with a large residential population.

The hours requested will lead to increased anti social behaviour and noise nuisance.

It will be outside the control of the applicant to control the behaviour of the restaurant customers when they leave the premises in the early hours of the morning. Our experience is that groups of people will be moving through our residential streets noisily as they go towards public transport and/or will be sitting on doorsteps and gathering in groups, especially during the summer months.

The area has no public lavatories and insufficient rubbish bins.

Currently this results in urination, and worse in our streets and doorways, vomiting and rubbish left everywhere.

Late night customers may have been drinking at the point of visiting the restaurant, especially after 11pm. If there is take away food these people will be buying drinks at the local off licenses and sitting around the street eating and drinking.

It is unclear whether the applicant is allowing alcohol to be drunk at the premises if it is bought elsewhere, if this is the case then the anti social problems already experienced in the area will worsen.

I request that the licensing authority do not grant the opening times requested, and that if they do grant any late hours this does not go beyond 12 midnight and that no take away food is served after 11pm (in line with Poppies Fish and Chips on Hanbury Street.)

Thank you for your consideration of the above.

Keith Bowler

[REDACTED]

[REDACTED]

Appendix 10

Andrew Heron

From: Critchley Main [REDACTED]
Sent: 13 December 2016 21:36
To: Licensing
Subject: 79 Brick Lane Application for a Refreshments Licence

Dear Licensing Authority,

Re 79 Brick Lane Application for Refreshment License

We wish to object to the hours asked for by the applicant in the 79 Brick Lane licence application. These are to serve food until 2am and be open until 2:30.

We feel that this is far too late in an area which already suffers from well documented problems of anti social behaviour and is being considered for a Public Spaces Protection Order. We are sure that the hours requested will lead to increased anti social behaviour and noise nuisance.

We request the licensing authority not to grant the opening times requested, and that any late hours do not go beyond 12 midnight at the very latest and that no take away food is served after 11pm (in line with Poppies Fish and Chips on Hanbury Street.)

Yours sincerely,

John and Sandy Critchley

[REDACTED]

Appendix 11

Andrew Heron

From: Jane Curtis [REDACTED]
Sent: 12 December 2016 09:57
To: Licensing
Subject: 79 Brick Lane Application for a Refreshments Licence

Dear Licensing Authority

Re 79 Brick Lane Application for Refreshment License

I object to the hours asked for by the applicant in the 79 Brick Lane licence application. The applicant is asking to serve food until 2am and be open until 2:30, this is far too late in an area which already suffers from well documented problems of anti social behaviour and is being considered for a Public Spaces Protection Order. This is a large restaurant next door to residential homes and in the middle of an area with a large residential population. The hours requested will lead to increased anti social behaviour and noise nuisance.

It will be outside the control of the applicant to control the behaviour of the restaurant customers when they leave the premises in the early hours of the morning. Our experience is that groups of people will be moving through our residential streets noisily as they go towards public transport and/or will be sitting on doorsteps and gathering in groups, especially during the summer months. (The area has no public lavatories and insufficient rubbish bins. Currently this results in urination, and worse in our streets and doorways, vomiting and rubbish left everywhere.)

Late night customers may have been drinking at the point of visiting the restaurant, especially after 11pm. If there is take away food these people will be buying drinks at the local off licenses and sitting around the street eating and drinking. It is unclear whether the applicant is allowing alcohol to be drunk at the premises if it is bought elsewhere, if this is the case then the anti social problems already experienced in the area will worsen.

I request that the licensing authority do not grant the opening times requested, and that if they do grant any late hours this does not go beyond 12 midnight and that no take away food is served after 11pm (in line with Poppies Fish and Chips on Hanbury Street.)

Thank you for your consideration of the above.

Jane Curtis
[REDACTED]
[REDACTED]

Appendix 12

Andrew Heron

From: Olwen Evans [REDACTED]
Sent: 13 December 2016 21:18
To: Licensing
Subject: Effes Brick Lane - licensing application

Dear Sirs

[REDACTED]

I have just been told that the above restaurant is asking for an alcohol license until 2.00am . I do not object to the license per se , but believe 2.00am is too late bearing in mind the concentration of licensed premises / restaurants in the area , and the public drunkenness and anti social behaviour that local residents are already subject to. An alcohol license until 2.00 will encourage people to move on from pubs and bars closing earlier and has the potential to aggravate the existing problems of public vomiting, urinating in streets and doorways nearby and crowds of rowdy people walking down the streets in the early hours of the morning. This already happens on a regular basis .

