

# LICENSING SUB COMMITTEE

---

Monday, 26 February 2018 at 2.00 p.m.

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

This meeting is open to the public to attend.

**Contact for further enquiries:**

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

Scan this code  
for an electronic  
agenda



## Public Information

### **Attendance at meetings.**

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

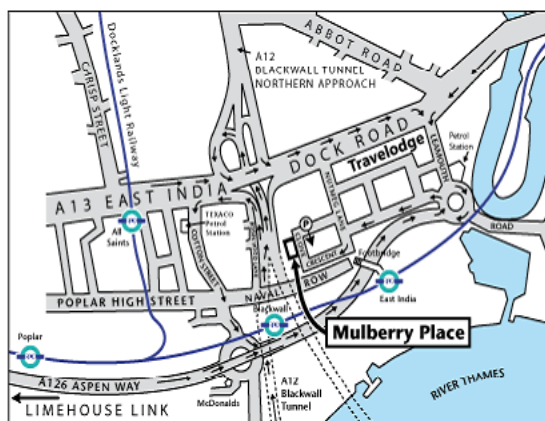
### **Audio/Visual recording of meetings.**

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

### **Mobile telephones**

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

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



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

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

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

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

**Car Parking:** There is limited visitor pay and display parking at the Town Hall (free from 6pm)

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

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

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



### **Fire alarm**

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

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

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

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

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



QR code for smart phone users.



**APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 7 - 10)**

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 11 - 20)**

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

**3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 34)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 29<sup>th</sup> November and 20<sup>th</sup> December 2017.

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4.1 Application for a Variation Premises Licence for Suito, 90 Brick Lane, London E1 6RL</b>	<b>35 - 114</b>	<b>Spitalfields &amp; Banglatown</b>

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Environmental Health
- Local Resident(s)



**4 .2 Application for a New Premises Licence for Chupeton Ltd, 61-63 Old Bethnal Green Road, London E2 6QA**

**115 - 174**

**St Peter's**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

**5. 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.

**6. EXCLUSION OF PRESS AND PUBLIC**

**7. RESTRICTED MINUTES OF THE PREVIOUS MEETING(S)**

To confirm as a correct record the restricted minutes of the Licensing Sub-Committees held on 6<sup>th</sup> October, 26<sup>th</sup> October and 1<sup>st</sup> November 2017.

To Follow

This page is intentionally left blank

# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Further advice**

For further advice please contact:-

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

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

This page is intentionally left blank

## TOWER HAMLETS



### LICENSING COMMITTEE

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

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

## **1. Interpretation**

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

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

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

## **3. Procedure**

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



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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

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

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

**(5) What can be circulated?**

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

**(6) How will the applications be considered?**

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

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

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

**(8) Queries on reports.**

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

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

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

## LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

This page is intentionally left blank



## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE LICENSING SUB COMMITTEE

**HELD AT 2.00 P.M. ON WEDNESDAY, 29 NOVEMBER 2017**

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

#### **Members Present:**

Councillor Rajib Ahmed (Chair)  
Councillor Khaled Uddin Ahmed  
Councillor Shah Alam

#### **Officers Present:**

Kathy Driver	–	(Principal Licensing Officer)	
Vivienne Walker	–	(Senior Prosecution Lawyer)	
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)	

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
PC Mark Perry	4.1	Metropolitan Police
Mostak Ahmed Askor	4.2	Mangal
Seydur Uddin	4.2	Mangal

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Stephen Baldwin	4.1	Angel & Crown

#### **Apologies**

None

#### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

Councillor Khaled Ahmed declared a personal interest on item 4.2, Application for a New Premises Licence for Mangal, 514 Commercial Road, London E1 0HY on the basis that he knew of the Licensing Agent representing the Applicant in his capacity as a Labour Party Member, however he confirmed that they had not discussed this application prior to the meeting.

Councillor Rajib Ahmed declared a personal interest on item 4.2, Application for a New Premises Licence for Mangal, 514 Commercial Road, London E1 0HY on the basis that he knew of the Licensing Agent representing the Applicant in his capacity as a Labour Party Member, however he confirmed that they had not discussed this application prior to the meeting.

## **2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

The minutes of the meetings held on 19<sup>th</sup> September and 24<sup>th</sup> October 2017 were agreed and approved as a correct record.

## **4. ITEMS FOR CONSIDERATION**

### **4.1 Application to Review the Premises Licence for the Angel and Crown, 170 Roman Road, London, E2 0RY**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for The Angel and Crown, 170 Roman Road, London E2 0RY. It was noted that the review had been triggered by the Metropolitan Police and supported by local residents.

At the request of the Chair, PC Mark Perry, Metropolitan Police, explained that the pub had a long history of being poorly run and public nuisance associated with the premises. He explained that various visits had been made to the premises and Police have found the following; customers drinking in the bar when they were so intoxicated they could barely stand up unaided, groups of youths hanging around outside the pub drinking alcohol and using nitrous oxide, groups of customers outside drinking on the street, being loud and intimidating. Strong traces of drugs found in the premises and generally found the pub to be poorly run with no effective management. He explained that there had been a series of complaints and reports to the police from residents/neighbours also raising concerns about similar problems.

PC Perry went on to describe other reports from visits that had been made at the premises where he had witnessed customers being served drinks when they were drunk. It was noted that the pub was located right next to residential properties and therefore often caused disturbance to local residents. He explained that he had met with Mr Baldwin, Premises Licence Holder, and as an outcome a minor variation was put in place to reduce the hours and added conditions. This worked well for a few months but then went back to how it was again as SIA Door Staff were not being employed. It was noted that there had been complaints again in June 2017 which were detailed on page 62 of the agenda.

PC Perry concluded by saying that the local gang had taken over the pub, and was openly dealing in drugs etc. Mr Baldwin had failed to hire SIA door staff, and there have been numerous complaints from residents. PC Perry felt that there were no conditions that could be imposed to alleviate the concerns and therefore asked for the licence to be revoked.

Members then heard from Mr Stephen Baldwin, Premise Licence Holder, who explained that he had tried working with the Police, he had installed CCTV cameras and also had cameras installed outside the premises. Mr Baldwin explained that having two SIA door staff was very costly. He said that they now close the premises at 7pm on Fridays and Saturdays and have had no complaints since September 2017. He stated that he was 66 years old and had 27 years of experience. He said that he and his family used to live above the premises but once the landlords sold the lease he had to move out.

Mr Baldwin explained that he recently went into an agreement with a Mr Anthony Hynes who was going to take over the premises. He got rid of the pool table, games machines and introduced the challenge 25 policy but then left. He explained that all previous staff had been dismissed. It was noted that they generally had loyal customers, but the day to day sales were down especially with the newspapers labelling the pub as the worst pub in London. Mr Baldwin concluded by admitting that he had lost control of the premises but explained that he was in the process of selling the lease and therefore needed the pub to stay open for viewing etc. for potential buyers. He also stressed the issues about the nitrous oxide canisters and that customers that are known to use these have been barred from the premises. He said that the corner the pub had a very wide pavement which attracted people to congregate there and these people were not necessarily customers of the pub.

In response to questions the following was noted;

- That since 4<sup>th</sup> September 2017, the premises closes at 7pm on Fridays and Saturdays.
- There have been no complaints or incidents reported since 4<sup>th</sup> September 2017.
- PC Perry believed that if the premises closed at 7pm on Fridays and Saturdays then the problems would be resolved.
- Mr Baldwin confirmed that he had no intention of opening after 7pm on Fridays and Saturdays.
- The police felt that Mr Baldwin had demonstrated that he was not trustworthy and was not adhering to conditions on the licence.
- Police confirmed that they would be happy for the hours to be reduced on the licence to 7pm on Friday and Saturdays and if there were to be any events after 7pm then there should be an SIA door staff on duty until closing time.

Members retired to consider their decision at 3.00pm and reconvened at 3.20pm.

### 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 and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and listened to the verbal representations made by PC Mark Perry, Metropolitan Police and from the Licensee, with particular regard to the licensing objectives of crime and disorder and prevention of public nuisance.

Members noted the fact that following the reduction in opening hours on Friday and Saturdays to 7pm there had been no complaints from residents or concerns reported to the Police. Members also accepted the agreement from the Licensee that he was happy to modify the hours on his licence to alleviate the concerns the Police had of it attracting public nuisance and disorder to the local area by staying open late on Fridays and Saturdays. It was also noted that the Licensee would continue to run the day to day running of the premises until the business was sold.

Members noted the serious concerns raised about customers drinking outside the premises, leaving glasses outside and causing disturbance to passers-by, therefore Members believed that a condition to restrict people from taking drinks outside the premise would help alleviate some of those concerns raised. Members were also satisfied that a modification of the hours on the license would also relieve the concerns of the police and local residents and avoid any future disturbances.

Accordingly, the Sub Committee unanimously

### RESOLVED

That the application for a Review of the Premises Licence for Angel and Crown, 170 Roman Road, London E2 0RY be **GRANTED IN PART** with conditions imposed.

The hours to be **modified** on Fridays and Saturdays to the following;

#### Sale of Alcohol

Fridays and Saturdays from 09:00 hrs to 19:00 hrs.

Regulated Entertainment

Fridays and Saturdays from 09:00 hrs to 19:00 hrs.

Hours premises Open to the Public

Fridays and Saturdays from 09:00 hrs to 19:00 hrs.

Condition

No drinks allowed to be taken outside the premises at any time.

Condition 5 from Annex 2 of the Premises Licence to be replaced with the following condition

Any event that goes beyond 7pm on Fridays and Saturdays. One SIA security staff must be on duty at the premises until the premises are closed and the last customers have left the premises. The security must sign in and out in the record book at the start and end of their shifts and must clearly be identifiable as security.

**4.2 Application for a Premises Licence for Mangal, 514 Commercial Road, London E1 0HY**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Mangal, 514 Commercial Road, London E1 0HY. It was noted that there had been one objection from a local resident.

It was noted that the objector was not present at the meeting and therefore members noted and considered the written objection contained in the agenda.

Members then heard from Mr Mostak Askor, Licensing Representative on behalf of the Applicant who explained that upon the suggestion of Environmental Health, a carbon filter duct had been installed to reduce the smell emanating from the premises which Environmental Health were satisfied with.

He concluded that it was a fine dining restaurant, selling Turkish food, family orientated, and employed local people. Mr Askor explained that the applicant now had a contract with the waste collection services and had also installed the carbon filter duct.

In response to questions it was noted that it usually took 15 mins to prepare an order. It was also noted that there were no parking restriction after 7pm and that there was a local minicab office and its drivers usually park their cars around that area.

Members retired to consider their decision at 3.40pm and reconvened at 3.50pm.

### **The Licensing Objectives**

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### **Consideration**

Each application must be considered on its own merits and the Chair stated that the Sub Committee in the absence of the objector had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant by their Licensing Representative.

