

# LICENSING SUB COMMITTEE

---

Wednesday, 23 August 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:**

Simmi Yesmin, Democratic Services  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4120  
E-mail: [simmi.yesmin@towerhamlets.gov.uk](mailto:simmi.yesmin@towerhamlets.gov.uk)  
Website: <http://www.towerhamlets.gov.uk/committee>

Scan this code  
for an electronic  
agenda



## Public Information

### **Attendance at meetings.**

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

### **Audio/Visual recording of meetings.**

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

### **Mobile telephones**

Please switch your mobile telephone on to silent mode whilst in the meeting.

### **Access information for the Town Hall, Mulberry Place.**



**Bus:** Routes: D3, D6, D7, D8, 15, 108, and 115 all stop near the Town Hall.

**Docklands Light Railway:** Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

**Blackwall station:** Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

**Tube:** The closest tube stations are Canning Town and Canary Wharf

**Car Parking:** There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

If you are viewing this on line: ([http://www.towerhamlets.gov.uk/content\\_pages/contact\\_us.aspx](http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx))

### **Meeting access/special requirements.**

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda



### **Fire alarm**

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

### **Electronic agendas reports and minutes.**

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users.



**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.

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>3. ITEMS FOR CONSIDERATION</b>		
<b>3.1 Licensing Act 2003: Application for a Time Limited Premises Licence for Nomadic Community Gardens, Fleet Street Hill, E1 5ES</b>	<b>15 - 100</b>	<b>Spitalfields &amp; Banglatown</b>
Licensing Objectives: <ul style="list-style-type: none"> <li>• Public Nuisance</li> </ul> Representations by: <ul style="list-style-type: none"> <li>• Local Resident(s)</li> </ul>		
<b>3.2 Licensing Act 2003: Application for a variation of a premises licence for Efes, 1 Whitechapel Road, E1 6TY</b>	<b>101 - 188</b>	<b>Spitalfields &amp; Banglatown</b>

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Environmental Protection
- Licensing Authority
- Metropolitan Police
- Local Resident(s)

**3.3 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, E1 6QL**

**189 - 296**

**Spitalfields  
&  
Banglatown**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Review Instigator: Licensing Authority (now withdrawn)

Review Supporters:

- Metropolitan Police
- Local Residents
- Local Businesses

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

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

This page is intentionally left blank

# 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:-

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



## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

This page is intentionally left blank

## TOWER HAMLETS



### LICENSING COMMITTEE

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

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

## **1. Interpretation**

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

## **2. Composition of Sub-Committee**

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

## **3. Procedure**

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

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

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

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

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

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

#### **4. Exclusions**

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

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



## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

### (2) Licensing Sub-Committee Role and Membership.

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

#### Licensing Sub-Committee Webpages

To view go to the Committee and Member Services web page:  
[www.towerhamlets.gov.uk/committee](http://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. A Decision letter will be sent to all interested parties confirming the decision made.

This page is intentionally left blank

# Agenda Item 3.1

Committee :	Date	Classification
<b>Licensing Sub-Committee</b>	<b>23 August 2017</b>	<b>Unrestricted</b>

Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Time Limited Premises Licence for (Nomadic Community Gardens), Fleet Street Hill, London E1 5ES</b>  Ward affected: <b>Spitalfields &amp; Banglatown</b>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 1.0 Summary

Applicant: **James Wheale**

Name and **Nomadic Community Garden**

Address of Premises: **Fleet Street Hill**  
**London**  
**E1 5ES**

Licence sought: **Licensing Act 2003 – Time Limited Premises Licence until 31/12/17**

- **Sale of Alcohol**
- **Provision of Regulated Entertainment (Plays, Films, Live music, Recorded music)**

Representations: **Local Residents**

## 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

Corinne Holland  
020 7364 3986

### 3.0 **Background**

3.1 This is an application for a premises licence for (Nomadic Community Garden), Fleet Street Hill, London E1 5ES.

3.2 The applicant has described the premises as follows:

“Two and a half acre brownfield site where we have been given permission from the landowners to use as a community gardens and arts and events space.’

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

3.4 The applicant has applied for the following licensable activities. The hours for Plays and Films have been amended following an agreement with the Police and Environmental Protection:

#### **The Sale of Alcohol (on the premises)**

- Friday 17:00 hours to 20:30 hours
- Saturday to Sunday 13:00 hours to 20:30 hours

#### **The Provision of Regulated Entertainment (Plays)**

- Tuesday to Thursday 19:00 hours to 20:00 hours
- Friday 19:00 hours to 21:00 hours
- Saturday – Sunday 19:00 to 21:30 hours

#### **The Provision of Regulated Entertainment (Films)**

- Wednesday to Thursday 19:00 hours to 20:00 hours
- Friday 19:00 hours to 21:00 hours
- Saturday – Sunday 19:00 to 21:30 hours

#### **The Provision of Regulated Entertainment (Live music)**

- Friday 17:00 hours to 20:00 hours
- Saturday and Sunday 13:00 hours to 20:00 hours

#### **The Provision of Regulated Entertainment (Recorded music)**

- Saturday to Sunday 13:00 hours to 20:00 hours

**For members’ information:** As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

• **Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.**

#### **The opening hours of the premises**

- Tuesday to Thursday 09:00 hours to 20:00 hours
- Friday 09:00 hours to 21:00 hours
- Saturday to Sunday 09:00 hours to 21:30 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 There are no premises in the immediate vicinity. The premise is bordered on two sides by a railway.

#### 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 1<sup>st</sup> 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](http://www.homeoffice.gov.uk). It was last revised in April 2017.
- 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 4**.
- 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 a relevant representation has been made by the following residents:
- Ben James - **Appendix 5**
  - Charles Curran – **Appendix 6**
  - David Knight – **Appendix 7**
  - David Spurring – **Appendix 8**
  - Charles Dunlop – **Appendix 9**
- 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 and the prevention of crime and disorder.
- 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 All Volunteers helping to manage the space will have an induction course.

7.2 Any member serving alcohol will have to understand licensing the law. They will receive training on induction which will include the following:

- a) the operation of the challenge 21 scheme;
- b) types of acceptable ID;
- c) the method of recording challenges;
- d) the likely consequences of making an underage sale;
- e) refusing sales to persons who appear to be drunk;
- f) proxy sales.

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

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

7.4 For events with over 100 persons SIA registered door staff will be employed (members may wish to ask the applicant for further details)

7.5 Regular patrols of the garden to be undertaken during operating hours.

7.6 To have a strict door administration and no glasses or bottles policy (for the attention of members this condition needs to be clarified and made enforceable)

- 7.7 To have a strict noise management policy that sets out sound attenuation measures. Musicians are notified of the sound policy in advance of performance. The volume will be reduced significantly after 20:00hrs  
*(members may wish to clarify this condition)*
- 7.8 A contact telephone number will be made available to all local residents.
- 7.9 There will be a customer dispersal policy to minimise noise disturbance from guests leaving the gardens (members may wish to clarify what this will be)
- 7.10 To operate a strict no ID no sale policy.
- 7.11 Challenge 21 scheme to be operated.
- 7.12 Anyone under 16 will be prevented from entering the gardens unless they are accompanied by an adult.
- 8.0 Conditions in consultation with the Responsible Authorities/other persons (see Appendix 10)**
- 8.1 Headphones will be worn by all patrons whilst watching the films.
- 8.2 No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
- 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 (10.25) and censorship avoided (10.17).
  - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 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 11 - 20** 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**

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Section 182 Guidance by the Home Office
<b>Appendix 5</b>	Representation of Ben James
<b>Appendix 6</b>	Representation of Charles Curran
<b>Appendix 7</b>	Representation of David Knight
<b>Appendix 8</b>	Representation of David Spurring

<b>Appendix 9</b>	Representation of Charles Dunlop
<b>Appendix 10</b>	Agreement with Police & Environmental Protection
<b>Appendix 11</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 12</b>	Licensing Officer comments on access/egress Problems
<b>Appendix 13</b>	Licensing Officer comments on anti social behaviour on the premises
<b>Appendix 14</b>	Licensing Officer comments on anti social behaviour from patrons leaving the premises
<b>Appendix 15</b>	Licensing Policy advice on crime and disorder
<b>Appendix 16</b>	Section 182 Advice regarding crime and disorder
<b>Appendix 17</b>	Section 182 Advice on Public Nuisance
<b>Appendix 18</b>	Licensing Policy advice on Public Nuisance
<b>Appendix 19</b>	Planning
<b>Appendix 20</b>	Licensing Policy relating to hours of trading

This page is intentionally left blank

# Appendix 1



FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:	£100	21/05/2017	

This form should be completed and forwarded to: Licensing Section, John Onslow House, 1 Ewart Place, London E3 5EQ with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. You can also pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We (Insert name(s) of applicant) James Wheale

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

**Part 1 – Premises details**

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

Land adjacent to Fleet St Hill, bordered on two sides by train lines. Accessed by an underpass from Allen Gardens or the footbridge from Cheshire St. It is a two and half acre brownfield site we have been given the permission from the landowners to use as a community gardens and open arts and events space.

Post town London	Post code E1 5ES
---------------------	---------------------

Telephone number at premises (if any)

Non-domestic rateable value of premises



## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals\*  Please complete section (A)
- b) a person other than an individual \*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick as appropriate

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

Wheale

First names

James

Date of Birth

[REDACTED]

I am 18 years old or over

Please tick yes

Nationality

British

Current residential address if different from premises address

[REDACTED]

Post Town

[REDACTED]

Postcode

[REDACTED]

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

Date of Birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

Post Town

Postcode

Daytime contact telephone number

**E-mail address  
(optional)**

## B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number, if any
E-mail (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	9	0 6 2 0 1 7

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

Day	Month	Year
3	1	1 2 2 0 1 7

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

--

Please give a general description of the premises (please read guidance note1)

The premises was a brownfield site we have secured the permission to use for the community benefit. So far we have a built over 160 vegetable boxes for the local community. We also have different activities to increase the use-value of the site such as art and street art, workshops, gallery space, small cafe, pay-what-you-feel waste food supermarket and bicycle repair workshop.

We also have some pallet furniture, a greenhouse, domed classroom, recycle and reuse yard and children playarea.

Everything we have built is from salvaged or reclaimed materials saving them from landfill and everything we build is either modular or moveable.

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment** (see guidance Note 2)

Please tick all that apply

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

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

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 4)  The plays will be performed inside and in front of the domed classroom and workshop space.	Both	X
Tue	19:00	22:30			
Wed	19:00	22:30		<b>State any seasonal variations for performing plays</b> (please read guidance note 5)  The plays will be performed mostly in the summer as all of our seating is outdoors.	
Thur	19:00	22:30			
Fri	19:00	22:30		<b>Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sat	19:00	22:30			
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 3)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 4)  The films will be projected onto the big wall. A local resident is donating us a number of wireless headphones to use so no sound will be amplified.	Both	
Tue					
Wed	19:00	22:30		<b>State any seasonal variations for exhibition of films</b> (please read guidance note 5)  Due to our seating being outdoors we will only show films during the summer months	
Thur	19:00	22:30			
Fri	19:00	22:30		<b>Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sat	19:00	22:30			
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details here</b> (please read guidance note 4)  <b>State any seasonal variations for Indoor sporting events</b> (please read guidance note 5)  <b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list.</b> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 7)			<b>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	x
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)  On Sunday evenings we have a regular jam session with live musicians round by our campfire. On Saturday we would like to invite some folk bands to play in the space.		
Tue					
Wed					
Thur					
Fri	17:00	20:00			
Sat	13:00	20:00			
Sun	13:00	20:00			
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	x
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)  Usually between bands we will play some pre-recorded music. We have two calibrated sound meters and we will check the sound level at every event.		
Tue					
Wed					
Thur					
Fri					
Sat	13:00	20:00			
Sun	13:00	20:00			
			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 5)		
			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		



**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			<b>Please give a description of the type of entertainment you will be providing</b>			
Day	Start	Finish			Indoors	
Mon			<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Outdoors	
					Both	
Tue			<b>Please give further details here</b> (please read guidance note 4)			
Wed						
			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)</b>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here (please read guidance note 4)</b>	Both		
Tue						
Wed				<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 5)</b>		
Thur						
Fri						
Sat				<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 6)</b>		
Sun						

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 8)</b>	On the premises	X	
Day	Start	Finish		Off the premises		
Mon			<b>State any seasonal variations for the supply of alcohol (please read guidance note 5)</b>  These timings are only during the summer months. During the winter we only host a Sunday jam session for visiting musicians where we supply alcohol to cover the costs of the gardens.	Both		
Tue						
Wed						
Thur				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)</b>		
Fri	17:00	20:30				
Sat	13:00	20:30				
Sun	13:00	20:30				

--	--	--	--

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

Name	Matthew Lee
Date of Birth	
Address	[REDACTED]
Postcode	[REDACTED]
Personal Licence number(if known)	[REDACTED]
Issuing licensing authority (if known)	[REDACTED]

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

N/A

**L**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	During winter we close earlier, when the sun goes down expect on Sunday when we host a fireside jam. We rarely keep the gardens open later than dusk unless its a special occasion.
Mon			
Tue	09:00	20:00	
Wed	09:00	20:00	
Thur	09:00	20:00	
Fri	09:00	21:00	
Sat	09:00	21:30	
Sun	09:00	21:30	
<b>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			

**M**

Describe the steps you intend to take to promote the four licensing objectives:  
**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 10)

<p>In order to promote all four licensing objectives we shall do the following:</p> <ol style="list-style-type: none"> <li>1. All volunteers helping to manage the space will have an induction course.</li> <li>2. Any members serving alcohol will have to understand licensing law.</li> <li>3. The training will be focused on specific premises policies.</li> <li>4. We will keep a records book for incidents that occur on the premises.</li> </ol>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**b) The prevention of crime and disorder**

We shall provide additional external lighting at the entrance and exit to the gardens.

On events attracting 100 people we will registered door staff and stewards.

We will have a strict door administration and no glasses or bottles policy.

Regular patrols of the gardens will be undertaken during operating hours.

**c) Public safety**

A full risk assessment will be made of the gardens.

First aid boxes will be visible and well stocked.

Fire assembly points and fire exits will be clear and visible

There is a zero tolerance to illegal substances and aggressive behaviour.

**d) The prevention of public nuisance**

We have a strict noise management policy that sets out sound attenuation measures.

Musicians are notified of the sound policy in advance of performance.

A contact telephone number will be made available to all local residents.

We will reduce the volume significantly after 20:00 hours.

There will be a customer dispersal policy to minimise noise disturbance from guests leaving the gardens.

e) The protection of children from harm

We will operate a strict no i.d no sale of alcohol policy/ Challenge 21 scheme.

Anyone under 16 will be prevented from entering the gardens unless they are accompanied by an adult.

We will keep a refusals book so we are aware of who may be trying to buy alcohol.

You have completed part 3 of this form. Below is a checklist for your assistance.

**CHECKLIST:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee  
Insert On-Line Payment reference here if applicable : 183-52542
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).


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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE**

**WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See guidance note 12) If signing on behalf of the applicant please state in what capacity.

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
<b>Signature</b>	
<b>Date</b>	21/05/2017
<b>Capacity</b>	Project leader

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 13) If signing on behalf of the applicant please state in what capacity.

<b>Signature</b>	
<b>Date</b>	
<b>Capacity</b>	

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 14)

<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	

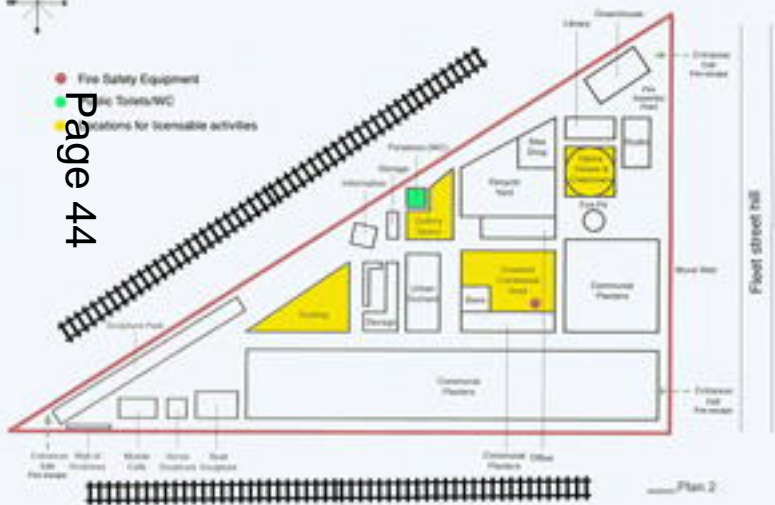


# Appendix 2



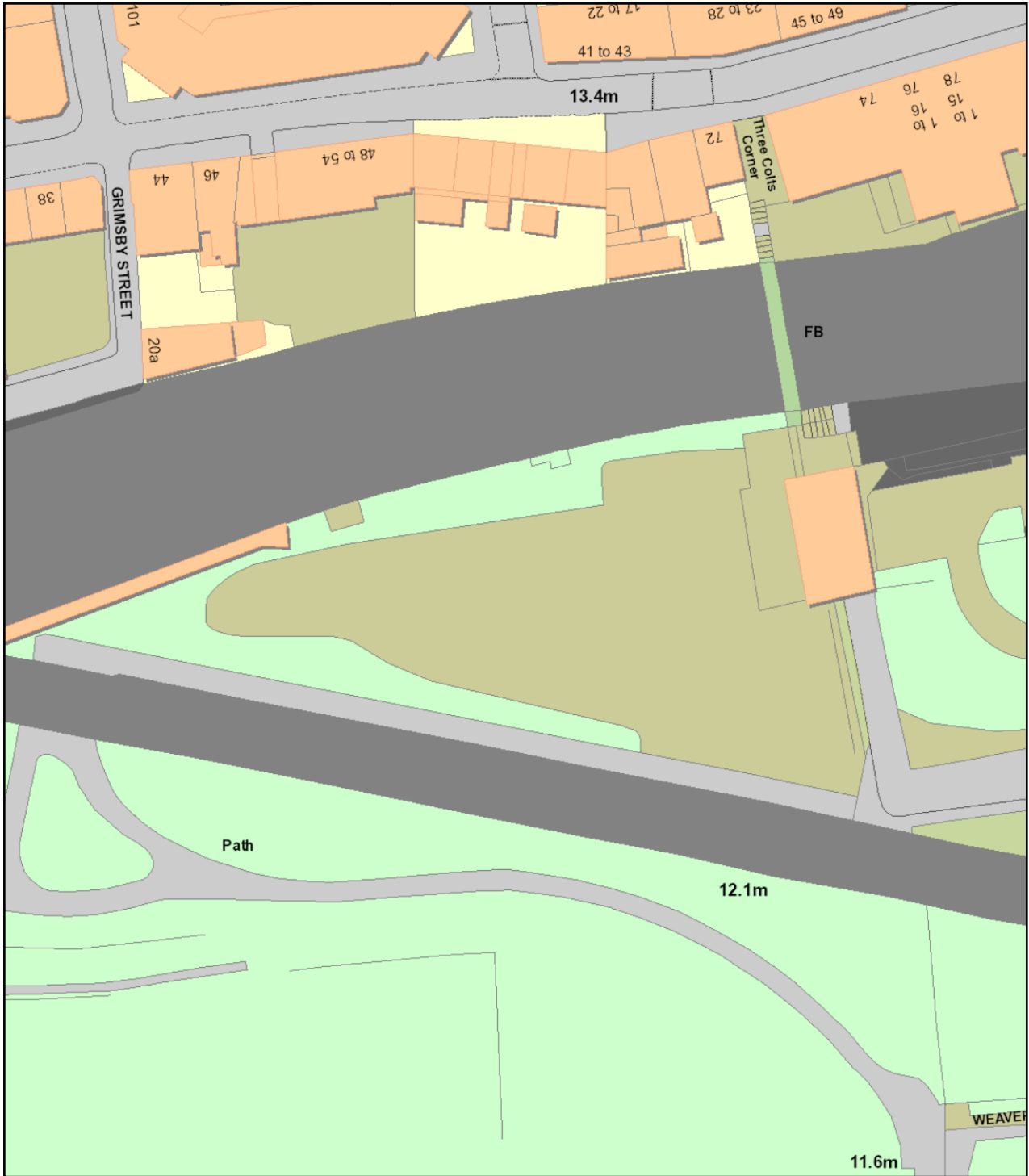
- Fire Safety Equipment
- Toilets/WC
- Locations for licensable activities

Page 44



Plan 2

# Appendix 3

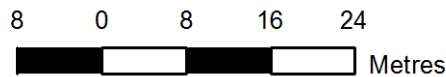


# Nomadic Community Garden

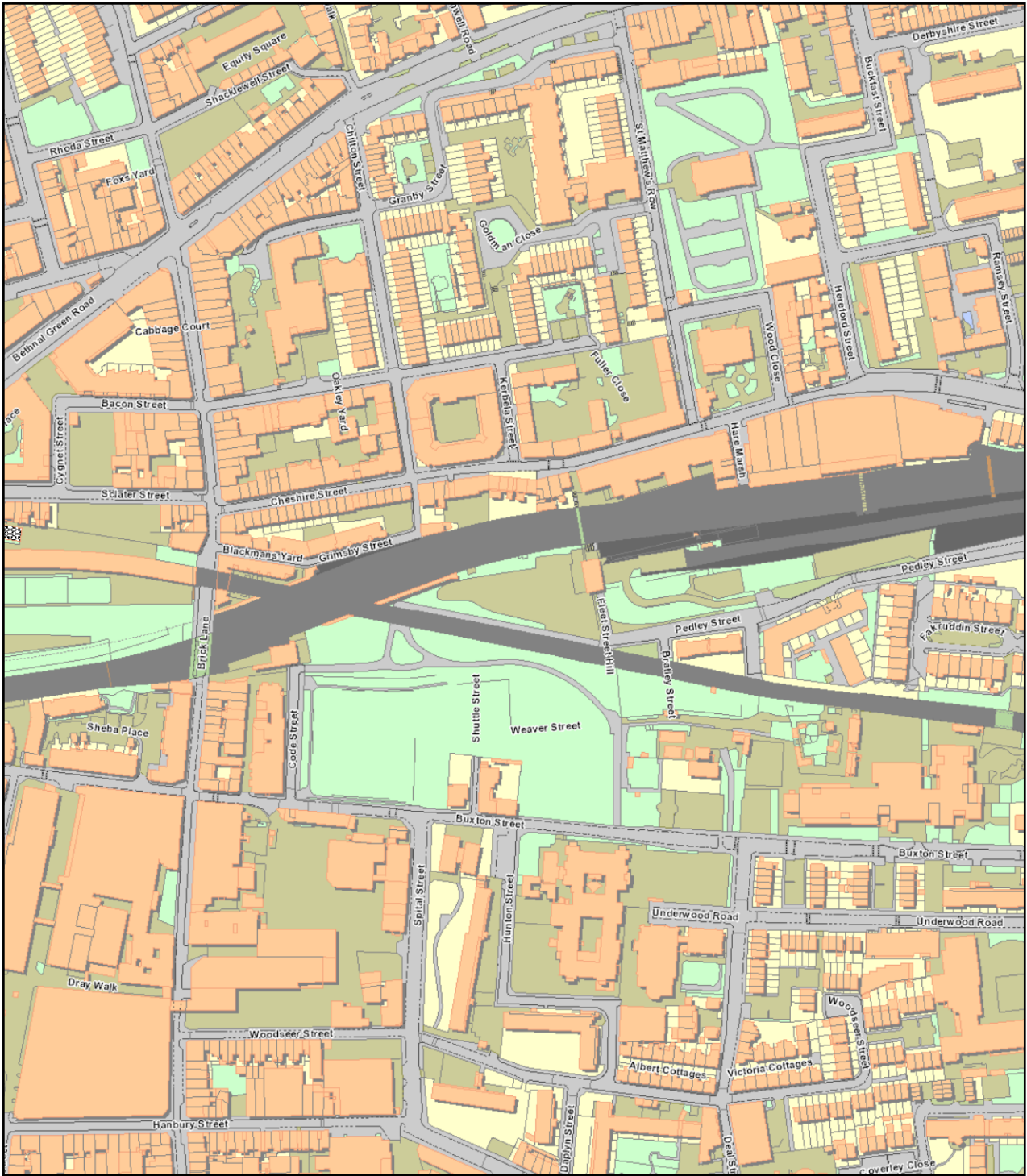
Map 1



Scale 1:875



Produced by London Borough of Tower Hamlets on 25/07/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



# Nomadic Community Garden

## Map 2



Scale 1:3501

30 0 30 60 90



Metres



**TOWER HAMLETS**

Produced by London Borough of Tower Hamlets on 25/07/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

# Appendix 4

**Section 182 Advice by the Home Office  
Updated on April 2017**

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 5

## Corinne Holland

---

**From:** Ben James [REDACTED]  
**Sent:** 04 July 2017 23:28  
**To:** Licensing  
**Subject:** Objection to licensing application, Nomadic Community Gardens E1 5ES

Dear Licensing Authority Team,

I am writing to object to the application for a Premises Licence at Nomadic Community Gardens, Pedley Street, London E1 5ES (Date of Application: 11th June 2017).

