

# LICENSING SUB COMMITTEE

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**Tuesday, 5 September 2017 at 6.30 p.m.**

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

**This meeting is open to the public to attend.**

**Contact for further enquiries:**

Simmi Yesmin, Senior Democratic Services Officer  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4120  
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Website: <http://www.towerhamlets.gov.uk/committee>

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agenda



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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<br/>NUMBER(S)</b> | <b>WARD(S)<br/>AFFECTED</b> |
|--|---------------------------|-----------------------------|
| <b>3. ITEMS FOR CONSIDERATION</b>  |                           |                             |
| <b>3.1 Application for a Variation of a Premises Licence for Wood Mangal Restaurant, 329 Bethnal Green Road, London E2 6AH</b> | <b>15 - 106</b>           | <b>St Peter's</b>           |

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Metropolitan Police
- Environmental Health (Noise)
- Local Resident(s)

### **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.



## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

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

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

### **Interests and Disclosable Pecuniary Interests (DPIs)**

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

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

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

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

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

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

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

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

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

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

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

### **Further advice**

For further advice please contact:-

Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer

Telephone Number: 020 7364 4800

## **APPENDIX A: Definition of a Disclosable Pecuniary Interest**

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

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

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## **TOWER HAMLETS**



### **LICENSING 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 |  |                    |  |                       |
| Public Seating |  |                    |  | Chair                 |
| Public Seating |  |                    |  | Legal Officer         |
| Public Seating |  | Applicants Benches |  | Committee Officer     |
| Public Seating |  |                    |  |                       |
|                |  |                    |  | Licensing Officer     |

## **LICENSING SUB COMMITTEE HEARING PROCEDURE**

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

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

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

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

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# Agenda Item 3.1

|                                |                                |                     |
|--------------------------------|--------------------------------|---------------------|
| Committee :                    | Date                           | Classification      |
| <b>Licensing Sub-Committee</b> | 5 <sup>th</sup> September 2017 | <b>Unclassified</b> |

|  |   |
|--|---|
| Report of: <b>David Tolley</b><br><b>Head of Environmental Health and Trading Standards</b><br><br>Originating Officer:<br><b>Mohshin Ali</b><br><b>Senior Licensing Officer</b> | Title: <b>Licensing Act 2003</b><br><b>Application for a variation of a premises licence for (Wood Mangal Restaurant), 329 Bethnal Green Road, London E2 6AH</b><br><br>Ward affected:<br><b>St Peter's</b> |
|--|---|

## 1.0 Summary

|                      |   |
|----------------------|---|
| Applicant:           | <b>Gozlukuyu Ltd</b>  |
| Name and             | <b>Wood Mangal Restaurant</b>   |
| Address of Premises: | <b>329 Bethnal Green Road<br/>London<br/>E2 6AH</b>   |
| Licence sought:      | <b>Licensing Act 2003 – variation of a premises licence</b> <ul style="list-style-type: none"><li>• <b>Extending the times of the licensable activities</b></li></ul> |
| Representations:     | <b>Met Police<br/>Environmental Health Noise<br/>Residents</b>  |

## 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
- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy

**Mohshin Ali**  
**020 7364 5498**

### 3.0 **Background**

- 3.1 This is an application for a variation of a premises licence for (Wood Mangal Restaurant), 329 Bethnal Green Road, London E2 6AH.
- 3.2 A copy of the existing licence (including site plan) is enclosed as **Appendix 1**.
- 3.3 The timings of the existing licence are detailed below for information only:-

#### **Sale of alcohol**

- Monday to Thursday from 06.00 hrs to 23.30 hrs
- Friday and Saturday from 06.00 hrs to 00.00 hrs
- Sunday from 06.00 hrs to 22.30 hrs

#### **Late night refreshment**

- Monday to Thursday from 23.00 hrs to 23.30 hrs
- Friday and Saturday from 23.00 hrs to 00.00 hrs

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

- Monday to Thursday from 06.00 hrs to 00:00 hrs
- Friday and Saturday from 06.00 hrs to 00.30 hrs
- Sunday from 06.00 hrs to 23.00 hrs

- 3.4 A copy of the variation application is enclosed as **Appendix 2**.
- 3.5 The applicant has described the nature of the variation as follows:  
*"We currently hold the frame work hours of opening and would like to extend the hours for sale of hot food only. This application does not require the extension of the current alcohol license".*
- 3.6 The times that have been applied for as follows:

#### **Sale by retail of alcohol**

- *No change*

#### **The provision of late night refreshment - Indoors**

- Sunday to Wednesday, from 23.00 hrs to 02.00 hrs the following day
- Thursday, from 23.00 hrs to 03.00 hrs the following day
- Friday and Saturday from 23.00 hrs to 04.00 hrs the following day

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

- Sunday to Wednesday, from 06.00 hrs to 02.00 hrs the following day
- Thursday, from 06.00 hrs to 03.00 hrs the following day
- Friday and Saturday from 06.00 hrs to 04.00 hrs the following day



*Members may wish to note that and late night refreshment is proposed to continue until the premises closes to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met. The problem of course is that if sales continue until the last minute the premises cannot be emptied on time.*

*Members are advised to consider a break between the end of the licensable activities and the time the premises closes to the public.*

#### **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 Maps showing the vicinity are included as **Appendix 3**.
- 4.3 Details of the nearest licensed venues are included as **Appendix 4**.

#### **5.0 Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 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 March 2015.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

#### **6.0 Representations**

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely

means something that will probably happen, i.e. on balance more likely than not.

- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

| <b>Responsible Authority/Other persons</b>          | <b>Appendix</b> |
|---|-----------------|
| Nicola Cadzow ( <i>Environmental Health Noise</i> ) | <b>6</b>        |
| Alan Cruickshank ( <i>Police Licensing</i> )        | <b>7</b>        |
| Arthur Knight ( <i>resident</i> )                   | <b>8</b>        |
| ( <i>resident withdrawn</i> )                       | <b>9</b>        |
| Lorna MacPherson ( <i>resident</i> )                | <b>10</b>       |
| Lucy Walker ( <i>resident</i> )                     | <b>11</b>       |
| N C Hayles ( <i>resident</i> )                      | <b>12</b>       |
| Thomas Belt ( <i>resident</i> )                     | <b>13</b>       |

- 6.9 Lorna MacPherson also submitted a video file as mentioned in her representation. However, Licensing were unable to view this video due to software compatibility issues and this information was communicated to Lorna MacPherson by email.
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Environmental Health Noise
  - Trading Standards
  - Child Protection
  - Public Health
  - Home Secretary (Home Office Immigration Enforcement)

- 6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Due to a technical error by the applicant, the consultation period was extended to the 16<sup>th</sup> August 2017.
- 6.12 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
- 6.13 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.
- 6.14 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.
- 6.15 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 (These conditions are already contained in the existing licence)**
- 7.1 *There shall be no sales of alcohol for consumption off the premises.*
- 7.2 *No alcohol may be sold unless accompanied by the sale of a food to a person sitting down eating a meal and for consumption with that meal.*
- 7.3 *No alcohol shall be permitted to exit the interior of the premises at any time, including by those leaving for the purpose of smoking.*
- 7.4 *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 and download immediately upon the request of police or an authorised officer throughout the preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.*

- 7.5 *A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.*
- 7.6 *An incident log shall be kept at the premises for at least 6 months, and made available on request to an authorised officer of the licensing authority of the Police, which must record the following:*
- a) all ejections of patrons;*
  - b) any complaints received;*
  - c) any incidents of crime or disorder;*
  - d) any faults in the CCTV system; and*
  - e) any visit by a relevant authority or emergency service.*
- 7.7 *A Challenge 25 Policy shall be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises. The only acceptable forms of identity will be those photographic identification documents recognised by the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.*
- 7.8 *Entry by children under the age of 18 years to the premises is prohibited between 23:00 hrs and closing time each trading day, unless accompanied by an adult over the age of 18.*
- 7.9 *A notice shall be displayed at the exit to the premises requesting customers to respect local residents and leave the premises quietly.*
- 7.10 *All windows and external doors must be kept closed between 22.00 hrs and closing time, or at any time when a licensable activity takes place, except for the immediate access and egress of people to and from the premises.*
- 7.11 *The Designated Premises Supervisor, the Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, must be on the premises at all times when the premises are authorised to sell alcohol from 20.00 hrs each day.*
- 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. 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 14 - 19** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations.