Members noted the reduction in the hours for late night refreshments which was agreed with Environmental Health and welcomed the efforts made by the Applicant to install a carbon filter duck to eliminate the odour and the contract for the waste bin outside the premises and the conditions offered in their operating schedule. Members were satisfied that these conditions would help alleviate the concerns of the local resident and promote the licensing objectives.

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

### **Decision**

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for, Mangal, 514 Commercial Road, London E1 8DR be **GRANTED** with conditions consistent with the operating schedule.

### **The Provision for Late Night Refreshments**

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

Hours premises are open to the public:

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

Conditions

Last orders to be made by 00:30 hours for eating and last orders for takeaway to be made by 00:45 hours.

Training to be provided to all serving staff to have a good knowledge and awareness of prevention of crime and disorder and drug awareness.

CCTV will be installed and the recorded materials shall be retained and stored in a suitable/secure manner for a minimum of 31 days.

- α) A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- β) The system will comply with essential legislations.
- χ) CCTV will be operational during opening hours.
- δ) Recordings and images will be available for police or responsible authorities on demand.

Management will control the premises, will not cause or permit a person to solicit for custom for the premises in any street or public places

Premises to have experienced staff who will run our premises, adequate door control will be taken to prevent crowd outside of our premises.

Premises to ensure that all customers leave quietly. If any customers need to wait for a taxi, staff will try to keep them on the premises until the taxi arrives. Premises will offer them a complimentary coffee/ tea.

Premises will not allow anyone to queue in front of our restaurant.

If anyone comes to pick up their friend or family member from our restaurant we will ask them not to blow their car horn.

Premises will provide low key volume recorded music that will not be heard from flat above to our premises or nearby residents.

Outside of the premises will be kept tidy, all spillage will be cleaned. I.e. Bottles, glass, litter etc.

Bottled drink or food will be not allowed to be consumed in front of the restaurant. (Except take away food which will be taken from the restaurant to eat at customers home).

No early morning delivery or collection or late delivery/collection will take place

Un-accompanied children Under 16 are not allowed in into the premises between midnight to 5 am.

#### **5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

There were no applications that required deadline extensions.

#### **6. EXCLUSION OF PRESS AND PUBLIC**

The Chair exercised his power to exclude the press and public from the meeting.

#### **6.1 Application for a Review under Section 53A of the Licensing Act 2003 for Denni's News, 15 Swaton Road, London E3 4ES**

##### 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 and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

##### Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them with particular regard to the licensing objectives of the prevention of crime and disorder, and the protection of children from harm.

Kathy Driver, Licensing Officer introduced the report and stated this was a Section 53a application following an incident regarding an employee of Denni's News. The interim hearing took place on the 14<sup>th</sup> November 2017 and the licensee agreed to remove the member of staff from his employment. Members were asked to note the withdrawal of the Review and accept that no further steps need to be taken in relation the review application.

##### Decision

Accordingly, the Sub-Committee unanimously

##### RESOLVED



That no further steps are taken in relation to the application for a Section 53A Review of the Premises Licence for Denni's News, 15 Swaton Road, London E3 4ES.

The meeting ended at 4.30 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee

This page is intentionally left blank

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.00 P.M. ON WEDNESDAY, 20 DECEMBER 2017**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

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

**Officers Present:**

Kathy Driver	–	(Principal Licensing Officer)
Vivienne Walker	–	(Senior Prosecution Lawyer)
David Wong	–	(Legal Services)
Nicola Cadzow	–	(Environmental Health Officer)
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)

**Apologies**

None

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

The minutes of the Licensing Sub Committee held on 8<sup>th</sup> August, 18<sup>th</sup> October, 1<sup>st</sup> & 15<sup>th</sup> November 2017 were agreed as a correct record of proceedings.

**4. ITEMS FOR CONSIDERATION**

#### **4.1 Application for a Temporary Event Notice for Resident, Arch 252 Paradise Row, London E2 9LE**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a temporary event notice for Resident, Arch 252 Paradise Row, London E2. It was noted that an objection had been received on behalf of Environmental Health.

In the absence of the Applicant, Members asked officers to contact the applicant (Mr Lee Curtis) to confirm his attendance. Ms Driver telephoned Mr Curtis and then informed Members that Mr Curtis had advised that he would not be attending the meeting as he had a party of customers at his premises to which he had to attend to as he was short staffed.

Therefore in the applicant's absence Members noted and considered the application included in the agenda pack.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer, who explained the potential impact of public nuisance that would be caused due to the event. She informed Members that the hours applied for were beyond the Council's framework hours. She said that she had offered the applicant a 03:00 am finish however the applicant had not agreed to the hours proposed.

Ms Cadzow was of the view that the application failed to comply with the objective of the Licensing Act 2003 relating to public nuisance for the following reasons, noise breakout from the venue affecting neighbouring residents, access and egress to and from the venue of patrons, especially due to patrons likely to be in high spirits and the hours applied for were excessive.

In response to Members questions it was noted that the event was for bar staff around London who were working during the New Year celebrations who would then be able to come to the venue and celebrate the New Year later on into the early hours of the morning.

Members adjourned the meeting at 2.45pm for deliberations and reconvened at 2.50pm.

#### **The Licensing Objectives**

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### **Consideration**

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and listened to the verbal representations made by Nicola Cadzow, Environmental Health, and in the absence of the applicant, Members noted the application detailed in the agenda with particular regard to the licensing objectives of the prevention of public nuisance.

Members delayed the start of the meeting to allow the applicant the opportunity to attend the meeting, further to contacting the applicant Members were informed that he would not be attending it was noted that the applicant made no attempt to inform the Council that he was unable to attend the meeting. Therefore Members were unable to ask questions of the Applicant to determine aspects of the application.

Members noted the fact that groups of people would be attending the venue as late as 2-3am and in the early hours of the morning which was likely to cause noise nuisance as well as the potential to cause public nuisance during access and egress to the venue. It was also noted that the venue was located close to residential properties and in the absence of the Applicant, Members were unable to hear what measures would be put in place to mitigate or prevent public nuisance.

Members also noted the fact that Environmental Health had proposed an earlier closing time of 3am, but this was not agreed by the applicant. Members made a decision and the decision was unanimous, Members decided to refuse the application as they were concerned about the potential public nuisance and anti-social behaviour that would arise especially considering the date and hours applied for.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a temporary event notice for Resident, Arch 252, Paradise Row, London E2 9LE be **REFUSED**.

#### **5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

There were no applications that required a deadline extension.

The meeting ended at 2.50 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

This page is intentionally left blank

# Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	26 February 2018	<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a Variation Premises Licence for :Suito 90 Brick Lane, London E1 6RL</b>
Originating Officer: <b>Catrina Marshall</b> <b>Licensing Officer</b>	Ward affected: <b>Spitalfields and Banglatown</b>

## 1.0 Summary

Applicant: **MD Altamasul Islam Khan**

Name and Address of Premises: **Suito  
90 Brick Lane  
London  
E1 6RL**

Licence sought: **Licensing Act 2003 – Premises Licence**

- The Sale by retail of Alcohol
- The Provision of late night refreshment

Objectors: **Environmental Protection  
Licensing Authority  
Local Residents**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Catrina Marshall  
020 7364 2665

## **Background**

This is an application for a new premises licence for

**Suito**

**90 Brick Lane**

**London E1 6RL**

- 2.2 The applicant has described the premises as follows:  
Japanese Restaurant
- 2.3 A copy of existing licence (including site plan) is enclosed as **Appendix 1**.
- 2.4 The timings of the existing licence are detailed below for information only:-

### **Sale by retail of alcohol (On sales only)**

- Monday to Saturday from 12.00 hrs to 23.30 hrs
- Sunday from 12.00 hrs to 23.00 hrs
- 

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

- Monday to Saturday, from 23:00 hrs to 0:00 hrs
- Sunday, from 23:00 hrs to 23:30 hrs

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

- Monday to Saturday, from 23:00 hrs to 0:00 hrs
- Sunday, from 23:00 hrs to 23:30 hrs

- 2.5 A copy of the variation application is enclosed as **Appendix 2**
- 2.6 The applicant has applied for the sale of alcohol for the following hours:

### **Sale of alcohol – (On sale only)**

- Monday to Saturday 12:00hrs to 01:00hrs the next day
- Sunday from 12:00hrs to 00:30hrs the next day

### **The Provision of late night refreshment**

- Monday to Saturday 23:00hrs to 01:00hrs the next day
- Sunday 23:00hrs to 00:30Hrs the next day

### **Hours premises are open to the public:**

- Monday to Saturday 12:00hrs to 01:30hrs the next day
- Sunday from 12:00hrs to 01:00hrs the next day

- 2.7 The Applicant has reduced their hours from a previous application received on **04/12/2017** by the Licensing Authority and the hours they applied for until 3.00am although it was an invalid application the applicant hadn't applied for the hours he thought he had on the sale of alcohol hours were reduced so he withdrew and re-applied.



### 3.0 **Location and Nature of the premises**

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

3.2 Maps showing the layout of the premises are in **Appendix 3**.

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

### 4.0 **Licensing Policy and Government Advice**

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

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

4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2017.

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

### 5.0 **Representations**

5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by a Responsible authorities and local residents

- Environmental Protections Objection **Appendix 5**.
- Licensing Authority **Appendix 6**
- Representation submitted by Glen Leeder **Appendix 7**
- Representation submitted by Margaret Gordon **Appendix 8**
- Representation submitted by David Cunningham **Appendix 9**

5.2 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
- 5.3 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
- 5.4 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
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.9 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 9**.
- 5.10 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.
- 5.11 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
- 5.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there

were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## **6.0 Conditions consistent with Operating Schedule**

- a) 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.
- b) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
- c) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- d) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- e) All children must be accompanied by adults

## **7.0 Conditions Agreed/Requested by Responsible Authority**

### **Police:**

1. A CCTV system to be put in place, the cameras are to be of sufficient quality so that peoples faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the premises specified by the Police.
2. The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request (subject to data protection legislation).
3. While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.
4. An Incident Report book is to be kept and used to record all incidents of crime and disorder as well as any incidents of note. This book is to be made available on request to any Police officer or representative of a responsible authority. **Appendix 10.**

### **Trading Standards:**

1. 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. **Appendix 11**

## **8.0 Licensing Officer Comments**

- 8.1 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.

## **8.2 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)

- 8.3 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.
- 8.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 8.6 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)
- 8.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.8 In **Appendices 12 - 18** 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.