My partner, Rose Popham, and I live at [REDACTED] with our 10 month old child. The windows of our ground floor flat directly face the Nomadic Community Garden across Allen Gardens, with the Overground railway line travelling between us and the site.

Since Nomadic Community Gardens Ltd took over the site, we have faced regular disruption with loud recorded and live music being played or performed over amplified PA equipment during weekends, often late in the evening. Nomadic Community Gardens is operated as an open-air venue and there is no barrier other than the railway line, which has no discernible effect on the noise, between our home and the sound equipment.

I would like to note that Nomadic Community Gardens Ltd is a private limited company operating the site on a temporary basis on behalf of a property developer, London and Newcastle Capital Ltd, which has planning consent for its Fleet Street Hill development on the site. The websites of both companies give the impression that theirs is a mutually beneficial partnership, where each provides a service on behalf of the other. They also make it clear that Nomadic Community Gardens is a temporary occupant of the site and will eventually make way to allow the development of the site as housing.

We have an excellent neighbour on Buxton Street that provides the local community with an opportunity to participate in gardening and a variety of activities on an otherwise derelict site - Spitalfields City Farm. The city farm has operated on Buxton Street since 1978 - amply demonstrating that there is a sustainable way to provide this type of city farm/garden project without the need to raise funds through disruptive weekly amplified music and performance events. The city farm also happens to be a registered charity and has repeatedly demonstrated a long-term interest in fostering genuine links with the local community.

I feel extremely strongly that Nomadic Community Gardens Ltd's application for a premises license to allow performances, screenings and recorded music has nothing to do with the creation of an urban garden and is instead an attempt to create an open-air entertainment venue for short-term profit. The preferential relationship between the operator and the property developer, in addition to the well established example of the city farm, demonstrate that these events are not necessary to ensure the financial sustainability of a community garden project, and that there are other means to achieve financial sustainability that have less of a negative impact on the surrounding homes.

The community garden site is completely unsuitable for an open air performance venue operating for up to 24.5 hours a week as it is surrounded by homes, both on Buxton Street to the south and on Cheshire St to the north. This is a temporary project that will eventually make way to allow the development of the site: Nomadic Community Gardens Ltd has no long-term interest in building a relationship with the community in the surrounding area and every incentive to maximise its profitability in the short term. This should not be allowed to happen to the detriment of householders who face an onslaught of noise with no mitigation put in place to limit its impact on their homes. I urge the licensing team to refuse this application and to more closely monitor the amplified sound currently produced by events and activities at Nomadic Community Gardens

Your Sincerely

Ben James

counter-signed, Rose Popham

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

# Appendix 6

## Corinne Holland

---

**From:** Charles Curran [REDACTED]  
**Sent:** 02 July 2017 20:16  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Nomadic Community Gardens Pedley Street E15ES - licence application  
**Attachments:** image1.JPG; ATT00001.txt; image2.JPG; ATT00002.txt

Dear Sirs

I am the owner and occupier of [REDACTED].

I am writing in connection with the license application for the Nomadic Community Gardens (see attached picture for license application notice).

I am deeply concerned at the ongoings in the Nomadic and the types of people it attracts. My property is directly on the other side of the railway walkway bridge (see picture attached) and is suffering as a result of the huge increase of footfall and drunken people coming to and from the Nomadic.

Every week I have to endure bottles and cans being left everywhere outside my house, people jumping on my skylight, last week someone trying to smash my window and today someone standing on my window ledge whilst graffiti spraying above my door. His response was 'so what' when questioned and when he finished he headed off into the Nomadic.

I have lived in this house for 4 years and nothing like this has ever happened until Nomadic started.

If you plan on approving the license for Nomadic, I would request that as part of their conditions a security guard is placed on the opposite side of the railway walkway bridge from Nomadic (see picture for location) to keep the residents of Cheshire Street and their properties safe.

It's extremely unjust that the people running Nomadic will profit whilst ruining the community around them, in particular Cheshire Street.

I have copied my local councillor into this email as I have previously raised concerns about the activities legal and illegal going on around the Nomadic site.

I would also like details on how you intend to police the Dj music constantly being played at all hours from the Nomadic e.g. are you going to give residents a dedicated phone number to call when Nomadic breaches its license conditions?

I look forward to hearing from you.

Kind regards,

Charles Curran

# Appendix 7

## Corinne Holland

---

**From:** David Knight <[REDACTED]>  
**Sent:** 04 July 2017 15:01  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Objection to licensing application, Nomadic Community Gardens E1 5ES

Dear Licensing team,

I am writing to strongly object to the proposed Premises Licence Nomadic Community Gardens, Pedley Street, London E1 5ES (Date of Application: 11th June 2017)

I, with my wife and young child, live at [REDACTED]. The windows of our first and second floor flat directly face the Nomadic Community Garden across Allen Gardens, with the Overground railway line travelling between us and the site.

Since the NCG took over the site, we have been forced to make countless calls to the LBTH out of hours team regarding the NCG site, particularly last Summer. Pretty much every weekend evening of last Summer, we waited for the 'out of hours' office to open at 8pm and made a complaint. After visiting our house once or twice to witness the noise levels in our home and garden, the team made several trips to the NCG over many weekends to address the noise complaint. Initially, their visits meant that the noise was stopped, and I was told that a warning letter, one step away from an enforcement notice, had been delivered to the NCG.

After several weeks of this process, one of the officers was presented with a licence by someone on the site, whilst visiting following up our complaint. This licence apparently laid out times for concerts to take place, granted by LBTH. I don't know the details of this but this apparently meant that the out of hours team were unable to prevent the noise from taking place.

This Summer, the noise has been highly variable but normally louder than is comfortable. We can clearly hear the lyrics of the songs being played in our home with all windows closed. The music being played, live or recorded, is characterised by heavy repetitive bass and beatboxing/rapping for extended periods. The deep bass can make the glass in my child's bedroom window vibrate. The noise is audible even when a train passes, and of course is more repetitive. Working, reading etc. in our home is extremely difficult when the music is on at their average volume, particularly due to deep repetitive bass lines.

We have lived at this address long enough to remember when the large Mela celebrations filled Allen Gardens. As an annual joyful event, we accepted this as part of living in this central London location. In effect, with the NCG's activities, we have open air music happening on a regular basis, in effect a small festival, happening in a heavily built-up area dominated by residential buildings on Cheshire Street and nearby.

We and our neighbours regularly visit the gardens to ask for the noise to be reduced. After a while, someone well-meaning typically tries to reduce the noise to a decent level, but by the time we have got home the noise has typically returned to the level it was at before. This, combined with the fact that the NCG regularly continues playing live and recorded music beyond the 9pm cut-off point that we are told they have a license for, gives us no confidence that the management of the NCG will be responsible in terms of sticking to the noise levels and times agreed by any licensing application. Visiting the site, it often is clear that the management team are not able to prevent volume levels being increased and licensing times being breached.

We have recently given up calling the LBTH Out of Hours team because, since seeing the license that NCG apparently holds, they have been unable to prevent the noise continuing.

If films and music are played at the levels of volume we are currently experiencing, then our home will be filled with clearly audible music and performance between 14 and 24.5 hours a week. Although your out of hours team has

experienced the noise levels in our home on more than one occasion, we would be very happy for someone to visit during the NCG's current 'peak' times of Sunday afternoon/evening to witness the disturbance currently caused by the NCG and which will make life in our home unbearable if this licence is approved.

Yours,

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



# Appendix 8

## Corinne Holland

---

**From:** Spurring <[REDACTED]>  
**Sent:** 04 July 2017 22:48  
**To:** Licensing  
**Subject:** Objection to licensing application ,nomadic community gardens E15ES

Dear licensing team I strongly object to this application .

The volume of the music coming from the gardens has been far too loud , even post this application there has been no attempt to restrain those responsible for the volume.

On occasion I have visited and asked them to turn down the volume for the their neighbours ( the real community ) it has had no lasting effect , it was clear that the ' management ' was very weak , quickly overwhelmed by the assembly of 'High life tourists 'and the volume turned up again.

The volume is so great it overwhelms the sound of the rail track that is around 120 metres away , it is easily recordable using a phone .

The council recently declared a ' public spaces protection order in and around Allen gardens , anti social behaviour includes the playing of music . The volume coming from the nomadic gardens completely drowns any noise from Allen gardens , this ruins the peace In the park and makes a mockery of the councils own policy .

It must be obvious to anyone who attends the meeting that if they witnessed the volume they would never grant an application near their own homes , so why here , where we already put up with so much anti social behaviour !

David Spurring  
[REDACTED]  
[REDACTED]

Sent from my iPhone

# Appendix 9

**Kathy Driver**

---

**From:** Charlie Dunlop <[REDACTED]>  
**Sent:** 07 July 2017 18:13  
**To:** Licensing  
**Subject:** Objection to licensing application, Nomadic Community Gardens E1 5ES

Dear Licensing team,

I am writing to strongly object to the proposed Premises Licence Nomadic Community Gardens, Pedley Street, London E1 5ES (Date of Application: 11th June 2017)

I live at [REDACTED]. The level of noise that comes from the site which is generated by a very large sound system and people drumming is way beyond what should be allowed in a residential area. It is extremely disruptive to the people living in our building where a number of young families with small children live.

Our neighbours regularly visit the gardens to ask for the noise to be reduced however this seems to have little or no effect and there is a clear disregard for the well-being of local residents in this regard.

If films and music are played at the levels of volume we are currently experiencing, then I believe it will be extremely disruptive to local residents and I strongly recommend that this license be rejected

Please feel free

Regards,

Charles Dunlop

[REDACTED]  
[REDACTED]  
[REDACTED]

# Appendix 10

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 24 July 2017 08:09  
**To:** Licensing; Corinne Holland  
**Cc:** [REDACTED] 'James Wheale'  
**Subject:** RE: Time limited licence for Nomadic Community Gardens - ref M/101482

Dear Licensing,

Following amendments to the hours for Plays & Films, use of headphones for all films and the Applicant's agreement to the noise condition (see email trail below), I have no objections to the license application for Nomadic Community Gardens, ref M/101482

Kind regards

Nicola Cadzow  
Environmental Health Technical Officer  
Place Directorate  
Public Realm - Environmental Health and Trading Standards  
London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

**From:** James Wheale [REDACTED]  
**Sent:** 21 July 2017 20:47  
**To:** Nicola Cadzow  
**Cc:** MARK.J.Perry [REDACTED]; Licensing; Corinne Holland  
**Subject:** Re: Time limited licence for Nomadic Community Gardens

Dear all,

Yes absolutely, I am in accord with the above specifications (from both Nicola and Mark), happy to make those amendments.

Corrine- here is a link to Google maps which shows the location of the gardens.

<https://www.google.co.uk/maps/place/Nomadic+Community+Garden/@51.5229816,-0.0703993,17z/data=!4m8!1m2!2m1!1smaps!3m4!1s0x0:0x6e83bb3e98819d8e!8m2!3d51.5230019!4d-0.0688322>

Hope that's all alright with everyone.

Best,

James

Director of NCG

[www.nomadicgardens.weebly.com](http://www.nomadicgardens.weebly.com)

On Fri, Jul 21, 2017 at 12:10 PM, Nicola Cadzow <[Nicola.Cadzow](mailto:Nicola.Cadzow)> wrote:

Hi James,

As well as agreement to the amendment to the hours for Plays and Films, and with headphones being used all films being shown, I would like the following noise condition to be apply on the license as follows:

*No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.*

I await your confirmation to the above

Kind regards

Nicola Cadzow

Environmental Health Technical Officer

Place Directorate

Public Realm - Environmental Health and Trading Standards

London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

---

**From:** [MARK.J.Perry](mailto:MARK.J.Perry) [mailto:[MARK.J.Perry](mailto:MARK.J.Perry)]

**Sent:** 21 July 2017 11:55

**To:** Nicola Cadzow; Licensing; Corinne Holland

**Subject:** RE: Time limited licence for Nomadic Community Gardens

Hi,

Third time is a charm so they say.

Right just to confirm the applicant agrees to reduce the hours that Films and Plays are shown so that they match up with the hours the premises is open to the public, and that headphones will be used for the films, plus the noise condition Nicola will be requesting.

So Plays and Films to start & finish:

Tuesday, Wednesday and Thursday: From 09:00 - 20:00

Friday: 09:00 - 21:00

Saturday and Sunday: 09:00- 21:30

James if you can do the honours and reply to all saying you agree that would be great.

Thanks

Mark

PC Mark Perry  
Police Licensing Officer

[Redacted signature block]



---

**From:** Perry MARK J - HT  
**Sent:** 21 July 2017 11:27  
**To:** 'Nicola Cadzow'; [REDACTED]; 'Licensing'  
**Subject:** RE: Time limited licence for Nomadic Community Gardens

Dear all,

Apologies just to confirm that plays and films are to finish at 21:30 and that the premises closes at 21:30, and that all films are to be played using headphones for customers.

Nicola will be adding a condition about noise not being audible at the nearest noise sensitive residential premises.

If you could reply to everyone just to confirm that you are happy with these changes it will be much appreciated.

Regards

Mark

PC Mark Perry  
Police Licensing Officer

[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Perry MARK J - HT  
**Sent:** 21 July 2017 11:14  
**To:** 'Nicola Cadzow'; [REDACTED] 'Licensing'  
**Subject:** RE: Time limited licence for Nomadic Community Gardens

Hi James,

Good to speak to you earlier on. Just to confirm that you wish to amend your license so that you close to the public at 21:30. Once this is done confirm that I have no objection to your license application.

If you could reply to everyone just to confirm that it will be much appreciated.

Regards

Mark

PC Mark Perry  
Police Licensing Officer

[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Nicola Cadzow [<mailto:Nicola.Cadzow> [REDACTED]]  
**Sent:** 21 July 2017 08:30  
**To:** Perry MARK J - HT  
**Subject:** FW: Time limited licence for Nomadic Community Gardens

Hi Mark,

FYI. Did you get a chance to speak to James?

Regards

Nicola

**From:** James Wheale [<mailto:>]  
**Sent:** 20 July 2017 20:23  
**To:** Nicola Cadzow; Corinne Holland  
**Subject:** Time limited licence for Nomadic Community Gardens

Dear Corrine and Nicola,

Following on from a conversation with Nicola earlier today in which she expressed confusion over the timings of our licence I feel it due course to write an email explaining and hopefully clearing up any misunderstanding.

The first issue for Nicola was our closing time of 9.30pm and the finish time for serving alcohol as 8.30pm. She cited that all places across Tower Hamlets are only given half an hour to empty their places.

I understand this to be necessary in the case of bars and other venues where the only activity taking place is drinking and possibly listening to music.

However we are a community garden that has lots of activities for the local residents and during the long summer daylight hours they are pursued until later when it gets dark- these activities are not licensable and include watering and weeding plants, creating or practicing art or attending workshops and educational sessions.

It seems overly restrictive to close the entire gardens half an hour after we stop serving and therefore deprive the residents and other visitors to the gardens the resource we are providing for them. We have never had any problems with people leaving the premises and causing a public nuisance as people are very respectful of our mission and what we're trying to do.

As mentioned we are primarily a community garden and local resource not a pub, club or other venue and during weekends we would like to be able to engage in the retail sale of alcohol in order to generate income from which we are able to sustain the gardens not charging the residents for use of the grow boxes and continuing to provide resources so they can create a sense of community. Its really a means to an end not an end in itself.

We have been operating this way for over two years and in all that time there has not been one incident the police or other emergency services have been called. We are not trying to sell as much alcohol as possible but rather be able to use this activity to fund the needs of the gardens which as a not-for-profit enterprise doesn't need a huge amount of money to run.

The second issue raised was the discrepancy between the later closing time during the week for film screenings and theatre (Thursday and Friday) and the sale of alcohol until 8.30.

In explanation, these two activities are mutually exclusive. I don't believe they are occur in the same part of the week (unless I am mistaken, I don't have a copy of the licence application in front of me), the alcohol being restricted to weekends and the film and theatre during the week.

If they do merge the reasoning is that we aren't planning on selling alcohol until the end of a performance, much like the theatre- you can't buy drinks after the performance has ended the bar closes during the show. So the licensable activity of the sale of alcohol would finish in advance of the licensable activity of the performance.

The reason for the later closing time is that during the summer months it doesn't get dark till later so in order to project a film onto our big wall it would have to be later than sunset. These events however will be ticketed- there will be restricted access to the gardens and we will close earlier to the public on these occasions.

Nicola mentioned the potential noise issue of the later finish and we have insisted that anyone wishing to host a film night will have to do so by using wireless headphones so there will be no amplified sound.

In terms of noise complaints in general we have been very compliant with all requests and not received any complaints this year to my knowledge. Last year there was a couple from disgruntled neighbours who have never liked our space and what we're trying to do for the area (I believe there's a word for it, is it nimbyism?).

Nor have we received any formal noise abatement notices, Nicola should be able to inform you should you wish to know how many complaints in total have been made in the entire time we have been there and by whom. I'm willing to bet almost all have come from two people in particular who are located in the same building on the other side of the park on Buxton St, but this is just a hunch...needless to say as a young project we have been finding our feet and there have been none this year to date.

It is impossible to please everybody and all things considered, especially the work we have done in creating community in the local area during our time there (a member of the Met police actually wrote to the development team who own the land to say how much he supports our project as they are never called there anymore!) we have

demonstrated- by lack of actual incidents, we are able to operate and manage the space in a responsible manner that meets the needs of the licensing objectives and beyond.

Many thanks again both of you for your time in reading and considering this email. I hope some of the confusion has been cleared up. I'm happy to answer any more questions anytime.

Warm regards,

James

Director of NCG

[www.nomadicgardens.weebly.com](http://www.nomadicgardens.weebly.com)



\*\*\*\*\*  
\*\*\*\*\*

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

London Borough of Tower Hamlets E-Mail Disclaimer.

This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this E-Mail in error please notify us as soon as possible and delete this E-Mail and any attachments. This message has been checked for viruses, however we cannot guarantee that this message or any attachment is virus free or has not been intercepted or amended. The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot be guaranteed.

If your request relates to a Freedom of Information enquiry, please resend this to [foi@towerhamlets.gov.uk](mailto:foi@towerhamlets.gov.uk)

\*\*\*\*\*  
\*\*\*\*\*

Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

# Appendix 11

## 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 10.1 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 15.10**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 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 3 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 where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

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

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (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 (2.15).

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

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

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



# Appendix 12

## Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

# Appendix 13

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

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

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

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

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

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

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 14

## **Anti-Social Behaviour from Patrons Leaving the Premises**

### General Advice

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

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

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

### Licensing Policy

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

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

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

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



## Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

## Police Powers

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

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

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

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

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

There is also guidance issued around public nuisance (2.15 – 2.21).

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

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

## Other Legislation

### Crime and Disorder Act 1998

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

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

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

# Appendix 15

## **Crime and Disorder** – Licensing Policy, updated March 2015

- 6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 2000. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
  - 1) 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 meters radius of the premises as shown edged red on the attached plan.( marked as Appendix -)
  - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.
- 6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.
- 6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.
- 6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled.
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

# Appendix 16

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2017

## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.



- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

# Appendix 17

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2017

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

# Appendix 18

## **Prevention of Nuisance** – Licensing Policy, updated March 2015

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

# Appendix 19

## **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 20

### **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 :	Date	Classification
<b>Licensing Sub-committee</b>	<b>23<sup>rd</sup> August 2017</b>	<b>Unrestricted</b>

Report of: <b>David Tolley</b> <b>Head of Environmental Health and Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a variation of a premises licence for (Efes), 1 Whitechapel Road, London, E1 6TY</b>  Ward affected: <b>Spitalfields and Banglatown</b>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 1.0 Summary

Applicant: **Ibrahim Uzun**

Name and **EFES**

Address of Premises: **1 Whitechapel Road  
London  
E1 6TY**

Licence sought: **Licensing Act 2003 – variation of a premises licence**

- **Extending the times of the licensable activities and opening times**

Representations: **Police  
Environmental Protection  
Licensing Authority  
Resident**

## 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

Corinne Holland  
020 7364 3986

### 3.0 **Background**

- 3.1 This is an application for a variation of a premises licence for (Efes), 1 Whitechapel Road, London E1 6TY.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.
- 3.3 The timings of the existing licence are detailed below for information only:-

#### **The Supply of Alcohol (on sales only)**

- Monday to Thursday from 10:00hrs to 23:00hrs
- Friday and Saturday from 10:00hrs to 23:30hrs
- Sunday 11:00hrs to 23:00hrs

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.

