

LICENSING SUB COMMITTEE

Wednesday, 1 November 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:

Farhana Zia, Senior Democratic Services Officer
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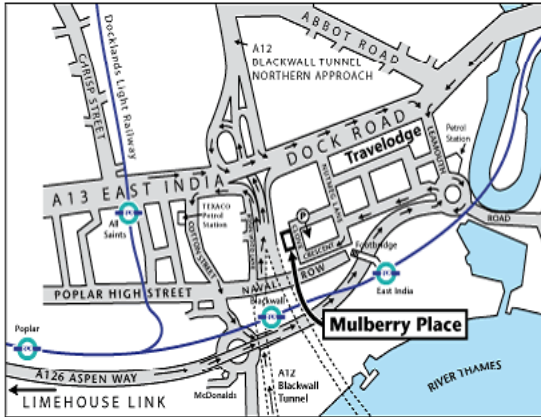
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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 5 - 8)

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 9 - 18)

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

3. ITEMS FOR CONSIDERATION

3.1 Application for Review under Section 53 A of the Licensing Act 2003 (Ali's Food and Wine), 497 - 499 Cambridge Heath Road, London E2 9BU (Pages 19 - 40)

Licensing Objectives:

Representations by:

- Metropolitan Police

3.2 Licensing Act 2003 Application for a new Premises Licence for Victoria Park West strip of land between Bonner Gate and Gore Gate London E3 5TB (Pages 41 - 112)

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- 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.

5. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

5 .1 Application for Full Review under Section 53 A of the Licensing Act 2003 (Redon), Railway Arch, 289 Cambridge Heath Road, London E2 0EL (Pages 113 - 160)

Licensing Objectives:

Representations by:

- Metropolitan Police

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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

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 - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	01/11/17	Classified		

Report of David Tolley Head of Environmental Health & Trading Standards	Title Licensing Act 2003 Application for Review under Section 53 A of the Licensing Act 2003 (Ali's Food and Wine), 497 - 499 Cambridge Heath Road, London E2 9BU
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected St. Peter's

1.0 Summary

Licence Holder **Mr Ali Yaz**

Name **Ali's Food and Wine**

Address of Premises: **497 – 499 Cambridge Heath Road**
London
E2 9BU

Review under Section 53A by a senior officer of the Metropolitan Police

2.0 Recommendations

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

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

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

3.0 Background

- 3.1 This is a full review following an interim hearing triggered by an application made by a senior officer of the Metropolitan Police under Section 53A of the Licensing Act 2003.
- 3.2 At the interim review hearing on the 6th October 2017 the Licensing sub-Committee *heard from the Licence Holder's representative that the licence holder was willing to add a condition to the licence which would prevent Mr Huseyin Yaz from entering the premises. Member noted that the Police had come to an agreement with the Premises Licence Holder that the Police would withdraw their review application on the undertaking that the Applicant would put in a minor variation to add the following condition; "Mr Huseyin Yaz should not be employed at the premises or be allowed to enter the premises."*

Members were satisfied that Mr Huseyin Yaz would not be permitted onto the premises and were prepared to accept the proposed agreement.

- 3.3 The decision for the interim review hearing is detailed in **Appendix 1**.
- 3.4 The minor variation application has been received and is enclosed as **Appendix 2**. The application is to add the following condition to the premises licence:
"Mr. Husseyin Yaz shall not be employed at the premises, be permitted to enter or allowed to remain on the premises".
- 3.5 The Police have accepted the condition of the minor variation and their response is contained in in **Appendix 3**.

4.0 Determinations

- 4.1 The Licensing sub-Committee is being asked to review the premises licence, which it must do within 28 days from receipt of the senior officer's documentation (received on the 4th October 2017).
- 4.2 The Licensing sub-Committee must consider what steps it considers necessary for the promotion of the licensing objectives; and
- consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.
- 4.3 The steps the licensing authority can take are:
- the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;

- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

4.4 Members may, of course conclude that no action is necessary.

5.0 Consultation

5.1 This review went through the normal procedure, that is notification to the responsible authorities and advertisement by a poster, but with a truncated response time. No further representations have been received at the time this report was finalised.

6.0 Legal Comments

6.1 A legal officer will advise Members at the hearing.

7.0 Financial Comments

7.1 There are no financial implications in this report.

8.0 Appendices

Appendix 1 The decision for the interim review

Appendix 2 Minor variation application

Appendix 3 Police response

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Appendix 1

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON FRIDAY, 6 OCTOBER 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Member)
Councillor Khaled Uddin Ahmed (Member)
Councillor Shah Alam (Member)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

The order of business was changed at the meeting in order to allow all parties to attend. For ease of reference the minutes are set out in the same format as the agenda.

3.1 Application for Review under Section 53 A of the Licensing Act 2003 for (Redon), Railway Arch, 289 Cambridge Heath Road, London E2 0ELThe Licensing Objectives

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

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both interested parties with particular regard to the licensing objective of the prevention of crime and disorder and the protection of children from harm.

Members determined that the incident was of a serious concern. Members accepted that the representations made by the police were relevant to the licensing objectives and that the facts and evidence presented supported, on a balance of probabilities, the allegations made.

Members were very concerned that someone underage was able to gain entry to the premises especially as they had already consumed such a large amount of alcohol. Members were concerned with the adequacy of checks being made when patrons enter the club.

Members were disappointed to hear that the CCTV system which the Licence Holder had installed was not adequate to ensure that all required footage was recorded and could be held for a period of 31 days as per the licence conditions. Members have noted the Licence Holders attempts to recover the footage from the night in question however it was disappointing that the correct system was installed at the outset.

Whilst Members noted the Premises Licence Holder's efforts by proposing additional conditions, Members felt that on the balance of probabilities there was a serious risk of crime and disorder associated with the premises therefore due to the seriousness of the incident and lack of confidence in the management Members made a decision and the decision was unanimous, Members decided to grant the interim review by suspending the premises licence pending the full review hearing. Members consider this suspension a necessary and proportionate response to the very serious incident which occurred as it will allow the Licence Holder to do all that is necessary to address the issues which have come to light.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the review application under section 53A of the Licensing Act 2003 for Redon, Railway Arch, 289 Cambridge Heath Road, London E2 0EL be **GRANTED with the suspension of the premise licence** with immediate effect to remain in place until the full review has been heard

Interim decision subject to full review hearing.