## 9.0 Legal Comments

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

## 10.0 Finance Comments

10.1 There are no financial implications in this report.

## 11.0 Appendices

<b>Appendix 1</b>	A copy of existing licence (including site plan)
<b>Appendix 2</b>	A copy of the variation application
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Details of nearby licensed premises
<b>Appendix 5</b>	Representation of Environmental Protection
<b>Appendix 6</b>	Representation of Licensing Authority
<b>Appendix 7</b>	Representation of Glenn Leeder
<b>Appendix 8</b>	Representation of Margaret Gordon
<b>Appendix 9</b>	Representation of David Cunningham
<b>Appendix 10</b>	Section 182 Guidance by the Home Office concerning relevant, vexatious, and frivolous representations
<b>Appendix 11</b>	Amended Hours agreed with Environmental Protection and Police
<b>Appendix 12</b>	Licensing Officer comments on noise while the premises is in use
<b>Appendix 13</b>	Licensing Policy on Public Nuisance
<b>Appendix 14</b>	Licensing Officer comments on access/egress
<b>Appendix 15</b>	Licensing Officer comments on crime & disorder from patrons leaving the premises
<b>Appendix 16</b>	Planning
<b>Appendix 17</b>	Licensing Policy relating to hours of trading
<b>Appendix 18</b>	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

# Appendix 1

**(Suito Japanese Restaurant)**  
90 Brick Lane  
London  
E1 6RL

**Licensable Activities authorised by the licence**

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

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

**Signed by**

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

**Date: 21<sup>st</sup> October 2009**

**Licence amended following a review hearing by the licensing subcommittee  
on 11<sup>th</sup> January 2011**





TOWER HAMLETS

LICENSING ACT 2003

### Part A - Format of premises licence

Premises licence number

19961

#### **Part 1 - Premises details**

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

(Suito Japanese Restaurant)  
90 Brick Lane

**Post town**  
London

**Post code**  
E1 6RL

**Telephone number**  
020 7247 9698

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

N/A

**Licensable activities authorised by the licence**

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

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

**Sale of Alcohol:**

- Monday to Saturday, from 12:00 hours to 23:30 hours
- Sunday from 12:00 hours to 23:00 hours

**The Provision of Late Night Refreshment:**

- Monday to Saturday, from 23:00 hours to 00:00 hours
- Sunday, from 23:00 hours to 23:30 hrs

**The opening hours of the premises**

- Monday to Saturday from 12:00 hrs to 00:00 hrs
- Sunday from 12:00 hrs to 23:30 hrs

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

On sales only

## **Part 2**

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

Md Altamasul Islam Khan  
60 St Olaves Road  
London  
E6 2PA

Mobile No. 07940745475

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

Not applicable

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

████████████████████  
████████████████  
██████  
██████

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

██  
██████████████████████████████████████

## Annex 1 - Mandatory conditions

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

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

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

1.

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

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

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

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

1. Alcohol to be consumed by customers with meals only.
2. Signs to be displayed stating no sale of alcohol to underage persons
3. Customers shall be asked to leave quietly to prevent public nuisance.
4. Doors to be kept closed at all times to prevent noise breakout.
5. No congregation of groups will be allowed outside the premises.

6. Complementary black coffees will be offered where appropriate to customers prior to leaving the restaurant.
7. Children shall not be allowed to order alcohol for adults
8. Children shall not be accommodated near the bar
9. All children must be accompanied by adults.

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

1. Last orders for late night refreshment shall be:  
On Monday to Saturday by 23:30 hrs  
Sunday by 23:00 hrs
2. Waste materials shall not be placed in the external bins during the night hours (23:00 hrs to 07:00 hrs the following day)
3. There shall be no collection or deliveries between 23:00 hrs and 07:00 hrs.
4. CCTV to be installed or maintained (one to be positioned outside the main door). The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for licensable activity. There must also be someone on the premises who can download the images and present them immediately on request by a police officer or other regulatory authority.
5. To adhere to licensing objectives, the DPS, the Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, to be on the premise.

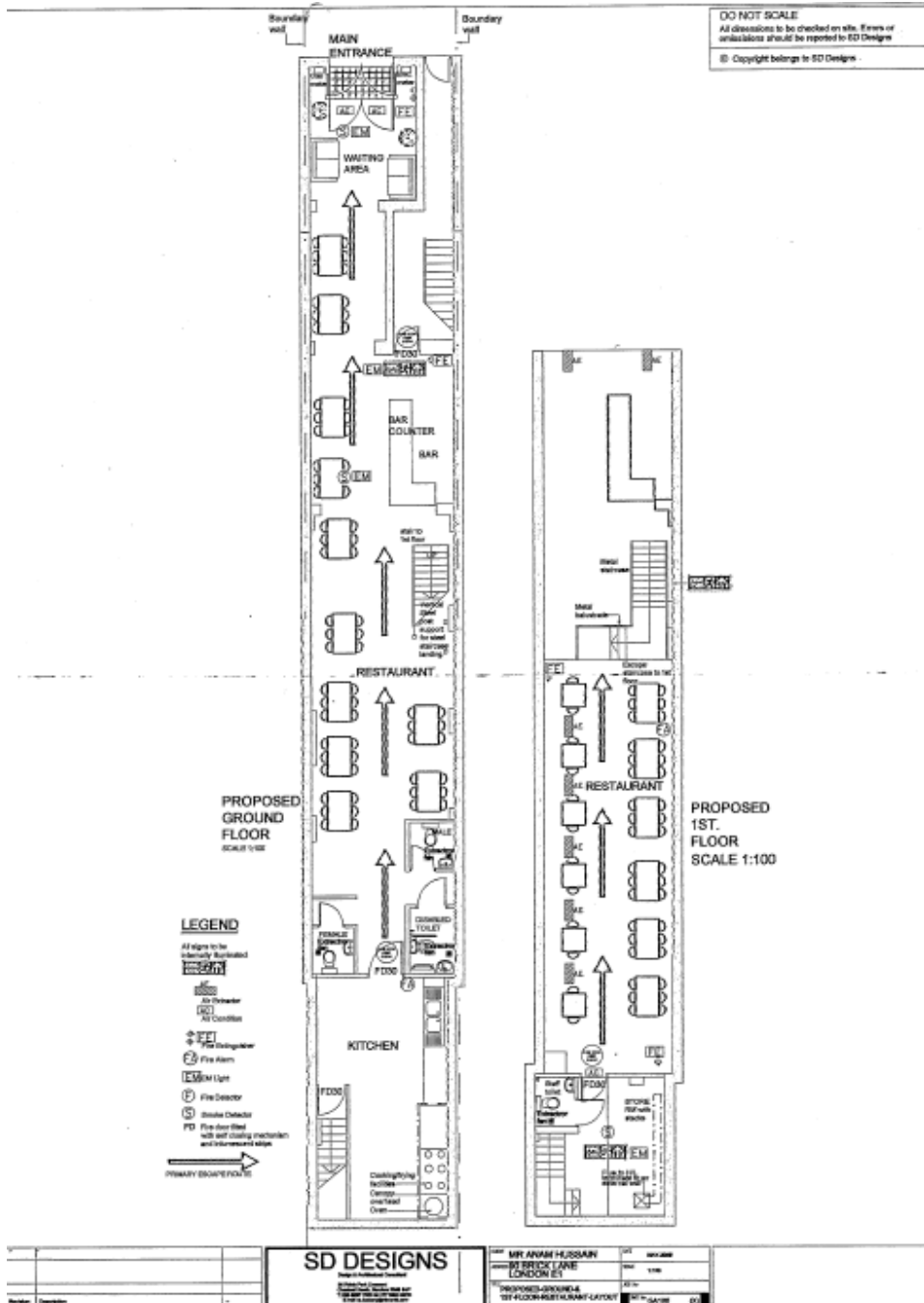
### Conditions attached following the licensing subcommittee review hearing of 11<sup>th</sup> January 2011:

6. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.
7. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.

## Annex 4 - Plans

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

14<sup>th</sup> August 2009 - Ground Floor and Mezzanine floor







**Part B - Premises licence summary**

**Premises licence number**

19961

**Premises details**

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

**(Suito Japanese Restaurant)**  
90 Brick Lane

**Post town**

London

**Post code**

E1 6RL

**Telephone number**

020 7247 9698

Where the licence is time limited  
the dates

N/A

Licensable activities authorised  
by the licence

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

The times the licence authorises the carrying out of licensable activities

**Sale of Alcohol:**

- Monday to Saturday, from 12:00 hours to 23:30 hours
- Sunday from 12:00 hours to 23:00 hours

**The Provision of Late Night Refreshment:**

- Monday to Saturday, from 23:00 hours to 00:00 hours
- Sunday, from 23:00 hours to 23:30 hrs

The opening hours of the premises

- Monday to Saturday from 12:00 hrs to 00:00 hrs
- Sunday from 12:00 hrs to 23:30 hrs

Name, (registered) address of holder of premises licence

Md Altamasul Islam Khan  
60 St Olaves Road  
London  
E6 2PA

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

On sales only

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

Not applicable

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

Md Altamasul Islam Khan

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

All children must be accompanied by adults

# Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. [http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

**Application to vary a premises licence 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 MD ALTAMASUL ISLAM KHAN (Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number 19961

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
<u>90 BRICK LANE LONDON</u>	
Post town	<u>LONDON</u>
Post code	<u>E1 6RL</u>

Telephone number at premises (if any)	<u>[REDACTED]</u>
Non-domestic rateable value of premises	<u>£ 38,500/=</u>

**Part 2 - Applicant details**

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>			
<b>Post Town</b>		<b>Postcode</b>	

**Part 3 - Variation**

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

Please tick yes

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

Day	Month	Year

**Please describe briefly the nature of the proposed variation (please see guidance note1)**

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

N/A

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

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

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

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

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

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)</b>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat						
Sun						

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)</b>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for exhibition of films</b> (please read guidance note 4)		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat						
Sun						



**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details here</b> (please read guidance note 3)
Day	Start	Finish	
Mon			<p><b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)</p> <p><b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			<b>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<p><b>Please give further details here</b> (please read guidance note 3)</p> <p><b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)</p> <p><b>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</b> (please read guidance note 5)</p>
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					



**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 2)	Both		
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
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 5)		
Sat						
Sun						

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for playing recorded music (please read guidance note 4)		
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 5)		
Sat						
Sun						

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5) 5)		
Sat						
Sun						

**H**

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick <input type="checkbox"/> I (please read guidance note 2)</b>	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
				Both	
Mon	23:00	1:00	<b>Please give further details here</b> (please read guidance note 4) WILL FOLLOW ALL RELEVANT LICENSING RULES WHILE IT WILL TAKE PLACE.		
Tue	23:00	1:00			
Wed	23:00	1:00			
Thur	23:00	1:00			
Fri	23:00	1:00			
Sat	23:00	1:00			
Sun	23:00	00:30			

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick <input type="checkbox"/> I (please read guidance note 7)</b>	On the premises	
Day	Start	Finish		Off the premises	
				Both	<input checked="" type="checkbox"/>
Mon	12:00	1:00	<b>Please give further details here</b> (please read guidance note 4) WE WOULD FOLLOW RELEVANT LICENSING OBJECTIVES IN THIS MATTER.		
Tue	12:00	1:00			
Wed	12:00	1:00			
Thur	12:00	1:00			
Fri	12:00	1:00			
Sat	12:00	1:00			
Sun	12:00	00:30			

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 8)

WE WILL ENSURE THAT ALL CHILDREN  
MUST BE ACCOMPANIED BY ADULTS.