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

- Sunday to Wednesday from 23.00hrs to 23.30hrs
- Thursday to Saturday from 23.00hrs to 00.30hrs (the following day)

#### **The opening hours of the premises**

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

- 3.4 A copy of the variation application (plus email confirming correct applied hours) is enclosed as **Appendix 2**.

- 3.5 The applicant has described the nature of the variation as follows:

“The proposed variation is to extend the hours of the opening times, sale of alcohol and late night refreshments”.

- 3.6 The times that have been applied for as follows:

#### **The Supply of Alcohol (on sales)**

- Sunday to Wednesday 10:00 hours to 00:00 hours (midnight)
- Thursday to Saturday 10:00 hours to 00:30 hours the following day

#### **Late Night Refreshments**

- Sunday to Wednesday 23:00 hours to 02:00 hours
- Thursday to Saturday 23:00 hours to 03:00 hours

#### **The opening hours of the premises**

- Sunday to Wednesday from 10:00hours to 02:30 hours
- Thursday to Saturday from 10:00 hours to 03:30hours 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 3**.
- 4.3 Maps showing the vicinity are included as **Appendix 4**.
- 4.4 Details of the nearest licensed venues are included as **Appendix 5**.

#### 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 1<sup>st</sup> 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](http://www.homeoffice.gov.uk). It was last revised in April 2017.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

#### 6.0 **Representations**

- 6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
  - Police (**Appendix 6**)
  - Environmental Protection (**Appendix 7**)
  - Licensing Authority (**Appendix 8**)
  - Local Resident (**Appendix 9**)
- 6.2 All of the responsible authorities have been consulted about this application. They are as follows:
  - The Licensing Authority
  - The Metropolitan Police
  - The LFEP (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise

- Trading Standards
- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

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

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

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

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

## 7.0 **Conditions consistent with Operating Schedule**

7.1 The premises will operate a Challenge 25 scheme. Signage to this effect will be displayed on entrance. Passports, driving licence and proof of age cards bearing the PASS hologram will be accepted.

7.2 The DPS will undertake routine monitoring of the refusals register and record that this is being done.

7.3 All staff that makes sales of alcohol will receive regular training (induction and refresher)

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

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder;

- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service.

7.5 No drinking will be allowed outside.

7.6 Suitable signage will be displayed at point of exit advising customers to leave the premises quietly.

7.7 Deliveries will only be made within normal working hours (members may wish to consider what these hours are)

## **8.0 Conditions in consultation with the responsible authorities/other persons**

8.1 None

## **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 (See 6.2). 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 (10.25) and censorship avoided (10.17).
  - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 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 10 - 20** 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

<b>Appendix 1</b>	A copy of the existing licence
<b>Appendix 2</b>	A copy of the variation application
<b>Appendix 3</b>	Site plan of the venue
<b>Appendix 4</b>	Maps showing vicinity of venue
<b>Appendix 5</b>	Details of nearest licensed venues
<b>Appendix 6</b>	Representation of Met Police
<b>Appendix 7</b>	Representation of Environmental Protection
<b>Appendix 8</b>	Representation from Licensing Authority
<b>Appendix 9</b>	Resident Representation – Mr Jon Shapiro
<b>Appendix 10</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 11</b>	Licensing Officer comments on access/egress Problems
<b>Appendix 12</b>	Licensing Officer comments on ASB on the premises
<b>Appendix 13</b>	Licensing Officer comments on ASB from patrons leaving the premises
<b>Appendix 14</b>	Section 182 Advice regarding crime and disorder
<b>Appendix 15</b>	Licensing Policy Advice on crime and disorder
<b>Appendix 16</b>	Section 182 Advice on Public Nuisance
<b>Appendix 17</b>	Licensing Policy advice on Public Nuisance
<b>Appendix 18</b>	Licensing Policy advice for CIZ

**Appendix 19** Planning

**Appendix 20** Licensing Policy relating to hours of trading

# Appendix 1

**(Efes)  
1 Whitechapel Road  
London  
E1 6TY**

**Licensable Activities authorised by the licence**

**The sale by retail of alcohol**

**See the attached licence for the licence conditions**

**Signed by**

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

**Date: 24<sup>th</sup> November 2015**  
**Amended via variation, granted at Hearing on 8<sup>th</sup> August 2016**

**Part A - Format of premises licence**

Premises licence number

**Part 1 - Premises details**

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

(Efes)  
1 Whitechapel Road

**Post town**

London

**Post code**

E1 6TY

**Telephone number**

None

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

- The Sale by Retail of Alcohol
- The Provision of Late Night Refreshment

### **The times the licence authorises the carrying out of licensable activities**

#### The Supply of Alcohol (on sales only)

- Monday to Thursday from 10:00hrs to 23:00hrs
- Friday and Saturday from 10:00hrs to 23:30hrs
- Sunday 11:00hrs to 23:00hrs

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.

#### The Provision of Late Night Refreshment (indoors)

- Sunday to Wednesday from 23.00hrs to 23.30hrs
- Thursday to Saturday from 23.00hrs to 00.30hrs (the following day)

### **The opening hours of the premises**

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

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

On supplies

**Part 2**

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

Ibrahim Uzun

████████████████████

██████████

██████████

████████████████████

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

Not applicable

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

Ibrahim Uzun

████████████████████

██████████

██████████

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

Licensing Number – ██████████

Licensing Authority – ████████████████████

## Annex 1 - Mandatory conditions

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

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

1.

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

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.



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

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

### **Children in Bars**

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition “bar” includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

### **Private Entertainment**

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

## **Annex 2 - Conditions consistent with the operating Schedule**

1. No person will knowingly be permitted, by payment or otherwise, to solicit custom for that premises by offering inducements or other concessions.
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 as shown edged in red on the attached plan.

## **Annex 3 - Conditions attached after a hearing by the licensing authority on 8<sup>th</sup> August 2016 when variation application was granted**

1. Alcohol only to be served ancillary to a meal;
2. No off sales;
3. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of the Police and other Responsible Authorities;
4. The CCTV camera system shall cover both internal and external to the premises. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a Police Officer or other Responsible Authority;
5. An Incident Report book that documents all incidents of disorder, refusals of entry and any other incident of note shall be kept and provided on request to a Police Officer or other Responsible Authority.

## **Annex 4 - Plans**

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

- 2<sup>nd</sup> August 2005 – Ground Floor and Basement



**Part B - Premises licence summary**

**Premises licence number**



**Premises details**

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

(Efes)  
1 Whitechapel Road

**Post town**

London

**Post code**

E1 6TY

**Telephone number**



Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

- The sale by retail of alcohol
- The Provision of Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

The Supply of Alcohol (on sales only)

- Monday to Thursday from 10:00hrs to 23:00hrs
- Friday and Saturday from 10:00hrs to 23:30hrs
- Sunday 11:00hrs to 23:00hrs

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.

The Provision of Late Night Refreshment (indoors)

- Sunday to Wednesday from 23.00hrs to 23.30hrs
- Thursday to Saturday from 23.00hrs to 00.30hrs (the following day)

The opening hours of the premises

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

Name, (registered) address of holder of premises licence

Ibrahim Uzun

[Redacted address]

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

On sales only

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

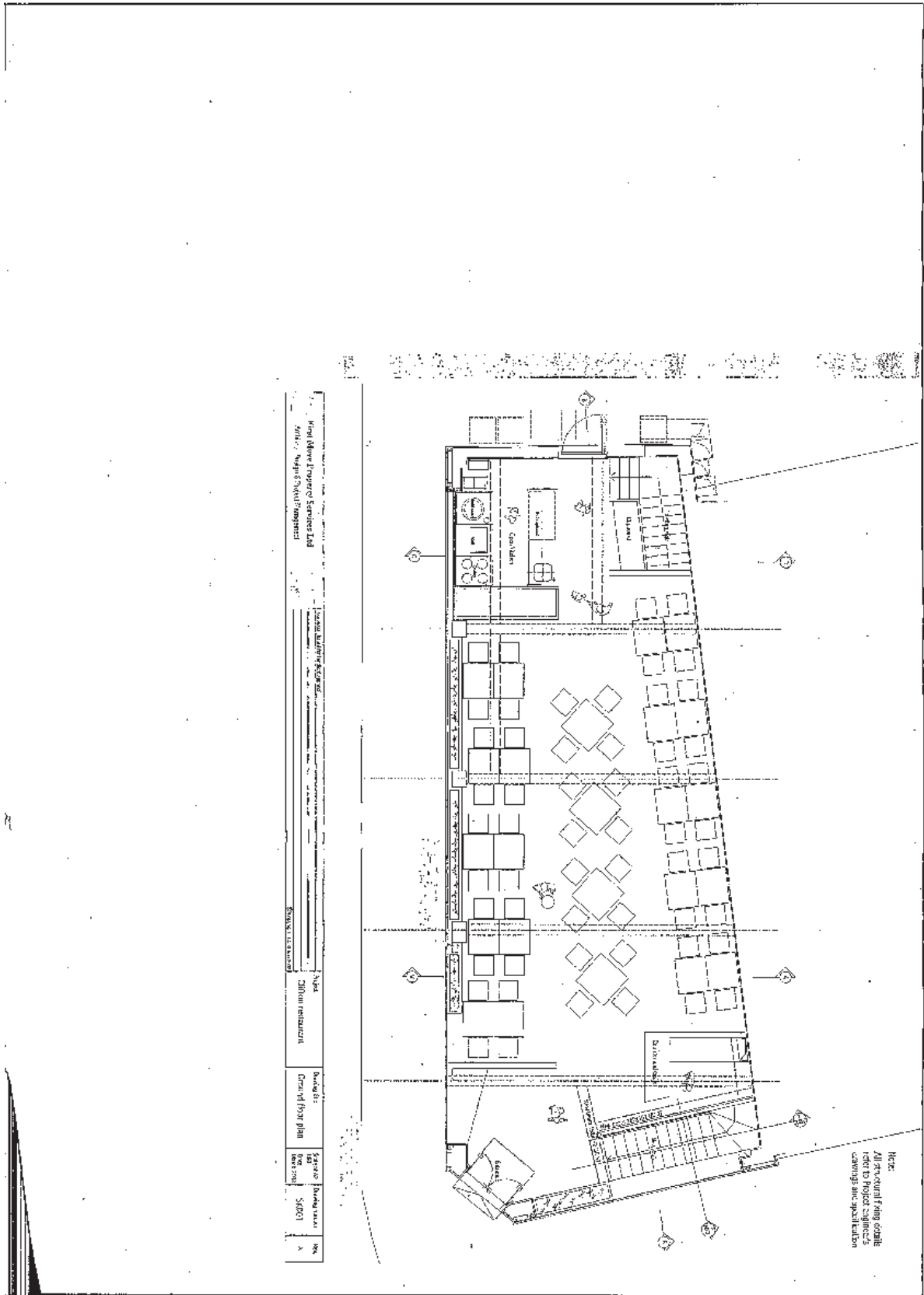
Not applicable

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

Ibrahim Uzun

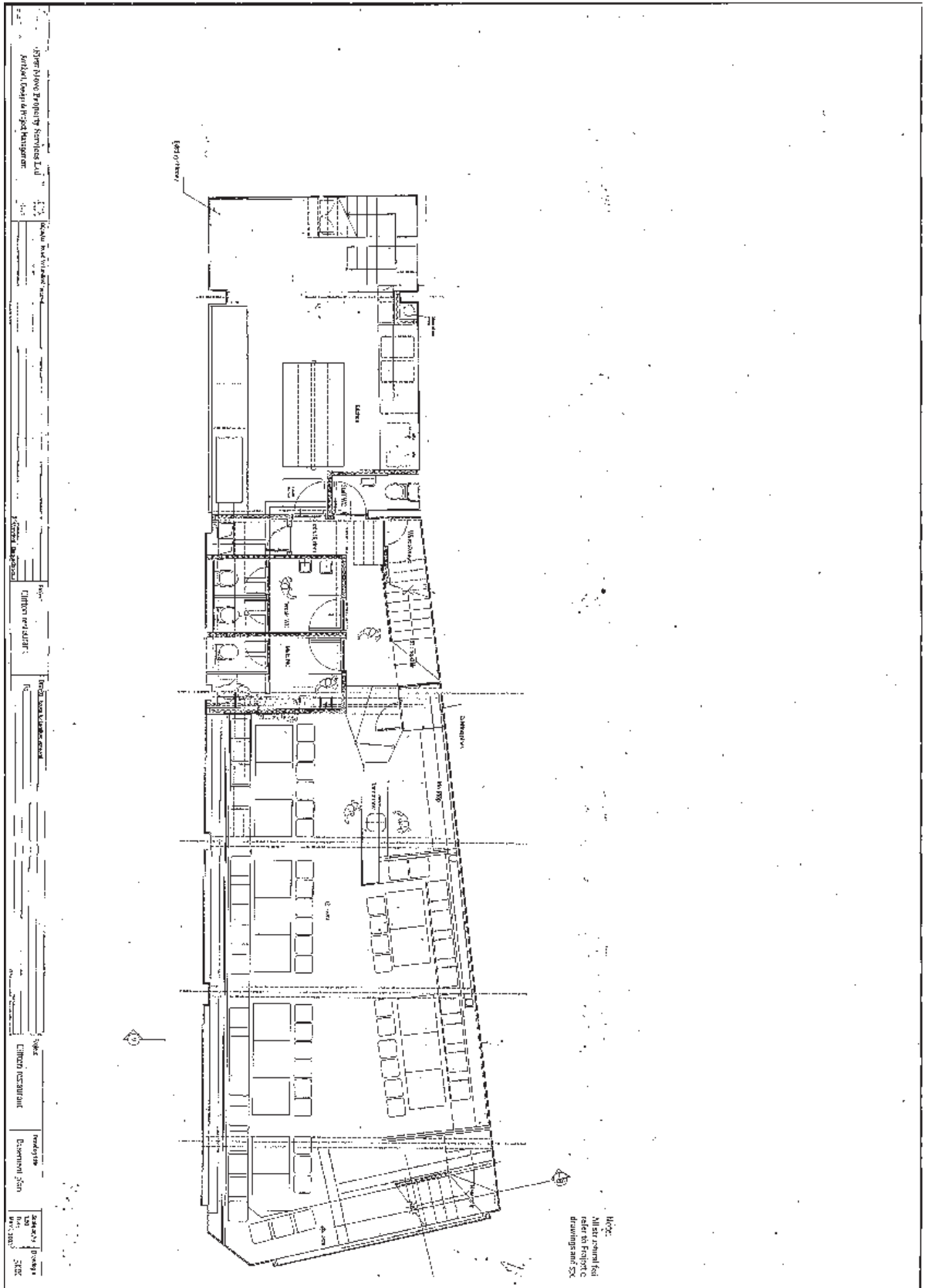
State whether access to the premises by children is restricted or prohibited

No person under fourteen shall be in the bar of the licensed premises (please see full licence for conditions relating to the restriction of children)



Project Name: **Front Office Property Services Ltd**  
 Zone: **North/South/Project**  
 Scale: **1:100**  
 Date: **10/10/2001**  
 Type: **Site plan**  
 Description: **Site plan**  
 Drawing No: **1001**  
 Revision: **A**

Note:  
 All structural framing details  
 refer to Project architect's  
 drawings and specifications



# Appendix 2





\* required information

Section 1 of 17

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

- Yes  No

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

Applicant Details

\* First name

IBRAHIM

\* Family name

UZUN

\* 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:

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

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

Continued from previous page...

**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 17**

**APPLICATION DETAILS**

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 17**

**VARIATION**

Continued from previous page...

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

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

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

The premises is a Restaurant and the premises is already licensed to sale alcohol.  
The proposed variation is for extend the hours of opening time, sell of alcohol and late night refreshment.

- Sale of alcohol ON the premises:
  - Sunday to Wednesday: 10:00 to 02:00
  - Thursday to Saturday: 10:00 to 03:00
- Late Night Refreshment:
  - Sunday to Wednesday: 23:00 to 02:00
  - Thursday to Saturday: 23:00 to 03:00
- Opening hour:
  - Sunday to Wednesday: 10:00 to 03:00
  - Thursday to Saturday: 10:00 to 04:00

#### Section 4 of 17

##### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

#### Section 5 of 17

##### PROVISION OF FILMS

*Continued from previous page...*

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes  No

**Section 6 of 17**

**PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 17**

**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 17**

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 17**

**PROVISION OF LATE NIGHT REFRESHMENT**

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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 select 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 provision of late night refreshment at different times from those listed above, 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 13 of 17

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes  No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, 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 14 of 17**

**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.

Provide 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 15 of 17**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Provide 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 above, 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...*

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

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

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

**Section 16 of 17**

**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 current conditions are already robust to address licensing objectives and the premises has been operating without any issue and management.  
It is providing welcoming staff to control the entrance and no alcohol is provided without the table meal.

The applicant will accept the follow conditions.  
The alcohol only will sale in operation hours and the alcohol will be consumed ON the premises. Cctv has already installed to the premises, the installed the cctv system that meet the standard in 'Uk police requirements for digital cctv system'. The premises operates the "challenge 25" the proof of age scheme. The premises will open and shut at its permitted hours and the sale of alcohol or any other permitted licensing activity will not be carried out at any other time than its permitted opening hours. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.  
Or current condition will be accepted

b) The prevention of crime and disorder

Cctv is installed to the premises for safety and crime prevention. Will not serve alcohol who already drunk in the premises. The DPS will undertake routine monitoring of the refusals records and record that this is being done. All staff that makes sales of alcohol receives regular training (induction and refresher). Installed cctv systems that meet the standard in 'uk police requirements for digital cctv systems' shall operate and record video images at all times that premises are open to the public and any recordings made will be retained for not less than 31 days and made available to a police officer on request. A member of staff on premises at the relevant time will be capable of operating the cctv system.  
Or current condition will be accepted.

c) Public safety

Emergency light is installed and fire extinguisher is installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.  
An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

**Continued from previous page...**

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

Or current condition will be accepted.

**d) The prevention of public nuisance**

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

Or current condition will be accepted

**e) The protection of children from harm**

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

Or current condition will be accepted.

**Section 17 of 17**

**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.

Variation 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](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise 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

Continued from previous page...

## DECLARATION

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

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

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

\* Full name

\* Capacity

\* Date  /  /   
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/change-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

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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

## Corinne Holland

---

**From:** Advance Architecture [REDACTED]  
**Sent:** 07 July 2017 15:16  
**To:** Corinne Holland  
**Cc:** HT-[REDACTED]; [REDACTED]-fire.gov.uk; Health and Safety; Trading Standards; Planning & Building LBTH; Licensing-Child Protection; [REDACTED]; [REDACTED]  
**Subject:** Premises Licence application - Efes 1 Whitechapel Road

Dear All,

I would like to bring to your attention the are minor changes to the application form, please ignore the premises operating hours on the description in the previous form. We have corrected the application details in section 12,13 and 15, also mentioned below.