3.2 Application for Review under Section 53 A of the Licensing Act 2003 for (Ali's Food and Wine), 497 - 499 Cambridge Heath Road, London E2 9BU

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing

Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

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

Members heard from the police officer with regard to the events which took place which triggered the review.

Members heard from the Licence Holder who confirmed that he would be willing to assist the police with their investigation and that there was likely to have been a misunderstanding at the time which lead him not giving a full statement at the time.

Members heard from the Licence Holder's representative that the licence holder was willing to add a condition to the licence which would prevent Mr Huseyin Yaz from entering the premises.

Member noted that the Police had come to an agreement with the Premises Licence Holder that the Police would withdraw their review application on the undertaking that the Applicant would put in a minor variation to add the following condition;

"Mr Huseyin Yaz should not be employed at the premises or be allowed to enter the premises."

Members were satisfied that Mr Huseyin Yaz would not be permitted onto the premises and were prepared to accept the proposed agreement.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee **agreed** to extend the decision deadline to the hearings dates set for the following applications;

Premises	Decision by	Hearing Date
Unit 1 Lanark Square, London E14 9RE	09/10	18/10
Unit 2 Lanark Square, London E14 9RE	09/10	18/10
Unit 3 Lanark Square, London E14 9RE	09/10	18/10

Premises	Decision by	Hearing Date
Twisted LDN, 12 Batty Street, London E1 1RH	13/10	24/10
Agah, 43 Commercial Street, London E1 6BD	02/10	24/10
Tops Pizza, 3 West India Dock Road, E14 8EZ	27/09	24/10
Redon, Railway Arches, 239 Cambridge Heath Road, London E1	01/11	01/11
Victoria Park Market, Night Walk, Aprach Road/Gore Road London E3	03/11	01/11
The Ship, 290 Westferry Road, London E14 3AG	26/10	15/11
Mangal, 514 Commercial Road, London E1 0HY	06/11	15/11
Angel and Crown, 170 Roman Road, London E62 0RY	20/11	29/11

The meeting ended at 3.50 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Appendix 2

Application for a minor variation to a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the Guidance Notes at the end of the form, especially Note 1.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

ALI YAZ

(Insert name(s) of applicant)

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, ordnance survey map reference, or description) ALI'S FOOD AND WINE, 497 - 499 CAMBRIDGE HEATH ROAD	
Post town LONDON	Postcode E2 9BU

Telephone number at premises (if any)

Premises licence number/club premises certificate number

21995

Brief description of premises (Please see Guidance Note 2)

SUPERMARKET AND OFF LICENCE

Part 2 – Applicant Details

I am/we are the premises licence holder/cl [REDACTED] (Please delete as appropriate)

Contact phone number in working hours (if any)

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS	
Post town	Postcode
Please provide email address if you would prefer us to contact you by email (optional)	

Part 3 – Proposed variation(s)

Please tick

Do you want the proposed variation to have effect as soon as possible? Yes No

DDMMYYYY

If not, from what date do you want the variation to take effect?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 3) Yes No

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

Details of proposed variation(s) (Please see Guidance Note 4)

Add the following condition to the premises licence:
" Mr. Husseyin Yaz shall not be employed at the premises, be permitted to enter or allowed to remain on the premises".

Details of proposed variation(s) (Continued)

Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary was successful.

Provision of regulated entertainment

Please tick all that apply

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

Supply of alcohol
(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/
club premises certificate

I have included a copy of the plan
(this is necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

<p>Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.</p> <p>ORIGINAL LICENCE HAS BEEN MISPLACED</p>
<p>Any further information to support your application. (See Guidance Note 5)</p> <p>THE APPLICATION HAS BEEN MADE FOLLOWING AN UNDERTAKING GIVEN TO THE POLICE AND LICENSING COMMITTEE ON 6TH OCTOBER 2017</p>

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority.
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

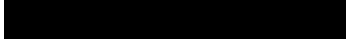
- I understand that I must now advertise my application for a continuous period beginning on the first working day after the day on which the application was given to the relevant licensing authority and ending at the expiry of the ninth consecutive working day after that day.

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.

Part 5 – Signatures and Contact Details

(See Guidance Note 6)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (see Guidance Note 7). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature	
Date	08:10:2017
Capacity	AUTHORISED AGENT FOR AND ON BEHALF OF THE APPLICANT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (See Guidance Note 8). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Where the premises are a club

I (insert full name) _____ make this application on behalf of the club and have authority to bind the club.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 9) R SUTHERLAND 12 BOSGROVE	
Post town LONDON	Postcode E4 6QT
Telephone number (if any) [REDACTED]	If you would prefer us to correspond with you by email your email address (optional) [REDACTED]

Notes for Guidance

1. **General Note:** The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. **Description of premises:** For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines etc.

3. 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.

4. **Give full details of all the proposed variation(s).** Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;

- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** Details of any changes to hours when the premises or club is open to the public.

5. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

6. Signatures: The application form must be signed.

7. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

8. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

9. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

Appendix 3

Corinne Holland

From: Thomas.Ratican [REDACTED]
Sent: 18 October 2017 14:25
To: Corinne Holland
Cc: MARK.J.Perry [REDACTED]
Subject: RE: Alis Food & Wine - CambridgeHeathRd497-499.app.pdf

Dear Corrine,

The new conditions on the Licence for Ali Food and Wine, 497 - 499 Cambridge Heath Road, E2 9BU, have been noted and are considered to be acceptable.

The Premises Licence holder and DPS Mr Ali Yaz has clearly shown a degree of responsibility and obligations in upholding the Licencing objectives by taking immediate action against the employee for the unfortunate incident on 3rd October 2017 at his premises.

As such, any further hearings or sanctions would **not** be necessary as Mr Ali Yaz has taken all reasonable steps to negate any further incidents involving the employee Mr Huseyin Yaz.