L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)	
Day	Start	Finish		
Mon	12:00	1:30	NONE	
Tue	12:00	1:30		
Wed	12:00	1:30		
Thur	12:00	1:30		<b>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  NONE .
Fri	12:00	1:30		
Sat	12:00	1:30		
Sun	12:00	1:00		

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

NONE .

Please tick yes

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

If you have not ticked on of those boxes please fill in reasons for not including the licence, or part it below

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

## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.

### a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

1. OPERATE THE CHALLENGE 21 POLICY,
2. MAINTAIN A REFUSAL BOOK,
3. CCTV CAMERAS WOULD BE IN OPERATION
4. ALL STAFFS WOULD BE TRAINED TO OPERATE DURING SELLS
5. THERE WOULD BE A TILL PROMPT CCTV CAMERAS TO CHECK ID.

### b) The prevention of crime and disorder

1. MAINTAIN A REFUSAL BOOK,
2. CCTV CAMERAS IN OPERATION,
3. TO MAINTAIN A SUITABLE SIGNAGE TO PROMINENTLY DISPLAYED INSIDE THE PREMISES TO ASK CUSTOMERS TO LEAVE THE PREMISES QUIETLY,
4. TO OPERATE THE CHALLENGE 21 POLICY.

### c) Public safety

1. CCTV CAMERAS IN OPERATION,
2. MAINTAIN A REFUSAL BOOK,
3. OPERATE CHALLENGE 21 POLICY,
4. ANY OTHER STEPS LICENSING POLICE INTEND TO TAKE PLACE.

### d) The prevention of public nuisance

1. TO USE A SUITABLE SIGNAGE TO BE PROMINENTLY DISPLAYED INSIDE THE PREMISES TO ASK CUSTOMERS TO LEAVE THE PREMISES QUIETLY.
2. TRAIN STAFFS SO THAT CUSTOMERS ARE DEALT VERY PROFESSIONALLY.
3. ANY REQUIRED STEPS TO BE ADVISED BY LICENSING POLICE.

### e) The protection of children from harm

1. ALL CHILDREN MUST BE ACCOMPANIED BY ADULTS,
2. CCTV IN OPERATION.
3. MAINTAIN A REFUSAL BOOK.

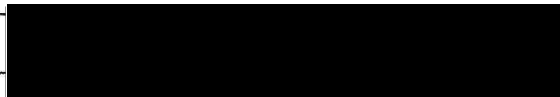
**CHECKLIST:**

- I have made or enclosed payment of the fee Please tick  yes
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	03-02-2018
Capacity	Owner / DIRECTOR

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

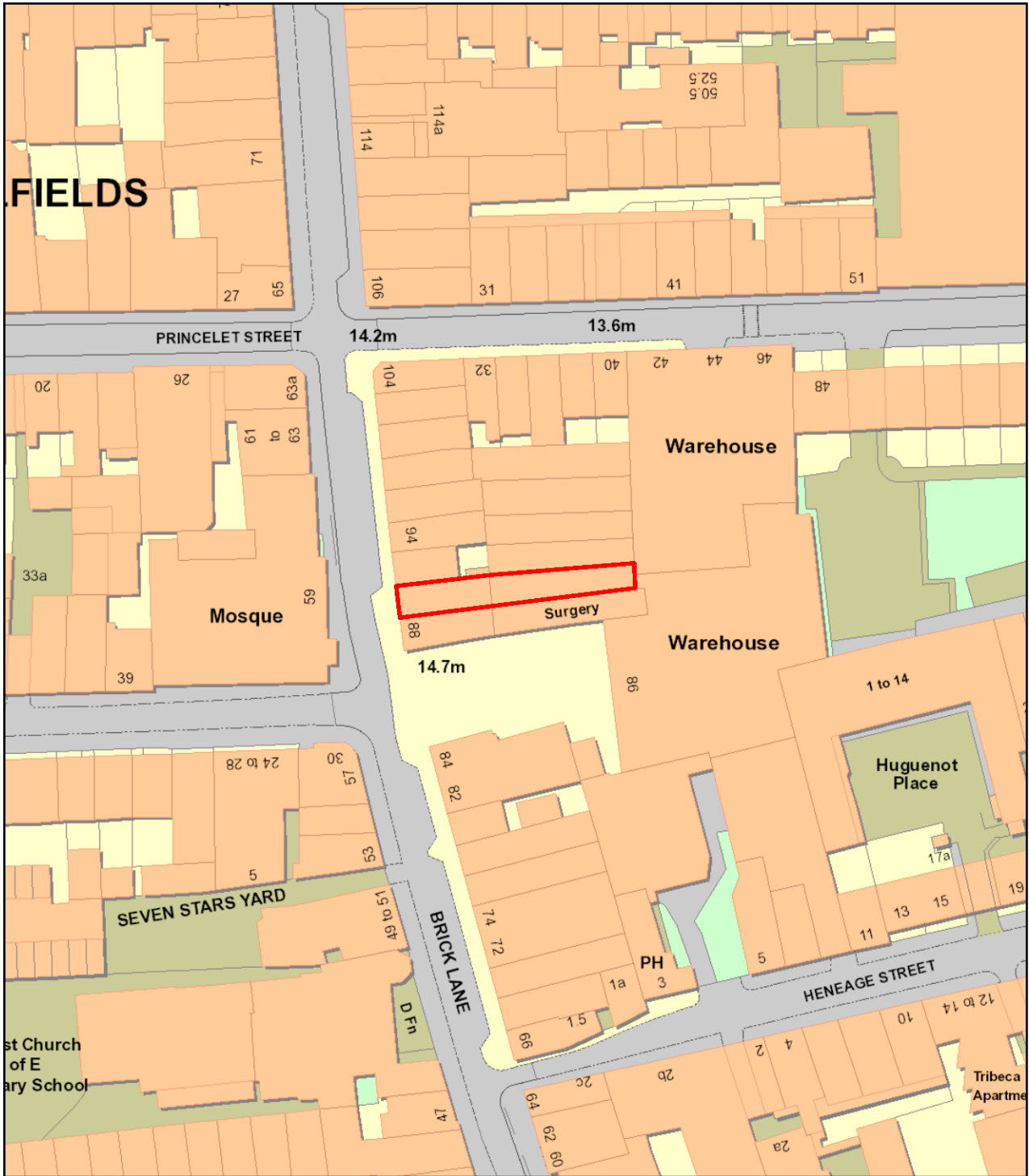
Signature	
Date	
Capacity	

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 13)

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



# Appendix 3

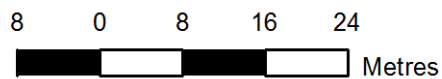


# 90 Brick Lane

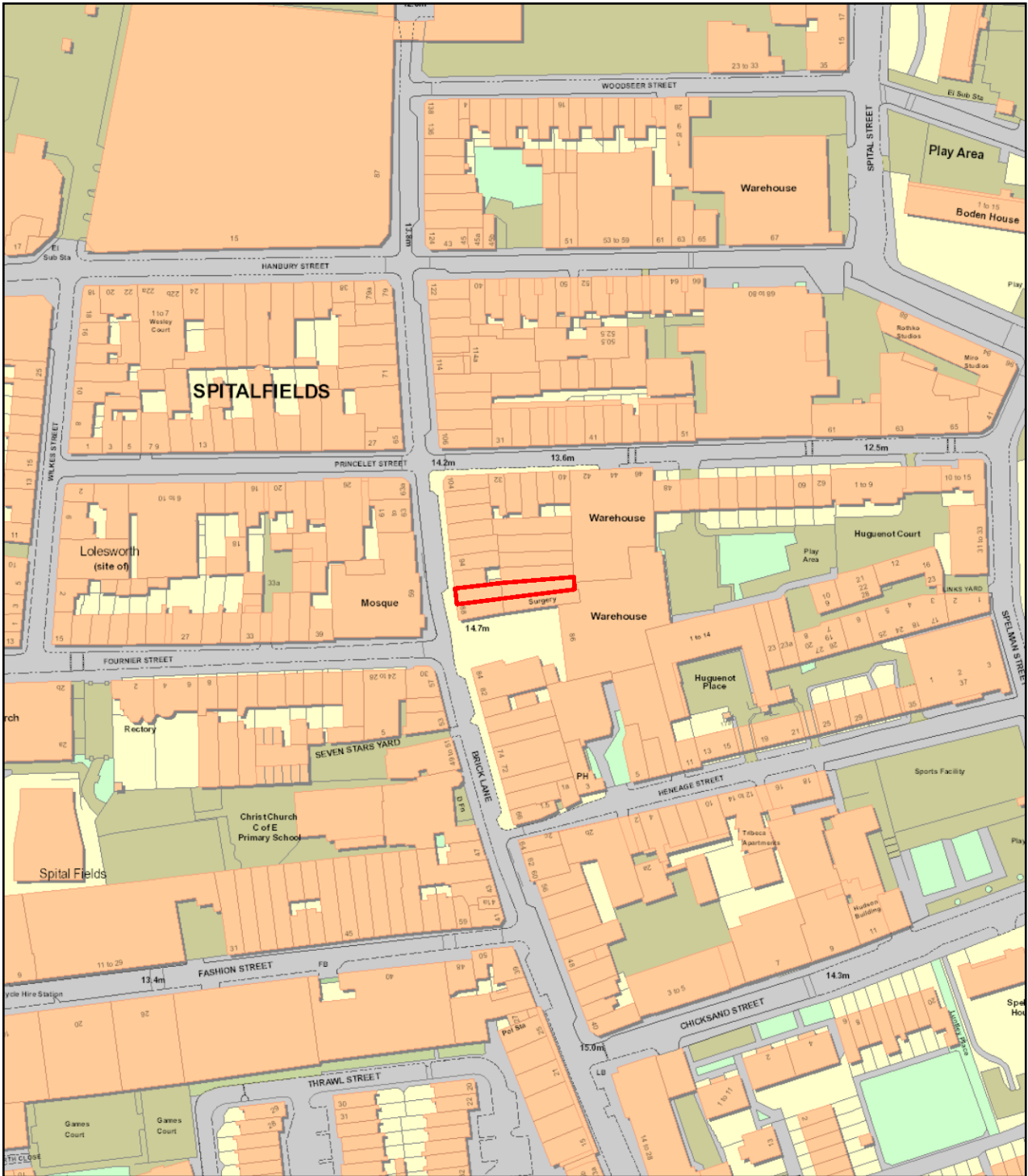
## Map 1



Scale 1:895



Produced by London Borough of Tower Hamlets on 01/02/2018. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