#### 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>        | Maps showing vicinity of venue   |
| <b>Appendix 4</b>        | Details of nearest licensed venues   |
| <b>Appendix 5</b>        | Home Office concerning relevant, vexatious and frivolous representations           |
| <b>Appendix 6</b>        | Representation of Nicola Cadzow (EH)   |
| <b>Appendix 7</b>        | Representation of Alan Cruickshank ( <i>Police Licensing</i> )                     |
| <b>Appendices 8 - 13</b> | Representation of residents  |
| <b>Appendix 14</b>       | Licensing Officer comments on noise whilst the premises is in use                  |
| <b>Appendix 15</b>       | Licensing Officer comments on access and egress problems                           |
| <b>Appendix 16</b>       | Licensing Officer comments on crime and disorder on the premises                   |
| <b>Appendix 17</b>       | Licensing Officer comments on crime and disorder from patrons leaving the premises |
| <b>Appendix 18</b>       | Planning   |
| <b>Appendix 19</b>       | Licensing Policy relating to hours of trading                                      |

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# Appendix 1

**(Wood Mangal Restaurant)  
329 Bethnal Green Road  
London  
E2 6AH**

**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 Trading Standards & Environmental Health**

**Date: 30<sup>th</sup> August 2016**



**Part A - Format of premises licence**

Premises licence number

21879

**Part 1 - Premises details**

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

329 Bethnal Green Road

**Post town**

London

**Post code**

E2 6AH

**Telephone number**

[REDACTED]

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

N/A

**Licensable activities authorised by the licence**

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

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

Monday to Thursday from 06.00 hrs to 23.30 hrs  
Friday and Saturday from 06.00 hrs to 00.00 hrs  
Sunday from 06.00 hrs to 22.30 hrs

**Late night refreshment**

Monday to Thursday from 23.00 hrs to 23.30 hrs  
Friday and Saturday from 23.00 hrs to 00.00 hrs

**The opening hours of the premises**

Monday to Thursday from 06.00 hrs to 00:00 hrs  
Friday and Saturday from 06.00 hrs to 00.30 hrs  
Sunday from 06.00 hrs to 23.00 hrs

**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**

Gozlukuyu Ltd

[REDACTED]

[REDACTED]

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

09886579

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

Emrah Basal

[REDACTED]

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

Issuing Authority:

Licence No.:

[REDACTED]

## 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

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

None applicable

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

1. There shall be no sales of alcohol for consumption off the premises.
2. No alcohol may be sold unless accompanied by the sale of a food to a person sitting down eating a meal and for consumption with that meal.
3. No alcohol shall be permitted to exit the interior of the premises at any time, including by those leaving for the purpose of smoking.



4. 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 and download immediately upon the request of police or an authorised officer throughout the preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.
5. A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
6. An incident log shall be kept at the premises for at least 6 months, and made available on request to an authorised officer of the licensing authority of the Police, which must record the following:
  - a. all ejections of patrons;
  - b. any complaints received;
  - c. any incidents of crime or disorder;
  - d. any faults in the CCTV system; and
  - e. any visit by a relevant authority or emergency service.
7. A Challenge 25 Policy shall be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises. The only acceptable forms of identity will be those photographic identification documents recognised by the Home Officer guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
8. Entry by children under the age of 18 years to the premises is prohibited between 23:00 hrs and closing time each trading day, unless accompanied by an adult over the age of 18.
9. A notice shall be displayed at the exit to the premises requesting customers to respect local residents and leave the premises quietly.
10. All windows and external doors must be kept closed between 22.00 hrs and closing time, or at any time when a licensable activity takes place, except for the immediate access and egress of people to and from the premises.

11. The Designated Premises Supervisor, the Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, must be on the premises at all times when the premises are authorised to sell alcohol from 20.00 hrs each day.

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

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

12<sup>th</sup> July 2016 Basement and Ground Floor

**Part B - Premises licence summary**

**Premises licence number**

**21879**

**Premises details**

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

329 Bethnal Green Road

**Post town**

London

**Post code**

E2 6AH

**Telephone number**

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

**Sale of alcohol**

Monday to Thursday 06.00 hrs to 23.30 hrs  
Friday and Saturday 06.00 hrs to 00.00 hrs  
Sunday 06.00 hrs to 22.30 hrs

**Late night refreshment**

Monday to Thursday 23.00 hrs to 23.30 hrs  
Friday and Saturday 23.00 hrs to 00.00 hrs

The opening hours of the premises

Monday to Thursday 06.00 hrs to 00:00 hrs  
Friday and Saturday 06.00 hrs to 00.30 hrs  
Sunday 06.00 hrs to 23.00 hrs

Name, (registered) address of holder of premises licence

Gozlukuyu Ltd



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)