Regards

PC Thomas Ratican 235HT | Licensing Unit | Tower Hamlets Borough | Metropolitan Police Service |

[REDACTED]

[REDACTED]

Address Toby Club, Vawdrey Close, E1 4UA

From: Corinne Holland [REDACTED]
Sent: 18 October 2017 11:48
To: HT - Licensing Office
Subject: FW: Alis Food & Wine - CambridgeHeathRd497-499.app.pdf

From: Kathy Driver
Sent: 16 October 2017 00:44
To: Police generic Email
Subject: Alis Food & Wine - CambridgeHeathRd497-499.app.pdf

Minor variation following review.

*

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

London Borough of Tower Hamlets E-Mail Disclaimer.

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Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	01/11/17	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Catrina Marshall Licensing Officer	Title: Licensing Act 2003 Application for a new Premises Licence for Victoria Park West strip of land between Bonner Gate and Gore Gate London E3 5TB Ward affected: Bow East
--	---

1.0 Summary

Applicant: **Modern London Markets**
Name and
Address of Premises: **Victoria Park West**
Strip of land between
Bonner Gate and Gore Gate
London E3 5TB

Licence sought: **Licensing Act 2003**
The Sale of Alcohol

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Catrina Marshall
020 7364 2665

3.0 Background

This is an application for a new premises licence for **Victoria Park West Strip of land between, Bonner Gate and Gore Gate, London E3 5TB**

- 3.1 The applicant has described the premises as follows:
- 3.2 Sunday Market selling alcohol with table and chairs to sit at while consuming alcohol next to stalls
- 3.3 A copy of the application is enclosed as **Appendix 1**.
- 3.4 The applicant has applied for the sale of alcohol for the following hours:

Sale of alcohol – (Both on and off)

- Sunday 10:00 – 18:00 hours

Hours premises are open to the public:

- Sunday 10:00 – 18:00 hours

4.0 Location and Nature of the premises

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

(Approach Tavern)
47 Approach Road
London
E2 9LY

Licensable Activities authorised by the licence

Retail sale of alcohol
Provision of Late Night Refreshment
Provision of Regulated Entertainment

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

Monday to Thursday 10 00 hrs to midnight
Friday to Sunday 10 00 hrs to 01 00 hrs the next day

Late Night Refreshment

Monday to Thursday until 0030 hrs

Friday to Sunday until 01 30 hrs

Regulated Entertainment

Live Music

Monday to Sunday 20 hrs to midnight

Recorded Music, Indoor Sporting Events, Films

Monday to Thursday 10 00 hrs to midnight

Friday to Sunday 10 00 hrs to 01 00 hrs

For all regulated activities

Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends

Christmas Eve, Boxing Day from 10 00 hrs to 01 00 hrs. Also on a maximum of 30 events per year until 01 00 hrs.

The opening hours of the premises

From 07 00 hrs until 30 minutes after the end of the last time

5.0 Licensing Policy and Government Advice

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

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

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2017.

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

6.0 Representations

6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by a local resident.

- Deborah Khan (**Appendix 4**)
- Martin Shortis (**Appendix 5**)
- Sarah Perritt (**Appendix 6**)

- 6.2 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise
 - Trading Standards
 - Child Protection
 - Public Health
- 6.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.4 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
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.9 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 7**.
- 6.10 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.
- 6.11 The objections cover allegations of:

- Anti-social behaviour from patrons leaving the premises
- Close proximity to residential properties
- Magnet for anti-social behaviour
- Noise whilst the premises is in use

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

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

7.0 Conditions consistent with Operating Schedule

- A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any refusal of the sale of alcohol;
- any visit by a relevant authority or emergency service
- During the hours of operation of the premises licence, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in all areas.

8.0 Conditions Agreed/Requested by Responsible Authority

Trading Standards have agreed with the applicant:
(Please see **Appendix 8**)

9.0 Licensing Officer Comments

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)

- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 9 - 15** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Representations of Deborah Khan
Appendix 5	Representation of Martin Shortis
Appendix 6	Representation of Sarah Perritt
Appendix 7	Section 182 Guidance by the Home Office concerning relevant, vexatious, and frivolous representations
Appendix 8	Conditions agreed with Trading Standards
Appendix 9	Licensing Officer comments on noise while the premises is in use
Appendix 10	Section 182 Guidance by the Home Office
Appendix 11	Licensing Officer comments on access/egress
Appendix 12	Planning
Appendix 13	Licensing Policy relating to hours of trading

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Appendix 1



LICENSING ACT 2003

FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) MAX KENNEDY

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
THE NIGHTWALK AREA WITH VICTORIA PARK WEST, LONDON E3 5TB	
THE NIGHT WALK IS A STRIP OF LAND BETWEEN BOUNNER GATE (E2 9TW) + GORE GATE (E9 7HW)	
THE OS GRID REFERENCE IS TQ35485 88560	
Post town LONDON	Post code E3 5TB

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

Date of Birth I am 18 years old or over Please tick yes

Nationality

Current residential address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname First names

Date of Birth I am 18 years old or over Please tick yes

Nationality

Current residential address if different from premises address

Post Town Postcode

Daytime contact telephone number

**E-mail address
(optional)**

B) OTHER APPLICANTS

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

Name	MODERN LONDON MARKETS
Address	[REDACTED]
Registered number (where applicable)	[REDACTED]
Description of applicant (for example partnership, company, unincorporated association etc)	COMPANY
Telephone number, if any	[REDACTED]
E-mail (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	10	2017

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

Day	Month	Year

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

--

Please give a general description of the premises (please read guidance note 1)

The premises is a pedestrianised rd going through Victoria Park from Gorse Gate to Bower Gate. Glass selling alcohol will be situated on the ~~street~~ concrete. Tables and chairs will be provided for people to sit down when consuming alcohol on site which will be on the next to the stalls

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

Provision of regulated entertainment (see guidance Note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

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

D

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

E

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

F

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

G

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

H

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

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I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick [Y] (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
				Both	<input checked="" type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue					
Wed			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun	10.00	18.00			

