

LICENSING SUB COMMITTEE

Wednesday, 11 April 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
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E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

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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 - 48)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 6th February, 26th February and 6th March 2018.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4.1 Application for a New Premises Licence for Food & Wine Mini Market, Unit 13, 71 Ben Johnson Road, London E1 4SA	49 - 124	St Dunstan's

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

4 .2 Application for a Variation of a Premises Licence for Super Kebab, 240 Cambridge Heath Road, London, E2 9DA **125 - 194** **St Peter's**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety
- Prevention of Children from harm

Representations by:

- Local Resident(s)

4 .3 Application for Time Limited Premises Licence for Boishaki Mela Event, Weavers Field, London E2 **195 - 246** **St Peter's**

Licensing Objectives:

- Public Nuisance

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.

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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
Telephone Number: 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING SUB COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

4. Exclusions

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

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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 6 FEBRUARY 2018

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

Members Present:

Councillor Peter Golds (Chair)
Councillor Suluk Ahmed
Councillor Dave Chesterton

Other Councillors Present:

Councillor Joshua Peck
Councillor Amina Ali
Councillor Rachel Blake
Councillor Gulam Robbani

Officers Present:

Kathy Driver	–	(Principal Licensing Officer)	
David Wong	–	(Legal Services)	
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)	

Representing applicants	Item Number	Role
Clare Eames	3.1	Legal Representative
Aidan Brooks	3.1	Owner of OSM
Toby Brown	3.1	Manager of OSM
Simon Taylor	3.2	Legal Representative
Jim King	3.2	AEG
Steve Reynolds	3.2	AEG
Dan Craig	3.2	AEG

Representing objectors	Item Number	Role
Anthony Edwards	3.1	Legal Representative
Jonathan Stebbins	3.1	Resident
Tony De Jasay	3.1	Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Suluk Ahmed declared a personal interest in respect to item 3.1 that he was a ward member for Spitalfields and Banglatown.

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for (OSM Ltd) Open Market Space, Old Spitalfields Market, London E1 6AA

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, detailing the application for Open Market Space, Old Spitalfields Market, London E1 6AA. It was noted that objections had been received by local residents and resident associations as well as support from two residents.

Ms Driver explained that since the application had been made there had been a number of amendments to application in terms of timings and conditions, it was also explained that there were licences already in place if the application was to be refused. It was noted that a comprehensive set of conditions had been proposed by the applicant which had been circulated to all interested parties.

At the request of the Chair Ms Clare Eames, Legal Representative for the Applicant explained that Members having read the papers, she would only go over the key aspects of the application and address the concerns raised in relation to the cumulative impact zone (CIZ). She said it was very important to her client to have and maintain a good relationship with the local residents. It was noted that the premises had been owned by the Brooks family since 2015 and a brief history of the family was given.

Ms Eames explained that the premises currently had a licence and was in operation. It was noted that the application had been amended and conditions proposed, amendments were in essence through mediation and in consultation with the Responsible Authorities. It was further noted that the market would be opened longer than the hours the licensable activities had been applied for.

Ms Eames explained the importance to demonstrate through the proposed conditions how they would overcome the rebuttable presumption of the CIZ.

She said that there had been pre consultation work with residents, an investment of £5million to improve the market area, introduction of a new kitchen area and there had been community engagement led by the Manager of the premises.

It was noted that the premises had a 150 year lease and the Brooks family had sole control of the premises has since 2015, it was believed that with the investments made to the infrastructure it would reduce the reliance on other food outlets, markets and events.

Ms Eames stated that they would surrender a licence for Smiths which was a late night venue and the licence for Square Pie which also had premise licence, therefore reducing the impact on the CIZ which is currently being experienced. It was also noted that they had removed off sales from the application.

Ms Eames highlighted the fact that there would be a reduction in the special events offered and drew Members attention to the display boards which showed the layout of the premises, it was noted that the plans on the new licence if granted would have a smaller area for the consumption of alcohol than the current licence and the dispensing of alcohol would only be 5% of the premises area and this would be marked on the premises layout plans.

Ms Eames concluded that a noise limiter would be set by an independent Environmental Health Officer and that no objections had been received from Responsible Authorities.