Yours faithfully
Olwen Evans

[REDACTED]

Sent from my iPad

Appendix 13

Andrew Heron

From: Jeremy Freedman [REDACTED]
Sent: 14 December 2016 10:07
To: Licensing
Subject: Re: licence application at Efes, 79 Brick Lane, E1 6QL

Follow Up Flag: Follow up
Flag Status: Completed

On 13 Dec 2016, at 15:13, Jeremy Freedman [REDACTED] wrote:

Hi Licensing -

I wish to strongly object to the licensing application of Efes, 79 Brick Lane, E1 6QL

They have applied for permission stay open until 2am!!! - this is totally unacceptable! this area does not need further late opening eateries! 11pm should be the cut off - like all other eateries near and around residential areas!

This part of Brick Lane a-butts a dense residential area, full of families with young children - the area has already terrible ASB issues. 2am is not acceptable at all!!!

11pm latest I think is more the ticket!

we do not want more drunk people - littering, vomiting, drinking, defecating on the steps of our homes - 11pm should be the cut off and visitors head out of this dense residential area and head home.

the problems in this area are well known - and the applicants application seems to laugh in the face of them!

This application as it stands must be refused - or the hours reduced significantly!

Sincerely,

Jeremy Freedman
[REDACTED]
[REDACTED]

On 13 Dec 2016, at 14:29, Spitalfields Community Group
<spitalfieldscommunitygroup@gmail.com> wrote:

Dear SCG members,

SCG has just objected to the licence application for Efes, 79 Brick Lane. Our main concern is the excessive hours applied for - until 2am - which will only add to problems with anti-social behaviour in the area, especially late at night. Our letter of objection is below. If you wish to object too you need to do so **today** by emailing licensing@towerhamlets.gov.uk . Our understanding is that they normally accept representations sent in by midnight on the closing date. Our apologies for the very short notice.

Thank you for your support.

SCG

From: [REDACTED]
Sent: Tuesday, December 13, 2016 2:11 PM
To: [Licensing](#)
Cc: [Alan Cruickshank](#)
Subject: licence application at Efes, 79 Brick Lane, E1 6QL

Dear Sir/Madam,

SCG wishes to OBJECT to the licensing application at Efes Express, 79 Brick Lane E1 6QL for Late Night Refreshment until 0200.

Spitalfields Community Group was formed in September 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our current survey, conducted to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact on us of the night time economy. In accordance with this focus, SCG has supported the adoption of a cumulative impact zone for the Brick Lane area, within which Old Spitalfields Market is situated.

Food takeaway at late hours clearly encourages excessive drinking and associated nuisance including noise and antisocial behaviour. There is an unfortunate provision in Brick Lane of late night alcohol off-sales which exacerbates this problem, and the misery caused to surrounding residents.

There has been a recent upsurge in antisocial behaviour in the residential streets adjacent to Brick Lane, in which visitors loiter causing a disturbance late at night. A particularly unacceptable facet of this is the number of instances of vomit on pavements, in doorways, light-wells providing light to residential basement kitchens and on cars. Excessively late hours for food takeaway fuels this disgusting phenomenon.

Local residents and businesses are also increasingly concerned at the growing problem of litter and food waste associated with an excess of takeaway outlets and food stalls in the area. Waste bins are routinely overflowing or disregarded, with packaging and leftover food dumped without consideration. Rats are endemic in the neighbourhood.

For the above reasons SCG objects to the licensing application at Efes Express, 79 Brick Lane.

Appendix 14

Andrew Heron

From: [REDACTED]
Sent: 12 December 2016 16:01
To: Licensing
Cc: Sarah Jenkins
Subject: Licencing Application for 79 Brick Lane - Closing date 13 December 2016 - Local Resident Objection

To whom it may concern,

We wish to raise our objection as local residents [REDACTED] to an element of the Premises Application dated 15 November 2016 in respect of Efes Express for 79 Brick Lane, London, E1 6QL, namely in respect of the opening hours of the premises.

The application requests permission for opening hours until 2.30am, which we consider to be disproportionately late.