The proposed variation is for extending the opening hours and sell of alcohol:

ON premises with late night refreshment

-Sale of Alcohol ON the premises:

Sunday to Wednesday: 10:00 to 00:00 and Thursday to Saturday: 10:00 to 00:30

Late Night Refreshment:

Sunday to Wednesday: 23:00 to 02:00 and Thursday to Saturday: 23:00 to 03:00

Opening hours:

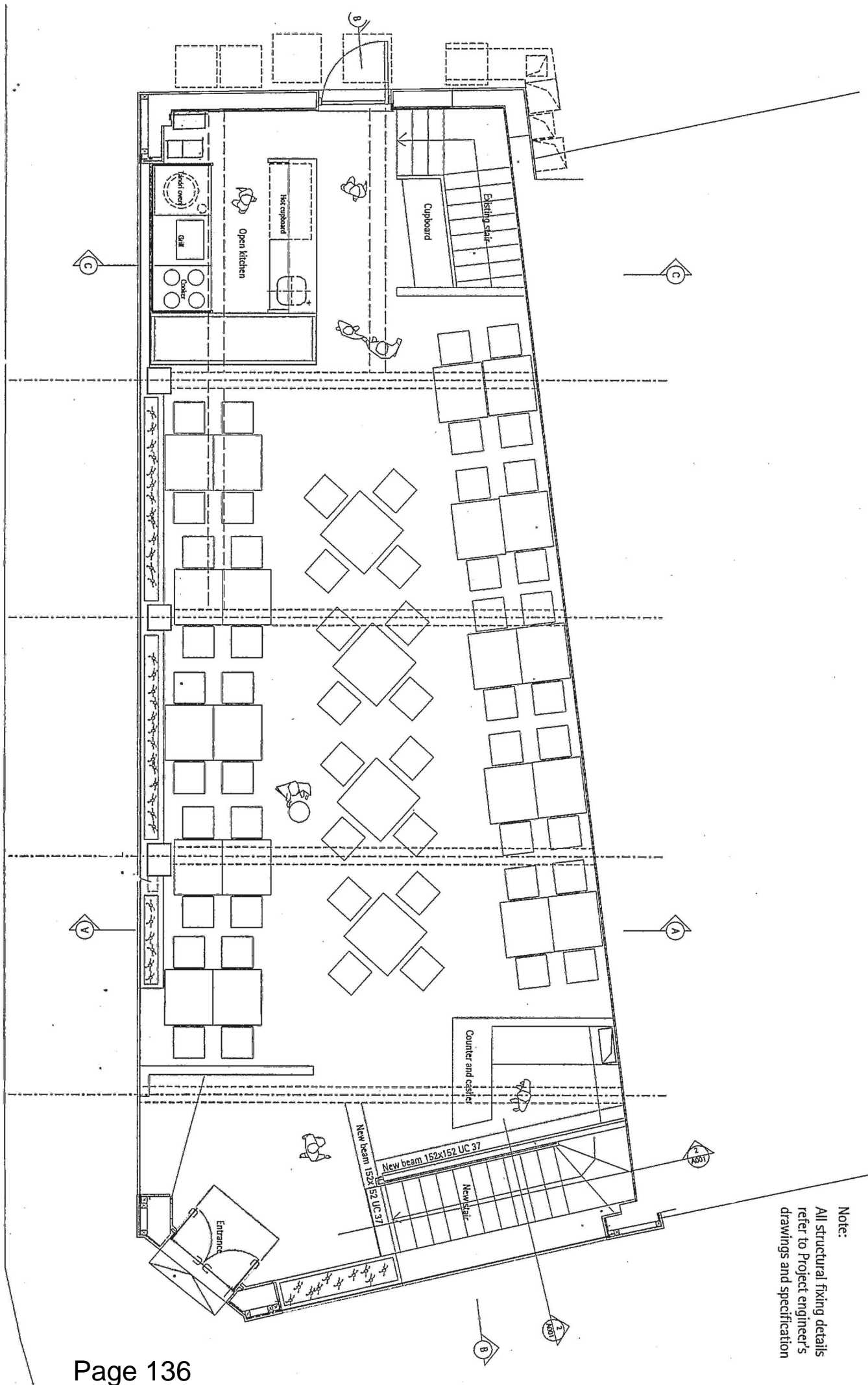
Sunday to Wednesday: 10:00 to 02:30 and Thursday to Saturday: 10:00 to 03:30

Kind Regards

Kenan

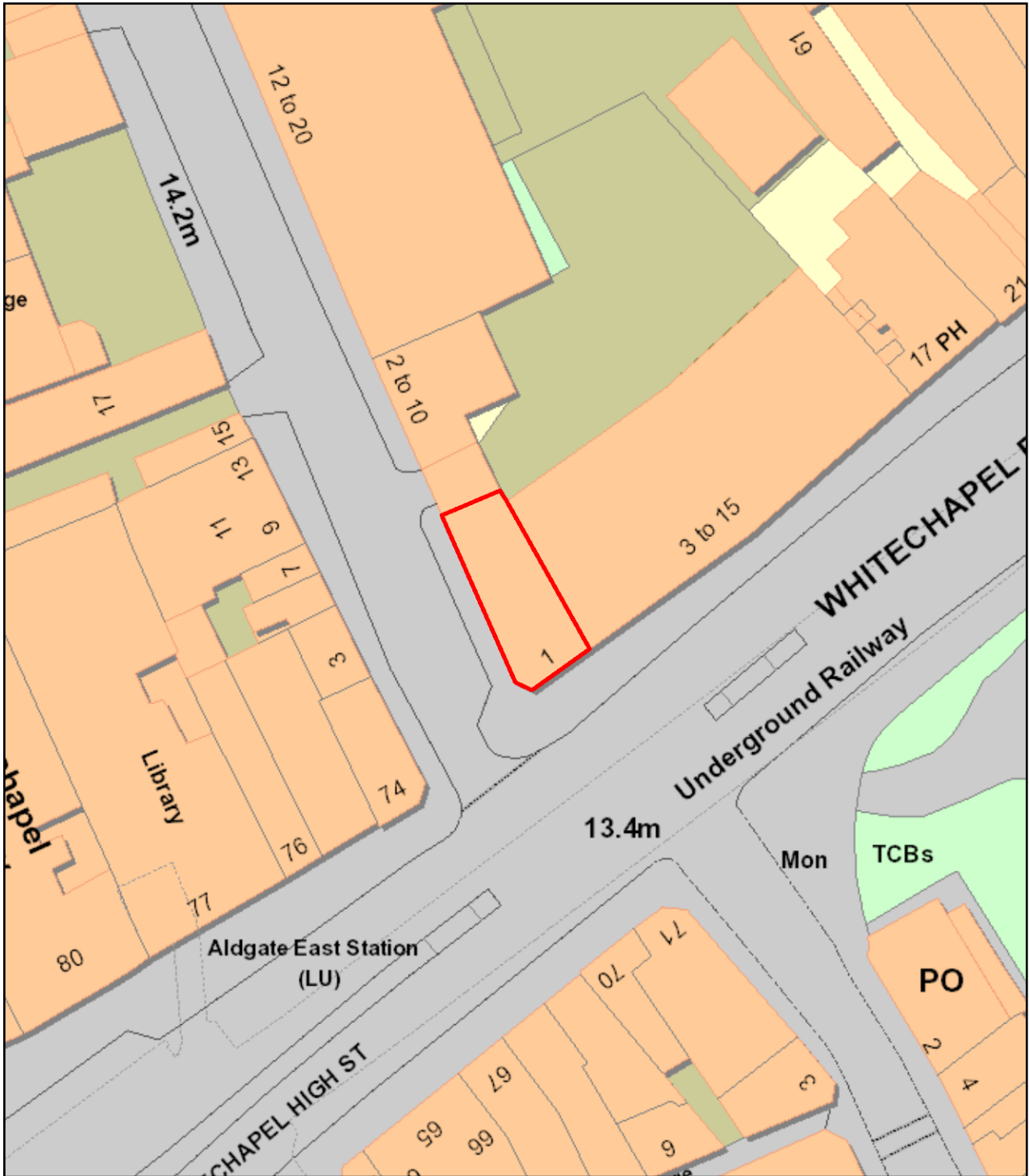


# Appendix 3



Note:  
 All structural fixing details  
 refer to Project engineer's  
 drawings and specification

# Appendix 4

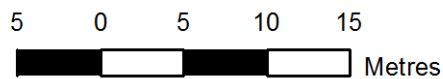


# 1 Whitechapel Road

Map 1



Scale 1:555



Produced by London Borough of Tower Hamlets on 26/07/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



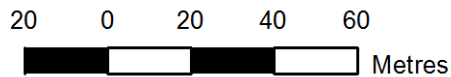


# 1 Whitechapel Road

## Map 2



Scale 1:2219



Produced by London Borough of Tower Hamlets on 26/07/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

# Appendix 5

Premises name and address	Licensable Activities and Hours	Opening Hours
<p><b>(City Hotel and Conference)</b>  <b>12-20 Osborne Street</b></p>	<p><b>The on and off sale of alcohol</b> to residents (including a maximum of ten bona fide guests of each resident), Mon - Sun, 00.00am to midnight.</p> <p>The on and off sale of alcohol to non-residents, Mon - Sat, 10.00 to 01.00 hrs the following day, and on Sun from 10.00am to midnight.</p> <p>If the non-residents are attending a pre-booked event the hours on Thurs - Sat are extended to 10.00 - 02.00hrs the following day.</p> <p>Half an hour drinking up time is permitted after the terminal time for the sale of alcohol.</p> <p><b>Late night refreshment</b>, Mon to Sat, 23.00 to 01.00hrs the following day, Sunday, 23.00pm to 00.30am the following day. For pre-booked events the hours on Monday to Wednesday are extended to 23.00pm to 01.30am the following day, and Thursday to Saturday, 23.00pm to 02.30am the following day.</p> <p><b>Films</b>, Monday to Saturday, 10.00am to 01.00am the following day, Sunday, 10.00am to midnight. For pre-booked events the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day.</p> <p><b>Live music, recorded music, performances of dance, and anything similar to these three activities</b>, Monday to Saturday, 10.00am to 01.00am the following morning, Sunday, 10.00am to midnight. For pre-booked events the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day.</p>	<p>Monday to Sunday, 00.00am to midnight.</p>

<p><b>(Shahi Karahi)</b>  <b>Ground Floor</b>  <b>22 Osborn Street</b></p>	<p><b>The provision of late night refreshment</b>  Sunday to Thursday, 23.00hrs to Midnight  Friday and Saturday, 23.00hrs to 01.00hrs</p>	<p>Sunday to Thursday, 11.00am to Midnight  Friday and Saturday, 11.00hrs to 01.00hrs</p>
<p><b>Apples &amp; Pears</b>  <b>26 Osborn Street</b></p>	<p><u>The provision of regulated entertainment</u>  Films; recorded music; performance of dance; anything similar to recorded music or performance of dance; provision of facilities for making music; provision of facilities for dancing; provision of facilities for entertainment of a similar description to making music or dancing.  Sunday to Thursday 11:00 hours – 23:30 hours  Friday &amp; Saturday 11:00 hours – 00:30 the following day.</p> <p>Live Music; anything similar to live music.  Sunday to Thursday 11:00 hours – 23:00 hours  Friday &amp; Saturday 11:00 hours – midnight</p> <p><u>The provision of late night refreshment</u>  Sunday to Thursday 11:00 hours – 23:30 hours  Friday &amp; Saturday 11:00 hours – 00:30 hours the following day</p> <p><u>The sale by retail of alcohol</u>  Sunday to Thursday 11:00 hours – 23:30 hours  Friday &amp; Saturday 11:00 hours – 00:30 hours the following day</p>	<p>Sunday to Thursday 11:00 hours – midnight  Friday &amp; Saturday 11:00 hours – 01:00 hours</p>
<p><b>(The Nags Head Public House)</b>  <b>17-19 Whitechapel Road</b>  <b>London</b>  <b>E1 1DU</b></p>	<p><u>The sale by retail of alcohol</u>  Monday to Saturday 11:00 hrs to 03:00 hrs the following day  Sunday 12:00 hrs to 22:30 hrs</p>	<p>Monday to Saturday from 11:00 hrs until 03:30 hrs the following day</p> <p>Sunday 12:00 hrs to 23:00 hrs</p>

<p><b>(Pixxa Limited)</b>  <b>11 Whitechapel Road</b></p>	<p><u>The Supply of Alcohol (both on and off sales)</u></p> <ul style="list-style-type: none"> <li>• Monday to Saturday from 11:00hrs to 22:30hrs</li> <li>• Sunday from 11:00hrs to 21:30hrs</li> </ul>	<p>Monday to Saturday from 10:30hrs to 23:00hrs  Sunday from 10:30hrs to 22:00hrs</p>
<p><b>(Khushbu)</b>  <b>74 Whitechapel High Street</b></p>	<p>The provision of late night refreshment</p> <ul style="list-style-type: none"> <li>• Friday and Saturday from 23.00hrs to 02.00hrs (the following day)</li> </ul>	<p>Sunday to Thursday, from 11.00hrs to 23.00hrs  Friday and Saturday from 11.00hrs to 02.00hrs (the following day)</p>

# Appendix 6

Tom Lewis  
LBTH Licensing  
John Onslow House  
Ewart Place  
E3

HT - Tower Hamlets Borough  
HH - Limehouse Police Station  
Licensing Office  
Toby Club Sno  
Vawdrey Close  
Cleveland Way Mile End  
E1 4UA

Telephone: [REDACTED]  
Facsimile:  
Email: [REDACTED]met.pnn.police  
.uk  
www.met.police.uk

Your ref:  
Our ref:  
13 July 2017

Dear Mr Lewis

Application to vary a premises licence

Efes,1 Whitechapel Rd, E1 6TY

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

After an email from the applicant's agent, the applicant has applied for the following hours:

-Sale of Alcohol ON the premises:

Sunday to Wednesday: 10:00 to 00:00

Thursday to Saturday: 10:00 to 00:30

Late Night Refreshment:

Sunday to Wednesday: 23:00 to 02:00

Thursday to Saturday: 23:00 to 03:00

Opening hours:

Sunday to Wednesday: 10:00 to 02:30

Thursday to Saturday: 10:00 to 03:30

It is only a slight change to the requested hours and still far in excess of LBTH's Licensing policy hours. It also does not reflect the concerns that lead to the implementation of the Cumulative Impact Zone (CIZ).

I have previously opposed a variation to this restaurant and my concerns I believe are still valid.

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.*

1 Whitechapel Road is situated in 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 lead 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.

This will be one of the longest opening hours in the area and will be a destination for people, many of whom will clearly be under the influence of alcohol. By requesting such late hours throughout the week, especially at the weekends, it will result in people staying longer within the CIZ, with the potential for ASB and violence.



By remaining open until 0330, it will attract a number of people who are already under the influence of alcohol. People leaving at this late hour at the very least can cause ASB or noise issues. Violence can easily occur from the smallest incident when people are drunk.

The applicant has stated that alcohol will finish earlier than the LNR. While this is welcome, it remains of concern. If for example a customer entered at midnight, would the applicant restrict the amount of alcohol the customer would be able to purchase or could they “stockpile” alcohol to last until 0330.

I am hoping to produce a statement from the local policing team regarding this application.

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 it would be a retrograde step if the full hours were granted.

I ask the committee to reject in full this application.

If the committee is to grant any further hours, I would ask them to consider the following conditions.

1. 2 x SIA staff to be employed from 2300 until closing
2. No drinks to be taken outside

Alan Cruickshank PC 189HT

# Appendix 7

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 24 July 2017 14:48  
**To:** Licensing  
**Cc:** [REDACTED]@met.police.uk; Mark Perry; [REDACTED]  
**Subject:** Variation of Premises License - Efes 1 Whitechapel Road, London E1 6TY - Ref M/101506

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Licensing

Whilst considering the amendments to the hours for the Licensable Activities (as per the Agent's email of the 7/7/17) for the Sale of Alcohol, having regard to the application for Premises License and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the premises is in a Cumulative Impact Zone and the proposed hours are well beyond the Council's framework hours.

**The premise existing hours for licensable activities are:**

The Supply of Alcohol (on sales Only):

Monday to Thursday from 10:00 hours to 23:00 hours  
Friday and Saturday from 10:00 hours to 23:30 hours  
Sundays from 11:00 hours to 23:00 hours

The Provision of Late Night refreshment:

Sunday to Wednesday from 23:00 hours to 23:30 hours  
Thursday to Saturday from 23:00 hours to 00:30 hours

**The Applicant proposes the hours for licensable activities:**

The Sale of Alcohol (on sales):

Sunday to Wednesday from 10:00 hours to 00:00 hours  
Thursday to Saturday from 10:00 hours to 00:30 hours

The Provision of Late Night refreshment:

Sunday to Wednesday from 23:00 hours to 02:00 hours  
Thursday to Saturday from 23:00 hours to 03:00 hours

**Noise Sensitive premises:** residential and commercial premises in close proximity to 1 Whitechapel Road, London E1 6TY

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:-

- 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 1 Whitechapel Road, London E1 6TY as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

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

# Appendix 8

## Place Directorate Public Realm

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

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

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

Email: [REDACTED] [towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)

Tel **020 7364 5498**  
Fax **020 7364 0863**  
Enquiries to **Mohshin Ali**

25<sup>th</sup> July 2017

Email [REDACTED]@towerhamlets.gov.uk

Your reference  
My reference: LIC/101506/MA

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sir/Madam,

### Licensing Act 2003

Variation of premises licence application: (Efes), 1 Whitechapel Road,  
London E1 6TY

On 1<sup>st</sup> 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.

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*

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.*

On a balance of probability, the grant of the application is likely to undermine the licensing objectives. However, if the Licensing Sub-Committee is minded to grant a licence then I would ask that the hours are reduced closer to the framework hours.

Yours faithfully,



Mohshin Ali  
**Senior Licensing Officer**  
**(Acting as a Responsible Authority)**

CC:  [advnacepl.co.uk](mailto:advnacepl.co.uk)



# Appendix 9

**Corinne Holland**

---

**From:** Jon Shapiro [REDACTED]  
**Sent:** 17 July 2017 12:32  
**To:** Licensing  
**Cc:** Mark Perry; [REDACTED]  
**Subject:** RE: Licensing Application by "Efes", 1 Whitechapel Road, London E1 6TY

Dear Sir or Madam,

I would like to request that this Licence Application should be wholly refused on the grounds of:

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

as the premises is within the Brick Lane "Cumulative Impact Zone" (CIZ) and they are asking both for a Late Night Refreshment Licence and an extension of alcohol licensing to 02.00 and 03.00 hours (depending on the day of the week).

The last thing needed in Brick Lane is late night food and alcohol served so far into the early hours of the morning, and I believe that to grant any such licences would just encourage late night ASB in opposition to the Saturation Policy in the Brick Lane area CIZ which attempts to control such ASB.

This area has always been stated by our Borough Police Commanders to be the "number one policing problem in Tower Hamlets". Until and unless this area ceases to be such a policing problem I believe that no such late night refreshment licence should be granted to 1 Whitechapel Road.

The Brick Lane area is plagued by ASB and hospital admissions to A&E, and I believe that the Licensing Committee should be assisting the Police and other authorities in reducing any and all encouragement to provide late night refreshments to drinkers in this area.

For all the reasons quoted above I strongly request that this Licensing Application should be **wholly rejected**.

Yours faithfully,  
Jon Shapiro.

Resident at:

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

# Appendix 10

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 10.1 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 15.10**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 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 3 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 where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

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

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (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 (2.15).

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

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

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

# Appendix 11

## Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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



# Appendix 12

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

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

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

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

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

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

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 13

## **Anti-Social Behaviour from Patrons Leaving the Premises**

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

## Police Powers

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

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

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

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

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

There is also guidance issued around public nuisance (2.15 – 2.21).

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

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

## Other Legislation

### Crime and Disorder Act 1998

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

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

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

# Appendix 14



# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2017

## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

# Appendix 15

## **Crime and Disorder** – Licensing Policy, updated March 2015

- 6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 2000. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
  - 1) 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 meters radius of the premises as shown edged red on the attached plan.( marked as Appendix -)
  - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.
- 6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.
- 6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.
- 6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled.
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

I. Seller's name and address

II. Seller's company details, if applicable

III. Seller's VAT details, if applicable

IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

# Appendix 16

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2017

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.



- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

# Appendix 17

## **Prevention of Nuisance** – Licensing Policy, updated March 2015

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

# Appendix 18

## Licensing Policy

### **8 Special Cumulative Impact Policy for the Brick Lane Area**

- 8.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.
- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

**The Cumulative Impact Zone in the Brick Lane area**

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



Drawn By: WJ. CIC Strategy & Performance. September 2012

# Appendix 19

## **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 20

### **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 3.3

Committee: <b>Licensing Sub-Committee</b>	Date: 23 August 2017	Classification: UNRESTRICTED
----------------------------------------------	-------------------------	---------------------------------

Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b>  <b>Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL</b>  Ward affected: <b>Spitalfields and Banglatown</b>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 1.0 Summary

Name and Address of premises:	<b>Curry Bazaar 77 Brick Lane London E1 6QL</b>
Licence under review:	<b>Licensing Act 2003</b> <ul style="list-style-type: none"><li>▪ <b>Sale by retail of alcohol</b></li><li>▪ <b>Provision of Late night refreshment</b></li><li>▪ <b>The provision of regulated entertainment (recorded music only)</b></li></ul>
Review triggered by: Representations:	<b>Licensing Authority (now withdrawn) Police Licensing Local Residents Local businesses</b>

## 2.0 Recommendations

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

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

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

### 3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Curry Bazaar, 77 Brick Lane, London E1 6QL. The review was triggered by the Licensing Authority. The Licensing Authority has now withdrawn their representation in regards to their review. Please see **Appendix 1** for the letter of withdrawal.
- 3.2 However, representations were also received from Police Licensing and others persons and therefore members will have to consider the remaining representations only.
- 3.3 I have noted Paterson's guidance in regards to the Review in cases where relevant representations have been made to the review following the advertisement of it. It states as follows: ***“Representations arise as a consequence of the notification and advertisement of the application. Clearly in such a case we suggest (although it is not entirely beyond doubt), the authority must proceed with the review of the licence, even if the applicant has (for whatever reason) decided not to pursue the original application”***

### 4.0 The Premises

- 4.1 The premises licence was issued on 20<sup>th</sup> September 2005. A copy of the current licence is contained **Appendix 2**. On the 10<sup>th</sup> May 2017, an application was made to transfer the licence holder to Mohammad Foez Ahmad and the Designated Premises Supervisor Muhammad Abdul Kadir Ali has been in place since 5<sup>th</sup> August 2016.
- 4.2 The previous Licence holders Azirun Nessa and Mohammod Jubar Ahmad were in place since 5<sup>th</sup> March 2009.
- 4.3 The premise was subject to a previous review, brought by the Licensing Authority, which was heard by the Licensing Sub Committee on 12<sup>th</sup> May 2016. The decision was made to suspend the licence for three months and to remove the Designated Premises Supervisor. For members benefit the minutes of this meeting are contained in **Appendix 3**.
- 4.4 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 4**.

## 5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Licensing Authority.
- 5.2 The review is further supported by the following;

<b>Responsible Authorities/other persons</b>	<b>Appendix</b>
Alan Cruickshank (Met Police)	<b>5</b>
Mr Raju Ahmed (Nazrul Restaurant)	<b>6</b>
Kabir Hussain	<b>7</b>
Azmal Hussain (Preem Restaurant)	<b>8</b>
Ibrahim Hoque	<b>9</b>
David Cunningham	<b>10</b>
Ed & Sarah Jenkins	<b>11</b>

- 5.3 Members should note that the licensing authority received representations from two local businesses which were initially accepted. However, both businesses have since advised the licensing authority that their letters were sent in fraudulently from unknown sources. A Licensing Officer has visited both of the businesses to verify the identity of the person making the representation and therefore these fraudulent representations are not included in this report.
- 5.4 In light of the above, the Licensing Officer sent letters to all the businesses and residents asking them to confirm that they had in fact made their original representation. All have now replied to confirm that this is the case, except Ibrahim Hoque (Appendix 8). A further letter was sent on the 13<sup>th</sup> June 2017 to advise him that Members will consider this when they attach weight to his representation (no response has been received).
- 5.5 Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 5.6 In the view of the other persons and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

## 6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 12**. It is available on the Government’s website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised March April 2017.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for other person or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has issued guidance about Crime and Disorder. **See Appendix 13**.
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 14**.
- 6.6 The home office issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 15**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 16**.
- 6.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”

- 6.9 Other persons or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Health & Safety & Licensing Manager is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.
- 6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
  - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

## 7.0 **Review Advertisement**

- 7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 7.3 The procedure for a review can be summarised as follows:
- A review is triggered by a responsible authority or interested party
  - Consultation is conducted for 28 full days
  - Other responsible authorities or interested parties may join in the review
  - Members conduct a hearing
  - Members make a determination
  - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

## 8.0 Licensing Officer Comments

8.1 The Governments advice in relation to reviews is contained in **Appendix 12**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a period
- Revoke the licence completely

8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.

8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.

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

8.5 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.