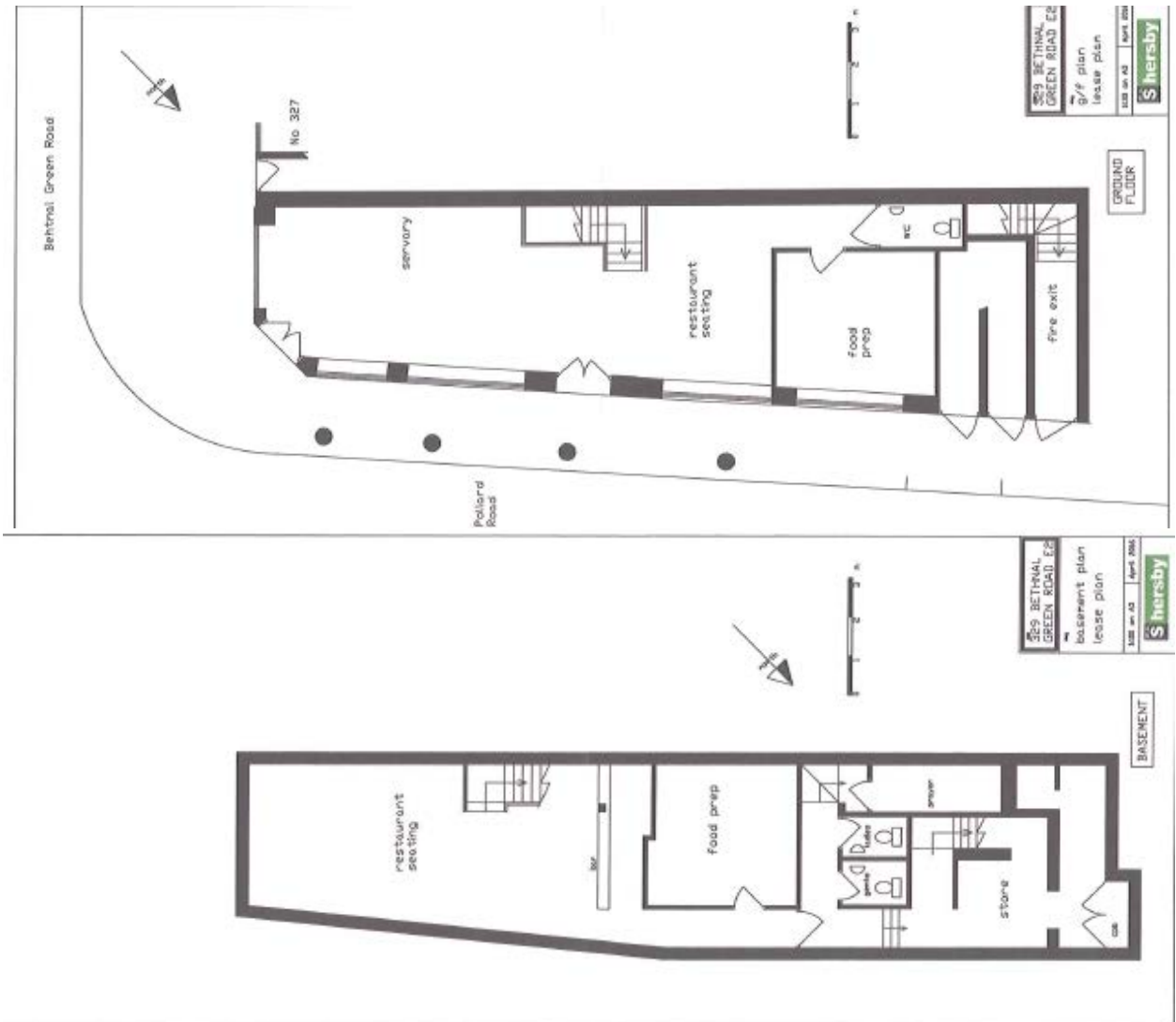
09886579

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

Emrah Basal

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

No restrictions



# Appendix 2

## 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  | <input type="text" value="Not Currently In Use"/> | This is the unique reference for this application generated by the system.   |
| Your reference  | <input type="text" value="Wood Mangal 001"/>      | 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?           |   | Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.                        |
| <input type="radio"/> Yes <input checked="" type="radio"/> No |   |  |

### Applicant Details

|  |                                    |                       |
|--|------------------------------------|-----------------------|
| * First name   | <input type="text" value="Umit"/>  |                       |
| * Family name  | <input type="text" value="Basal"/> |                       |
| * E-mail   | <input type="text" value=""/>      |                       |
| Main telephone number  | <input type="text" value=""/>      | Include country code. |
| Other telephone number   | <input type="text" value=""/>      |                       |
| <input checked="" type="checkbox"/> 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.

### Applicant Business

|   |  |   |
|---|--|---|
| Is your business registered in the UK with Companies House? | <input checked="" type="radio"/> Yes <input type="radio"/> No    | Note: completing the Applicant Business section is optional in this form. |
| Registration number   | <input type="text" value="09886579"/>                            |   |
| Business name   | <input type="text" value="Gozlukuyu Ltd"/>                       | If your business is registered, use its registered name.                  |
| VAT number  | <input type="text" value="-"/> <input type="text" value="None"/> | Put "none" if you are not registered for VAT.                             |
| Legal status  | <input type="text" value="Private Limited Company"/>             |   |

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

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



*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

### Section 3 of 17

#### VARIATION

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 business is a Turkish Restaurant and takeaway service situated on Bethnal Green Road which is a high street. The restaurant is a family orientated restaurant. The restaurant has a open kitchen for grilling the food at the entrance and has capacity of 60 covers over the ground and lower ground level.

We currently hold the frame work hours of opening and would like to extend the hours for sale of hot food only. This application does not require the extension of the current alcohol license.

We are on the high street and there is a demand for late night eating. A majority of our customers are from the local community and their typical culture is to eat late. These customers do not require consumption of alcohol just hot food. Due to the current opening hours we are losing a lot of business which is now affecting the financial stability of the company and forcing our customers to go else where. We are making this variation application to meet the demands of our customers.

being on the high street there is numerous 24 hour shop including nearby McDonalds serving food. There is a kebab shop opposite the restaurant which is open till 2am evryday and till 4am over the weekend. There is a 24 hours convinience store 2 doors away at 325 Bethnal Green Road.

### 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.

Eating hot food inside the premises in the seating area.  
Takeaway of hot food.

*Continued from previous page...*

The music will NOT be amplified.

State any seasonal variations.

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

N/A

Non standard timings. Where the premises will be used for the 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.

N/A

### 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

### 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

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.

*Continued from previous page...*

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.

N/A

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.

N/A

*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.

Opening times

☒ 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.

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP;

Strong management controls and effective training of all staff so that they are aware of the premises license and the requirements to meet the four licensing objective with particular attention to;

1. observing the challenge 25 policy and no selling of alcohol to underage person
2. Not allow any drunk and disorderly behaviour within the premises
3. Assess the condition of the customer prior to taking any alcohol orders and do not serve if the customer appears not in control of themselves
4. Always maintain vigilance in preventing the use and sale of illegal drugs at the premises
5. No violent and antisocial behaviour
6. avoid and control any activity that may bring harm to children, and not permitting children after 23:00 unless accompanied by an adult.
7. Strictly follow licensing policy and procedures
8. Encourage customers to leave the premises in a civilised manner to minimise disturbance to local community in particular at night time.
9. CCTV coverage of the premises, and ensure its recording at all times. Log any failures of recording.
10. Maintain the external roller shutter to protect the premises from vandals.

As a licensed premises we know that it is necessary to carry out our functions with a purpose to promote these four objectives. We promise to support these objectives through their operating schedules and take all measure as necessary including staff training, strategic partnership with all our suppliers, understanding policies and cooperating with the authorities and emergency services.

b) The prevention of crime and disorder

1. Trained staff to manage disruptive situation and promote orderly and respectful use of the premises.
2. maintain the CCTV coverage of the premises and all entry/exit points in all light conditions to address the prevention of crime.
3. Display relevant notices as required by the license including opening hours and the permitted time for sale of alcohol and hot food.
4. Not selling alcohol to drunk and intoxicated customers.