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

Name

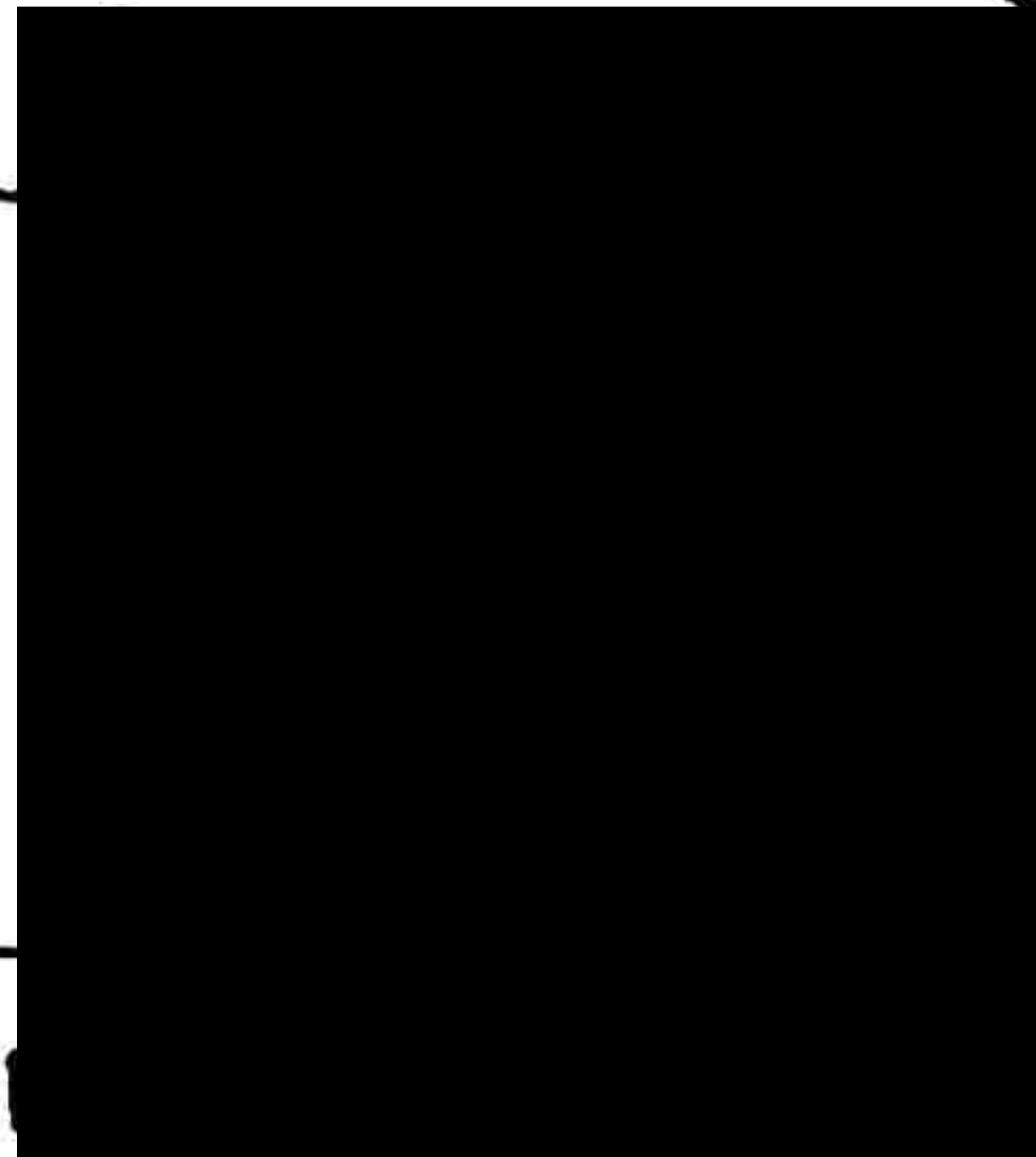
Date of Birth

Address

Postcode

Personal Licence number(if known)

Issuing licensing authority (if known)

MAXWELL KENNEDY	
	

--

K

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

--

L

Hours premises are open to the public Standard timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun	10.00	18.00	

M

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

STEP 1 - ALL SERVERS IN THE STALLS SELLING ALCOHOL WILL BE TRADED W THE 'CHALLENGE 21 SCHEME' AND SIGNS WILL BE DISPLAYED.

STEP 2 - THE MARKET MANAGER WILL MONITOR THE DWIS TO MAKE SURE NO LITTER IS GENERATED

STEP 3: ALL ALCOHOL STALLS WILL NOT BE PLACED ANYWHERE NEAR RESIDENTIAL BUILDINGS

STEP 4: THE MARKET MANAGER WILL MONITOR ANY CUSTOMER QUEUES SO THEY DONT OBSTRUCT OTHER PARK VISITORS

b) The prevention of crime and disorder

- A CLEAR AND LEGIBLE NOTICE OUTSIDE STALLS INDICATING THE NORMAL HOURS UNDER THE PREMISES LICENCE WITH LICENSABLE ACTIVITIES ARE PERMITTED.
- CLEAR AND CONSPICUOUS NOTICE WARNING OF POTENTIAL CRIMINAL ACTIVITY, SUCH AS OUT THEFT THAT MAY BE TAKEN CUSTOMERS WILL BE DEPRIVED.

c) Public safety

- A LOG BOOK OR RECORDING SYSTEM SHALL BE KEPT ON THE PREMISES IN WHICH SHALL BE ENTERED PARTICULARS OF INSPECTIONS AND INFORMATION COLLECTED TO COMPLY WITH ANY PUBLIC SAFETY CONDITION ATTACHED TO THE PREMISES LICENCE.
- ALL STALLS AND EQUIPMENT WILL BE MAINTAINED AT ALL TIMES IN GOOD ORDER AND IN A SAFE CONDITION
- ADEQUATE ACCESS WILL BE PROVIDED FOR EMERGENCY VEHICLES AT ALL TIMES
- ANY CABLE OR CONDUIT WILL BE MONITORED BY THE MARKET TEAM TO MAKE SURE THEY DON'T OBSTRUCT