## 9.0 Legal Comments

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

## 10.0 Finance Comments

10.1 There are no financial implications in this report.



## 11.0 Appendices

<b>Appendix 1</b>	Licensing Authority withdrawal of review
<b>Appendix 2</b>	Copy of existing licence
<b>Appendix 3</b>	Minutes of the last review
<b>Appendix 4</b>	Maps of the premises and surrounding area
<b>Appendix 5</b>	Representations from Metropolitan Police PC Alan Cruickshank
<b>Appendix 6</b>	Representations from Mr Raju Ahmed (Nazrul Restaurant)
<b>Appendix 7</b>	Representations from Kabir Hussain
<b>Appendix 8</b>	Azmal Hussain (Preem Restaurant)
<b>Appendix 9</b>	Ibrahim Hoque
<b>Appendix 10</b>	David Cunningham
<b>Appendix 11</b>	Ed & Sarah Jenkin
<b>Appendix 12</b>	Guidance issued under Section 182 by the Home Office for reviews
<b>Appendix 13</b>	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
<b>Appendix 14</b>	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
<b>Appendix 15</b>	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
<b>Appendix 16</b>	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

This page is intentionally left blank

# Appendix 1

**Communities, Localities & Culture**  
Safer Communities

Environmental Health and Trading Standards  
**David Tolley**

London Borough Tower Hamlets  
Licensing Authority

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

11<sup>th</sup> August 2017

My reference: TSS/LIC/97893

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

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sir/Madam,

**Licensing Act 2003**  
**Re: Curry Bazaar, 77 Brick Lane, London E16QL**

I am writing in my capacity of Licensing Authority in relation to the review I triggered in relation to the above premises.

Since the review was triggered, 16<sup>th</sup> January 2017, a number of elements to the review has since occurred.

A transfer was submitted on 10<sup>th</sup> May 2017 to Mohammed Foez AHMAD and therefore Mrs Azirun NESSA and Mr Mohammed Jubar AHMAD are no longer the licence holders.

The Council has also withdrawn the prosecution for the Licensing Act 2003 Section 136 offence, on 12<sup>th</sup> August 2016, following Counsel advice.

In light of the above I withdraw my representations for review, however do stress that the premises is a family run business and the transferee is a member of the family. My original evidence suggested touting was occurring at the premises, albeit at a time when the licence was suspended. The only complaint recorded since the transfer is a complaint of touting and an allegation that the tout offered drugs, received on 21<sup>st</sup> July 2017. I do expect the new licence holder to abide by the conditions of the licence and that the management of the premises is vastly improved.

Yours sincerely,

[REDACTED]

**Kathy Driver**  
**Principal Licensing Officer**

# Appendix 2

**(Curry Bazaar)  
77 Brick Lane  
London  
E1 6QL**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshment

**See the attached licence for the licence conditions**

**Signed by**

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

**Date: 20<sup>th</sup> September 2005**

Amended review 13/9/12  
Amended review 12/5/16



**Part A - Format of premises licence**

Premises licence number

26010

**Part 1 - Premises details**

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

77 Brick Lane

**Post town**

London

**Post code**

E1 6QL

**Telephone number**

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

The provision of late night refreshment

**The times the licence authorises the carrying out of licensable activities**

**The sale by retail of alcohol:**

Sunday, Monday, Tuesday, Wednesday, Thursday from 11:00 hours until midnight  
Friday and Saturday from 11:00 hours until 02:00 hours 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 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.

**For provision of Late Night Refreshment:**

Sunday, Monday, Tuesday, Wednesday, Thursday from 11:00 hours until midnight  
Friday and Saturday from 11:00 hours until 02:00 hours the following day.

**The opening hours of the premises**

Sunday, Monday, Tuesday, Wednesday, Thursday from 11:00 hours until 00:30 hours the following day

Friday and Saturday from 11:00 hours until 02:30 hours the following day.

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

On sales only



**Part 2**

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

Mohammad Foez Ahmad



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



N/A

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

Muhammad Abdul Kadir Ali



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

Personal Licence no.   
Issuing Authority: 

## Annex 1 - Mandatory conditions

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

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

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

1.

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

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

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

### **Private Entertainment**

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

### **Public Entertainment**

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

### **Annex 2 - Conditions consistent with the operating Schedule**

None

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

1. No person shall be employed to solicit for custom or be permitted to solicit for custom or business for the premises in any public place within a 500metre radius of the premises;
2. Clear signage is to be placed in the restaurant windows stating that the premises supports the Council's No Touting policy
3. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
4. The premises licence holder shall ensure that all receipts for goods bought include the following details:
  - a. Seller's name and address
  - b. Seller's company details, if applicable
  - c. Seller's VAT details, if applicable
  - d. Vehicle registration detail, if applicable
5. Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
6. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.
7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31day period.
8. 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 is open. This staff member must be able to provide a Police or authorised Council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

9. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
10. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service

#### **Annex 4 - Plans**

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



19<sup>th</sup> July 2005

**Part B - Premises licence summary**

**Premises licence number**

**26010**

**Premises details**

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

77 Brick Lane

**Post town**

London

**Post code**

E1 6QL

**Telephone number**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Sunday to Thursday from 11:00 hours until midnight  
Friday and Saturday from 11:00 hours until 02:00 hours 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).

The opening hours of the premises

Sunday to Thursday from 11:00 hours until 00:30 hours the following day

Friday and Saturday from 11:00 hours until 02:30 hours 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).

Name, (registered) address of holder of premises licence

Mohammad Foez Ahmad



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

On sales only

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

N/A

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

Muhammad Abdul Kadir Ali

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

No restrictions



# Appendix 3

# EXHIBIT B

LICENSING SUB COMMITTEE, 12/05/2016

SECTION ONE (UNRESTRICTED)

## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.05 P.M. ON THURSDAY, 12 MAY 2016

C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG

#### Members Present:

Councillor Peter Golds (Chair)  
Councillor Khaled Uddin Ahmed  
Councillor Rajib Ahmed

#### Other Councillors Present:

#### Apologies

None

#### Officers Present:

Mohshin Ali	– Licensing Officer
Victoria Fowler	– Legal Advisor
Simmi Yesmin	– Senior Committee Services Officer
Antonella Burgio	– Committee Services Officer

#### Applicants In Attendance:

Anthony Edwards	Legal Representative (Curry Bazaar)
M J Ahmad	DPS (Curry Bazaar)
Peter Mayhew	Licensing Agent (Trieu Nails)
Anh Dong Trieu	Applicant (Trieu Nails)

#### Objectors In Attendance:

Andrew Heron	Licensing Authority (Curry Bazaar)
PC Alan Cruickshank	Metropolitan Police (Curry Bazaar)
PC Mark Perry	Metropolitan Police (Curry Bazaar)
WPS Williams	Metropolitan Police (Curry Bazaar)
Ms C Phillips	Resident (Trieu Nails)

### 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Khaled Ahmed declared an interest on item 4.1, Application for a Review of the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL on the basis that he had received telephone calls relating to the application, however he confirmed that he had not discussed the application prior to the hearing.

## **2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

The minutes of the Licensing Sub Committee meetings held on 10 and 22 March 2016 and on 5 and 19 April were agreed and approved as a correct record.

## **4. ITEMS FOR CONSIDERATION**

### **4.1 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL**

The Chair opened the hearing and confirmed the identities of all individuals who had attended to make representations relating to this review of a premises licence.

Making representations in support of the review was as:

A Heron, Licensing Authority,  
PC A Cruickshank, Metropolitan Police,  
PC M Perry Metropolitan Police and  
WPS Williams Metropolitan Police.

Making representations in support of the premises holder was:

Mr A Edwards, legal representative and  
Mr M J Ahmad (Owner and DPS.of Curry Bazaar)

At the Chair's invitation, Licensing Officer, Mr Ali introduced the report which requested the Sub-committee to determine a review of a licence for Curry Bazaar, 77, Brick Lane, London E1 6QL on grounds relating to the licensing objectives of

- prevention of public nuisance and
- prevention of crime and disorder

Mr Ali outlined the contents of the report and confirmed that two supplements containing additional information supplied by the Licensing Authority had been circulated to all parties.

The Chair invited the applicants: the Licensing Authority and Metropolitan Police to make their representations. They requested a revocation of the premises licence on the basis of the following issues:

The Licensing Authority submitted that the licence holder had failed to preserve the licensing objectives of prevention of public nuisance and prevention of crime and disorder by purposely failing to adhere to the conditions added to the premises licence after a review in 2012. Other serious matters were also reported:

- there were persistent allegations of underage sales at the premises
- in October 2015, during a series of joint enforcement operations by licensing authority and metropolitan police, counterfeit non-duty paid wines were found being removed from the premises,
- officers involved in the joint operations had been touted with offers of a meal and drinks
- the licence was not correctly displayed at the premises
- complaints about aggressive touting had been received on two occasions in 2015,
- in June 2015, the premises had been trading beyond their permitted licensed hours

Mr Heron argued that the licence holder had a history of persistent non-compliance which indicated that there was no intention to uphold the licensing objectives and the terms of the licence.

The Metropolitan Police represented by Police Officers A Cruikshank, M Perry and PS Williams submitted the premises license holder had persistently failed to uphold the licensing objectives on the basis of the following evidence and requested that the subcommittee revoke the premises licence.

- seizure of 72 bottles of non-duty-paid wine in October 2015, suggesting that wine had been sold illegally at the restaurant
- on 1 October 2015 Mr MJ Ahmad had been found touting outside the premises
- two women police officers attended to investigate an alleged assault on Sunday, 15 November 2015 and during this time received intimidating behaviour and extreme verbal abuse from a number of Asian males outside the premises; these were believed to be suspects in the alleged assault. The foul language and behaviour was directed particularly to WPS Williams.
- Police request of CCTV evidence from the premises relating to the alleged assault which has never been supplied.
- a third incident at the premises attended by WPS Williams at which a person on the premises was found to smell of cannabis. This person identified himself as MJ Ahmad) to the officer and behaved threateningly towards her.

Submissions in defence were then made by legal representative Mr A Edwards on behalf of Mr M J Ahmad the premises license holder.

Mr Edwards acknowledged that that he had spent time mediating with Mr MJ Ahmad to convey that disorderly conduct was unacceptable in all cases. However the circumstances of the business were that the owners felt that the business was under attack when Police attended the premises. He also submitted the following arguments:

- the reported behaviour towards police officers could not be extrapolated to imply that customers at the premises would be treated in the same way

- anonymised complaints circulated by the responsible authorities as evidence were of poor quality and Mr Edwards asked the subcommittee to dismiss these.
- the operation of the restaurant is adequate and acceptable but the business was under stress
- the licence holder has admitted to purchasing wine without duty, However this occurred on one occasion only and the licence holder acknowledges that this behaviour was unwise
- no staff member had smoked cannabis at the premises. The Licence holder could not control the use of these substances outside of working hours
- the licence holder would accept the addition of up to date conditions relating to CCTV on the premises as part of the licence conditions
- the underlying issue relating to the premises was that of touting and there had been no breach since September 2012. Touts were not his employees but members of the family.
- the alleged assault happened outside of the premises and there was no evidence that it related to the premises
- the relevant incidents reported and which have a bearing on the licensing objectives are not sufficient to warrant a revocation.

Mr Edwards offered that the DPS could be removed and advised he had already made efforts over a number to implement the change of the DPS. However there had been delays in processing applications for personal licenses at the local authority.

The complainants and the defendants then answered questions from the Subcommittee at which time the following information was provided:

The Police confirmed that the incident involving bad language and threatening behaviour had not resulted in the arrest of the perpetrator because this matter was minor in comparison to the matter for which the police had been called out to the premises. Additionally Section 5 legislation did not go very far when the bad language is directed at police as this is something which is expected as part of the role

Defendant Mr MJ Ahmed submitted that he had not used bad language towards the female police officers and that it had been members of the public outside of his premises, (not inside) that had caused the incident. Mr Edward submitted there was no complaint around behaviour associated with alcohol which suggested that the incident had not concerned activities connected with the restaurant.

PC M Perry clarified and WPS Williams confirmed that the Mr MJ Ahmad, who was present (and had identified himself as the licence holder and DPS to the Sub-committee) was not the person who had been abusive towards WPS Williams and her colleague during the incident offered as evidence. However WPS Williams confirmed that the individual who had been found with cannabis on his person and who had presented himself as Mr Moahammed Ahmad was actually the person who presented himself here today. It is

therefore the belief of the police that the person who said he was Mr MJ Ahmed at the time the cannabis found was not in fact Mr MJ Ahmed as he had said at the time and it is possible that the person found with cannabis was Mr MJ Ahmed.

The meeting briefly adjourned at 2.40pm and resumed at 2:42pm during which time the Sub-committee considered whether it would accept the identity, of the attendee purporting to be Mr MJ Ahmed. The Sub-committee agreed to accept that Mr MJ Ahmad was the true DPS and noted that impersonation was a matter for the Police. The Sub-committee also felt this was a very serious matter which strongly indicated a lack of adequate management at the premises. Mr MJ Ahmed provided identification to confirm his identity.

Mr Heron confirmed that there had been a report of touting alcohol on the street and then sales to underage customers inside the premises; this evidence was not connected to a test purchase. Mr MJ Ahmed disputed that he would undertake such activity as he was a father of young children and had younger siblings who worked with him.

Following the discussion, the parties summed up their representations. Mr Edwards asked the Sub-committee, to consider the matters which had been admitted by the premises licence holder and submitted that most of the information offered as evidence was unreliable; the statement would not carry weight because the issue reported did not relate to the restaurant. Furthermore the incidents reported could not be tied with the operation of the business.

The responsible authorities made closing statements informing the Sub-committee that:

The incidents reported had not taken place as part of any exercise specifically directed towards the premises but had occurred as part of routine enforcement exercises

WPS Williams confirmed that it was a member of Mr Ahmad's staff who had directed abusive language towards her. PC M Perry highlighted that since there were two people in the premises who had identified themselves as the DPS, identities were being swapped. Someone from the premises had been found in possession of cannabis. There was abuse towards a police officer although from a person associated with the premises although not the defendant present at the meeting. Notwithstanding this, Mr MJ Ahmed nonetheless could not argue that he was innocent and other matters relating to the premises. A change of the DPS as a single remedy, in their view, was insufficient to address the crime and disorder issues at the premises as Mr MJ Ahmed would still have a controlling influence of the running of the business as he is still the owner..

The Sub-committee retired to consider its decision at 2:57 pm and the meeting was reconvened at 3:20 pm.

The Chair summarised the subcommittee's decision in the presence of the parties and advised that a full written decision would be circulated to all under normal procedures.

The hearing ended at 3.48 pm.

### The Licensing Objectives

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

### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered the representations made on behalf of the Responsible Authorities and also heard from the Premises Licence Holder and his Legal Representative.

Members expressed concerns about the number of incidents of crime and disorder relating to the premises especially relating to the purchase of non-duty paid wines, numerous incidents of touting and breaching the touting conditions on the licence. Members were also appalled by the behaviour and conduct by the staff of Curry Bazaar towards Police Officers; specifically noting the use of unacceptable and crude language.

Members were also concerned about the mis-management of the premises and the lack of management controls in place. Members were not satisfied that Mr M J Ahmad would be able to promote the licensing objectives by remaining as the DPS. It was clear that there had been blatant disregard to the existing license conditions by Mr M J Ahmad.

Members were of the view that only adding conditions to a licence would not assist in the promotion of the licensing objectives and due to the lack of management control Members believed that a period of suspension was necessary and proportionate and would allow time for the business to get back in order. Members were made aware by Mr M J Ahmad's legal representative that Curry Bazaar is in the process of appointing a new DPS for the premises. The view of the Members is that the suspension will allow enough time for this to be achieved and for the new management regime to take effect before the licence is re-instated.

In considering their decision Members gave regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder in particular para 2.5 which considers whether the removal of the DPS would be appropriate. The guidance states that a condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with the particular premises, poor management competency could give rise to issues of crime and disorder and public safety. It is the view of the

Members that on the balance of probability the poor management of Curry Bazaar has given rise and will continue to give rise to issues of crime and disorder and public safety.

Therefore considering all of the above, Members decided to grant the review application in part by imposing a period of suspension and conditions

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a Review of the Premises Licence for, Curry Bazaar, 77 Brick Lane, London E1 6QL be **GRANTED in part.**

#### Suspension

A period of 3 month suspension  
(To be effective after the 21 days allowed for right of appeal)

#### Removal of Designated Premises Supervisor

The removal of Mr Mohammed Jubar Ahmed as Designated Premises Supervisor.

#### Conditions

1. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
2. The premises licence holder shall ensure that all receipts for goods bought include the following details:
  - I. Seller's name and address
  - II. Seller's company details, if applicable
  - III. Seller's VAT details, if applicable
  - IV. Vehicle registration detail, if applicable
3. Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
4. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of



every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

6. 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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
7. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
8. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service

#### **4.2 Application for a New Premises Licence for Trieu Nails London Limited - 105 Roman Road, London, E2 0QN**

The Chair opened the hearing at 3:41 pm and invited Mr M Ali, Licensing Officer to present his report which concerned a new application for premises licence for the on sales of alcohol in accordance with the operating schedule at appendix 1. The hearing was required under the Licensing Act 2003 because representations had been made by six local residents as detailed in section 5.8 of the report. The Sub-committee was informed that additional information from the applicant had been circulated as a supplement at appendix 12.

The Chair confirmed that the following relevant parties were present:

Ms Anh Dong Trieu, applicant and Mr P Mayhew, licensing agent for the applicant.

Ms C Phillips, a local resident representing herself and Mr N Phillips as interested parties.

The Chair invited representations on behalf of the applicant and Mr Mayhew made the following submission:

- the purpose of the application was to enable the owner to enhance the primary business of the premises which was beauty treatments (nails and waxing) and to attract a higher-end clientele by offering a glass of wine or Prosecco during a beauty treatment.
- the business was small employing four staff and treatments were expected to take around an hour. The hours of operation were 10.00 am to 9.00 pm.
- the owner was also looking to offer this activity to small female groups/parties interested in such high-end offers before going onward to other venues
- the aim of the business was to provide a venue where individuals/small parties could enter and be pampered
- the operation was small and presented a low licensing risk
- the representations made were not relevant to the licensing objectives as there would be no change to the primary business
- the applicant had also offered conditions outlined in appendix 12 which would normally be seen for much larger premises
- it was not the owner's intention to hold large parties. But should the necessity arise the owner intended to apply for a temporary event notice
- there had been no representations from responsible authorities against the application

The Chair invited Ms Phillips to make her representations objecting to the application. She informed the subcommittee that she and Mr Phillip had owned a studio since 2014 which was part of the building where the premises operated. This was accessed via a door next the window of premises. She objected to the application on the following grounds:

- the leaseholder had not received any details of the intended change of use of the premises or the intended application of the premises holder
- The subcommittee noted that the primary business of the premises remained a nail bar)
- the application for premises licence was inconsistent with its use as a nail bar
- the premises had been refurbished and now resembles a private club rather than a nail bar, this suggested a licensed premises with beauty treatments as an ancillary offer
- she had concerns about crime caused by public who would be attracted by the offer of alcohol
- that the area was unsuitable for such activity as the premises were surrounded by doctors surgeries schools and faith buildings

- the Fire Service had not properly considered the fire risk that the premises would cause to the apartments which were part of the building
- the details of the application were not consistent with number of employees that would work at the premises
- the activities intended to be delivered at the premises were inconsistent with each other
- there was a large foot fall in the area which included many children

The parties responded to questions from the Sub-committee and the following information was provided:

- Mr Mayhew advised that it was expected that the premises would supply wines Prosecco and champagne classes of alcohol.
- although the appearance of the premises was a matter of dispute, the primary business remained a Nail Bar.
- the business/premises consisted of seven treatment stations and four staff
- it was not the applicant's intention to host hen parties but to provide nail treatments for small parties as part of an activity day.
- the premises consisted of seven treatment stations and four staff and were equipped to deal only with up to 10 clients at any one time
- it would not be possible to enter from the street and buy wine as this would only be offered as part of a treatment. The applicant was happy for this to be added as a condition of the licence

The Chair then invited to the parties to make their closing statements:

Ms Phillips submitted that alcohol was not a means of solving problems and that solutions should be sought elsewhere.

Mr Mayhew submitted that the application made more than addressed the requirements of the Licensing Act 2003

The Sub-committee retired at 4.05 pm to consider its decision and reconvened at 4.17 pm.

The Chair summarised the subcommittee's decision in the presence of the parties and advised that a full written decision would be circulated to all under normal procedures. The Chair noted that condition 14 should be removed from the schedule as this was covered by other legislation.

#### The Licensing Objectives

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

#### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant and local resident present at the meeting.

Members welcomed the efforts made by the Applicant and the proposed conditions offered and with the additional conditions discussed at the meeting and accepted by the Applicant Members felt would alleviate the concerns of the local residents.

Therefore Members made a decision and the decision was unanimous. Members granted the application with additional conditions to help promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, Trieu Nails London Ltd, 105 Roman Road, London E2 0QN be **GRANTED** with conditions.

#### Sale by retail of alcohol (on sales only)

Monday to Sunday from 10:00 hours to 21:00 hours

#### The opening hours of the premises

Monday to Sunday from 10:00 hours to 21:30 hours

#### Conditions

1. Appropriate induction training to be undertaken with all relevant staff to cover appropriate subjects for their role including:

- a. The responsible sale of alcohol.
- b. The prevention of under-age sales of alcohol, the Challenge 21 policy and in checking & authenticating accepted forms of identification.
- c. The responsibility to refuse the sale of alcohol to any person who is drunk.

2. The premises will maintain written reports and registers. These will be kept for a minimum of 12 months and made available to the police and any authorised officer of the licensing authority on request.

Records will be maintained of the following:

- a. Any complaint against the premises in respect of any of the licensing objectives
- b. Any crime reported at the premises
- c. Any illegal drug related incident
- d. A 'register of refusals' highlighting any refusal in the sale of age-restricted products; for any reason.

e. Any fault in the CCTV system

All written reports and registers will be regularly checked by the DPS.

3. The primary purpose of the business is as a salon and the sale of alcohol shall remain ancillary to the primary activities of a salon.

4. The premises shall maintain a CCTV system. The CCTV system shall continually record whilst the venue is open for licensable activities and / or when customers remain on the premises. All recordings shall be time & date stamped, maintained for a 31 day period and be made available to the Police or authorised officer of the licensing authority upon request. The CCTV system shall:

a. Cover all entry points used by the public.

b. Enable frontal identification of persons entering in any light condition.

c. Be maintained by a suitably qualified person.

5. Sufficient competent persons should be authorised by the premises licence holder to provide the Police with downloaded CCTV footage and / or images in an appropriate recorded format (usually to a disc or memory stick) when formally requested to do so. The authorised person(s) should be sufficient to enable such data to be obtained by the police within 48 hours of a formal request being made.

6. A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.

7. No drinks (alcoholic or soft) will be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.

8. An intruder alarm is installed.

9. No self-service of alcohol will be permitted at the premises.

10. No externally promoted events will be permitted at the premises; 'externally promoted events' are those which are promoted, managed and delivered by external promoters not affiliated to the Premises Licence holder.