*Continued from previous page...*

5. prevent the use of drugs within the premises.

c) Public safety

1. Well trained staff to assess and monitor the type and condition of the customers entering the premises ie if they are under the influence of drugs or intoxicated, and adhere to the environmental health requirements.
2. Training and implementation of challenge 25 policy
3. Maintain internal and external lighting ensuring the premises is well lit to promote public safety.
4. A log book or recordings shall be kept of any incidents that may arise within the premises and of that is required by statute to comply with public safety conditions attached with the premises license.
5. The log book or recordings shall be made available for inspection when required by persons authorised by the licensing act 2003 or associated legislation.
6. All parts of the premises and all fittings and apparatus therein including door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and fire alarm system will be maintained at all times to be in good working order and safe.

d) The prevention of public nuisance

1. Prominent, clear and legible notices will be displayed at the exit requesting the customers to respect the needs of the nearby residents and leave the premises and the area quietly.
2. noise reduction measures to address the public nuisance objectives.
3. Deliveries of goods necessary for the business operation will be carried out at such times and such manner to prevent nuisance and disturbance to nearby resident.
4. Staff who arrive early or finish late night will be told to conduct themselves in such a manner to avoid causing disturbance to nearby residents.
5. Customers will be advised not to stand around talking loudly in the street outside the premises.
6. Customers will not be admitted to the premises outside the opening hours.
7. The movement of rubbish outside the premises will be kept to a minimum after 23:00hrs to reduce the level of noise by the premises.
8. Any premises lighting inside or outside will be positioned and screened in such a way not to cause any disturbance to nearby residents.
9. Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

1. Adhere to the challenge 25 policy which is a retailing strategy that encourages anyone over the age of 18 but looks under 25 to carry a acceptable ID (a card bearing the PASS hologram, photographic driving license or a passport) if they wish to buy alcohol.
2. Well trained staff to apply the challenge 25 policy
3. A logbook will be kept in the premises at all time.
4. Not to permit any person under the age of 18 after 23:00 hrs unless accompanied by an adult over the age of 18.

**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

*Continued from previous page...*

premises then you 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

## 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

Umit Basal

\* Capacity

Director

\* Date

27

/

06

/

2017

dd

mm

yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/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 | Wood Mangal 001          |
| 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        | <input type="checkbox"/> |

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

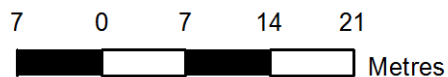
# Appendix 3



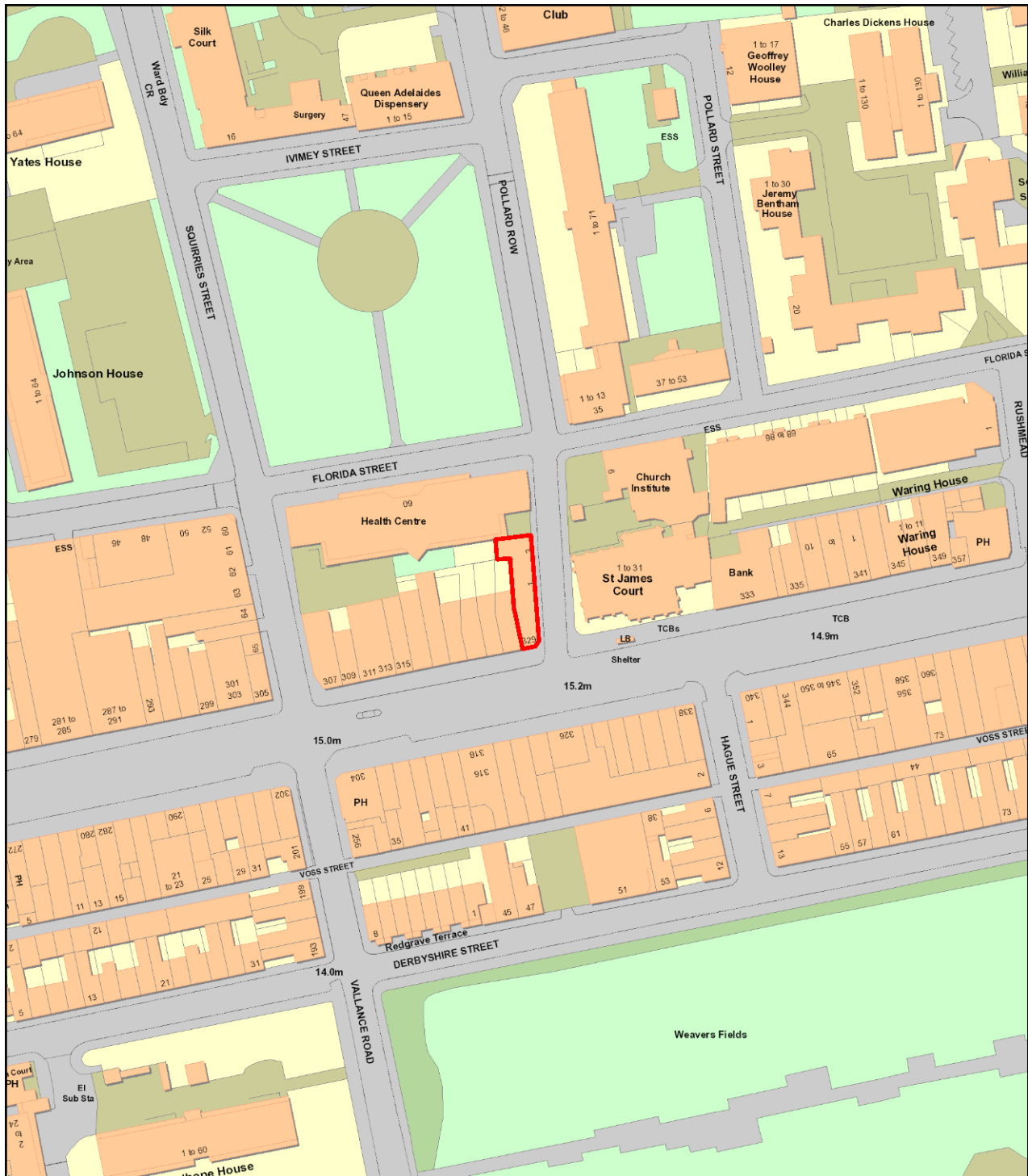
## 329 Bethnal Green Road



Scale 1:769



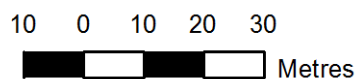
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## 329 Bethnal Green Road