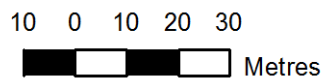


# 90 Brick Lane

## Map 2



Scale 1:1790



Produced by London Borough of Tower Hamlets on 01/02/2018. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

# Appendix 4

Name and Address	Licensable activities and hours	Opening hours
(Eastern Eye Restaurant) 63A Brick Lane London E1 6QL	<b>The sale by retail of alcohol</b> Monday to Saturday from 11:00hrs to 24:00hrs Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 hrs to 23:30	There are no restrictions on the hours during which this premises is open to the public
(Al Halal Fried Chicken) 63 Brick Lane London E1 6QL	<b>The provision of late night refreshment</b> Monday to Wednesday until 01:00 hrs Thursday to Saturday until 02:30 hrs	Monday to Wednesday until 01:00 hrs Thursday to Saturday until 02:30 hrs
(Pepe's Piri Piri) 82-84 Brick Lane London E1 6RL	<b>The provision of late night refreshment</b> Sunday to Thursday 23:00 hrs – 23:30 hrs. Friday & Saturday 23:00 hrs – 01:00 hrs the following day	Sunday to Thursday 23:00 hrs – 23:30 hrs. Friday & Saturday 23:00 hrs – 01:00 hrs the following day
(Hub by Premier Inn)- Hotel 86 Brick Lane London E1 6RL	<b>The sale by retail of alcohol</b> Sale of Alcohol (on and off sales) Monday to Sunday from 10:00hrs to 23:30hrs <b>The provision of regulated entertainment</b> Monday to Sunday from 23:00hrs to 23:30hrs <b>The provision of late night refreshment</b> Monday to Sunday from 10:00hrs to 23:30hrs  All Licensable activities will be available 24 hours a day, seven days a week for hotel residents, except that between the hours of 00:00 and 06:00 whilst there is a Late Night Levy in operation by the Local Licensing Authority for these premises, the provision of the sale of alcohol will only be supplied to persons staying in the premises for consumption on the premises.	<ul style="list-style-type: none"> <li>• Monday to Sunday from 06:00hrs to 00:00hrs (midnight)</li> <li>• The hotel shall remain open 24hours a day for hotel residents</li> </ul> <p>All Licensable activities will be available 24 hours a day, seven days a week for hotel residents, except that between the hours of 00:00 and 06:00 whilst there is a Late Night Levy in operation by the Local Licensing Authority for these premises, the provision of the sale of alcohol will only be supplied to persons staying in the premises for consumption on the premises</p>
(Papadoms) 94 Brick Lane London E1 6RL	<b>Supply of Alcohol</b> Monday to Saturday, from 12:00 hrs to 23:30 hrs Sunday, from 12:00 hrs to 23:00 hrs  <b>Regulated Entertainment (Recorded music)</b> Monday to Saturday from 23:00 hrs to midnight Sunday from 23:00 hrs to 23:30 hrs  <b>Late Night Refreshment</b> Monday to Saturday from 12:00 hrs to 23:30 hrs Sunday from 12:00 hrs to 23:00 hrs	Monday to Saturday from 12:00 hrs to midnight Sunday from 12:00 hrs to 23:30 hrs
(Brick Lane Clipper Restaurant) 104 Brick Lane London	<b>The sale by retail of alcohol ( On Sale Only)</b> Sunday to Saturday from 11:00 hours until midnight On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).  Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.  <b>For provision of Late Night Refreshment:</b> Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight	Sunday to Saturday from 11:00 hrs until 00.30 hrs

# Appendix 5

## Catrina Marshall

---

**From:** Nicola Cadzow  
**Sent:** 01 February 2018 15:21  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** 105688 MAU REPRESENTATION - Suito 90 Brick Lane

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

Dear Licensing

I have regarded the application for the Variation of License Application for Suito 90 Brick Lane and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, and also being that the premises is in a Cumulative Impact Zone, the proposed extension of hours are well beyond the Council's framework hours.

**The existing opening hours for the premises is:**

Sale of Alcohol: Monday to Saturday until 23:30 hours  
Sunday Midday until 23:00 hours

Late Night Refreshment : Monday to Saturday 23:00 to 00:00  
Sunday until 23:30 hours

With premises closing Monday to Saturday at Midnight, Sunday at 23:30 hours

**The premises is proposing to extend the hours as follows:**

Sale of Alcohol: Monday to Saturday until 0100 hours  
Sunday Midday until 00:30 hours

Late Night Refreshment : Monday to Saturday 23:00 to 01:00 hours  
Sunday until 23:00 until 00:30 hours

With premises closing Monday to Saturday at 01:30 hours, Sunday at 0100 hours (an extension of an hour and a half).

Within the last twelve months from the date of this application there has been noise complaints when TENs were granted until 01:30 hours due to behaviour of people arriving, leaving, drinking and congregating outside your event this causing annoyance to some residents.

**Noise Sensitive premises:** residential and commercial premises in close proximity to 90 Brick lane.

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

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

**CONCLUSION**

Environmental Protection **does not** support the license application for Suito 90 Brick, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

Nicola Cadzow

[Redacted signature block]



# Appendix 6

**Place Directorate  
Public Realm**

Environmental Health and Trading Standards  
Head of Service: **David Tolley**

Tower Hamlets Licensing

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

Tel: [REDACTED]  
Fax: **020 7364 0863**  
Enquiries to: **Corinne Holland**  
Email: [REDACTED]

05/02/18

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

My reference: P/LIC/105688

Dear Licensing

**Licensing Act 2003  
Re: Suito, 90 Brick Lane, London, E1 6RL**

The Licensing Authority has received an application for a Premises Licence variation to increase the licensable activities and opening times for Suito, 90 Brick Lane. This is a Japanese restaurant

The hours applied for are:

**Late Night Refreshments:**

Monday to Saturday 23:00 – 01:00hrs

Sunday 23:00 – 0:30hrs

**Sale of Alcohol:**

Monday to Saturday 12:00 – 01:00hrs

Sunday 12:00 – 00:30hrs

**Opening Hours:**

Monday to Saturday 12:00 – 01:30 hours

Sunday 12:00 – 01:00

This premise has applied for a number of Temporary Event Notices in the recent past. These are shown below:

<b>DATE OF TEN</b>	<b>HOURS APPLIED FOR</b>	<b>OBJECTION</b>	<b>RESULT</b>
24-25/3/16	23:30 – 0500 hours	Reduced hours agreement with Environmental Protection	GRANTED as hours amended to 03:00 for L.A
17/4/16	00:01 – 05:00 hours	Reduced hours agreement with Environmental Protection	GRANTED as hours amended to 02:30 for L.A
24/04/16	00:01 – 05:00 hours	Reduced hours agreement with Environmental Protection	GRANTED as hours amended to 02:30 for L.A
15/05/16	01:01 – 04:00 hours	Reduced hours agreement with Environmental Protection	GRANTED as hours amended to 03:00 for L.A
17/07/16	01:01 – 08:00 hours	Objection by Environmental Protection	Late TEN - Counter notice served
30/10/16	00:01 – 0300 hours	No objection	GRANTED
27/11/16	00:01 – 03:00 hours	Objection by Environmental Protection	Late TEN - Counter notice served
04/12/16	00:01 – 03:00 hours	Reduced hours agreement with Environmental Protection	GRANTED to 01:00 hours
01/01/17	00:01 – 03:00 hours	Objection by Environmental Protection	Late TEN - Counter notice served
05/02/17	00:01 – 03:00 hours	Not seen by Environmental Protection until outside objection period	GRANTED
02/04/17	00:01 – 03:00 hours	Objection by Environmental Protection and Police	TEN withdrawn by applicant
24/04/17	00:01 – 02:00 hours	Objection by Environmental Protection	Late TEN - Counter notice served
02/07/17	00:01 – 01:30	N/A	GRANTED

The Licensing Authority received the following complaint from a local resident. The complaint makes reference to when the premises had a TEN granted for a birthday party on 02/07/17 to 01:30 hours. There was no TEN applied for on Friday 30<sup>th</sup> June – Saturday 1<sup>st</sup> July 2017:

*To - Licensing, Tower Hamlets Council.*

*Suito 90 Brick Lane E1 6RL*

*Friday 30 June - Suito remained open until sometime around 0130 Saturday morning, turning the lights off at some point after midnight with customers continuing to come in and out of the premises with drinks. From 2130 that evening there was considerable noise disturbance from large groups of customers drinking outside the premises, at times clustered around cars playing very loud music and finally dispersing around 0150. Some customers relocated directly outside my front door and other groups to nearby residential doorways.*

*Saturday 1 July: similar to the previous night. This was a TEN extension which ended with 50+ customers on the street from 0100 who took about an hour to disperse, a process that involved much noise disturbance.*

*All previous TENs at these premises have followed a similar pattern of disruptive behaviour. I hope you can look into this again.*

The previous complaint from this resident was made on 28/3/16 regarding noise at the premises until 04.30hours on 24<sup>th</sup> March 2016. A TEN had been applied for 5.00am on this occasion.

On 18<sup>th</sup> September 2013 Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

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

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

The effect of this CIP is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the

premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ.

The Licensing Authority is therefore making representation against this application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CIZ and has received complaints when the licence has been extended by a TEN. There is nothing to show that the increased hours applied for will not add to the cumulative impact already being experienced in the area.

If the applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area, then I ask the Committee to reject any increase in evening hours beyond their current licence.

If the licence is granted for any extended hours I request that the sale of alcohol is reduced to 'on the premises only' and not 'on and off alcohol sales'. Alcohol to be consumed off the premises may add to increased public nuisance as it could be consumed in the street.

I also request that the following condition '*Alcohol to be consumed by customers with meals only*' is replaced with

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. The supply of alcohol shall be by waiter or waitress service only.

Regarding public nuisance the Local Authorities waste enforcement department contacted the Licensing Authority to obtain details of the current owner of the business as they have received several fixed penalty tickets for the dumping of waste, many of which remain unpaid. If the owner acts irresponsibly regarding the running of his business as far as waste disposal I would question if there is responsible management in place for operating a late night business within the Borough.

Yours sincerely,

A black rectangular redaction box covering the signature of Corinne Holland.

**Corinne Holland**  
**Licensing Officer**

# Appendix 7

## Catrina Marshall

---

**From:** Glenn Leeder [REDACTED]  
**Sent:** 17 January 2018 18:03  
**To:** Licensing  
**Subject:** 90 Brick Lane - Licence Number 19961

I wish to object to the increase in opening hours for 90 Brick Lane. The applicant is asking to extend the sale and consumption of alcohol until 0100am or later, seven days per week. This will cause terrible disruption and anti-social behaviour to the residents living near Brick Lane.