Members then heard from local residents, Mr John Stebbins, and Mr Tony De Jasay and from Councillor Gulam Robbani, who all shared similar concerns about the impact this licence would have on local residents if this licence were to be granted. Members noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and noted objectors' concerns about increased noise nuisance, impact upon family environment, lack of adequate toilet facilities at the premises in question for the likely increased numbers of clientele if the application were granted, that the premises would become the destination for patrons on-route to clubs/bars late at night and into the early hours of the morning, and thereby the likely impact on the cumulative impact zone.

Members then heard from Mr Anthony Edwards who represented the Resident Associations which had made objections. He explained that surrendering the current licences would not be a benefit as he explained that noise in closed premises was different from noise in an open space, which is what the application was for. He expressed the enormity of the concerns raised with approximately 100 residents objecting covering all grounds of the licensing objectives. He then described the types of anti-social behaviour that was experienced by residents on a daily basis. Mr Edwards concluded by making the following points;

- That a 2 hour extension in the evenings, would attract crowds that come in for drinks in the evenings who would then continue on into the

area to other late night venues and cause public nuisance to what currently exists.

- The introduction of weekends, would be concerns on Saturdays, with the weekend night life in the Shoreditch and Brick Lane, there would be enormous amount of alcohol provision in the area attracting more party goers into the area.
- Special events in the way of Temporary Events Notices (TENs) would also cause problems as experienced during London Cocktail Week.
- That the toilet facilities were not adequate for the capacity of the premises. He also mentioned that a noise limiter would not be able to stop people from speaking loudly.

In response to questions from Members the following was noted;

- That the premises was currently in the CIZ and had a licence and therefore would not be adding to the cumulative impact.
- That the licence area for consumption and dispensing of alcohol would be reduced significantly from what it currently was and therefore only seeking an extension of the hours.
- The dispensing area would be reduced to 5% of the premises area and with clear and robust conditions it would help reverse the burden of the CIZ.
- The concept of this application was for visitors to be able to have a drink with their food in a central point, which in fact would give staff more control over customers entering and leaving the premises.
- That no responsible authorities have objected in terms of the number of toilets and therefore in the applicant's submission they were adequate.
- That the maximum capacity was for 1200 people however this did not define the numbers for an event etc.
- The consultations process was explained.
- It was confirmed that if a new licence was granted the existing licence(s) would be surrendered.
- That Smiths nightclub and Square Pie which both have premises licence would be closed.
- That there were 36 flats directly facing the premises
- No evidence to suggest that the problems currently experienced by residents were directly linked to the premises.
- That they would be closed and cleared up by 9.30pm and that there was a full dispersal policy in place.

Members adjourned the meeting at 8pm to deliberate and reconvened at 8.25pm.

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 and considered written and verbal representation from the applicant and objectors with particular regard to the licensing objections of prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee noted that the premises in question the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. However the effect of this special cumulative impact policy is to create a rebuttable presumption.

The Sub-Committee noted that the applicant can rebut the presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

The Sub-Committee considered that the onus lay upon the applicant to show this through the operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted that the cumulative impact of the number, type and the density of licensed premises in the area may lead to serious problems of nuisance and disorder; and that the cumulative impact zone did not act as an absolute prohibition on granting or varying new licences within that zone.

The Sub Committee heard from the applicant that if the application were granted, the applicant would surrender the premises licences for three other premises in the area currently held by the applicant, which the applicant presented as thus mitigating the impact on the cumulative impact zone of licensed premises in the Open Market Space, Old Spitalfields Market.

The Sub-Committee noted written representations made by objectors. The Sub Committee also heard oral representations from objectors regarding the impact of the premises on the Cumulative Impact Zone. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and noted objectors' concerns about increased noise nuisance, impact upon family environment, lack of adequate toilet facilities at the premises in question for the likely increased numbers of clientele if the application were granted, that the premises would become the destination for

patrons en route to clubs/bars late at night and into the early hours of the morning, and thereby the likely impact on the cumulative impact zone.

Decision

The Sub Committee noted the applicant's representation that the impact of the premises licence if granted, at the premises in question, would be mitigated by the applicant surrendering the premises licences which they already hold in relation to three other premises in the area.