Scale 1:1537



Metres



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# Appendix 4

**Wood Mangal, 329 Bethnal Green Road**

| Name and address  | Licensable activities and hours  | Opening hours   |
|---|--|---|
| <b>(Midway Super Store)</b><br><b>319 Bethnal Green Road</b><br><b>London</b><br><b>E2 6AH</b>          | <p>Alcohol shall not be sold or supplied except during permitted hours. (Off sales only)</p> <p>In this condition, permitted hours means:</p> <ul style="list-style-type: none"> <li>a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.</li> <li>b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.</li> <li>c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</li> <li>d. On Good Friday, 8 a.m. to 10.30 p.m.</li> </ul>  | <p>There are no restrictions on the hours during which this premises is open to the public</p>  |
| <b>(The Marquis of Cornwallis)</b><br><b>304 Bethnal Green Road</b><br><b>London</b><br><b>E2 0AG</b>   | <p><b>Alcohol (On and off sales), Regulated Entertainment (Recorded Music)</b></p> <p>On Monday to Sunday, 11:00 hrs to 23:30 hrs</p> <ul style="list-style-type: none"> <li>• 11:00 hrs New Years Eve to 23:30 hrs on New Years Day</li> <li>• 11:00 hrs to 00:30 hrs on Friday, Saturday, Sunday and Mondays on Bank Holiday weekends, Christmas Even and Boxing Day</li> <li>• 11:00 hrs to 00:30 hrs maximum of 6 Event Days. Not less than five working days written notice will be given to the Police when event days are planned</li> </ul> <p><b>Live Music,</b></p> <p>On Monday to Sunday, 19:00 hrs to 23:30 hrs</p> <p><b>Facilities for Dancing</b></p> <p>On Monday to Sunday, 19:00 hrs to 23:00 hrs</p> <ul style="list-style-type: none"> <li>• 11:00 hrs New Years Eve to 23:30 hrs on New Years Day</li> <li>• 11:00 hrs to 00:30 hrs on Friday, Saturday, Sunday and Mondays on Bank Holiday weekends, Christmas Even and Boxing Day</li> <li>• 11:00 hrs to 00:30 hrs maximum of 6 Event Days. Not less than five working days written notice will be given to the Police when event days are planned</li> </ul> | <p>On Monday to Sunday, 11:00 hrs to 00:00 hrs</p> <ul style="list-style-type: none"> <li>• 11:00 hrs to 01:00 hrs on Friday, Saturday, Sunday and Mondays on Bank Holiday weekends, Christmas Even and Boxing Day</li> <li>• 11:00 hrs to 00:30 hrs maximum of 6 Event Days. Not less than five working days written notice will be given to the Police when event days are planned</li> </ul> |
| <b>(The Old George Public House)</b><br><b>379 Bethnal Green Road</b><br><b>London</b><br><b>E2 0AN</b> | <p><b>Sale by retail of alcohol (On and off sales)</b></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 10:00 hours to midnight</li> <li>• Friday and Saturday, from 10:00 hours to 02:00 hours the following day</li> </ul> <p><b>The Provision of late night refreshment – Indoors</b></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday from 23:00 hours to 00:30 hours the following day</li> <li>• Friday and Saturday, from 23:00 hours to 02:30 hours the following day</li> </ul> <p><b>Provision of regulated Entertainment – Indoors</b></p> <p><u>Films. Live music, recorded music and performances of dance</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 10:00 hours to midnight</li> <li>• Friday and Saturday, from 10:00 hours to 02:00 hours on the following day</li> </ul>  | <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 10:00 hours to 00:30 hours the following days</li> <li>• Friday and Saturday, from 10:00 hours to 02:30 hours the following day</li> </ul>  |

## Wood Mangal, 329 Bethnal Green Road

|   |  |  |
|---|--|--|
| <b>(White Horse Steak &amp; Kebab House)</b><br><b>336 Bethnal Green Road</b><br><b>London</b><br><b>E2 0AG</b> | <b>Late Night Refreshment:</b><br><br>Sunday, Monday, Tuesday, Wednesday and Thursday from 11:30 until 02:00 hours the following day<br><br>Friday and Saturday from 11:30 until 04:00 hours the following day   | Sunday, Monday, Tuesday, Wednesday and Thursday until 02:00 hours the following day<br>Friday and Saturday until 04:00 hours the following day |
| <b>( Subway)</b><br><b>395 Bethnal Green Road</b><br><b>London</b><br><b>E2 0AN</b>                             | Monday to Saturday from 23:00 hours until midnight.  | Monday to Saturday from 08:00 hours to midnight<br>Sunday from 08:00 hours to 23:00 hours  |
| <b>(Nando's)</b><br><b>366 Bethnal Green Road</b><br><b>London</b><br><b>E2 0AH</b>                             | Alcohol may be sold or supplied; (On sales only)<br><br>(1) On weekday, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm<br>(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm.<br>(3) On Christmas Day, 12 noon to 1130pm;<br>(4) On New Year's Eve, except on a Sunday, 11am to midnight;<br>(5) On New Year's Eve on a Sunday, 12 noon to 1130pm.<br>(6) On Near Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on the 31 <sup>st</sup> December).<br><br>Late Night Refreshment<br>Hot food and hot drinks may be sold for up to 30 minutes after the end of normal permitted hours. | There are no restrictions on the hours which this premises is open to the public.  |
| <b>(Falcon Food &amp; Wine)</b><br><b>301-303 Bethnal Green</b><br><b>London</b><br><b>E2 6AH</b>               | <u>Sale of alcohol by retail. (Off sales only)</u><br>Sunday to Thursday from 08:00 hours to 23:30 hours<br>Friday and Saturday from 08:00 hours to midnight.  | There are no restrictions on the hours during which this premises is open to the public  |
| (Padron)<br>341 - 343 Bethnal Green Road<br>London<br>E2 6LG  | <b>Sale by retail of alcohol (On and off sales)</b><br>Monday to Sunday, from 10:00 hours to 22:00 hours   | Monday to Sunday, from 10:00 hours to 22:00 hours  |
| <b>(McDonalds)</b><br>432 - 436 Bethnal Green Road<br>London<br>E2 0DJ  | <b>Regulated Entertainment</b> (Recorded music) <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 07:00 hrs to 00:30 hours the following day</li> <li>• Friday and Saturday, from 07:00 hrs to 02:00 hours the following day</li> </ul> <b>Late Night Refreshment</b> <ul style="list-style-type: none"> <li>• Sunday to Monday, from 23:00 hrs to 05:00 the following day</li> </ul>  | There are no restrictions on opening hours of the premises (24 hours)  |

# Appendix 5



**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 6

## Mohshin Ali

---

**From:** Nicola Cadzow  
**Sent:** 25 July 2017 10:50  
**To:** Licensing  
**Cc:** Alan.D.Cruickshank; Mark Perry; 'woodmangal'  
**Subject:** variation of licence Wood Mangal - 329 Bethnal Green Road London E2 6AH - Ref M/101499

Dear Licensing

I have spoken to the Applicant Mr Basal, however we unable to come to an agreement with the hours of operation of the premises, and having regarded the application for Premises License for and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are well beyond the Council's framework hours.

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

- **Monday to Thursday 0600 hours to 23:30 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The Existing opening hours for the Premises are:

- **Monday to Thursday 0600 hours to Midnight; and**
- **Friday & Saturday 0600 hours to 00:30 hours**
- **Sunday 0600 hours to 2300 hours.**

The applicant is proposing:

- **Monday to Wednesday 0600 to 0200 hours; ( 2 hours increase in operating hours)**
- **Thursdays until 0300 hours; and (3 hours increase in operating hours)**
- **Fridays and Saturdays until 0400 hours (3 and a half hours increase in operating hours)**
- **Sundays until 0200 hours (3 hours increase in operating hours)**

**Noise Sensitive premises:** residential and commercial premises in close proximity to 329 Bethnal Green Road London E2 6AH including immediately adjacent to the premises, 13 metres away at St James Court (31 Residential Premises), 30 metres across Bethnal Green Road and the surrounding area.

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 329 Bethnal Green Road London E2 6AH 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 5 Clove Crescent London, E14 2BG

# Appendix 7

## Mohshin Ali

---

**From:** Alan.D.Cruickshank [REDACTED]  
**Sent:** 25 July 2017 12:58  
**To:** Licensing; Nicola Cadzow; MARK.J.Perry [REDACTED]  
**Subject:** Wood Mangal, 329 Bethnal Green Rd,  
**Attachments:** Wood Mangal ( 25th July 2017).doc

Dear Licensing

Please accept my representation for the above variation application.