d) The prevention of public nuisance

- ALL LITTER BINS WILL BE MAINTAINED AT ALL TIMES BY THE MARKET TEAM + BINS CONSTANTLY EMPTIED
- EXTRA BINS WILL BE PLACED NEXT TO PARK BINS TO ENSURE THEY DO NOT OVERFLOW. THESE BINS WILL BE EMPTIED THROUGHOUT THE DAY.
- ALL ALCOHOL STALLS WILL NOT BE PLACED NEAR ANY RESIDENTIAL BUILDINGS TO MINIMIZE NOISE
- ALL RUBBISH WILL BE COLLECTED AT 5PM SO NO BINS WILL BE LEFT IN THE OPEN

e) The protection of children from harm

- All STAFF/WORKERS will be trained in the CHILDREN 21 SCHEME AND SIGN WILL BE PLACED AT EVERY STALL.
- ONLY PASSPORT, DRIVING LICENCE OR CITIZEN CARD WILL BE ACCEPTED AS IDENTIFICATION FOR PROOF OF AGE
- LICENSE HOLDERS WILL KEEP A REFUSAL BOOK ON THE PREMISES WHERE STAFF CAN RECORD DETAILS OF EVERYONE WHO HAVE BEEN REFUSED ALCOHOL.

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

CHECKLIST:

Please tick to indicate agreement

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

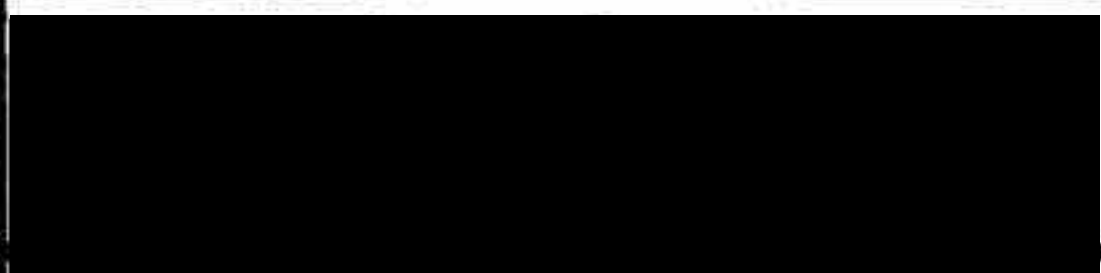
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

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

Part 4 – Signatures (please read guidance note 11)

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

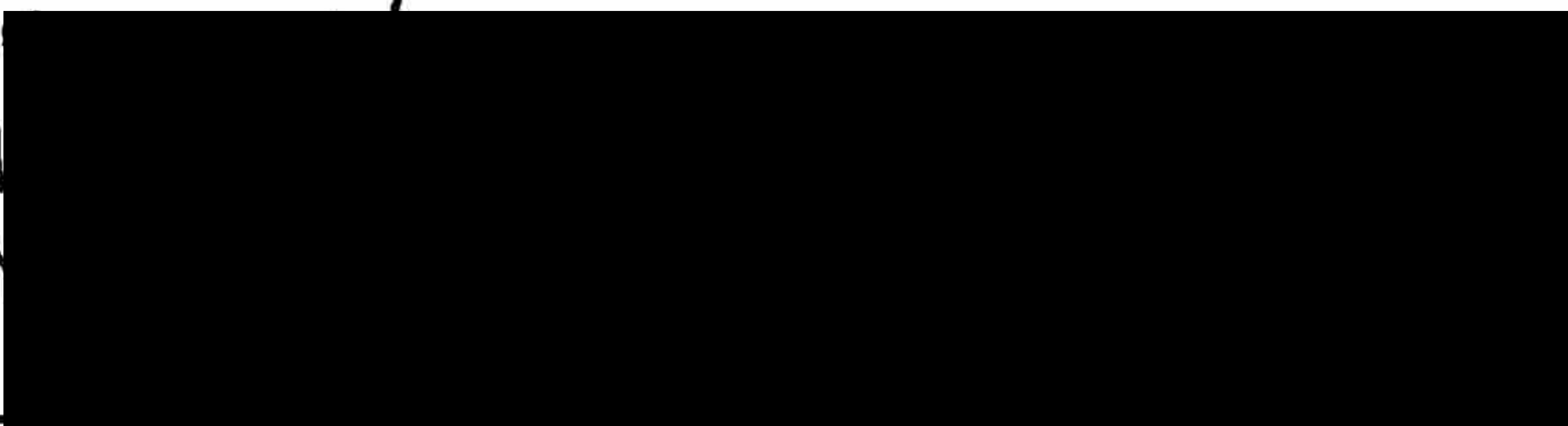
Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	11.08.17
Capacity	APPLICANT

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

Signature	
Date	
Capacity	

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

MAX KENNEDY

V	
M	
P	
T	

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

[REDACTED]

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from:

(i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08 00 and 23 00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will

become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- **A current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- **A current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- **A current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- **A current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



LICENSING Act 2003

FOR OFFICE USE			
RECEIPT / INVOICE NO.	FEE REQUIRED:	Date:	Initials:

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

Consent of individual to being specified as premises supervisor

I MAX KENNEDY
 [full name of prospective premises supervisor]

of. [REDACTED]

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for PREMISES LICENCE[type of application]

by MAX KENNEDY[name of applicant]

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

for VICTORIA PARK MARKET, VICTORIA PARK, E3 5EQ STB
OS GRID TQ 35485

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

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

by MAX KENNEDY[name of applicant]

concerning the supply of alcohol at VICTORIA PARK MARKET, VICTORIA
PARK, E3 5EQ STB OS GRID TQ 35485

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

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

.....
[insert personal licence number, if any]

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

..... signed

MAX KENNEDY name (please print)