### **Prevention of crime and disorder, Public Safety and Public Nuisance**

When drunk patrons leave an establishment, there is a likelihood neighbours will be disturbed. Living in Spitalfields means that people often urinate in our streets and some even vomit. Patrons leaving Brick Lane establishments cut down my street to catch public transport on Bishopsgate or at Liverpool Street Station. These people are often noisy and leave mess behind. Extending the hours of this licensed venue in Brick Lane will add to the disruption residents are forced to endure.

Please reject this application on your own set of rules which is the **Cumulative Impact Zone**. No new or extended liquor licences should be approved in the Brick Lane area as this has a detrimental effect on residents. This business has historically proven to be very poor at managing patrons leaving their premises quietly and has contributed to late night noise pollution and disorder, in and around Brick Lane.

Thank you.

Glenn Leeder  
[REDACTED]  
[REDACTED]



# Appendix 8

## Catrina Marshall

---

**From:** StGeorgeResidents'Association [REDACTED]  
**Sent:** 26 January 2018 16:45  
**To:** Licensing  
**Subject:** Suito, 90 Brick Lane

From: Margaret Gordon - Chairperson, St George Residents' Association Spitalfields  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

To: Licensing Team  
London Borough of Tower Hamlets

Dear Licensing Team,

Re: Premises Licence Application, Suito, 90 Brick Lane..

SGRA represents residents in 193 flats in Folgate Street, Lamb Street Commercial Street and Spital Square. 90 Brick Lane is about 4 minutes walk from Lamb Street, so sale of alcohol to 1 am would produce more late night customers leaving Brick Lane to add to the nightly rowdy behaviour from people walking from the Brick Lane area along Lamb Street and Folgate Street towards Bishopsgate.

Suito is in the centre of the Brick Lane Cumulative Impact Zone so it should not be granted a licence to 1 am each day.

Therefore SGRA asks that Suito's application is REFUSED to prevent an increase in the incidence of crime and disorder, and noise nuisance for from alcohol-related antisocial behaviour until after midnight.

Yours faithfully,  
Margaret Gordon - [REDACTED].

# Appendix 9

## Catrina Marshall

---

**From:** David Cunningham [REDACTED] t>  
**Sent:** 06 February 2018 15:05  
**To:** Licensing  
**Cc:** Jon Shapiro; [REDACTED]  
**Subject:** Suito 90 Brick Lane

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

Suito 90 Brick Lane E16RL

your ref CLC/EHTS/LIC105688

I object to the licence variation application from Suito 90 Brick Lane on the grounds of public nuisance, public safety and crime and disorder. I live close to the premises and have been directly affected by problems caused by previous late night opening at the premises.

The applicant has not put forward adequate measures to promote the licensing objectives. Suito is in the Cumulative Impact Zone (CIZ) which requires positive reasons why a licence extension might be granted. These have not been put forward and the application makes no reference to the CIZ.

The addition of off sales to the premises licence will have a very negative impact on anti-social behaviour in the immediate area.

Over the last couple of years Suito has had a number of chaotically managed TEN licenses which have caused considerable late night anti social activity - noise disturbance and very aggressive behaviour from customers, loud music from cars and clear evidence of drug use. This activity spread beyond the premises, some of it happening directly outside my front door and other nearby residential doorways. Large groups of customers congregating outside the premises have taken up to an hour to disperse and leave the area after the premises closed, a breach of the existing license conditions.

Suito is signed up with a number of takeaway delivery firms which generates a regular flow of motorcycle deliveries causing additional noise disturbance. There is a late night noise problem developing in Brick Lane from groups of delivery motorcyclists congregating in the area for long periods, engine revving, much shouting and motorcycle alarms going off. One of the regular locations for this activity is outside Suito and it seems inevitable that late opening will exacerbate this problem.

The measures outlined to promote the licensing objectives are very basic and incapable of preventing customers causing problems outside the premises. I ask you to refuse this application as the licensing objectives can not be upheld.

yours

David Cunningham

[REDACTED]  
[REDACTED]

# Appendix 10

**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 11



## Catrina Marshall

---

**From:** Kevin Maple  
**Sent:** 22 January 2018 11:10  
**To:** 'MMH'  
**Cc:** Licensing  
**Subject:** RE: Your application to vary your premises licence - Suito, 90 Brick Lane, London, E1 6RL - Our ref: M/105688

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

Dear Mr Md A I Khan,

Thank you for agreeing to adopt the 'Challenge 25 policy' and this will be included as part of your voluntary Licensing conditions.

I'm very appreciative.

Best regards,

Kevin Maple  
Consumer Services Officer  
Tower Hamlets Trading Standards

T: 020 7364 6699  
F: 020 7364 6901

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

For help or advice or to make a complaint about a trader, please call the national Citizens Advice consumer helpline on 03454 04 05 06

To report fraud, attempted fraud or cyber crime & receive a police crime reference number call Action Fraud on 0300 123 2040

---

**From:** MMH [REDACTED]  
**Sent:** 20 January 2018 10:48  
**To:** Kevin Maple  
**Subject:** Re: Your application to vary your premises licence - Suito, 90 Brick Lane, London, E1 6RL - Our ref: M/105688

Dear Kevin Maple,  
Thank you for your email.

We confirm that we'll follow 'Challenge 25 policy' as per your advice. Thus we request you to update your record in this matter. We understand that the objective of 'protection of children from harm' is vital and Thais again to advice us.

It will be much helpful If you guide us.  
Thanks

M A I Khan

[Sent from Yahoo Mail for iPhone](#)

On Friday, January 19, 2018, 4:03 pm, Kevin Maple <[REDACTED]> wrote:

Dear Mr Md A I Khan,

As part of the consultation process, I have received a copy of your application to vary your 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 and you state that you “will operate the challenge 21 policy”.

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

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 agreeable 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.

I look forward to hearing from you.

Best regards,

Kevin Maple

[Redacted]

[Redacted]

T: [Redacted]

F: [020 7364 6901](tel:02073646901)

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

For help or advice or to make a complaint about a [Redacted]  
[Redacted]

To report fraud, attempted fraud or cyber crime & receive a police crime reference number call Action Fraud on [Redacted]

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

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

London Borough of Tower Hamlets E-Mail Disclaimer.

# Appendix 12

## 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 13

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

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



# Appendix 14

## 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 15

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

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

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

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

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

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

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

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

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

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

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

# Appendix 16



## **Planning**

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

# Appendix 17

### **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

# Appendix 18

## Licensing Policy

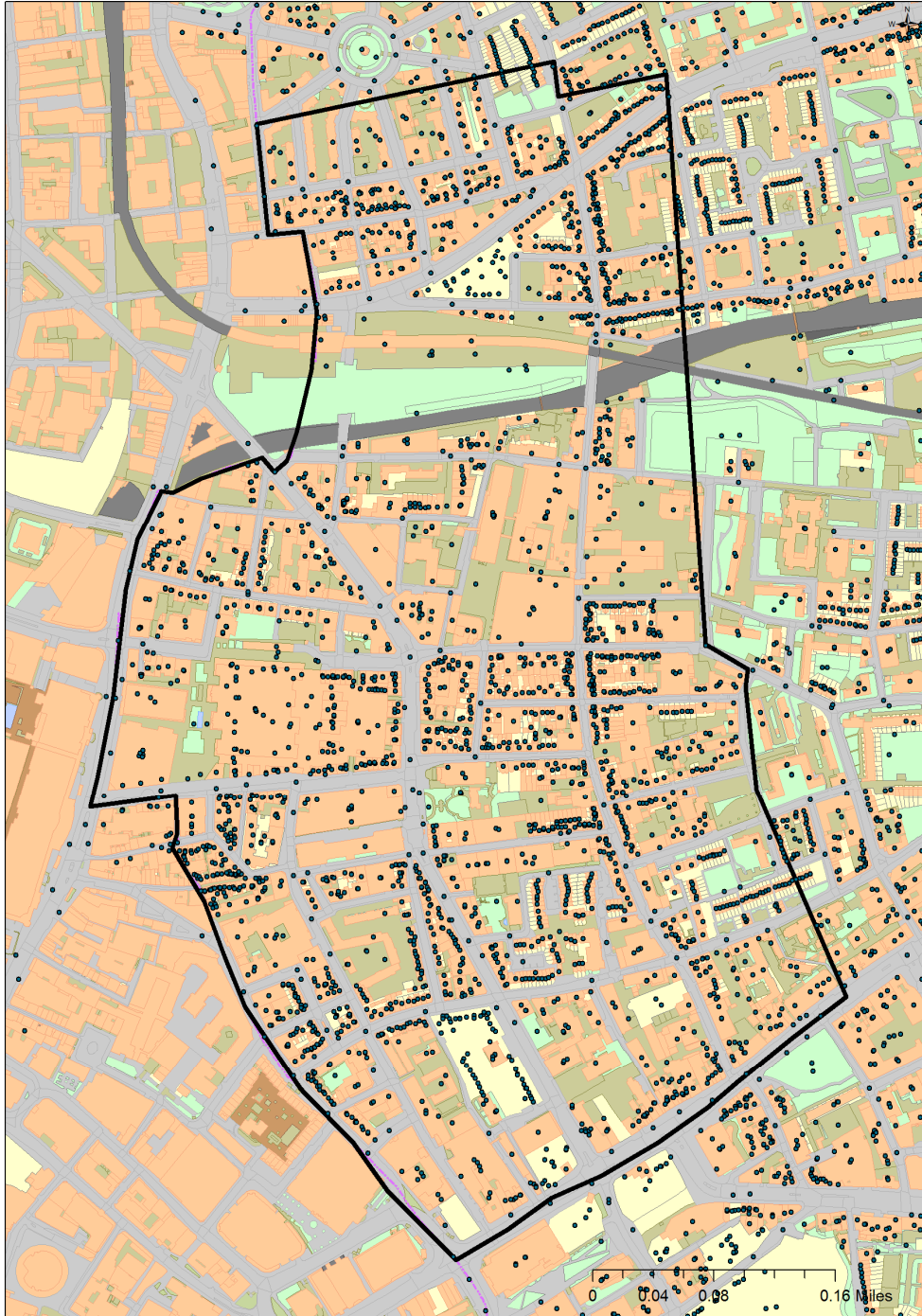
### **8 Special Cumulative Impact Policy for the Brick Lane Area**

- 8.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.
- 8.2 After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 8.3 The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.
- 8.4 The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.
- 8.5 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

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

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



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

# Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	26 February 2018	<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a new Premises Licence for : Chupeton Ltd</b> <b>61-63 Old Bethnal Green Road London</b> <b>E2 6QA</b>
Originating Officer: <b>Catrina Marshall</b> <b>Licensing Officer</b>	Ward affected: <b>St Peters</b>

## 1.0 Summary

Applicant: **Robert Hickey**

Name and Address of Premises: **Chupeton Ltd**  
**61-63 Old Bethnal Green Road**  
**London**  
**E2 6QA**

Licence sought: **Licensing Act 2003 – Premises Licence**

- The Sale by retail of Alcohol

Objectors: **Local Resident**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

**Catrina Marshall**  
**020 7364 2665**

### 3.0 **Background**

This is an application for a new premises licence for  
**Chupeton Ltd**  
**61-63 Old Bethnal Green Road**  
**London E2 6QA**

3.1 The applicant has described the premises as follows:  
End of terrace Victorian shop. Deli type, requiring off licence to specialise in aperitif and licence for tastings

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

3.3 The applicant has applied for the sale of alcohol for the following hours:

#### **Sale of alcohol – (Both on and off)**

- Monday to Thursday 11:00hrs to 23:30hrs
- Friday and Saturday 11:00hrs to 00:00hrs
- Sunday from 11:00hrs to 22:30hrs

#### **Hours premises are open to the public:**

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

3.4 **Applicant has now amended their hours following a meeting with Environmental Protection and Police:**

Supply of Alcohol - Monday to Thursday until 23:00 hours, premises closing at 23:30 hours with all other hours as per original application.