The Sub-Committee noted the applicant's reference to the absence of objections from any Responsible Authorities, and were surprised at the absence of any representations of any kind from the Responsible Authorities. However, the Sub-Committee considered that the absence of objections from any Responsible Authorities is not conclusive, and the onus remains upon any applicant seeking a premises licence in a cumulative impact zone to demonstrate that their application for a premises licence would not undermine any of the four licensing objectives. The Sub-Committee considered that offering to surrender three existing premises licences in the area did not obviate the need for the applicant to demonstrate in their operating schedule, sufficient measures of sufficient robustness which would address concerns about the impact of a premises licence for that set of premises in the cumulative impact zone. It is true that the surrender of three premises licences for other premises in the area would remove the footfall generated by those other three premises. However, the potential increased footfall arising from any grant of the application in this instance requires a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely increased impact of increased clientele and potential alcohol fuelled disorder arising therefrom.

The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that requirement. The Sub-Committee was concerned about the impact of an increase in licensing hours in the evenings and weekend; that the premises would become a destination for patrons en route to clubs/bars late at night and into the early hours of the morning; noise nuisance would increase; there would be an impact on family environment; there were inadequate toilet facilities at the premises for the likely increase in numbers of clientele; and the potential increase in crime and disorder, public nuisance and anti-social behaviour.

The Sub Committee was therefore not satisfied that the applicant had rebutted the presumption against granting a premises licence for premises situated in a cumulative impact zone, in that it was considered the applicant failed to demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Premises Licence for Open Market Space, Old Spitalfields Market, London E1 6AA be **REFUSED**

3.2 Application for Time Limited Premises Licence for Victoria Park, London E3

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, detailing the application for a Time Limited Premises Licence for AEG, Victoria Park, London E3. It was noted that objections had been received by local ward councillors from Tower Hamlets and Hackney Council.

At the request of the Chair, Mr Simon Taylor, Legal Representative for the Applicants explained that a number of elements of the application had been withdrawn since the application was first made. He referred Members to the objection letter contained in the agenda on pages 503-504 and explained that following a mediation meeting with some of the Councillors they had made some progress.

It was noted that AEG was the 2nd largest promoter in world, with 15 years of experience holding events in places like the O2 and Wembley Stadium and explained that they had held previous events in Victoria Park and Hyde Park. Mr Taylor then gave examples of other successful events led by AEG to demonstrate to members the proven track record AEG had, and the support they received from the local community.

It was noted that an annual event needed embracing from the local community and this was built into the consultation and the conditions offered giving the residents the opportunity to raise concerns before and after the event.

It was further noted that there were no representations from Responsible Authorities as upon consultation they were happy with the plans proposed. It was noted that a Noise Consultant had been appointed from Vangaurdia to deal with complaints received and to comply with and manage the noise conditions and regulations etc.

He explained that a reduction in the number of years from 5 years to 1 year would not be feasible as the licensing regime allowed for a licence for multiple years and not only permanent licence. It was noted that AEG had been awarded the land licence for Victoria Park and wanted to mirror this with a premises licence to create a synergy and to cut costs. He explained that a review process was available to everyone and is a primary remedy if anything was to go wrong. He explained that the conditions proposed were tailored to suit a multiple licence.

Mr Taylor concluded that if Members were satisfied to agree a 1 year licence then why not confident to grant a 5 year licence.

Members then heard from Councillor Josh Peck, he explained that he represented all the Councillors who had objected and in total was representing 90,000 residents between them. He said he was delighted that AEG won the tender, however said that despite how good they were, it was difficult to know the impact its events would have and simply impossible to mitigate potential problems. He said that all processes that has been mentioned by the Applicants had been used before and none of them had adequately managed it. He said that 2 out of the 4 issues raised in the objections have been resolved.

The two remaining was the 75 dba as close proximity to residents and the number of years for the licence.

He then proposed the following that the objectors would be happy with a MNL at 70dba for a 5 year licence or a MNL at 75dba for a 2 year licence.

Councillor Rachel Black and Councillor Amina Ali also raised similar concerns and highlighted the issues relating to noise nuisance.

In response to questions from Members the following was noted;

- That if a two year licence could be granted then why not a five year licence?
- That the applicants would be investing a significant amount of money into the process and a longer licence would justify their costs.
- That there would be a large number of sanitation facilities in and around the venue, as well as, on the route to the stations. It was noted that the applicant's would be doubling the number of toilet facilities that had been recommended for such an event.
- That the applicant's would be amenable to a 3 year licence with the MNL set at 75dba as the community investment which is proposed is heavily linked to a 5 year contract.
- That there would be increased stewards and sanitation facilities.
- That the Councillors were of the view that a 2 year licence would build trust with residents and then give the applicants the opportunity to re-apply for the remaining years.