Best wishes

Alan

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**HT - Tower Hamlets Borough**

Tom Lewis  
LBTH Licensing  
John Onslow House  
Ewart Place  
E3

Licensing Office  
Limehouse Police Station  
27 West India Dock Road &  
5 Birchfield Street  
E14 8EZ

Telephone: [REDACTED]

Facsimile:

Email:

Alan.D.Cruickshank [REDACTED]

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

Your ref:

Our ref:

25th July 2017

Dear Mr Lewis

Application to vary a Premises Licence

Wood Mangal, 329 Bethnal Green Rd, E2 6AH

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

The prevention of crime and disorder

The prevention of public nuisance

The applicant has applied for the following hours in regard to LNR

Sun- Wed: 2300 - 0200

Thursday : 2300 - 0300

Fri-Sat : 2300 - 0400



Approximately one year ago I opposed a late night application for this restaurant and I believe my concerns remain valid. In fact, Bethnal Green Road is becoming increasingly popular. Although the road is a main route through Tower Hamlets, there is still a considerable amount of residential properties in this street and the surrounding vicinity.

I fear that any expansions of late licences will lead to the same anti-social behaviour that afflicted Brick Lane.

By applying for such late hours I don't believe the applicant has considered what effect it would have on the local community. The applicant states that they are a "family orientated restaurant" In my experience it is very rare to see families sitting down for a meal in the early hours of the morning.

Also, the applicant states "A majority of our customers are from the local community and their typical culture is to eat late" I would suggest that many of the local community would like to see less late night venues.

It's unfortunate that many late opening venues attract people who are already under the influence of alcohol who can be violent, disruptive or liable to commit anti-social behaviour. Littering will also be a problem. People will remain the area for a longer period and violence can easily occur from the smallest incident when people are drunk.

Paragraph 8.34 of the Guidance 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" . The applicant states he will have:

" 1. Well trained staff to assess and monitor the type and condition of the customers entering the premises ie if they are under the influence of drugs or intoxicated, and adhere to the environmental health requirements." How exactly is this to be achieved?

The applicant mentions other late night refreshment venues, some of which have been licensed for some time. Tower Hamlets Police did oppose at the time the well known

restaurant in the same street. Whilst there is no increase in alcohol, is there any policy in place to stop people stockpiling alcohol in order to continue eating and drinking.

I am hoping to obtain a statement from the local policing team who know this locality very well and its associated problems.

Opening for such late hours, will have a detrimental effect on the nearby residents.

I ask the committee to reject this application.

If however the Committee are to grant this variation I would ask them to consider the following:

Sunday: LNR: 2300-midnight

Alan Cruickshank PC 189HT

# Appendix 8

## Mohshin Ali

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 19 July 2017 15:15  
**To:** Mohshin Ali  
**Subject:** FW: Premises License Variation 101499 - Wood Mangal Restaurant, 323 Bethnal Green Road

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Chris Knight [REDACTED]  
**Sent:** 19 July 2017 14:42  
**To:** Licensing  
**Subject:** Premises License Variation 101499 - Wood Mangal Restaurant, 323 Bethnal Green Road

Hi Licensing,

I hope you are well.

I write in reference to the "Variation of Premises Licence" application made by the Wood Mangal Restaurant located at 329 Bethnal Green Road, E2 6AH.

**I wish to place on record my objection to the extension of the opening hours of the restaurant.**

I apologise for the length of this representation but I wanted to give as much context to my objection as possible so that you may consider the impact of any extension to the opening hours of the restaurant on the residents directly affected.

The restaurant at 329 Bethnal Green Road is on the corner of Bethnal Green Road and Pollard Row. There are 5 flats above the restaurant ( these carry the address of [REDACTED] ) and a house ( addressed as [REDACTED] ) immediately behind the restaurant.

I write in the capacity of the owner of the building containing the restaurant ( 329 Bethnal Green Road ) , the flats ( [REDACTED] ) and the house ( [REDACTED] ).

The restaurant, with the flats above are essentially the same structure and understandably, the activities in the restaurant have a direct impact on the lives of the occupants of the flats above... and vice versa.

**I have been approached by the majority of the residents of the flats & house expressing their concerns about the impact that any extension to the operating hours of the restaurant will have upon their peaceful enjoyment. I understand a number of the residents have made representations directly to you.**

The restaurant has the current opening hours of ;

06:00 - 00:00 Monday / Thursday  
06:00 - 00:30 Friday / Saturday &  
06:00 - 23:00 Sunday

and, generally speaking, the restaurant operators and the occupants of the flats above peacefully co-exist.

There are however, a number of current operational practices of the restaurant that impinge upon the peaceful enjoyment of the occupants of the flats namely ;

- The operators of the restaurant are made aware of early morning deliveries by delivery drivers banging loudly on the restaurant shutters to arouse the attention of the staff inside.
- Restaurant staff take cigarette breaks at the staff entrance which is in Pollard Row and the cigarette smoke and associated noise rises into any open windows of the flats which are immediately above &
- Cleaning staff play loud music as they prepare the restaurant during the period the restaurant is closed i.e. between 00:30 ( latest ) and 06:00.

I understand that residents have contacted the Council previously about the noise issues above.

That said, the occupants of the flats accept that they reside above a restaurant which is there to serve the community and provide employment and ( with the exceptions stated above ) they have the comfort that the restaurant is closed between 00:30 ( latest ) and 06:00 allowing, at least, for a good night's sleep.

The application seeks to extend the restaurant opening times to ;

06:00 - 02:00 Monday / Wednesday  
06:00 - 03:00 Thursday  
06:00 - 04:00 Friday / Saturday &  
06:00 - 02:00 Sunday

If this extension is granted, the restaurant will become, as far as the adjoining residencies are concerned, a 24 hour a day operation as the kitchen and cleaning staff will be clearing down the restaurant once it closes at 04:00 ( latest ) and re-opens for business at 06:00 which represents a dramatic and unwelcome change to the existing operation.

The amount of time that the residents have to get a peaceful nights sleep whilst the restaurant is closed will drop dramatically from an average of roughly 5.5 hours per night as it currently stands, to a little over 3 hours per night and the residents are naturally concerned that this will impinge upon their lives in an unacceptable way.

As well as the impact of the restaurant operation itself, consideration must also be given to the increase in human activity that the extended hours will attract outside the restaurant. This will undoubtedly extend beyond the opening hours of the restaurant as people congregate, eat their food and create noise and litter particularly in Pollard Row ( it being a side road ) which will have an enormous detrimental effect on the residents in the flats above the restaurant.

Whilst I would not wish to generalise about the clientele that the extended hours is likely to bring to the immediate area, it is clear from the comments regarding the steps that would be taken to meet the "Licensing Objectives" that issues around "drunk and disorderly behaviour", "use and sale of illegal drugs", "violent and antisocial behaviour" and "vandals" are expected and whilst there will be management controls in place to reduce them **INSIDE** the restaurant... these issues will spill over to ( or spill out to ) the immediate surroundings which I hope you will agree is unfair on the residents at [REDACTED] [REDACTED].

The measures highlighted in section "d) The prevention of public nuisance" of the application provide little comfort.

As highlighted earlier there are **CURRENTLY** issues around Deliveries & Staff ( Points 3 & 4 of Section d ) )

which have not been addressed and no amount of "notices..displayed at the exit requesting the customers to respect the needs of the nearby residents and leave the premises and the area quietly." will be read by those intent on causing such problems.

In summary, there is a balance between the needs the restaurant and those of the residents in the immediate vicinity. The residents of [REDACTED], and I, believe that extending the operating hours of the restaurant will have a significant detrimental effect on quality of life of the residents.