11. Non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied on the premises.

12. A fire risk assessment will be conducted and regularly reviewed. In-line with the Fire Risk Assessment:

a. Heat / Smoke detectors are installed and maintained by a competent person.

b. Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.

c. Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.

d. All emergency exits are marked on the premises plan.

13. Adequate & suitable first aid boxes will be maintained.
14. The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. A sign requesting customers to respect local residents and leave the premises quietly, will be displayed at the exit to the premises.
17. A Challenge 21 policy will be enforced, where any person reasonably looking under the age of 21 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
18. Recording Practices - A register of refusals will be maintained at the premises.
19. No unaccompanied children under 16 will be permitted into the premises at any time alcohol is being sold or supplied.

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

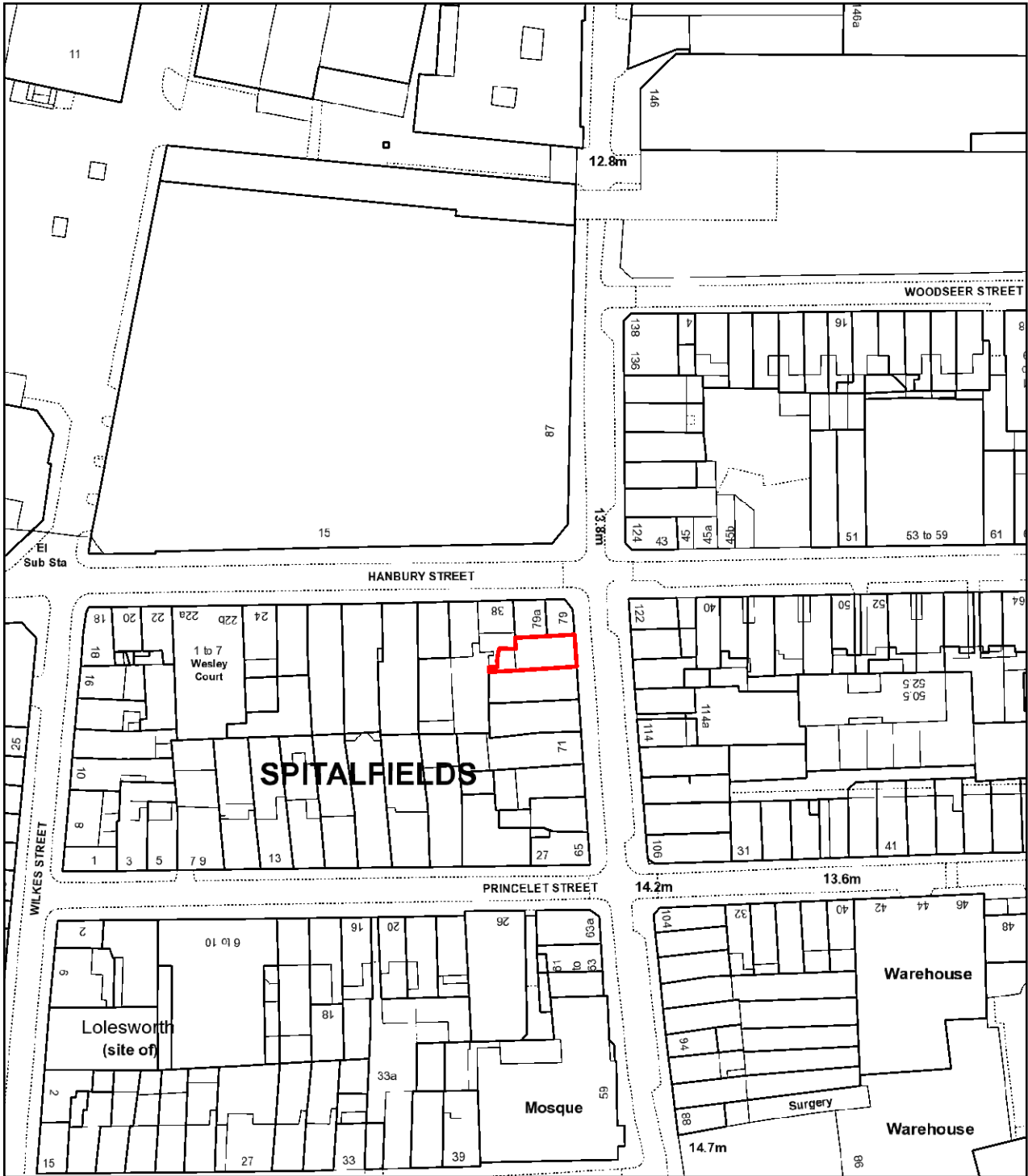
**6. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR COMMUNITY MUSIC EVENT AT WEAVERS FIELDS, VALLANCE ROAD, LONDON E2**

This item was withdrawn by the Applicant.

The meeting ended at 4.25 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

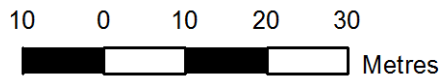
# Appendix 4



# BrickLane77.01

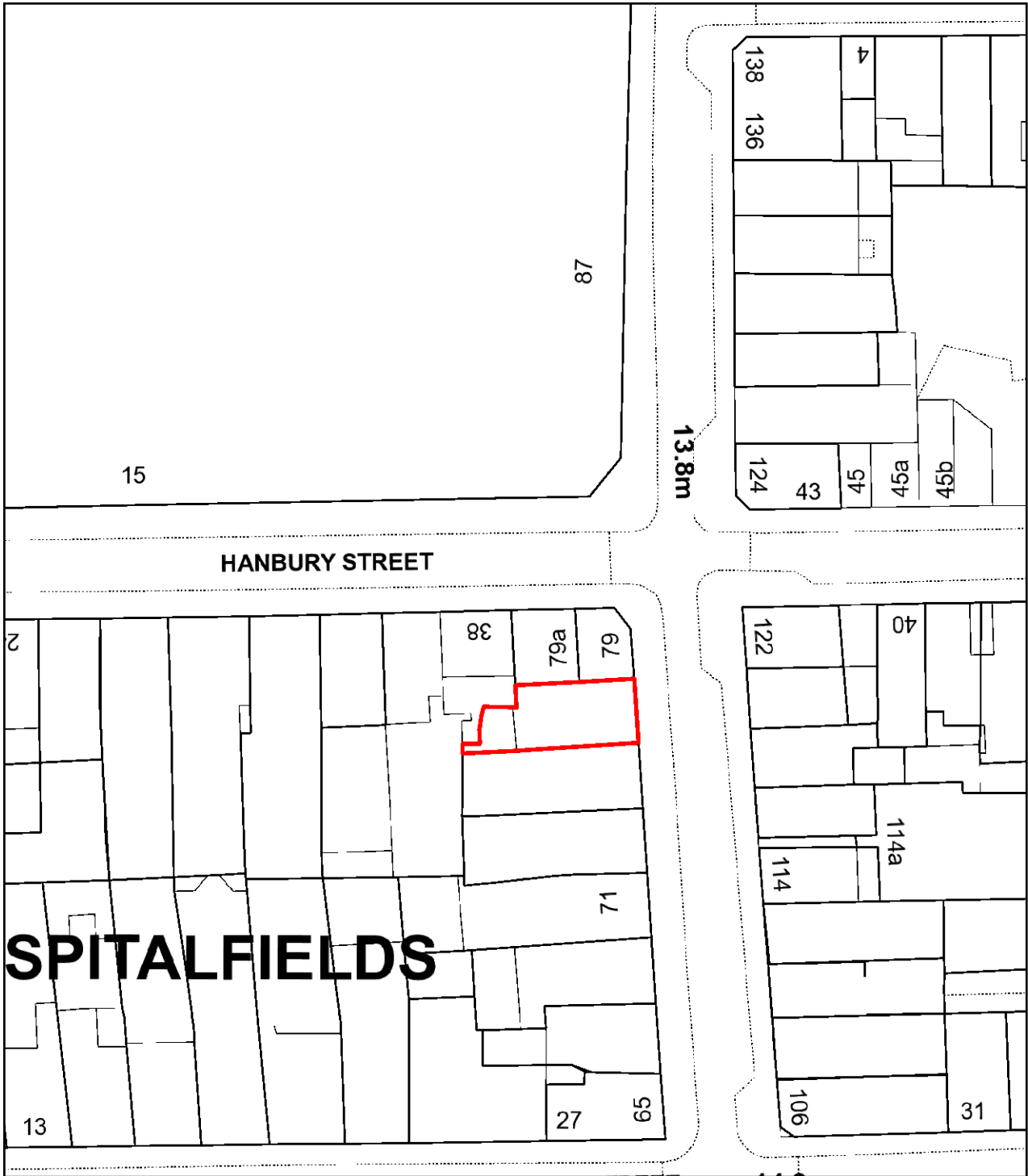


Scale 1:1135



Produced by London Borough of Tower Hamlets on 27/02/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

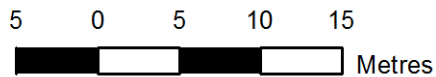




## BrickLane77.02



Scale 1:567



Produced by London Borough of Tower Hamlets on 27/02/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

# Appendix 5

## Mohshin Ali

---

**From:** Andrew Heron on behalf of Licensing  
**Sent:** 08 February 2017 12:18  
**To:** Mohshin Ali  
**Subject:** FW: Curry Bazaar review  
**Attachments:** Curry Bazaar review support (Jan 17).doc; Curry Bazaar review( Dec 15-redacted statements of Wiliams and Farrell ).pdf; Currey Bazaar( Perry CCTV 1st July 16).doc; Curry Bazaar ( restricted information Jan 17).doc; Curry Bazaar( Perry statement ).doc

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

---

**From:** [Alan.D.Cruickshank](mailto:Alan.D.Cruickshank) [mailto:Alan.D.Cruickshank]  
**Sent:** 08 February 2017 12:13  
**To:** Licensing  
**Subject:** Curry Bazaar review

Dear Licensing

Please find my letter of support and attached statements

Please note that one document is restricted and Not to be included in the general documents.

Regards

Alan Cruickshank PC 189HT

**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.**

**Consider our environment - please do not print this email unless absolutely necessary.**

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

**Find us at:**

**Facebook:** [Facebook.com/metpoliceuk](https://www.facebook.com/metpoliceuk)  
**Twitter:** [@metpoliceuk](https://twitter.com/metpoliceuk)

Tom Lewis  
LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4UA

HT - Tower Hamlets Borough  
HH - Limehouse Police Station

Licensing Office  
Toby Club Sno  
Vawdrey Close  
Cleveland Way Mile End  
E1 4UA

Telephone: [REDACTED]

Facsimile:

Email:

Alan.D.Cruickshank [REDACTED]

[REDACTED]  
[www.met.police.uk](http://www.met.police.uk)

Your ref:

Our ref:

22 January 2017

Dear Mr Lewis

The Metropolitan Police Licensing Unit, as a responsible authority, wishes to support the review instigated by LBTH Licensing, in relation to of Curry Bazaar, 77 Brick Lane, E1 6QL.

It is clear that the premises licence holders and management are seriously undermining the prevention of crime and disorder and also the prevention of public nuisance objectives.

My representation will be in two parts. I will produce information that has already been brought to a licensing committee attention at the last review of the premises.

However, I will also produce information that will be specifically about a man closely associated to 77 Brick Lane and another male who is also associated with 77 Brick Lane. There is an ongoing criminal investigation and therefore the rest of this information is restricted but will be supplied to the licensing committee .I also ask the committee to exclude members of the public from this part of the hearing.

On the 15th December 2015 LBTH Licensing instigated a review of the premises which heard by a licensing committee on the 12th May 2016. The committee that day decided to

suspend the licence for three months and remove the DPS

The background to this decision was as follows.

On Thursday 1st October 2015 at about 1405 I was in plain clothes taking part in a joint operation along with LBTH Trading Standards, HMRC Customs and Tower Hamlets Police's PTF officers who were in uniform.

Initially on speaking to Mr Mohammed Jubar AHMAD who is the current PLH and DPS, he admitted trying to remove the non duty paid boxes of wine and that he had panicked.

When another male entered the restaurant and told him not to say anything more, he became uncooperative and refused to say anything else.

Customs seized the 72 bottles of wine. No appeal was made regarding the seizure.

Later that evening plain clothes officers from the PTF were touted in the street by Mr AHMAD, who was involved in the earlier seizure of wine.

More disturbing is the following incident that took place on Sunday 15th November 2015 at 0100 towards two female officers. (See attached statement from PS 80HT Williams and part of an arrest statement from PC 849HT Farrell)

After an allegation of assault, PS Williams approached a number of Asian males outside Curry Bazaar. It was believed that some of these men were suspects in the assault.

The officer felt surround and one male stated "Call more people then, you clearly can't cope with us all on your own"

She describes one male being very aggressive and that his hands kept hovering over his belt buckle.

PS Williams goes on to say that this male's attitude had "deteriorated and threw his arms

up shouting "YOU SILLY CUNT"

On PC Farrell joining PS Williams, she states a male "kept angrily pointing his finger at my sergeant and I could hear some males speaking to my sergeant with raised voices and a condescending tone"

The action of these men was clearly disorderly and intimidating. If their actions towards female police officers was so hostile and public, then I fear what could occur if female members of the public happen to encounter these men.

I also include a statement from my licensing colleague PC Perry who conducted a licensing visit at Curry Bazaar. He again attended with PS Williams on the 1st April 2016. To summarise, he states:

PS Williams informed me that earlier in the shift they had visited Curry Bazaar and that the manager had been rude to them and smelt of cannabis. In light of this information and as there had been other problems with the premises I decided to conduct a visit to the premises.

I went over to speak to the greeter who I now know to be Mr Mohammed Ahman who initially was friendly. He smelt of cannabis, and when questioned as to this he said he had smoked cannabis earlier in the day. Based on his admission of smoking cannabis he was then told he was going to be searched for drugs, and he then admitted he had a cannabis joint on him.

I then went inside and spoke to the Designated Premises Supervisor Mr Mohammad Jubar Ahmad.

I explained to him that one of his staff had admitted to having cannabis in his possession and was being searched.

Mr Ahmad then went outside..... The DPS Mr Ahmed was shouting at the officers conducting the search, and being verbally abusive and aggressive towards them. I then told Mr Ahmad to go into the store which he did reluctantly.

Once inside the premises Mr Ahmad shouted at me "Why did you lie to me the officers have not found drugs". I said that the person had admitted to having a joint on him and officers were searching him.

As he was so aggressive I told him to calm down....

I asked Mr Ahmad to show us that his CCTV was working by rewinding the CCTV and playing it for us. Mr Ahmad refused. I asked him to confirm he was refusing and Mr Ahmad

said he was not refusing, he was just too busy. There were only a few customers in the premises. I pointed this out to Mr Ahmad who then called me "Stupid". I asked Mr Ahmad to repeat what he had just said, and Mr Ahmad then squared up to me. I then told Mr Ahmad to calm down and that we were here to conduct a licensing visit and that all this would be added to my report.

Throughout the visit he was very abusive to myself and PS Williams. He was constantly pointing his finger at us and calling me a liar and an idiot.

However at the licensing committee in December PC Perry stated the following:

The review hearing of Curry Bazaar was heard at Licensing committee held on the 12th May 2016 at Mulberry Place. At the hearing the person who presented himself as the DPS of Curry Bazaar Mr Mohammad Jubar Ahmad was the person that was found in possession of cannabis and given a cannabis warning on the 1st April, and that had identified himself to myself, PS Williams and her team as Mr Mohammed Ahman.

Therefore on the 1st April the person who said who said they were Mohammad Jubar Ahmad and was abusive to Police was lying and was just a member of staff. I believe that the reason that both these people gave false names was to mislead Police and prevent the fact the DPS of Curry Bazaar Mr Mohammad Jubar Ahmad had been found in possession of cannabis from coming to the attention of the licensing committee

I also produce a statement from PC Perry regarding a visit he made to Curry Bazaar on the 1st July 2016. In it he states the following:

I attended Curry Bazaar at about 11:28pm, the premises was open and had about 15 customers inside, several of whom were drinking alcohol. I spoke to the manager a man who identified himself as Mohammed Ahmed, and informed him that his license was suspended and that he should be closed at 23:00 and that he should not be selling alcohol.

PC Perry then encounters another male called AHMED.

The second Mr Mohammed then became aggressive and called me an idiot and told me to get lost. I said that I would be making a report of this. I then asked for a copy of the CCTV from Friday 1st July from 7:00pm till midnight to make sure that his premises had not been selling alcohol or supplying late night refreshment, Mr Mohammed agreed.

On Sunday 3rd July 2016 I spoke to Mr Mohammed Ahmed, the initial manager I spoke to on the Friday night and he said that the CCTV was not working but they were tiring to fix it.

I contacted the premises after several days and was told that the CCTV was not working and had not been working on the night of the visit. I explained that this was not acceptable and that when the suspension of the license was over the CCTV would need to be working as it was a condition of the license.

PC Perry believes that neither of these two men was the Premises Licence Holder Mr Jubar AHMAD.

Technically this was not a breach of the Licensing Act as the conditions placed on a licence was also suspended.

At the licensing committee on 12th May 2016, Mr Ahmad was given one last chance to organise his management team and ensure that the licensing objectives were clearly understood by everyone. It is evident from the two restricted incident reports that Mr AHMAD is continuing to ignore the licensing objectives, especially that of the prevention of crime and disorder. I cannot see any further conditions that could be attached to the licence that would assist Mr Ahmad to run the restaurant in a professional manner.

I support LBTH Licensing and ask the committee to revoke the licence.

Alan Cruickshank PC 189HT



### WITNESS STATEMENT

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

Statement of **Pc Mark Perry 748HT P205619**..... URN: 

--	--	--	--

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

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

Signature:  Date: 6/8/17


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

I am PC Mark Perry 748HT a Police Licensing Officer. This statement refers to a licensing visit On Friday 1st July 2016 I attended Curry Bazaar at about 11:28pm, the premises was open and had about 15 customers inside, several of whom were drinking alcohol. I spoke to the manager a man who identified himself as Mohammed Ahmed, and informed him that his license was suspended and that he should be closed at 23:00 and that he should not be selling alcohol. Mr Ahmed said that he had not been informed by the council. Another manager also called Mr Mohammed Ahmed then arrived, and he took charge. I asked the second Mr Ahmed for identification to confirm his details but he refused.

The second Mr Mohammed said that the council was wrong and that the suspension was not in place, and that they, the management of Curry Bazaar had not been informed. I explained that the matter had been heard by Tower Hamlets Council Licensing Sub Committee and the suspension of the license had been agreed at the hearing.

The second Mr Mohammed then became aggressive and called me an idiot and told me to get lost. I said that I would be making a report of this. I then asked for a copy of the CCTV from Friday 1st July from 7:00pm till midnight to make sure that his premises had not been selling alcohol or supplying late night refreshment, Mr Mohammed agreed.

On Sunday 3rd July 2016 I spoke to Mr Mohammed Ahmed, the initial manager I spoke to on the Friday night and he said that the CCTV was not working but they were tiring to fix it. I informed him that I would attend the restaurant on Thursday and if the CCTV was not working then, and that I was not given copies for both Friday and Saturday from 7:00pm till midnight then I would add this to my statement and report that I believed the only reason Police were not being given the CCTV was because it would show them late night refreshment, or selling alcohol. Mr Ahmed said he would try to get the CCTV working.

Signature:  signature witnessed by: .....

Continuation of Statement of **Pc Mark Perry 748HT** .....

I contacted the premises after several days and was told that the CCTV was not working and had not been working on the.

WITNESS STATEMENT

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

Statement of PC Mark Perry 748HT 205619 ..... URN: [ ] [ ] [ ] [ ]

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

This statement (consisting of: ...3.... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] Date: 6/5/17

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

I am PC Mark Perry 748HT a Police Licensing Officer attached to Tower Hamlets Police. This statement refers to the events of Friday the 1st April 2016 when I, in the company of PS 80 HT Williams, PC Borman 241HT and PC Brindley 381HT when we conducted a licensing visit to Curry Bazaar at 77 Brick Lane. During the visit a member of Curry Bazaar's staff was found in possession of drugs and the Manager and Designated Premises Supervisor was aggressive and abusive towards Police.

On Friday the 1st April 2016 I was on duty in plain clothes conducting visits to Licensed Premises in the Tower Hamlets. At about 11:30pm I met with PS 80 HT Williams, PC Borman 241HT and PC Brindley 381HT on Brick Lane to conduct a licensing visit to another premises. The premises in question was closed so no visit was carried out. PS Williams informed me that earlier in the shift they had visited Curry Bazaar and that the manager had been rude to them and smelt of cannabis. In light of this information and as there had been other problems with the premises I decided to conduct a visit to the premises.

As we approached the premises I saw a male standing outside the premises, I recognised him as a "greeter" who works for the premises. Sgt Williams and I went over to speak to the greeter who I now know to be Mr Mohammed Ahman who initially was friendly. He smelt of cannabis, and when questioned as to this he said he had smoked cannabis earlier in the day. Based on his admission of smoking cannabis he was then told he was going to be searched for drugs, and he then admitted he had a cannabis joint on him.

Signature: [Redacted] Signature witnessed by: .....

Continuation of Statement of **PC Mark Perry 748HT 205619**.....

Ps Williams and I then went inside and spoke to the Designated Premises Supervisor Mr Mohammad Jubar Ahmad. I explained to him that one of his staff had admitted to having cannabis in his possession and was being searched. I then informed him that we were conducting a licensing visit and asked for a copy of the premises license which he produced.

Mr Ahmad then went outside while I looked at the license. After a few minutes I went outside to get him back in the store to talk to him. While outside I saw Mr Ahman being searched by PC Brindley and PC Borman. The DPS Mr Ahmed was shouting at the officers conducting the search, and being verbally abusive and aggressive towards them. I then told Mr Ahmad to go into the store which he did reluctantly.

Once inside the premises Mr Ahmad shouted at me "Why did you lie to me the officers have not found drugs". I said that the person had admitted to having a joint on him and officers were searching him.

As he was so aggressive I told him to calm down and asked him what his role is, Mr Ahmad replied "DPS", I asked him what DPS stood for and Mr Ahmad did not know. I told him it was in my opinion very worrying that he did not know what the DPS was. I then explained that DPS stood for Designated Premises Supervisor, I then explained his role as DPS and asked him what the 4 licensing objectives were, Mr Ahmad did not know. I then explained the licensing objectives to him.

I asked Mr Ahmad to show us that his CCTV was working by rewinding the CCTV and playing it for us. Mr Ahmad refused, I asked him to confirm he was refusing and Mr Ahmad said he was not refusing, he was just too busy. There were only a few customers in the premises. I pointed this out to Mr Ahmad who then called me "Stupid". I asked Mr Ahamd to repeat what he had just said, and Mr Ahmad then squared up to me. I then told Mr Ahmad to calm down and that we were here to conduct a licensing visit and that all this would be added to my report.