The area around Brick Lane in the block between the intersections of Princelet Street and Hanbury Street already suffers from late-night anti-social behaviour from clientele of the existing premises which have closing times of midnight, or in one case 1am. This takes the form of loud and raucous behaviour as well as public urination and drug taking. Cases of these latter two behaviours are especially true up the less well-illuminated side streets perpendicular to Brick Lane such as Princelet Street. Permitting a licence to open for 150 minutes beyond midnight increases the risk that such behaviour extends further into the early hours of the morning.

The restaurants in Brick Lane had their closing times brought earlier in recent years with the intention of reducing anti-social behaviour. Permitting a new establishment to open for longer than existing premises would be a retrograde step. That anti-social behaviour is an issue in and around this area, has clearly been recognised by Tower Hamlets through the Proposed Brick Lane Public Spaces Protection Order the consultation period for which ended 7 December.

The application contains the provision to not allow people to congregate outside the restaurant. We do not consider this would be effective, as individuals currently move to congregate on street corners and there is little evidence that there is an enforcement of such requirements. For example on the evening of the 8th December, a crowd congregated for a substantial period outside the Eastern Eye restaurant on the corner of Brick Lane and Princelet Street, leading to public vomiting, loud drunkenness and public urination outside our neighbour's property.

Additionally we note the proposed opening hours for the premises of 08.00, we would also note that none of the other premises, as far as we are aware, are licenced for the provision of food on this block of Brick Lane open before 11.00. The level of activity in the street at prior to 11.30am is very modest and we would suggest that the opening hours are moved to commence at 11.30am in line with the activity in the surrounding premises. Further the area to the back of the property is very quiet early in the morning and we are concerned that disproportionate noise that would be generated by the extractor fan system operating at that time.

We are happy to discuss any aspect of this response with you.

Sarah and Ed Jenkins
[REDACTED]
[REDACTED]

SAVE PAPER - THINK BEFORE YOU PRINT!

Appendix 15

Andrew Heron

From: Susan Kay [REDACTED]
Sent: 14 December 2016 10:55
To: Licensing
Cc: Andrew Heron
Subject: Fwd: Efes - 79 Brick Lane

From: Susan Kay [REDACTED]
Sent: 13 December 2016 15:05
To: Licensing
Cc: [REDACTED] Matt Piper
Subject: Efes - 79 Brick Lane

Dear Andrew Heron, (Licensing Officer)

I would like to OBJECT to the above premises being granted an application for late night refreshment extending to 2 am !

I am a long standing resident in The Spitalfields area, residing in the St George Development.

My address is: Susan & Michael Kay

[REDACTED]

The increase of licenced premises has increased so much over the past 5 years that we are now seriously finding the situation of late night drinking disturbance unbearable, particularly Friday/Saturday evenings and late at night.

The noise, food and drink litter left on ledges and seats all around the market and around the streets off Brick Lane is unsupportable to the local residents and businesses.

Please take heed of this objection and do not allow yet another late night refreshment licence to be granted to the above premises.

Susan Kay

Sent from my iPhone

Begin forwarded message:

[REDACTED]

Appendix 16

Andrew Heron

From: Glenn Leeder [REDACTED]
Sent: 13 December 2016 16:49
To: Licensing
Subject: Objection to Licencing at Efes, 79 Brick Lane E1 6QL

I wish to OBJECT to the licensing application at Efes Express, 79 Brick Lane E1 6QL for Late Night Refreshment until 0200.

Being a local resident I am all too aware of the constant disruption to my quality of life my late night patrons vomiting and urinating in the local streets. Combined with alcohol, late night food available until 2am makes it likely the patrons will vomit, litter or urinate in our residential streets. Our local area is getting progressively worse for litter as well.

As this establishment is within the local Brick Lane Cumulative Impact Zone, I believe the application for a late licence should be rejected to help alleviate the loss of quality of life the local residents have to endure.

Glenn Leeder
[REDACTED]
[REDACTED]

Appendix 17

Andrew Heron

From: Conor McLernon [REDACTED]
Sent: 13 December 2016 22:27
To: Licensing
Subject: Efe's Express Objection

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I wish to object to Licensing Application for Efe's Express. I am a resident on Hanbury Street.

Whilst I would welcome a celebrated Turkish restaurant like Efe's to this part of Brick Lane, the unfortunate fact is that the format of this establishment is to be a takeaway; that is why it is to be called 'Efe's Express'.