Additionally, I would make the following comments with regard to the rationale of the extended hours contained within the Application ;

1) Existing Supply ;

I believe that the existing demand for late night eating is already well served both in the immediate vicinity of 329 Bethnal Green Road and beyond. Within the section of the Application entitled "Describe Briefly The Nature Of The Proposed Variation" the applicant confirms this with the following statement ;

"there is numerous 24 hour shop including nearby McDonalds serving food. There is a kebab shop opposite the restaurant which is open till 2am evryday and till 4am over the weekend"

The business is described as a "family orientated restaurant" but the extended hours are likely to be competing for an already well served existing "take-away" market at 1, 2 or 3 O'Clock in the morning. A look at the menu for the Wood Mangal restaurant <http://woodmangal.com/menu.html>

|   |        |  |      |
|---|--------|--|------|
| <b>COLD MEZES</b>   |        | <b>DAILY STEWS</b>                                       |      |
| Humus(V)  | 4.50   | Keftedes(V) beef   | 8.00 |
| Pureed chickpeas, tahini, olive oil, lemon juice and garlic   |        | Succulent tender lamb on the bone cooked                 |      |
| Spinach Tartar(V)   | 4.50   | in the oven served with vegetables and rice              |      |
| Spinach and garlic yogurt                                     |        | Lamb Grogg   | 8.00 |
| Cashew  | 4.50   | Tender lamb pieces, aubergines, peppers,                 |      |
| Cauliflower rice and a hint of garlic mixed with yogurt       |        | tomatoes, all herbs cooked in an                         |      |
| Schugda(V)  | 4.50   | orthodox dish served with rice and salad                 |      |
| Roasted aubergines and potatoes                               |        | Karne Rashay   | 8.00 |
| cooked with tomato sauce and olive oil                        |        | Kidney beans with lamb cooked in tomato sauce            |      |
| Feta Cheese   | 4.50   | Vegetable Stew(V)  | 8.00 |
| Aubergine Salad(V)  | 4.50   | Mixed Vegetable  |      |
| Chopped aubergine, red pepper, garlic, and olive oil dressing |        | Stuffed Chicken  | 8.00 |
| Kebab(V)  | 4.50   | With spinach, onion, mushroom and sweet pepper           |      |
| Roasted wheat, parsley, onion, beef, tomato, juice,           |        | Rice(V)  | 3.00 |
| tomato sauce and olive oil                                    |        | Plain rice   | 3.00 |
| <b>MIXED COLD MEZE PLATTER</b>                                |        | Kashan(V)  | 3.00 |
| Chef's selection of 5 different mezes                         | £9.00  | Free bulgur wheat with tomatoes, onions and green        |      |
| <b>HOT MEZES</b>  |        | peppers  | 2.50 |
| Cafesman  | 4.90   | <b>SALADS</b>  |      |
| Roast lamb served with tomato sauce                           |        | Shepherd's Salad(V)                                      | 4.00 |
| Peasants  | 4.90   | Shred tomatoes, cucumbers, parsley, onions and olive oil |      |
| Mashed potatoes   | 4.90   | Emme Salad(V)  | 4.00 |
| Grilled halloumi(V)   | 4.90   | Fresh chopped tomatoes, onions, parsley and olive oil    |      |
| Grilled cauliflower   | 4.90   | Greek Salad(V)   | 4.00 |
| Labadi(V)   | 4.90   | Fresh cheese, courgettes, tomatoes, olives,              |      |
| Roast lamb, chick peas and vegetable                          |        | red onions and olive oil                                 |      |
| Shawarma served with humus                                    | 4.90   | Rouken Salad(V)  | 4.00 |
| Sarak   | 4.90   | Roast fish, cheese, tomatoes, olives and olive oil       |      |
| Hot meat, spicy white sauce with tomatoes and parsley         |        | Grilled Dillons(V)                                       | 4.00 |
| Sigara Boreg  | 4.90   | Steak Salad(V)   | 7.50 |
| Grilled porky meat with keta cheese                           |        | <b>BURGERS</b>   |      |
| Albain Liver  | 4.90   | 1/2 Pounder Burger                                       | 3.50 |
| Wahma Karama  | 4.90   | 1/2 Pounder Burger                                       | 4.50 |
| Apas Chicken Wings  | 4.90   | Chicken Burger   | 3.00 |
| Grilled mushrooms   | 4.00   | Veggie Burger(V)   | 3.00 |
| <b>MIXED HOT MEZE PLATTER</b>                                 |        | Mixed Burger   | 4.50 |
| Chef's selection of 5 different mezes                         | £10.00 | Mixed Burger Meal  | 4.50 |
| <b>SOUP</b>   |        | Chicken and beef burger,                                 |      |
| Lahmacun  | £3.50  | served with chips and soft drinks                        |      |
| Roasted mixed lamb and onion, served with salad               |        | 1/2 Pounder Burger Meal                                  | 5.50 |
|   |        | Chicken Burger Meal                                      | 5.50 |
|   |        | Served with chips and soft drinks                        |      |
|   |        | Veggie Burger Meal(V)                                    | 6.00 |
|   |        | Served with chips and soft drinks                        |      |

Menu - Wood Mangal

woodmangal.com

<https://www.facebook.com/woodmangal>. Find us. Copyright © 2015 - 16 Wood Mangal. All Rights Reserved

suggests a significant overlap with the existing fare provided by the nearby McDonalds and kebab shop... thus competing against those rather than satisfying any perceived unmet need.

2) Losing Business ;

The Applicant suggests within the section of the Application entitled "Describe Briefly The Nature Of The Proposed Variation" that "Due to the current opening hours we are losing a lot of business which is now affecting the financial stability of the company and forcing our customers to go else where."

Whilst it is reasonable to suggest that existing customers may well have approached the restaurant with a desire to eat later than the existing hours, it is hard to imagine that existing customers would be lost

because they simply wanted to eat later. I would imagine that a customer is far more concerned with the overall experience including quality, value, service, atmosphere etc and would sacrifice eating an hour or two later if the overall experience of the restaurant was so good.

I hope that the above representation makes sense, and apologies once more for the length of this email.

I would be grateful if you would kindly confirm that this representation has been received.

Naturally, if you have any questions, or require further explanation, please feel free to mail or call me.

Kind Regards

Athhur Knight



being on the high street there is numerous 24 hour shop including nearby McDonalds serving food. There is a kebab shop opposite the restaurant which is open till 2am evryday and till 4am over the weekend. There is a 24 hours convinience store 2 doors away at 325 Bethnal Green Road.



# Appendix 9



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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# Appendix 10

## Mohshin Ali

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**From:** Lorna MacPherson <[REDACTED]>  
**Sent:** 26 July 2017 09:11  
**To:** Licensing  
**Subject:** Re: Fwd: RE: Variation: (Wood Mangal 101499)  
**Attachments:** 20170726\_035625.mp4

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning,

Please find a video also attached of the shutters going down at 4am this morning from Wood Mangal, this video is from my bedroom. There was one more shutter and it lasted 4 times as long as this as it woke me up but I didn't manage to video all of it.

Kind Regards

Lorna MacPherson  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:** lmacpherson [REDACTED]  
**Date:** 23/07/2017 23:42 (GMT+00:00)  
**To:** licensing [REDACTED]  
**Subject:** Fwd: RE: Variation: (Wood Mangal Restaurant), 329 Bethnal Green Road, London E2 6AH

Good Evening,

I sent these pictures to Mohshin below who I was emailing regarding the variation of a license at Wood Mangal Bethnal Green Rd (Ref no. 101499). However, I had an email reply which didn't really make sense based on the email I sent.