Throughout the visit he was very abusive to myself and PS Williams. He was constantly pointing his finger at us and calling me a liar and an idiot. At one point he refused to let PS Williams into the premises. I said that we were conducting a licensing visit and that if he tried to stop us entering he would be committing an offence under the licensing act and be arrested.

I said that he should show PS Williams the respect she was due as a Police Sergeant. Mr Ahmed said that he won't respect her. That she was "Cheeky" and that he wanted her out of his premises.

Signature:



Signature witnessed by: .....

Continuation of Statement of **PC Mark Perry 748HT 205619**.....

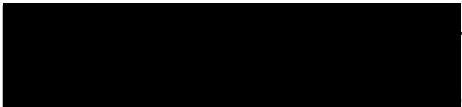
I told Mr Ahmed that I was very concerned that his reaction to being told that one of his staff had admitted to possessing drugs was not to find out what had happened, but to be aggressive to Police, interfere with the search and show a total lack of respect to officers. I informed Mr Ahmed that we would be adding this as evidence for the review of the license. He said he didn't care, that we as Police Officers were "Minimum wage" he had another restaurant.

The review hearing of Curry Bazaar was heard at Licensing committee held on the 12th May 2016 at Mulberry Place. At the hearing the person who presented himself as the DPS of Curry Bazaar Mr Mohammad Jubar Ahmad was the person that was found in possession of cannabis and given a cannabis warning on the 1st April, and that had identified himself to myself, PS Williams and her team as Mr Mohammed Ahman.

Therefore on the 1st April the person who said who said they were Mohammad Jubar Ahmad and was abusive to Police was lying and was just a member of staff. I believe that the reason that both these people gave false names was to mislead Police and prevent the fact the DPS of Curry Bazaar Mr Mohammad Jubar Ahmad had been found in possession of cannabis from coming to the attention of the licensing committee

This was pointed out to the Licensing Committee who noted it. After the hearing I warned Mr Mohammad Jubar Ahmad against giving false details to Police in the future.

Signature:



Signature witnessed by: .....

WITNESS STATEMENT

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

Statement of Joanne Farrell ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Police Officer 236234 .....

This statement (consisting of: .... 3..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] Date: 24/11/2015

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

In the early hours of SUNDAY November 15th 2015 I was on duty in full uniform as part of night time economy patrols around BRICK LANE, patrolling with my sergeant PS WILLIAMS. Just after 0100hrs, an IC3 male wearing a SIA security armband approached us and said one of his security staff had just been assaulted. We approached the member of staff who had a horizontal cut approximately one inch wide under his left eye, as if he had been hit in the face by someone who was wearing a ring or holding something sharp. The male told me he was a security guard at JASMINE curry house, 128 BRICK LANE. He said he had finished work and was going to unlock his bicycle which was chained up outside JASMINE in order to go home. He said some IC4 males from another curry house called CURRY BAZAAR (77 BRICK LANE) approached him aggressively and kicked his bicycle onto the ground. He then told them to go away, but they wouldn't. He then pushed one male away who responded by punching him in the face. He could not give me a description of who had punched him. I called up our council CCTV control room on my personal radio and they did a playback of the footage, which in their interpretation showed the security guard as the aggressor. I have since watched the footage and it is clear his bicycle had simply fallen over, possibly from passers by brushing past it. When he picked the bicycle up, it appears to have accidentally clipped an IC4 male who was walking past who reacted negatively and was quickly joined by a group of other IC4 males from the immediate vicinity. This group swelled to 12 males and then almost 20 males all gathered around the victim and his bike in a frankly intimidating manner, making it impossible to see who actually threw the punch that connected with the security guard.

There were a lot of people crowding around at this stage, many of whom (judging by their dress) appeared to be staff from curry houses. There was also a group of IC4 males standing outside A&Y OFF LICENCE watching what was going on. There was a bad atmosphere and I was worried matters may escalate, so I radioed my colleagues PC JANKOWSKI and PC BRINDLEY to join us. No one could give me a description of the male who punched the security guard in the face. The manager of JASMINE (I did not get his name) spoke to me several

Signature: [Redacted] Signature witnessed by: [Signature]

Continuation of Statement of **Joanne Farrell**.....

times and was calm and helpful each time. He said the suspect in the assault was downstairs in CURRY BAZAAR. He could not explain how he knew this, nor could he give me a description. He seemed concerned that the suspect may escape out the back. I explained that without a description I can't arrest anyone, and that I was not prepared to go inside alone as there was only one other police officer with me and she was speaking to staff standing outside CURRY BAZAAR.

While I was on the other side of the junction with HANBURY STREET talking to the assault victim and the manager of JASMINE, I noticed my sergeant was talking with staff from CURRY BAZAAR and that their body language was rather confrontational. I moved towards her as she was on her own. There was a group of males and they were standing across the entrance to the restaurant. Their body language was closed (arms folded, one male - who was wearing a dark coloured hooded coat with the hood up - kept angrily pointing his finger at my sergeant) and I could hear some of the males speaking to my sergeant with raised voices and a condescending tone, stating "I'm leaving!". I remember thinking what a marked contrast there was between the behaviour of staff from CURRY BAZAAR and staff from JASMINE, who were upset about the situation but overall behaving themselves and cooperating with police.

Shortly after 0130hrs my colleagues PC JANKOWSKI and PC BRINDLEY arrived on scene. At this point, the manager of JASMINE said the suspect for the assault had been pointed out to him and he then pointed the male out to me. He was standing outside A&Y WINES wearing a navy top with grey sleeves. I asked PC JANKOWSKI and PC BRINDLEY to arrest this male for ABH. He ran when they approached and they chased after him. Shortly after this occurred, I saw a male I now know to be walk angrily down the pavement toward the group of males standing outside A&Y WINES. He was shouting angrily in Bengali and waving his arms around. The veins in his neck were sticking up and he appeared to be crying. I had not noticed anything that was said or done to provoke this by the males outside A&Y WINES but then I am not a Bengali speaker.

I walked up to and said to him "Stop shouting and walk off that way". He tried to keep moving so I pushed him back using my right hand on his chest and my left hand on his right arm. He again tried to walk toward A&Y WINES and I again got in front of him and pushed him back saying to him "WALK OFF THAT WAY OR YOU'RE GETTING ARRESTED". At this point staff from JASMINE came over and tried to calm walking him back up the road a couple of metres. en suddenly turned back and walked around me into the road, around a parked car until he was within a couple of metres from the group outside A&Y WINES with just a parked car between them. He continued to scream and gesticulate at the group, at one point making a throat slitting gesture toward them. There were a number of members of the public milling around, as well as diners in restaurants, all of whom would have witnessed the incident.

At this point - at approximately 0145hrs - I grabbed hold of and said to him "I WARNED YOU SEVERAL TIMES TO WALK AWAY, YOU ARE NOW UNDER ARREST FOR SECTION 4 PUBLIC

Signature:

[Redacted Signature]

Signature witnessed by:

[Redacted Signature]

### WITNESS STATEMENT

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

Statement of PS Williams 80HT ..... URN: 

01	GN		11
----	----	--	----

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Sergeant P230541** .....

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

Signature: Date: 11th of December 2015 .....

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

On Sunday the 15th of November 2015 shortly after 0100hrs I was on duty in full uniform in company of PC FARRELL 849HT patrolling Brick Lane. I was made aware of an assault that had taken place the victim had a cut to his left cheek he stated that he was the security guard of JASMINE curry house, 128 BRICK LANE. The victim went on to explain that he had been punched to the face and that the suspect was out side CURRY BAZAR,, 77 BRIC LANE. He gave a description of an IC4 male, with very little other details. I made my way to out side CURRY BAZAR where there was a number of IC4 Males. The atmosphere was bouncing, they were all clearly enraged and defensive. I approached an IC4 male, who was of a slight build, short black hair wearing a bright blue puffer jacket. He stated that he worked at the restaurant. I asked him 'GUYS WHATS HAPPENED?'. He immediately became very defensive, stating that nothing had happened and I should leave, there was apparently no reason for me to be outside the premises. I explained to him that an allegation had been made to us, and that we were currently trying to ascertain what had occurred. I asked the three IC4 males who were directly outside the address to stay for the time being whilst we ascertained the details, made CCTV enquiries, and for further assistance to arrive. The IC4 male in the blue puffer jacket remained in the middle. Another IC4 male, thinner build wearing a black jacket with the hood pulled over his head was to my left, and another IC4 male, thicker set stood to my right. I felt that we were suddenly surrounded by people, which made the situation a show, in particular to the male in the middle wearing the blue puffer jacket. Having asked them to stay where they were, as they could well be suspects of this assault, I felt the need to direct this male to the left of me as there were a number of people forming around us. I placed one hand gently on his left elbow and asked him to move over to his right. He pulled his arm away from me and shouted at me 'DON'T TOUCH ME, WHAT RIGHT DO YOU HAVE TO FUCKING TOUCH ME, GET OFF ME'. I remained calm, and explained the situation we were in over and over, I explained to him that his aggressiveness was not necessary and that he needed to calm down. His reaction was 'CALL MORE PEOPLE THEN, YOU CLEARLY CAN'T COPE WITH US ALL ON YOUR OWN'. I again explained that I had called for a further unit for assistance. He crossed his arms and was

Signature: Signature witnessed by: .....



Continuation of Statement of

particularly unhelpful. The male to the right of him wearing the back hooded jacket was also very aggressive, I was aware that his hands kept hovering over the belt buckle of his belt. He was particularly annoyed that he had to wait around and said 'WATCH WHAT SHE DOES WHEN I LEAVE, I'M LEAVING'. I called for CCTV to keep the camera on me and in particular this male and shop window. His attitude deteriorated and threw his arms up shouting 'YOU SILLY CUNT', I asked him to repeat what he said and he stated 'JUST GET ON WITH IT'.

Whilst we stood there awaiting the further unit and whilst PC FARRELL liaised with the CCTV, I explained to the male in the blue puffer jacket that I would be making contact with the licensing unit due to the amount of abuse that I had received from this venue. His reaction was to shout and swear at me, his body language aggressive, he kept pacing towards me and then back towards the shop window. Two (2) white males who were on the way into the establishment stopped to ask me if I needed assistance. Whilst I was stood there two (2) security guards walked towards the IC4 in the blue puffer jacket, they seemed to know each other well. The taller of the security staff ignored me, and started to engage in conversation asking the male in the blue puffer jacket 'MATE WHY HAS THIS HAPPENED, HE'S MY MAN YOU KNOW, THIS SHOULDN'T HAVE HAPPENED TO HIM WE HELP YOU OUT ALL THE TIME'. Following a further few lines of conversation which I cannot recall they left. During this conversation it was not apparent that the male in the blue puffer jacket had been the suspect of the assault.

I could see that PC FARRELL was on her own, and clearly out numbered so for officer safety reasons I walked over to assist her. PC BRINDLEY and PC JANKOWSKI then arrived on scene. PC FARRELL passed on further information to them which sent them running after a suspect along Brick Lane away from the Shoreditch end.

A further altercation then took place in which a was arrested for public order after a confrontation with the IC4 male that was previously outside CURRY BAZAR wearing a black jacket with the hood pulled over his head. There is clearly tensions between JAMSIN curry house and CURRY BAZAR.

[Redacted signature area]

Signature:

[Redacted signature]

Signature witnessed by:

.....

Tom Lewis  
LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4UA

HT - Tower Hamlets Borough  
HH - Limehouse Police Station  
Licensing Office  
Toby Club Sno  
Vawdrey Close  
Cleveland Way Mile End  
E1 4UA

Telephone: [REDACTED]  
Facsimile:  
Email:  
Alan.D.Cruickshank [REDACTED]  
[REDACTED]  
[www.met.police.uk](http://www.met.police.uk)

Your ref:  
Our ref:  
24 February 2017

Dear Mr Lewis

Review of Curry Bazaar, 77 Brick Lane, E1

Further to my initial representation I wish to add the following.

On the 10th February 2017 in the early evening I was on duty in plain clothes in Brick Lane, E1. As I approached Curry Bazaar I saw standing outside the restaurant, the Premises Licence Holder, Mr Juber AHMED. I approached him and asked him why he was standing outside as he was advised by his lawyer to remain in the background to avoid any further confrontations.

He said it was not in his bail conditions and his lawyer never said that. I informed him that this was not the case as both he and I advised him that he remain in the background, inside the restaurant and not to stand outside.

As I continued up Brick Lane AHMED approached me and asked if I could speak to him in the restaurant. Sitting down, he was joined by his brother Rashel.

They asked how they could improve things. I asked if it was correct that two members of Curry Bazaar staff had recently been detained by Immigration officers (more to follow)

Rashel reluctantly confirmed this. I then advised them to contact their lawyer and that I couldn't talk about any criminal cases. Jubar said he wanted a good relationship with the police.

Having received an email from an immigration officer I can confirm the following information.

“

I have checked our systems that show that East ICE did attend the Famous Curry House on the 02/02/2017. We arrested one person for immigration offences, one other was escorted off the premises as he was not entitled to work and a last was taken to his residential address in order to provide proof of his identity.

Two people were identified as not having any entitlement to work at the premises.

Sec182 Guidance 11.27 states There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.

I have since received an email from a man making a criminal allegation against Jubar and Rashel. They in turn initially made an allegation against the complainant. At this time the investigation is ongoing.

It is clear that Mr. Ahmed has no intention of abiding by the Licensing Act. Being aware that his licence is under review he continues to ignore not only advice from his own lawyer but commits an offence that licensing guidance states should be “treated particularly seriously”

Mr. Ahmed was given one last chance at the previous licensing committee to reform his business. He has significantly failed to do.

The Licensing Act can only be effective if the licence holder understands that if there is a significant breach then they will be in danger of losing their licence and business. Unfortunately in this case the restaurant can continue to operate as a business and there will always be a risk that further violence or disorder will occur between Curry Bazaar and other restaurants.

This continual disorder between a small number of restaurants takes up a significant amount of time for my colleagues and my colleagues. If serious criminal offences

are to continue at any restaurant including Curry Bazaar, it may result in the police applying for a closure notice and then at a Magistrate Court for a Closure Order which can last for up to 3 months. This would in effect close the restaurant and allow access to only the owner or agent.

I ask the committee to revoke the licence.

Alan Cruickshank PC 189HT

## Mohshin Ali

---

**From:** Alan.D.Cruickshank [REDACTED]k  
**Sent:** 07 March 2017 09:48  
**To:** Licensing; Mohshin Ali  
**Cc:** MARK.J.Perry [REDACTED]  
**Subject:** Curry Bazaar

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Licensing

This is a further update for the upcoming review of Curry Bazaar.

The police received a call from a male already involved in criminal allegations against Jubar and Rashel AHMED. The report states

entered at 20:02 on 04MAR17

INFT STATES HE HAS WITNESSED A GROUP OF GIRLS AGED 14/15 ARE IN  
RESTAURANT ALL ARE DRINKING ALCOHOL... INFT STATES THE RESTAURANT ARE  
UNDER INVESTIGATION

THERE IS 10-15 GIRL IN THE GROUP

The information was passed to the Licensing. No other calls were made regarding this.

This has to be treated with some caution as there has been no other allegations regarding underage drinking. I believe it does highlight the tit for tat nature of individuals surrounding this matter. However, there has been serious allegations against Jubar and Rashel which will be heard in front of a Magistrate or Crown Court.

In no way does this alter the police's request that the licence be revoked

Regards

Alan Cruickshank PC 189HT

**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.**

**Consider our environment - please do not print this email unless absolutely necessary.**

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

## Cruickshank Alan D - HT

---

**From:** Cruickshank Alan D - HT  
**Sent:** 08 May 2017 10:07  
**To:** 'Kathy Driver'  
**Subject:** Incident with Curry Bazaar Restaurant

Dear Licensing

I received the following email on the 6th May 2015 at 1835 from the Jasmine restaurant, Brick Lane. I have removed certain parts of the email as this is an ongoing criminal investigation.

Dear Alan

I am writing this email to update you on the latest events with Mr ... from the Curry Bazaar. Last night Mr ..... made a phone call to one of my employees and started threatening him to leave my job otherwise he will kidnap and disappear him. Traumatized my employee came to me frightened and spoke of leaving the job. I assured him not to worry and called the Police .

As you might be aware I hold an Injunction Order against Mr ..... that gives the power of arrest and orders Mr ..... to refrain from threatening to use violence, harassment and intimidation against me or my any of my workers. Well, last night by threatening my staff he breached the Injunction Order and after reporting the matter to the Police who took mine and my employees statement also took copies of the Injunction Order issued by The Royal Courts of Justice and after consultation with the Sergeant on duty an attempt to arrest Mr ..... was made but he was not at his restaurant so PC .....has now advised us that .....

As you are aware the level of harassment and intimidation has recently been on the increase even though the Injunction Order remains valid and I am reporting the matter to you throughout as and when they unfold. I will keep you posted on this matter.

# Appendix 6

# JASMINE Brick Lane Ltd



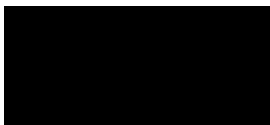
19<sup>th</sup> May 2017

Re: Review of Premises License for Curry Bazaar, 77 Brick Lane, London E1 6QL

Dear Mohshin Ali

In regards to my representations for the above premises made via letters from Nazrul Restaurant and emails via [REDACTED] I write to advise that I stand by all my representations and they are all true and made by me. Should you need any further information than please write to me or call me on [REDACTED]

Regards



Raju Ahmed





Nazrul Restaurant



01.02.17

**Re: Application for Review of Premises License for Curry Bazaar, 77 Brick Lane, London E1 6QL**

Dear Sir

I am writing this letter to make a representation regarding the above application. I wish to express my feelings with regards to the above premises and how it has affected me and many restaurateurs and residents locally.

On the 3<sup>rd</sup> of September 2016 whilst the above premises were under a suspension period from a previous Review of Premises License for selling counterfeit goods and touting and violent conduct, owners Mr Jubar Ahmed and Mr Rasel Ahmed were involved in a vicious attack on an employee of a neighbouring restaurant over the issue of touting once again. Police attended the scene. One of our premises CCTV Cameras was facing towards the incident. Police Officers noticed the camera and approached us to assist with the footage we hold. According to our license conditions we must produce CCTV to responsible authority as and when required, so we complied and provided the CCTV recording we hold that captured the whole incident and the violent encounter. Mr Jubar Ahmed was arrested and Mr Rasel Ahmed went in to hiding.

Message went across to both the Brothers that we had provided CCTV recordings and things went down from there. On 7<sup>th</sup> September 2016 Mr Rasel while driving past his restaurant saw me on the side street and started verbally abusing me. Matter was reported to the officer in charge of the case for the violent attack above with a credible witness statement and I was advised that Mr Rasel will be charged with Witness Intimidation.

Mr Rasel was finally arrested and bailed and soon after returning to his restaurant both brothers were in a constant rampage with verbal abuse and threatening behaviour towards me and my brothers and my staff. So much so that death threats and other violent threats were constantly expressed and on several instances I reported the matter to Licensing Officers and Police Officers who kept advising to approach my daily affairs with caution. Several incidents had occurred and I started to keep a log of some of these events. Eventually I had

to seek for legal action with my own costs and upon successfully representing my case with evidence to the Judge at the Royal Courts of Justice, an Injunction Order was made against both brothers that stated and I quote

‘The Defendant Jubar Ahmed and Rasel Ahmed be restrained, whether by himself or his servants or others, from threatening to use violence, harassment and intimidate the Claimant and its servants and agents’.

Attached with this letter are copies of Injunction Order and my Witness Statement titled ‘Particulars of Claim’ that explain some of the horrific events. Also attached is a USB with CCTV recordings that outline the events as described on my Witness Statement.

Neighbouring Restaurants suffer similar abuse and torture but are afraid to speak out as both brothers have connections with the local Brick Lane Gang and individuals from this notorious group congregate in the premises almost every night drinking and smoking causing havoc for local restaurateurs, visitors to the area and local residents.

Both brothers are constantly engaged in aggressive touting and often fall in to arguments over the said. Even when the premises was under a period of suspension, both brothers engaged in heavy touting giving little disregard to the severity of its previous suspension and even engaged in the violent disorder.

I write this letter with sombre. Not only has helping the Police with their case caused me unwanted grief and problem from the above premises but also cost me huge amounts of money and at a time of such financial instability I could have done this without. Allowing the premises to hold on to its premises License will send out the wrong message to other restaurateurs and will most likely lead to further violence and disorder. The premises being within the cumulative impact zone needs to be addressed as it is seen fit and thus far it is evident the owners are not in a position to hold on to its license. I urge that the premises license be revoked and a real message be sent out to all the restaurateurs that violence from touting or other means will not be tolerated.

Please do get in touch if you need to discuss any of the above in detail.

Yours Faithfully

A large black rectangular redaction box covering the signature area.

Mr Raju Ahmed

## Mohshin Ali

---

**From:** jasmine brick lane [REDACTED]  
**Sent:** 20 February 2017 04:12  
**To:** Alan.D.Cruickshank [REDACTED]; Licensing; HT-LicensingOffice [REDACTED]  
**Subject:** Curry Bazaar Incident

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Re: CAD8153/18feb17

Re: Curry Bazaar, 77 Brick Lane.

Dear Alan Cruickshank and Licensing Team,

I write this email to update you on the events of last night. As you might be aware previously we have been under immense harrasment and intimidation from Brothers Jubar Ahmed and Rasel Ahmed from The Curry Bazaar Restaurant, 77 Brick Lane London E1. This all started when we gave our CCTV footage and witness statement to the Police to help the Police in their investigation about both the brothers violently attacking a member of staff of another neighbouring restaurant (crime reference number 224989/16; incident date 3rd Sep 16; dealt by DC Cabal). Since then the rollercoaster of violence against us from the brothers has been persistent because of the fact that we gave evidence against them. So much so that we reported the events several times to your respective teams. Eventually through collating evidence and various CCTV recordings we were able to get an injunction order against the brothers to stay away from us with our own expense. Even after the injunction order was issued Jubar Ahmed continued with violent threats which eventually led to his arrest (crime report: 01HT0517016).