18.08.12 dated

Appendix 2



14.8m

14.6m

PC

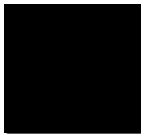
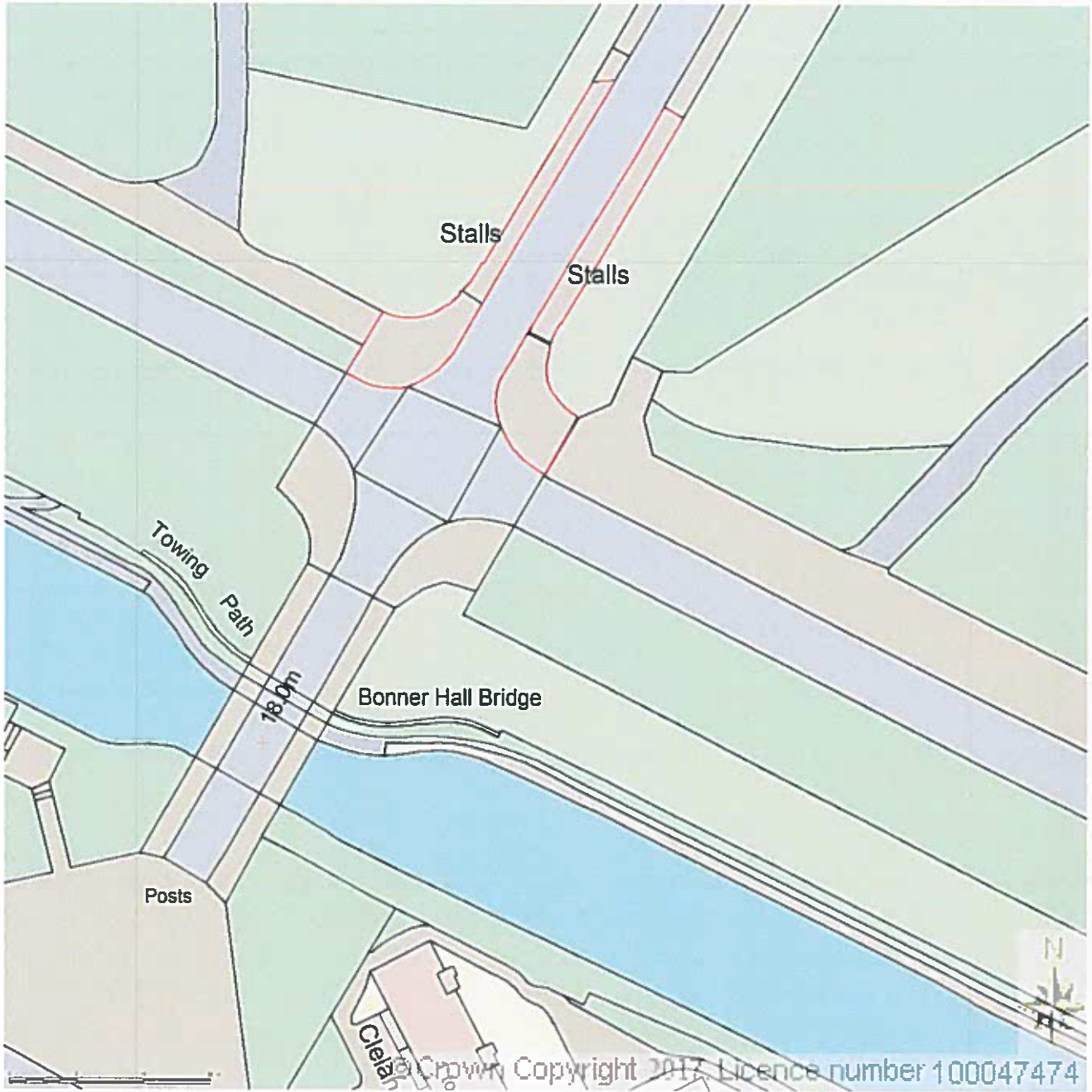
Gore Gate

14.9m

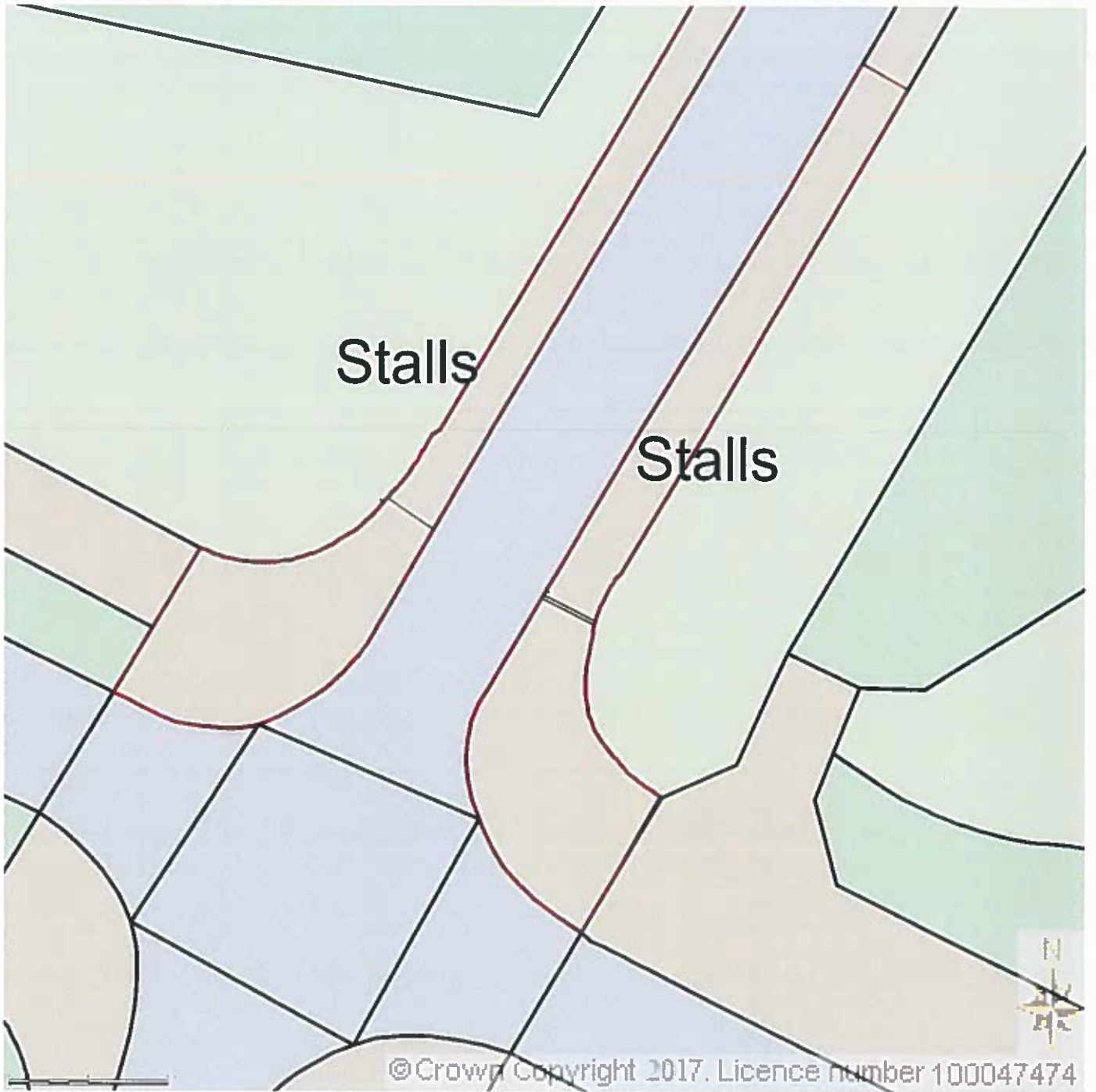
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Appendix 3