It is clear there will be very limited internal seating, and as such patrons are likely to congregate outside in the nearby residential area, as late as the 2.30am proposed closing time, and beyond.

Unfortunately this part of Brick Lane is no stranger to real problems.

Over the years, the significant anti-social behaviour problems have led to the setting up of a Cumulative Impact Zone, and now there is a proposal for a Public Spaces Protection Order.

Surveys of local residents have made clear that the control of ASB is a top priority.

The police have previously made clear that they see late-night takeaways as a significant part of the problem. They encourage people to stay in the area, on the streets, into the early hours of the morning, it is just that simple.

Yours,

C McLernon

Appendix 18

Andrew Heron

From: Glen Mifsud [REDACTED]
Sent: 13 December 2016 16:40
To: Licensing
Subject: Objection to Efes licence 79 Brick Lane, E1 6QL

Good afternoon.

I understand the licence application is until 2 am.

This is far too late in an area where the LBTH has a responsibility to limit the severe ASB which currently occurs. We have recently suffered an even further increase and n door way vomiting. Uncontrolled Late night drinking is the direct cause and LBTH appears not to have the resources to control Brick lane.

Thanks.

Glen Mifsud
[REDACTED]
[REDACTED]

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Appendix 19

Andrew Heron

From: Spitalfields Community Group [REDACTED]
Sent: 13 December 2016 14:12
To: Licensing
Cc: Alan Cruickshank
Subject: licence application at Efes, 79 Brick Lane, E1 6QL

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

SCG wishes to OBJECT to the licensing application at Efes Express, 79 Brick Lane E1 6QL for Late Night Refreshment until 0200.

Spitalfields Community Group was formed in September 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our current survey, conducted to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact on us of the night time economy. In accordance with this focus, SCG has supported the adoption of a cumulative impact zone for the Brick Lane area, within which Old Spitalfields Market is situated.

Food takeaway at late hours clearly encourages excessive drinking and associated nuisance including noise and antisocial behaviour. There is an unfortunate provision in Brick Lane of late night alcohol off-sales which exacerbates this problem, and the misery caused to surrounding residents.

There has been a recent upsurge in antisocial behaviour in the residential streets adjacent to Brick Lane, in which visitors loiter causing a disturbance late at night. A particularly unacceptable facet of this is the number of instances of vomit on pavements, in doorways, light-wells providing light to residential basement kitchens and on cars. Excessively late hours for food takeaway fuels this disgusting phenomenon.

Local residents and businesses are also increasingly concerned at the growing problem of litter and food waste associated with an excess of takeaway outlets and food stalls in the area. Waste bins are routinely overflowing or disregarded, with packaging and leftover food dumped without consideration. Rats are endemic in the neighbourhood.

For the above reasons SCG objects to the licensing application at Efes Express, 79 Brick Lane.

Yours,
Selina Mifsud
For and on behalf of SCG,
[REDACTED]

Appendix 20

Andrew Heron

From: Jon Shapiro [REDACTED]
Sent: 12 December 2016 15:49
To: Licensing
Cc: [REDACTED]met.pnn.police.uk; Anthony Edwards
Subject: Efes Express, 79 Brick Lane, E1 6QL

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir or Madam,

I would like to request that the hours of this Licence Application for Late Night Refreshment should be reduced on the grounds of:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

as the request for Late Night Refreshment is for absurd hours way into the early hours of the morning.

I believe that to grant Efes Express hours to 02.00 AM would be excessive and would only help to provide sustenance to late night drinkers within the CIZ.

The last thing needed in Brick Lane is yet more late night food being served in the early hours of the morning. I believe that to grant any such licence would significantly exacerbate late night ASB in the area.

I request that Late Night Refreshment for this new establishment should be restricted to end at 00.00 at the latest.

Yours faithfully,
Jon Shapiro.

Resident at:

[REDACTED]
[REDACTED]

Appendix 21

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 22

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	06:00hrs to 23:30hrs
Friday and Saturday	06:00hrs to 00:00hrs (midnight)
Sunday	06:00hrs to 22:30hrs

(see 12.8 Of the Licensing Policy)

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

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

(See 12.8 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only

Appendix 23

Special Cumulative Impact Policy for the Brick Lane Area

- Section 8 of the LBTH Licensing Policy provides for the 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.

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.

Figure One