### 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

(Convenience Store)  
**55 Old Bethnal Green Road**  
**London**  
**E2 6QA**

#### **Licensable Activities authorised by the licence**

Retail sale of alcohol



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

### The sale by retail of alcohol – (Off Sales Only)

- Monday to Sunday from 09:00 hours to 23:00 hours

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

- Monday to Sunday from 07:00 hours to 23:00 hours

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

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

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

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

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

## **6.0 Representations**

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

- Charmian Bedford (**Appendix 4**)

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
  - the prevention of public nuisance
- 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 5**.
- 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 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.
- 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;
- 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 inside and out.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

## 8.0 Conditions Agreed/Requested by Responsible Authority

9.0 Amended Hours agreed with **Environmental Protection** after meeting: to amend the hours for **Monday to Thursday:-Supply of Alcohol till 23:00 hours, premises closing at 23:30 hours** (as per your application), with all other hours as per original the original application. **Appendix 6.**

## 10.0 Conditions agreed by **Police**:

**1) A CCTV** system to be put in place, the cameras are to be of sufficient quality so that peoples faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the premises specified by the Police.

The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request (subject to data protection legislation). While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

**2) An Incident Report book** is to be kept and used to record all incidents of crime and disorder as well as any incidents of note. This book is to be

made available on request to any Police officer or representative of a responsible authority. **Appendix 7**

## 11.0 Licensing Officer Comments Appendix 8

11.1 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.

### 11.2 Guidance issued under section 182 of the Licensing Act 2003

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

(10.14)

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

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

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

11.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

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

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

11.8 In **Appendices 9 - 13** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 12.0 **Legal Comments**

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

## 13.0 **Finance Comments**

13.1 There are no financial implications in this report.

## 14.0 Appendices

- |                    |   |
|--------------------|---|
| <b>Appendix 1</b>  | A copy of the application   |
| <b>Appendix 2</b>  | Site Plan   |
| <b>Appendix 3</b>  | Maps of the surrounding area  |
| <b>Appendix 4</b>  | Representations of <b>Charmian Bedford</b>  |
| <b>Appendix 5</b>  | Section 182 Guidance by the Home Office concerning relevant, vexatious, and frivolous representations |
| <b>Appendix 6</b>  | Amended Hours agreed with Environmental Protection after meeting                                      |
| <b>Appendix 7</b>  | Agreed Conditions with Police   |
| <b>Appendix 8</b>  | Licensing Officer comments on noise while the premises is in use                                      |
| <b>Appendix 9</b>  | Licensing Policy on Public Nuisance   |
| <b>Appendix 10</b> | Section 182 Guidance on Public Nuisance   |
| <b>Appendix 11</b> | Licensing Officer comments on access/egress   |
| <b>Appendix 12</b> | Planning  |
| <b>Appendix 13</b> | Licensing Policy relating to hours of trading   |

# Appendix 1



\* required information

**Section 1 of 21**

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

contacted by telephone

Are you:

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

Applying as an individual

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

**Applicant Business**

Is your business registered in the UK with Companies House?  Yes  No

Registration number

Business name  If your business is registered, use its registered name.

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

Legal status

Note: completing the Applicant Business section is optional in this form.



*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

Continued from previous page...

Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  [Documents that demonstrate entitlement to work in the UK](#)

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

End of terrace victorian shop. Deli type, requiring off license to specialise in aperitif and license for tastings.

*Continued from previous page...*

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

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

### Section 12 of 21

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

**Section 13 of 21**

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

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

NA

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

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

NA

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

**Name**

First name

Family name

Date of birth  /  /   
dd          mm          yyyy

Continued from previous page...

**Enter the contact's address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

Page

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

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

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e) **Page 132**



*Continued from previous page...*

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

The premises supervisor has held a clean personal license for over ten years in the borough. This experience in the industry means that he is well aware of responsibilities, risks and limitations. The business will be selling delicatessen type food and be a specialist in aperitif. The product offering is designed to create a calm off and on trade and minimise potential problems in all four licensing objectives. The business aims to be an asset to the neighborhood to fit in and develop the business as necessary.

b) The prevention of crime and disorder

The premises will have a cctv system and recorder and a highly experienced DPS. The products offered we be suited to calm and seated drinking and follow Portman Group recommendations. The business aims to help to improve the ambience, safety and security of the local area.

c) Public safety

With a small capacity, safety inside and out can be more effectively monitored. First aid will be available and staff will be trained. More generally the business hopes to improve safety and security in the area with use of cctv and increased lighting and vigilance. Regular checks will be made to ensure there is no items left outside.

d) The prevention of public nuisance

The business will be offering drinks specifically designed for measured and pre-dinner or home consumption. The business will not be selling cheap beer or cider over 6.5% alcohol or be offering irresponsible promotions. When open for on license a small capacity will allow effective control of potential noise and nuisance. Daily, numerous checks will be made outside to ensure there is no rubbish. Signs will request patrons respect our local neighbours and staff will be instructed to disperse any customers congregating outside the premises after closing.

e) The protection of children from harm

In addition to general licensing restrictions, and all the reasons above, the business is unlikely to offer any potential for harm to children and with its product offering and such a small capacity any risks can be monitored. Staff be trained and monitored to strictly check ID and will be operating 'Challenge 25'.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**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.

*Continued from previous page...*

- 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.

## Section 20 of 21

### NOTES ON REGULATED ENTERTAINMENT

*Continued from previous page...*

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:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o 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.
  - o 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.
  - o 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.
  - o 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:
  - o 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.
  - o 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.
  - o 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.

*Continued from previous page...*

- 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:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o 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;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o 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.

## Section 21 of 21

### PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

Please note that this Council has decided to introduce a Late Night Levy within borough. This levy comes into effect on 1st January 2018. From this date any licence that permits the sale/supply of alcohol between 00:00 hours and 06:00 hours will have to by a fee in addition to their application/annual licence fee. You are recommended to see hour website for more details at <https://www.towerhamlets.gov.uk/latenightlevy>

\* Fee amount (£)

190.00

Continued from previous page...

## DECLARATION

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

[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).

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

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

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

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

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

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

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

**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**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="CHP01"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[< Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

**Consent of individual to being specified as premises supervisor**

Robert Michael Hickey

-----  
*[full name of prospective premises supervisor]*

-----  
[REDACTED]

*[I/WE THE BUSINESS OR INDIVIDUALS DESIGNATED SUPERVISOR]*

hereby confirm that I give my consent to be specified as the designated premises

-----  
Application for Premises License

*[type of application]*

by

-----  
Chupeton Ltd

-----  
*[name of applicant]*

relating to a premises licence

-----  
*[number of existing licence, if any]*

-----  
61-63 Old Bethnal Green Road, E2 6QA

-----  
*[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

Chupeton Ltd

*[name of applicant]*

concerning the supply of alcohol at

61-63 Old Bethnal Green Road, E2 6QA

*[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

[REDACTED]

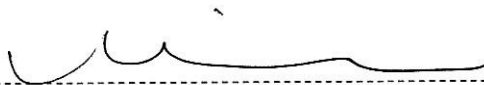
*[insert personal licence number, if any]*

Personal licence issuing authority

[REDACTED]

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

Signed

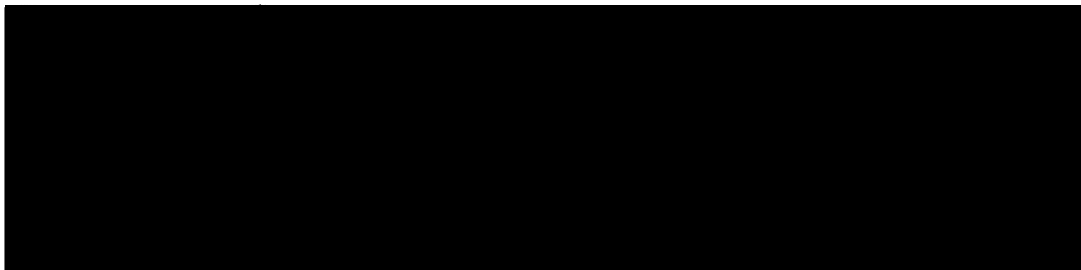


Name (please print)