by Streetwise Maps Ltd
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Appendix 4

[Redacted]

From: Deb Khan [Redacted]
Sent: 04 October 2017 15:26
To: Catrina Marshall
Subject: Re: Objection for Premises Licence - Victoria Park Farmers Market

My full name

Deborah Khan
[Redacted]
[Redacted]

Under data protection act please can I ask where this information is held and where will it be distributed?

Best

Deb

Sent on the move. Apologies for typos.

On 4 Oct 2017, at 15:18, Catrina Marshall [Redacted] > wrote:

Good afternoon Sir/Madam,

Apologies I may've not made myself clear in the email below but we will need all these details that I asked for in the email below and as follows by the 5th October 2017: we will need the full names, addresses and signatures of all who are completing this petition you refer to including your full name, address and contact details.

Regards

[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]

Please note: Meetings with Licensing Officers are by prearranged appointment only.

[Redacted]
[Redacted]

[Redacted]



From: Catrina Marshall **On Behalf Of** Licensing
Sent: 04 October 2017 11:10
To: 'deborah khan'
Subject: RE: Objection for Premises Licence - Victoria Park Farmers Market

Good morning Sir/Madam,

Further to your email regarding the above licence application, I write to acknowledge your representation to the above application we will need the full names, addresses and signatures of all who are completing this petition you refer to including your full name, address and contact details.

The matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. You will be notified by the Democratic Services of the date, time and venue of the public hearing and invited to attend. Please note that your representation will become a public document (contact details will be redacted from website) and the applicant is entitled to a full, un-redacted copy of your representation.

The Licensing Sub Committee hearing will be held at Mulberry Place, 5 Clove Crescent, London E14 2BG, you will be notified two weeks prior of the hearing.

The applicants may contact you directly to negotiate any changes to the application.

Regards

[Redacted signature block]

[Redacted signature block]

[Redacted signature block]

[Redacted signature block]

[Redacted signature block]



From: deborah khan [[mailto:\[Redacted\]](#)]
Sent: 03 October 2017 16:28
To: Licensing
Subject: Objection for Premises Licence - Victoria Park Farmers Market

Hello

We would like to object to the granting of the License for the above market , situated in the Night walk, on the following grounds

- Early arrival on every Sunday morning of high volume (50+)of commercial traffic in a Hackney Residential street causing disturbance and intrusion - despite reassurance form Market staff these vehicles are waiting to enter the market from 7.30am. Totally unacceptable.
- Noise of early get in and erection of market stalls - vehicles reversing, horns, shouts from traders etc
- Use of Hackney Roads and Hackney Gate to enter the park for an event that is managed by and raising funds for Tower Hamlets. Impact on road infrastructure
- Additional congestion of market traffic into Gore Road in Hackney - large commercial vehicles adding to problems in a very narrow road, busy at the weekends with traffic park either side. This results in frequent grid lock and road rage
- Entry of large vehicles into a very tight gate, very high volume of traffic inc cabs turning in a very small space Sunday am when the intersection of the inner road and night walk is very busy with dog walkers, joggers, children etc - there are serious health and sarefty implications
- Introduction of a weekly large commercial event at an anti social time i.e early Sunday - with no full consultation or dialogue with local residents other than small notices in the park
- Granting of a highly unusual Licence relative to other London street markets sale and consumption of alcohol form early Sunday am
- High density of large permanent signage in a public park for a private commercial event
- Lack of traffic monitoring outside of the park

We have met with the Market Management and LBH Tower Hamlets. We have made practical suggestions - later start, approach the Night Walk form an alternative route not adjacent to a high volume of housing, direct the traffic from Tower Hamlets as they do with other very well manged LBTH events eg Lovebox where traffic is directed away from Hackney

This complaint will be supported by a petition residents of Gore Road, Hackney and Traders association of Victoria park and supported by evidence as photographs etc inc use of Approach Gate bridge over the canal by large trucks. This is a viable alternative but we have been informed by LBTH Park management the bridge has a problem with load bearing. We are also seeking legal advice inc from other street market organisers

To sum up the market is extremely intrusive and we are suffering disturbance of commercial convenience - early drops offs for the stall holders and the easiest route into the park.

Please could you acknowledge this email?

Very many thanks in advance

Deb Khan

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Deb Khan Ltd Registered in England Company No. 06782335. Registered Office address 54 Gore Road Victoria Park London E9 7HN

Working Together for a Better Tower Hamlets

Web site : [REDACTED]

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Appendix 5

[REDACTED]

From: Martin Shortis <[REDACTED]>
Sent: 04 October 2017 21:27
To: Licensing
Subject: Fwd: Licensing Act 2003 Victoria Park Market, Night Walk/Gore London E2

Dear Kathy Driver,

I am resending my objection below as I have realised I failed to state my address when I sent it first time. I have included the address this time.
Thank you for your help with this.