Please find attached pictures of the oil that they are disposing of from The Wood Mangal directly onto the street outside our home. If you could kindly pass onto the relevant person in the environmental health department as well.

When will we know if this application has been fully rejected or if it is going ahead?

Regards,

Lorna MacPherson  
[REDACTED]

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Mohshin Ali [REDACTED]  
Date: 21/07/2017 14:42 (GMT+00:00)  
To: 'Lorna MacPherson' [REDACTED]  
Subject: RE: Variation: (Wood Mangal Restaurant), 329 Bethnal Green Road, London E2 6AH

Dear Lorna MacPherson,

**Licensing Act 2003**

Variation: (Wood Mangal Restaurant), 329 Bethnal Green Road, London E2 6AH

Thank you for your email. For your representation to be legally valid you need to provide your full address. I look forward to hearing from you at your earliest convenience.

Thanks

**Mohshin Ali - Senior Licensing Officer**

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

[REDACTED]



---

**From:** Lorna MacPherson [REDACTED]  
**Sent:** 20 July 2017 22:50  
**To:** Mohshin Ali  
**Subject:** Re: Variation: (Wood Mangal Restaurant), 329 Bethnal Green Road, London E2 6AH

Good Evening Mohshin,

Please find attached pictures of the oil that they are disposing of from The Wood Mangal directly onto the street outside our home.

Regards,

Lorna MacPherson

Sent from my Samsung Galaxy smartphone.



----- Original message -----

From: Mohshin Ali [REDACTED]

Date: 10/07/2017 15:05 (GMT+00:00)

To: 'Lorna MacPherson' <[REDACTED]>

Subject: Variation: (Wood Mangal Restaurant), 329 Bethnal Green Road, London E2 6AH

Dear Lorna MacPherson,

### **Licensing Act 2003**

Variation: (Wood Mangal Restaurant), 329 Bethnal Green Road, London E2 6AH

Thank you for your email.

Under the Licensing Act 2003, one of the criteria for your representation to be valid is that we require the full address of anyone making a representation. We have already received representations already and the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee.

If you do make a valid representation by providing your address, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document and the applicant is entitled to a full, un-redacted copy of your representation

Please note that the last date for the Licensing Authority to receive representations is **25<sup>th</sup> July 2017**.

If you would like any further clarification, do not hesitate to contact me.

Regards

## **Mohshin Ali - Senior Licensing Officer**

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

[REDACTED]



---

**From:** Lorna MacPherson [REDACTED]  
**Sent:** 05 July 2017 14:46  
**To:** Licensing  
**Subject:** Premises License Variation 101499

Good Afternoon,

I wish to formally reject the variation of the premises license to Wood Mangal, 329 Bethnal Green Rd, E2 6AH. Case reference code above.

The current opening hours already effect my home life very much as my flat is directly above Wood Mangal, they have extremely loud metal shutters that wake me up when they close and again in the morning. Their kitchen is beneath mine and I can hear the staff in the kitchen, I can hear the music of the night cleaners and they sometimes have early morning deliveries in which they will bang extremely loudly on the metal shutters as early as 6am which wakes me up. If they are to stay open until 2am mid week and 4am at the weekend this would severely disrupt my sleeping. I have also informed my landlord as he is not happy about the current activities of the restaurant as it stands let alone an extension of their hours.

I thank you for the consideration in this really important matter for myself and my partner

Kind Regards

Lorna MacPherson

Sent from my Samsung Galaxy smartphone.

\*\*\*\*\*

Working Together for a Better Tower Hamlets  
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London Borough of Tower Hamlets E-Mail Disclaimer.





# Appendix 11

## Kathy Driver

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**From:** Lucy Walker [REDACTED]  
**Sent:** 09 July 2017 19:35  
**To:** Licensing  
**Subject:** Rejection of change to opening hours - Ref: 101499

Hi,

I have been made aware of the proposals of Wood Mangal Restaurant to extend their weekday and weekend opening hours, and would like to voice my concerns and objection to this.

I live above and to the side of the restaurant at [REDACTED]. Currently the noise and smoke pollution from the restaurant is unacceptable with workers' from the restaurant, as well as customers, keeping me awake into the early hours of the morning during the week and weekend due to the noise. Despite raising my concerns with the restaurant on 3 occasions, they have made no effort to keep the noise down and continue to stand directly under my bedroom window during their breaks. I work shift patterns as a doctor and have found no empathy from the restaurant or any attempts to comprise. We are unable to keep our window open at times due to smoke entering our flat from the restaurant and also due to the noise - particularly during this hot season, this has made life very difficult.

I really do think that extending the opening hours of the restaurant will make the situation impossible for myself and the other residents of [REDACTED].

Best wishes

Dr Lucy Walker



# Appendix 12

[REDACTED]

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

3 July 2017

Licensing Act 2003 - Premises Variation - Wood Mangal Restaurant 329 Bethnal Green Road E2 6AH

Dear Sir,

As a resident of [REDACTED] situated next door to the Mangal restaurant I would like to make the following representation in response to the request to extend their opening hours:

Late night/early morning visitors to the White Horse Kebab House opposite [REDACTED] are already a source of public nuisance. Customers frequently arrive in - and leave running - cars with modified (extra loud) exhaust systems with loud music playing. Disruptive and aggressive behaviour is often displayed by customers whose shouting and swearing wakes those asleep in [REDACTED] on the other side of the road. Allowing another takeaway food outlet to open on the same side of the road and adjacent to [REDACTED] would only increase the frequency of this public nuisance and increase the likelihood of disorder in this part of the Bethnal Green Road.

I note that a majority of this restaurant's customers are from the local community and their typical culture is to eat late but surely a "family oriented restaurant" can cater for its customer base without needing to stay open until 4am in the morning when one imagines the families it caters to are asleep.

In summary this is a residential neighbourhood with more than enough late night eateries already and to extend the opening hours of the Mangal restaurant would only add to the opportunity for drunks and other insomniacs to disrupt the sleep of local residents. As the application points out there are already numerous other 24 hour sources of food in the vicinity - no one is going hungry!

Yours faithfully

[REDACTED]

N C HAYLES





# Appendix 13

## Mohshin Ali

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**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 07 July 2017 11:05  
**To:** Mohshin Ali  
**Subject:** FW: Rejection of Change to Opening Hours - Ref: 101499

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Thomas Belt [REDACTED]  
**Sent:** 07 July 2017 10:52  
**To:** Licensing  
**Subject:** Rejection of Change to Opening Hours - Ref: 101499

Hi,

I would like to raise my objections to the proposed change of opening hours to Wood Mangal restaurant on Bethnal Green Road.

I live in a flat at [REDACTED], directly above the restaurant. Currently, the restaurant causes a large amount of disruption at all hours due to the levels of noise its staff and customers create.

I feel as though I already have grounds for a noise pollution complaint without an extension to the restaurants opening hours. If an extension is granted, it will only exasperate the issue and I believe make living above the restaurant unmanageable. I hope it does not come to that.

I hope this is sufficient information for you to reject the proposed change in opening hours. If you would like any more information from me, please let me know.

Best

Mr. Thomas Belt

# Appendix 14

## 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 15

## **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 16

## **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 17

## **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

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#### 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 18

## **Planning**

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one or more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.



# Appendix 19

### **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