Now that they cannot harras or intimidate me because of the injunction order the brothers have started to abuse, intimidate and harrass my staff members on a daily basis. Yesterday they found out that a member of my staff made representation towards them in their latest license review. This person previously worked for them but after issues to do with forced touting he left and joined another restaurant before coming to join us. The brothers saw him finish his work at midnight and then called the Police and made false allegations reporting that he shouted across the road and threatened them with violence. This person has a broken leg and walking in crutches at the moment. They reported the false allegation in hope to get him arrested and so that he spends time in Police cells. The Police who came to the scene kept my staff in the van while we humbly requested the officers to view our extensive CCTV recordings and so they did. It became apparent no such threat was made. A neighbour restaurant also came to our aid. Mr Azmol Hussain owner of Preem Restaurant which is directly opposite Curry Bazaar gave witness to say nothing like the said happened. His CCTV recording has visual and audio recording and covers all external areas of the neighbouring restaurants including our restaurant. After viewing his CCTV recording Police Officers were satisfied that no threats of violence was made. Both visual and audio recording showed no signs of violence or disorderly conduct was made from my staff towards the brothers. Police Officers immediely released my staff without any charge and took away copies of the premises license from the brothers at the Curry Bazaar Restaurant as well as mine.

Previously they made similar false allegations and got my staff arrested (custody record number 01ht/4665/16). That time my staff member was kept in custody until the Police Officers reviewed CCTV and found that he was innocent then they released him with No Further Action (NFA) after keeping him locked up in the Police Cells for over 15 hours. I wrote to you about that incident previously. They wasted valuable police time before and they did it again last night. They continue to deploy this ill tactic.

I write this email because they continue to call Police and make false allegations for no apparent reason. The level of intimidation by the brothers is increasing and their methods of intimidation is diversifying and continues despite the injunction order and the latest license review. Doing business near these people is becoming more like walking on fire. Already a few of my staff have given notices to leave because they believe they will become the next victims of these brothers callous acts. In a time of such staff crisis this is one that we can do without.

I write to ask for your help. Help me and other local businesses from such tyranny. Help us to do business peacefully. Help us from these brothers daily intimidation and harrasment. I leave the matter on your capable hands.

Regards  
Raju Ahmed  
Jasmine Restaurant

██████████  
██████████

# Appendix 7

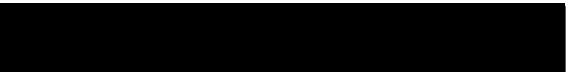
Kabir Hussain



04/06/17

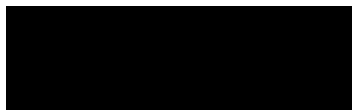
REVIEW OF PREMISES LICENSE FOR (CURRY BAZAAR) 77 BRICK LANE LONDON  
E1 6QL

Dear Mr Ali

I write this letter in response to your letter to confirm that I did make representations towards the above premises. I have wrote letters and sent emails via 

If you need any further details than please write to me.

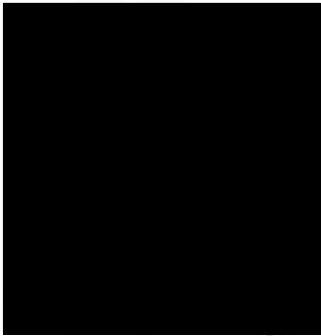
Yours Sincerely



Mr Kabir



Kabir Hussain



02/02/17

Re: Curry Bazaar

To whom it may concern,



I write this to share my experience of working at this restaurant. I am an ex-employee.

In September 2016 I started employment at this restaurant. I started employment to work as a waiting staff. A few days in to my employment I was forced to stand outside and call for customers. I was forced to tout even though touting was illegal. I was given instructions by Mr Jubar Ahmed and Mr Rasel Ahmed to tout for customers no matter where they are on the street. I was told to forcibly call for customers that are standing in other restaurants door steps. I advised them this will lead to conflict but they nodded and said no one will say a word as all the other restaurant owners and workers are scared of them. I followed instructions but clearly knew I was doing wrong.

One of my instructions was to give heavy discounts and offer free drinks to customers that are refusing to come in. Even though at that time this restaurant lost its Alcohol License they continued to supply alcoholic drinks after midnight when the authorities were less likely to make checks as they suggested and believed.

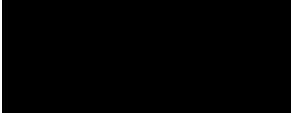
One of the facts I totally disliked was the offer of providing drinks to individuals that look too young to drink. We never checked for I.Ds and when I once stated that some customers look too young to be served alcohol I was told to shut up sell more and follow instructions.

Four weeks in to my employment I asked for my payslips and record of employment but the owners refused to supply me with this. They say to work and take wages and go home. No need for payslips. Basically they were not showing my employment at the restaurant. I could not take any more so I left and started work at a restaurant across the street.

The owners Mr Jubar Ahmed and Mr Rasel Ahmed do not care a little about their license conditions or business practise. All they care is about profit. I request you take putative action and help other businesses work in a peaceful manner. Please.

I am willing to testify as and when required.

Yours Faithfully

A large black rectangular redaction box covering the signature of the sender.

Mr Kabir

A large black rectangular redaction box covering the contact information of the sender.



## Corinne Holland

---

**From:** Kabir Hussain <[REDACTED]>  
**Sent:** 28 February 2017 19:21  
**To:** Licensing; HT-LicensingOffice [REDACTED]; Mayor; news  
**Subject:** Re: PROBLEMS WITH THE CURRY BAZAAR RESTAURANT

Re: Mr Rushel Ahmed & Mr Juber Ahmed from 'The Famous Curry Bazaar Restaurant, 77 Brick Lane London E1 6QL

Dear All

I am writing this email to inform you that since my last email as set out below I have now left my job at the Preem Restaurant in Brick Lane due to the continued threat and abuse by brothers Juber Ahmed and Rushel Ahmed. Even though I made a Police complaint and they had been warned by the police they still continued to torture me on a daily basis. Threats of abduction and abuse are constant and I am fearful of my life.

As I have no Job now I will soon be applying for Job Seekers Allowance. I did not want to claim public funds but I am helpless.

Kind Regards  
Kabir Ahmed

Wednesday, 22 February 2017, 07:27p.m. +00:00 from Kabir Hussain [REDACTED]

Re: Mr Rushel Ahmed & Mr Juber Ahmed from 'The Famous Curry Bazaar Restaurant, 77 Brick Lane London E1 6QL

Dear All

My name is Kabir Hussain. I am a hard working family man who is trying to make a decent living but finding it extremely difficult for the above 2 individuals who have made my life a living hell.

Back in October 2016 I briefly joined the above restaurant to work as a waiting staff. The 2 person listed above who are also brothers used to force me to stand outside hassle pedestrians and get them inside the restaurant. I did not like their business practise so I left. I then joined a restaurant a few doors down but the brothers did not like it. Soon on a daily basis they started to taunt me swear at me threaten me and abuse me in front of everyone. They even made threats to disappear me. Mr Rushel on several occasions said he will kidnap me by putting me in his boot and dump me in epping forest! On one occasion when I decided to stand up for myself and tell the brothers they need to stop what they are doing the brothers laughed it off then called the Police and made false allegations which led to my initial arrest. After spending 22 hours in Police custody I was released with NFA as the Officers were satisfied I was not involved in any allegations that were made against me. Following that the daily torture continued and I simply ignored the brothers.

Last week I started employment at Jasmin Restaurant on a trial basis and the brothers again disliked this so they called the Police again and made a false allegation. Police came to the scene and arrested me. Luckily my employer has CCTV so he was able to prove my innocence and following that I was dearrested on the spot. My employer did not continue my employment and I was soon released. Last night I found another job and coincidentally it happen to be across the road to The Famous Curry Bazaar Resturant. My new employment is at the Preem Restaurant, 120 Brick Lane London E1 6QL.

The brothers again disliked this so again they called Police and made a false allegation. Luckily for me my new employer has both audio and visual CCTV and after spending almost an hour the Police were satisfied that I did not commit any crime and left. The Police also advised me to report the matter at any Police Station if I believe they are harrasing me.

Late last night I personally went to Bethnal Green Police Station and I have reported the whole incident to the Police (CAD 4204852/17). Although the Police officer who took my report has advised me they will look in to this matter I am afraid and scared these brothers will try to get me arrested again. I have a family to look after. A sick mother to look after. I cannot go through all this. Can someone help me please. I am already taking depression tablets. I dont know what to do.

With kind regards  
Kabir Hussain

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

Handled by PC Mark Penn  
to Licensing on 3/3/17.

Kabir Hussain



**Re: Curry Bazaar, 77 Brick Lane, London E1 6QL**

Dear

I am sending with this letter a USB stick that contains various recordings that show the above restaurant going against its license condition by touting / soliciting for custom. In each of the clips it is shown that the Touter / Owner of the premises obstructing the footway of pedestrians to solicit for custom. Both visual and audio is recorded for each of the clips that clearly show the Touter / Owner touting / soliciting for custom in contrary to its license conditions. Bear in mind most of these clips are recent even though the premises is aware it soon has a License Review to take place it is totally disregarding the notion and continue to play foul. The evidence in the USB can be of use for the upcoming License Review of the Premises due to take place on the 14<sup>th</sup> of March 2017 at Town Hall (letter of hearing attached).

Yours Faithfully



Mr Kabir Hussain

# Appendix 8

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

Azmal Hussain



Date: 5<sup>th</sup> June 2017

Dear Sir

I am Azmal Hussain Director of Preem Restaurant. I am confirming you that the original representation letter against the premises that you received I have sent you by myself. If any requires please don't hesitate to contact with me. My mobile no. [REDACTED]  
Advance Thanks for your help.

Kind Regards

[REDACTED]  
Azmal Hussain  
(Director of Preem Restaurant)



Celebrating 50 years  
of the  
Electric Definitive

Royal Mail  
John Onslow  
Mail Centre  
05-05-2017



Head of Environmental Health and Trading  
Standards David Tolley  
Licensing Team  
John Onslow House  
1 Ewart Place  
London  
E3 5EQ

**Azmal Hussain** [REDACTED]

To: licensing [REDACTED]

Dear Sir/Madam

I hope you are alright.I am writing on behalf of Preem Restaurant [REDACTED] one of our staffs have been beaten by both of the owners Jubaer Ahmed and Rasel Ahmed of Curry Bazaar very badly.They have been charged, Reference number 01HT0457016 that will be a hearing on 22 March 2017 Magistrate Court,Case Call Ahmed and Ahmed.Another case in the Crown Court in the same Reference no for one of the brother,Rasel Ahmed.Now,because of our restaurant is opposite of their restaurant,they are so aggressive and try to create a problem with us. and when any customer reading our menu,they are doing shout from their side and offering discount and abusing.If you want,I can show you the evidence, I have CCTV footage with voice active about their activities.If you need the evidence I will send a pen drive to you or if you like you can come and see by yourself.Last week, immigration police came and found a illegal worker in Curry Bazaar. The worker had been arrested. as per as I know the worker was working for about 6 years and if you need the footage of this incident,I can provide you anytime when you want.

Do not hesitate to contract with me.

Kind Regards

Azmal Hussain  
[REDACTED]

**LBTH**  
**TRADING STANDARDS**  
15 FEB 2017  
**LICENSING**

[REDACTED]

To Licensing Sub Committee 10<sup>th</sup> August 2017

Tower Hamlets

Directorate of Law, Probity and Governance

Democratic Services

Town Hall

Mulberry Place

5 Clove Crescent

London

E14 2BG

Subject: CCTV footage to be added as an evidence with my witness statement, Review of premises Licence for :Curry Bazaar,77 Brick Lane ,E1.

Dear Sir/Madam,

My name is Azmal Hussain, Owner of Pream Restaurant in [REDACTED] opposite to the Curry Bazaar Restaurant.

Today I am giving you one Pen Drive of CCTV footage. It shows one of my staff named Kashem who was beaten very badly by both the owner of Curry Bazaar and his younger brother, Rasel Ahmed.

Rasek came to my restaurant and took out Kashem, my staff member. To start with this was a very friendly approach but then when they were in the street, Rasel Ahmed punched Kashem my employee and used a sharp instrument on him. At the same time his elder brother, Jubayer Ahmed, came out of the Curry Bazaar restaurant and started beating Kashem,too.

I was standing twenty meters away from them and when I saw what was happening I went running towards them and separated them but still they continued kicking and Kashem fell down on the street and we took Kashem to Hospital.

Two weeks ago I gave other CCTV footage to the Licensing Officer, Miss Kheti Driver. In this footage it shows Mr. Jubayer Ahmed, owner of Curry Bazaar. He was touting so aggressively, he went to EFES which is the next door to Curry Bazaar.

I do not feel that either of the brothers Jubayer or Kashem have respect for other business people.

The Immigration police arrested one of the workers from the Curry Bazaar, now he is working to their other restaurant, named Eastern Eye , 63A Brick Lane,E1 on Saturday and Sunday.

A month before , The Evening Standard wrote an article. In the article there was a picture with 3 people: on one side is the owner of Curry Bazaar Rasel Ahmed,in the middle is a customer and the third person is Kochi, he has worked there for the past ten years but he has no work permit, he is an illegal worker. How he can work? So, can you have a look over this matter.

Azmal Hussain

[REDACTED]

News › London

## Notorious Brick Lane curry house facing closure after 'ex-waiter threatened with kidnap'

MARK CHANDLER | Saturday 24 June 2017 07:28

Like Click to follow The Evening Standard



Coldplay frontman Chris Martin, centre, with joint owner Rashal Ahmed, on right, and a staff member

A notorious **Brick Lane** curry house faces being shut down over claims its owners harassed rival restaurateurs and threatened an ex-waiter with kidnap.



It was also claimed police officers were branded “f\*\*\*ing cheeky” and a “silly c\*\*\*\*” by Jubar Ahmed during separate visits to the premises, which counts Coldplay singer Chris Martin as a celebrity customer.

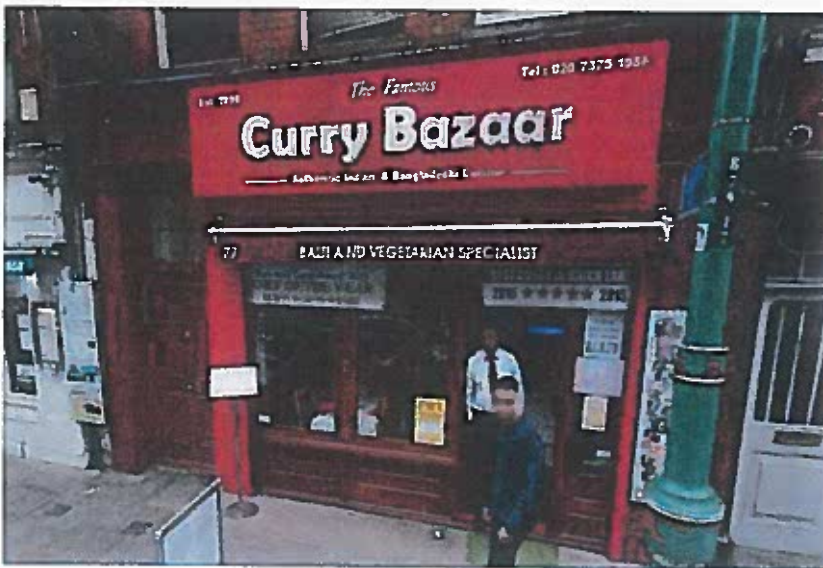
ADVERTISING



inRead Invented by Teads

In papers submitted to **Tower Hamlets** council, police said the venue was still badly run, breaching its licence by opening into the early morning, touting and selling alcohol.

It was also claimed the restaurant falsely advertised itself online as winning an award for Curry Chef of the Year 2016.



Under threat: The Famous Curry Bazaar (Google Street View)

In a submission to next week’s licensing hearing, one former staff member said he quit because he was being asked to hassle customers in the street.

When he went to work at another restaurant, the brothers allegedly made his life “a living hell”.

He said: “Soon on a daily basis they started to taunt me, swear at me, threaten me and abuse me in front of everyone.

“They even made threats to disappear me. Mr Rushel (sic) on several occasions said he will kidnap me by putting me in his boot and dump me in Epping Forest.”

Takeaway hit with £8,000 bill after 'serving cockroach in lamb curry'  
'Wannabe curry kings of Brick Lane' face losing licence for 'touting'

An owner of a rival restaurant complained that, when customers stopped to look at their menu, staff from the Curry Bazaar would start yelling and offering discounts.

A member of staff was also arrested during an immigration raid on February 2.

One restaurant worker told the Standard earlier this year: "They are the wannabe kings of Brick Lane. They use aggressive tactics and it's reckless and bringing down the area."

The council launched a clampdown on touting in Brick Lane in six years ago, but the documents claimed this was still a regular practice at the Curry Bazaar.

Licensing officer Kathy Driver wrote: "Clearly the licensees have not taken the process serious enough to improve the management of the premises."

A meeting to decide the restaurant's fate will be held on June 28.

The Famous Curry Bazaar did not respond to requests for a comment.

More about: | [Brick Lane](#) | [Tower Hamlets](#)

 Reuse content

Sponsored Links by Taboola

**Did You Take Out a Mortgage Between 1988-2011?**

The PPI Finder

**People Born Between 1953 & 1979 With No Life Insurance Must Read This**

Comparisons.org

**We Can Guess Your Education Level With This Simple Quiz**

Definition

**Born Before 1957? You're Eligible For Revolutionary New Laser Eye Surgery**

Clinic Compare Quotes

**Best Cars To Buy In 2017**

Carbuyer

**Volvo's Golf Killer - The V40**

Auto Express

Matthew McConaughey learns of co-star's death on red carpet

# Appendix 9

## Mohshin Ali

---

**From:** Ibrahim Miah [REDACTED]  
**Sent:** 08 February 2017 19:26  
**To:** Licensing; HT-LicensingOffice [REDACTED]  
**Subject:** Curry Bazaar 77 Brick Lane London E1

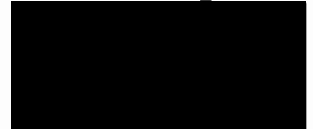
Dear Respective Members,

The above restaurant was searched under warrant by UK Border Agency on the 1st of February 2017. It was found that 2 people were illegally working in the premises. One of those individuals was an illegal immigrant working illegally in the premises in full knowledge of the owners. Both were arrested and taken away by UK Border Officials. One of them has since been released with conditions the other is awaiting deportation. Brick Lane as a whole has suffered in loss of reputation from the current incident. I request you look in to the matter and make reflections in the upcoming License Review of the premises.

Regards  
Ibrahim

# Appendix 10

David Cunningham



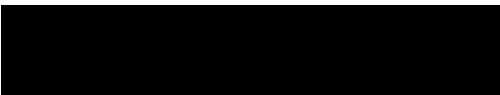
your ref LIC/97893/MA  
5 June 2017

Dear Mohshin Ali

Thank you for your letter 31 May 2017.

In response I confirm that my representation to the Licence Review of Curry Bazaar, 77 Brick Lane, sent 13 February 2017 is genuine.

Yours



David Cunningham

**Mohshin Ali**

---

**From:** Andrew Heron on behalf of Licensing  
**Sent:** 13 February 2017 13:18  
**To:** Mohshin Ali  
**Subject:** FW: Curry Bazaar (77 Brick Lane London E1 6QL) - Review of Premises Licence  
**Attachments:** LXD\_BrickLane77.Jan17.pdf

---

**From:** David Cunningham [REDACTED]  
**Sent:** 13 February 2017 13:10  
**To:** Licensing  
**Subject:** Curry Bazaar (77 Brick Lane London E1 6QL) - Review of Premises Licence

To - Licensing, Tower Hamlets Council.

Curry Bazaar (77 Brick Lane London E1 6QL) - Review of Premises Licence

Curry Bazaar regularly operates touts outside the premises every evening in breach of licensing conditions and the local by-law. This aggressive and confrontational activity is a significant contribution to anti-social behaviour in the area and there is a established connection between the presence of touts on Brick Lane and crime and disorder.

yours

David Cunningham

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

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

# Appendix 11



Hi,

I confirm that I made the original representations sent from the e-mail address [REDACTED] in respect of the Renewal of the Premises Licence for 77 Brick Lane.

Yours sincerely,

Edward Jenkins

## Mohshin Ali

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 14 February 2017 14:05  
**To:** Mohshin Ali  
**Subject:** FW: Curry Bazaar - 77 Brick Lane - Licensing Review

---

**From:** [ed.jenkins](mailto:ed.jenkins) [mailto:[ed.jenkins](mailto:ed.jenkins)]  
**Sent:** 13 February 2017 21:28  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Re: Curry Bazaar - 77 Brick Lane - Licensing Review

To whom it concerns,

We are a family of 2 adults and one child resident in [REDACTED] and wish to comment on the above. We respectfully request that Tower Hamlets council conclude their review by revoking the license of the above restaurant.

We understand that at a previous granting / review of the license, a restriction was placed on touting. This restriction in no way is being respected by 77 Brick Lane. In our daily lives we often walk past the Curry Bazaar restaurant and are frequently the attention of touts working on behalf of the Curry Bazaar trying to get us into the restaurant. We also observe the touts soliciting for the business of tourists / visitors to the area. A particular example of this was a mid Saturday afternoon in late January, where one of us was approached by a tout even whilst reading the notice regarding the licensing review on the lamppost outside the restaurant.

We are very concerned that the possessors of a license who do not respect one condition are unlikely to be disposed to respect the other conditions attached. The concern that the license holder does not hold great regard for their responsibilities is given greater weight by the revocation of the license for 3 months in 2016 and that the license has come up for review again now.

The area round Brick Lane suffers already from anti social behaviour due to the provision of alcohol. Licensees in the area should be required to display a responsible attitude towards their duties. We believe the continuation of 77 Brick Lane to tout for business to be symptomatic of a disregard for regulations. Given such an attitude, and in light of previous issues, we respectfully ask Tower Hamlets licensing to revoke their license on a more permanent basis,

Yours sincerely,

Ed and Sarah Jenkins  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

-----  
SAVE PAPER - THINK BEFORE YOU PRINT!

This E-mail is confidential.

It may also be legally privileged. If you are not the addressee you may not copy,

# Appendix 12

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2017

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitive. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps: modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

### **Reviews arising in connection with crime**

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.



- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
  - for unlawful gambling; and
  - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## **Review of a premises licence following closure order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

# Appendix 13

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2017

## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

# Appendix 14

## **Crime and Disorder** – Licensing Policy, updated March 2015

- 6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 2000. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
  - 1) 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 meters radius of the premises as shown edged red on the attached plan.( marked as Appendix -)
  - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.
- 6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.
- 6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.
- 6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled.
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices



6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

I. Seller's name and address

II. Seller's company details, if applicable

III. Seller's VAT details, if applicable

IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

# Appendix 15

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2017

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

# Appendix 16

## **Prevention of Nuisance** – Licensing Policy, updated March 2015

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.