Yours sincerely,
Martin Shortis,

[REDACTED]

----- Forwarded Message -----

Subject:Licensing Act 2003 Victoria Park Market, Night Walk/Gore London E2
Date:Wed, 4 Oct 2017 21:20:21 +0100
From:Martin Shortis <[REDACTED]>
To:[REDACTED]

Dear Kathy Driver,

Licensing Act 2003 Victoria Park Market, Night Walk/Gore London E2

Your ref: CLF/EHTS/LIC/103158

I am writing to object to this application. I am not sure why this market has appeared, there was no consultation about it. The area does not require regeneration which is the usual reason for these things. Also the park is full to capacity most weekends and doesn't need to attract further visitors. I have no particular objection to the market except for the amplified live music that we now have to hear through our closed windows in these flats every Sunday.

I don't think people go to the market to drink and if they want to drink outside there are 3 good pubs in the immediate vicinity of the park which provide for this and are already part of our community. Many local families use the park at weekends and I doubt that people sitting around drinking is going to enhance their visit to either the park or the market.

There is also a long-standing problem in this part of the park with groups of drinkers getting mindlessly drunk and playing loud music in the evenings particularly at weekends. Licensing the sale of alcohol right next to to where this occurs doesn't make any sense. I have not met anyone in this block in favour of this proposal.

For these reasons I am writing to object.

Yours sincerely,

[Redacted]



[Redacted]

Appendix 6

[REDACTED]

From: Sarah Perritt [REDACTED] >
Sent: 05 October 2017 22:26
To: Licensing
Subject: Your ref: CLC/EHTS/LIC/103158 Victoria Park Market, Night Walk Approach Road/Gore Road London E2

Dear Kathy Driver,

I would like to object to the proposal to sell alcohol at the Victoria Park Market.

The market is one of the many attractions Victoria Park offers at the weekend, it is very popular and busy, as is the rest of the park.

The atmosphere is good, family friendly and relaxed.

The sale of alcohol would inevitably change this.

It would bring no benefit to the park as a whole (which already has three popular pubs on its periphery).

There are already drinkers in the park (who habitually occupy the benches and tables just to the left of the market, Agnes Gate side).

They play amplified music from a beat box, increasingly loud as more drink goes down, on Saturday and Sunday afternoons and evenings.

This creates an atmosphere out of keeping with the quiet enjoyment of the beautiful park.

It is also really intrusive in our flats, even with closed windows.

The sale of alcohol at the market, and the change of emphasis this would bring, would go some way to legitimise this, which is potentially really anti-social.

There is live amplified music from the market too. We are very lucky to live so near the park in our four blocks (Cleland, Goodrich, Kemp and

Piggot) and we accept that from time to time, especially in the Summer, there will be a certain amount of intrusive noise from various events in the park.

However, the Market happens every Sunday.

There was no consultation about this, as far as I am aware.

I do wonder who would benefit from the sale of alcohol at the Sunday Market?

Thank you for reading these comments.

If you would like to visit us at Goodrich House while the market is on, you would be very welcome.

Yours faithfully,
Sarah Perritt

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 7

**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 8

Catrina Marshall

From: Victoria Park Market <[REDACTED]>
Sent: 25 September 2017 13:35
To: [REDACTED]
Subject: Re: Application for a premises licence - Victoria Park Market - reference no.103158



Hi Kevin

Thanks for the email.

In answer to your 2 questions:

- Yes we are more than happy to adopt "Challenge 25" and make that part of the conditions of our licence.
- In terms of " further details about how the stall holders will supply the alcohol" details are as follows

The beer stall will be serving beer on draught into biodegradable plastic glasses and cans of beer (to drink on site or take home)

The wine stall serves wine by the glass into plastic recyclable cups and bottles of wine to take home

The distillery stall serves gin and tonics which are mixed on site and poured into recyclable paper cups. Pre-mixed Negronis poured into recyclable paper cups. Bottles of gin and vodka to take home.

If you require any further information whatsoever please let me know.

Many thanks

Max



Sent with [Mailtrack](#)

On Mon, Sep 25, 2017 at 1:06 PM, Kevin Maple <Kevin.Maple@towerhamlets.gov.uk> wrote:

FAO: Mr Max Kennedy / Modern London Markets

Dear Mr Kennedy,

As part of the consultation process, I have received a copy of your application for a premises licence under the Licensing Act 2003.

Trading Standards is one of the “responsible authorities” and as such we can make representations to the licensing authority in relation to your application.

Should we make representations it must be about the likely effect of granting the application on the promotion of the licensing objectives. One of the licensing objectives concerns the '*the protection of children from harm*' including preventing the sale and supply of alcohol to children. Trading Standards has responsibility for enforcing legislation in relation to this.

I have therefore considered section M of your application in which you describe the additional steps you will take to take promote the Licensing objectives. Your comments that relate to the ‘protection of children from harm’ are stated as follows:

- a) General – ‘All services in the stalls selling alcohol will be trained in the Challenge 21 scheme and signs will be displayed’
- e) The protection of children from harm:
 - ‘All Stallholders will be trained in the Challenge 21 scheme and signs will be displayed at every stall’
 - ‘Only passport, driving licence or Citizen card will be accepted as identity for proof of age’
 - ‘licence holders will keep a refusal book on the premises where staff can record details of everyone who have been refused alcohol’

I wish to advise you that you that although your policy meets an acceptable standard, many premises have adopted ‘Challenge 25’ so that they have a robust procedure in place to prevent underage sales.

I am of the opinion that there is an increased risk that the supply of alcohol by stallholders in Victoria Park may attract underage persons.

I would therefore like you to consider adopting the ‘Challenge 25’ policy. Please find further details of ‘Challenge 25’ attached.

Please let me know if you are willing to adopt this policy and if so are you are willing for the ‘Challenge 25’ policy to be made a voluntary condition of your licence. The condition would be as follows:

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

We are able to provide you with support materials to assist you in adopting the ‘Challenge 25’ – please refer to the attached leaflet for further details.

In addition, **please could you also provide further details about how the stallholders will supply the alcohol** i.e. operation of a bar supplying draught alcoholic beverages or are the beverages supplied pre-packaged or in receptacles (if so, please describe the receptacles).

Should you have any query please do not hesitate in contacting me. I look forward to hearing from you.

Best regards,

Kevin Maple

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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Appendix 9

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 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 10

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

Updated April 2017

Public nuisance

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

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

Appendix 11

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 12

Planning

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



Appendix 13

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

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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