ROBERT HICKEY

Date

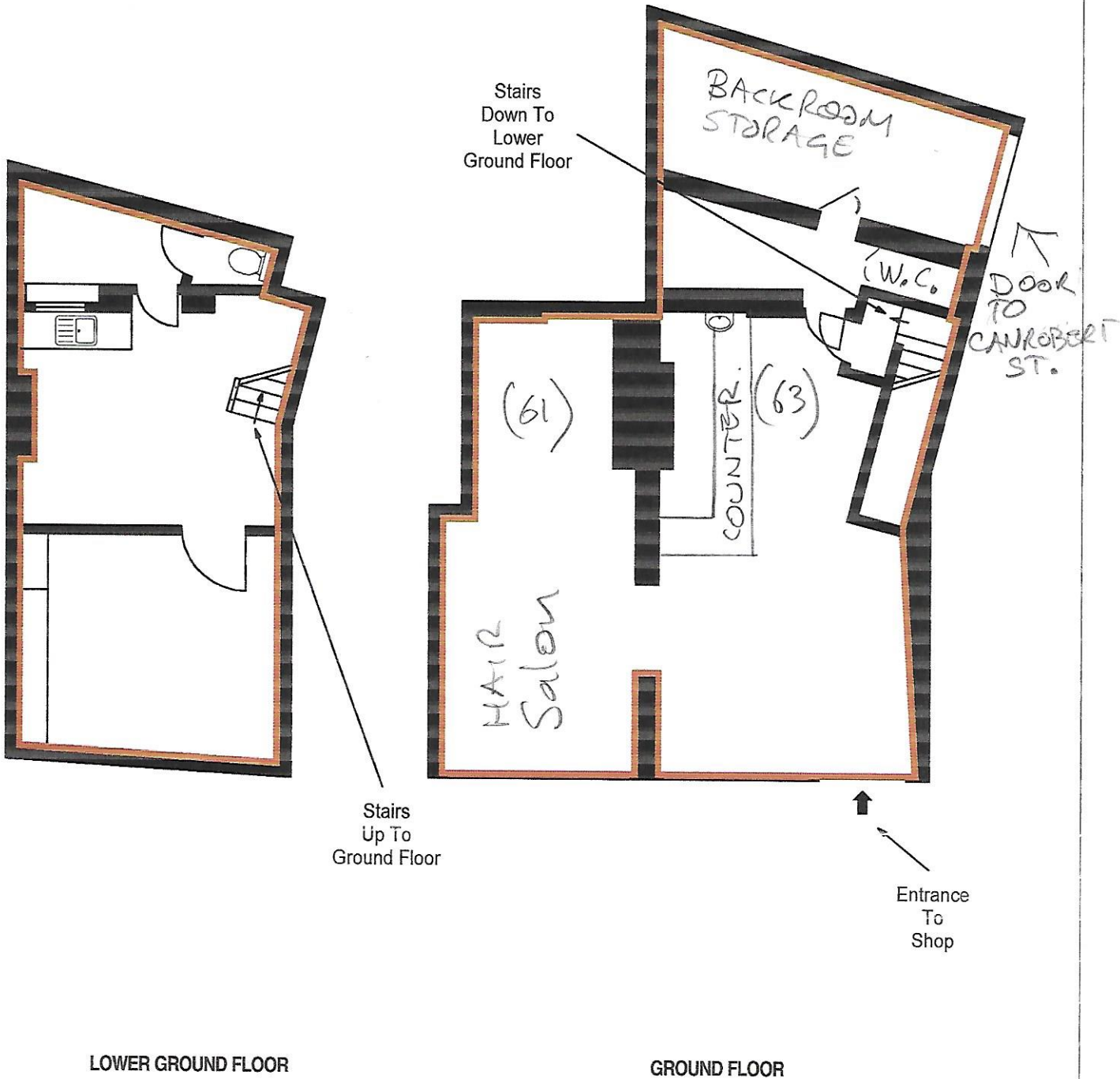
18/12/2017



# Appendix 2

# PROPOSED LAYOUT

ALCOHOL WILL BE KEPT IN LOCKABLE FRIDGES AND SHELVES IN SHOP AND STORED IN BACKROOM.



LOWER GROUND FLOOR

GROUND FLOOR

APPROX. GROSS INTERNAL AREA \*  
1259 Ft<sup>2</sup> - 116.96 M<sup>2</sup>

Property Details:  
61-63  
OLD BETHNAL GREEN ROAD  
LONDON  
E2 6QA

SCALE  
1:100

Plans Drawn: 10.07.2013



Surveyed and Drawn By:  
**BKR**  
Sunnyhill House, 3-7 Sunnyhill Road  
London, SW16 2UG  
Tel: 0845 257 2024  
Fax: 0845 257 2024  
info@bkrfloorplans.co.uk  
www.bkrfloorplans.co.uk  
© BKR 2013



Property Details:  
**61-63**  
**OLD BETHNAL GREEN ROAD**  
**LONDON**  
**E2 6QA**



Surveyed and Drawn By:  
**BKR**  
 Sunnyhill House, 3-7 Sunnyhill Road  
 London, SW16 2UG

**GROUND FLOOR**  
**SCALE**  
**1:1250 @ A4**

Tel: 0845 257 2023  
 Fax: 0845 257 2024  
[info@bkrfloorplans.co.uk](mailto:info@bkrfloorplans.co.uk)  
[www.bkrfloorplans.co.uk](http://www.bkrfloorplans.co.uk)  
 © BKR 2013

# Appendix 3

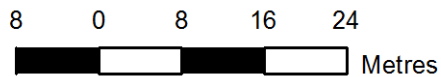


# 61-63 Old Bethnal Green Road

Map 1



Scale 1:895



Produced by London Borough of Tower Hamlets on 01/02/2018. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



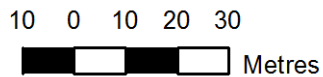


# 61-63 Old Bethnal Green Road

## Map 2



Scale 1:1790



Produced by London Borough of Tower Hamlets on 01/02/2018. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

# Appendix 4



## Catrina Marshall

---

**From:** Charmian <[REDACTED]>  
**Sent:** 15 January 2018 15:26  
**To:** Licensing  
**Subject:** Representation - 61-63 Old Bethnal Green Road, E2 6QA

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

**Categories:** Green Category

To whom it may concern,

I am writing to register my objection to the new premises licence application made by Chupeton Ltd for [REDACTED]. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of public nuisance.

We live directly above the premises (the premises is divided in to two - a hair dresser, which will remain unchanged and a cafe where the changes are proposed - we live above the cafe). This is an old building with no sound proofing. Sound travels significantly already - stereo music and even the telephone ringing can be heard from our living space and kitchen, but there is respite in the evenings as the cafe closes.

The new application proposes that alcohol will be sold and consumed up until 11.30, five days a week and until midnight on the weekend. This means operating hours will be doubled. As well as noise from patrons, operating the shutters is extremely noisy (an example of this sort of disturbance happened very recently at 4am on the morning of 12th January when a man trying to deliver bread couldn't open the shutters properly - next door had to call the police) and recycling bottles is also incredibly loud (the commercial bin is right outside our front door and adjacent to our bedroom window) - this all contributes to daily, late disturbance on what is a peaceful, quiet, residential street.

Bedroom windows, above the premises, open in the summer will make the disturbance even worse. Local youths already congregate to smoke and talk near the newsagents a few doors down but these establishments fortunately close reasonably early meaning the disturbance is minimised.

Though the premises is small it can easily accommodate 30-40 standing. This increased capacity in conjunction with late hours and alcohol will cause serious and unrelenting disturbance below our home and on the street.

In view of the above I would urge the licensing authority to refuse the application.

Yours faithfully,

Charmian Bedford

[REDACTED]  
[REDACTED]

# Appendix 5

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

Relevant, vexatious and frivolous representations

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

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

# Appendix 6

## Catrina Marshall

---

**From:** Nicola Cadzow  
**Sent:** 04 January 2018 12:30  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** FW: New Premise License Application for Chupeton Ltd 61-63 Old Bethnal Green Road, London - our ref M/105454

Dear Licensing,

I have no objections to the New Premise License Application for Chupeton Ltd 61-63 Old Bethnal Green Road, London - our ref M/105454, following agreement with the applicant to amend to the hours for Supply of Alcohol till 23:00 hours, premises closing at 23:30 hours (as per original application), with all other hours as per original the original application.

Kind regards

Nicola Cadzow  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Nicola Cadzow  
**Sent:** 04 January 2018 12:25  
**To:** [REDACTED]  
**Subject:** RE: New Premise License Application for Chupeton Ltd 61-63 Old Bethnal Green Road, London - our ref M/105454

Hi Bob,

Thank you for taking the time to meet with Tom and myself today.

I have no concerns with your application, having had your confirmation to amend the hours for Monday to Thursday:-

Supply of Alcohol till 23:00 hours, premises closing at 23:30 hours (as per your application), with all other hours as per original the original application.

Kind regards

Nicola

---

**From:** [robertmzhickey@gmail.com](mailto:robertmzhickey@gmail.com) [<mailto:robertmzhickey@gmail.com>]  
**Sent:** 21 December 2017 13:23  
**To:** Nicola Cadzow  
**Cc:** [MARK.J.Perry@met.pnn.police.uk](mailto:MARK.J.Perry@met.pnn.police.uk); [Thomas.Ratican@met.pnn.police.uk](mailto:Thomas.Ratican@met.pnn.police.uk)  
**Subject:** Re: New Premise License Application for Chupeton Ltd 61-63 Old Bethnal Green Road, London - our ref M/105454

Hi Nicola,  
Thanks for pointing out that error.

Happy to go with number 2.  
Regards,

Sent from my iPhone

On 21 Dec 2017, at 11:58, Nicola Cadzow <[REDACTED]> wrote:

Dear Mr Hickey,

I am looking at your New Premise License Application for Chupeton Ltd 61-63 Old Bethnal Green Road, London - our ref M/105454.

Where you have applied for the Licensable Activity Supply of Alcohol you have reflected on you application that this will end, thirty minutes prior to closing Friday Saturday and Sundays, but not for Monday to Thursday where you have applied for Supply of Alcohol until 23:30 hours, same time as premise closing.

Therefore, can you confirm that Monday to Thursday either you require:

- (1) Supply of Alcohol (as per your application) until 23:30 hours, premise closing at Midnight or;
- (2) Supply of Alcohol till 23:00 hours, premises closing at 23:30 hours (as per your application)

I look forward to your confirmation at your earliest convenience.

Kind regards

Nicola Cadzow

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

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

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

London Borough of Tower Hamlets E-Mail Disclaimer.

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

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

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

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

# Appendix 7



## Catrina Marshall

---

**From:** [REDACTED]  
**Sent:** 15 January 2018 10:35  
**To:** [REDACTED]  
**Cc:** Licensing  
**Subject:** RE: Premises License Application 61 - 63 Old Bethnal Green Road

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

Thanks Robert,

Tower Hamlets Council please see the conditions agreed with the applicant, please can the below conditions be added to the license.

Kind Regards

Mark

PC Mark Perry  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 15 January 2018 10:29  
**To:** Perry MARK J - HT  
**Cc:** [REDACTED]  
**Subject:** Re: Premises License Application 61 - 63 Old Bethnal Green Road

Yes, those conditions are ok with me.  
Thanks

Sent from my iPhone

On 15 Jan 2018, at 10:23, [REDACTED]  
[REDACTED]e:

Dear Robert,

Good, to speak to you today, following our conversation please can you confirm that you agree to the conditions listed below.  
I can then inform Tower Hamlets Council that we have agreed to your application.

1) A CCTV system to be put in place, the cameras are to be of sufficient quality so that peoples faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the premises specified by the Police.

The system is to record the footage and to keep it for a minimum of 30 days and a

copy off CCTV footage is to be made available to Police or the Local Authority upon request (subject to data protection legislation).

While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

2) An Incident Report book is to be kept and used to record all incidents of crime and disorder as well as any incidents of note. This book is to be made available on request to any Police officer or representative of a responsible authority.

If you have any questions please don't hesitate to contact me.

Regards

Mark

PC Mark Perry

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

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

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

**Find us at:**

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

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

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

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

# Appendix 8

## 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 9

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

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

# Appendix 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

# Appendix 14