Members adjourned the meeting at 8pm to deliberate and reconvened at 8.25pm.

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 and considered written and verbal representation on behalf of the Applicant and the local Councillors who had made objections with particular regard to the licensing objection of the prevention of public nuisance.

Members noted that a mediation meeting had taken place between the interested parties during which some points were addressed and options for a reduction in the term of the licence was discussed.

Members were of the view that a comparison to events in Hyde Park and Wembley Stadium were not the same as Victoria Park as the demographics and transport links were very different as opposed to the others, as Victoria Park was in the middle of a residential area and in close proximity to the park.

Members considered the impact on the local residents and noted the number of complaints from previous events at the park and from their own local knowledge. Members were concerned with the potential increase in the number of people that would be visiting the area during the event periods and the likelihood of increased public nuisance. It was noted that although there was an option for interested parties to review a licence, the process to seek a review was not so easy and straightforward.

Members welcomed the efforts made by the Applicant in offering a set of robust conditions and were also pleased to note the increase in sanitation facilities around the park and on route to transport links.

Members considered the proposals made at the meeting and were of the view that due to the number of complaints from previous events it was reasonable and proportionate to grant a two year licence with MNL at 75dba. This would allow the applicants the opportunity to demonstrate their event management plans and would then be able to apply for the remaining term of the contract.

Members considered the proposed conditions by the applicant and the impact of the application on the local area and local residents. Therefore considering all of the above, Members decided to GRANT the application in part to appease the concerns of residents in both Tower Hamlets and the neighbouring borough of Hackney.

Decision

Accordingly, the Sub Committee unanimously –

RESOLVED

That the application for a Time Limited Premises Licence for AEG, Victoria Park, London E3 be **GRANTED IN PART**.

Time Limited Premise Licence

6th February 2018 to 6th February 2020

Hours premises are open to the public

Monday 10.00 hours to 23:00 hours *
 Tuesday 10.00 hours to 22.30 hours
 Wednesday 10.00 hours to 22.30 hours
 Thursday 10.00 hours to 22.30 hours
 Friday 10.00 hours to 23.30 hours#
 Saturday 12.00 hours to 23.30 hours
 Sunday 12.00 hours to 23.00 hours

*where event days fall on bank holidays the following timings would apply for major events, Bank Holiday Monday: 12.00 hours to 23:00 hours.

For minor events, Bank Holiday Monday: 10.00 hours to 22:00 hours

#where event days fall on Friday the following timings would apply for major events, Friday: 12.00 hours to 23.30 hours. For minor events, Friday: 10.00 hours to 22:00 hours

Supply of Alcohol:

Monday - 10.00 hours to 22.15* hours
 Tuesday 10.00 hours to 21.45 hours
 Wednesday 10.00 hours to 21.45 hours
 Thursday 10.00 hours to 21.45 hours
 Friday 10.00 hours to 22.45# hours
 Saturday 12.00 hours to 22.45 hours
 Sunday 12.00 hours to 22.15 hours

* where event days fall on bank holidays the following timings would apply for major events, Bank Holiday Monday: 12.00 hours to 22.15 hours.

For minor events, Bank Holiday Monday: 10.00 hours to 21.30 hours and closing time of the venue for "Minor" events to 22:00 hours

where event days fall on Friday the following timings would apply for major events, Friday: 12.00 hours to 22.45 hours. For minor events, Friday: 10.00 to 21.30 hours and closing time of the venue for "Minor" events to 22:00 hours

Plays / Films / Indoor sporting events / Boxing or Wrestling/ Live Music / Recorded Music/ Performance of Dance / Anything of a Similar Description:

Monday 10.00 hours to 22.30 hours *
Tuesday 10.00 hours to 22.00 hours
Wednesday 10.00 hours to 22.00 hours
Thursday 10.00 hours to 22.00 hours
Friday 10.00 hours to 23.00 hours#
Saturday 12.00 hours to 23.00 hours
Sunday 12.00 hours to 22.30 hours

* where event days fall on bank holidays the following timings would apply for major events, Bank Holiday Monday: 12.00 hours to 22.30 hours.

For minor events, Bank Holiday Monday: 10.00 hours to 21.30 hours and closing time of the venue for "Minor" events to 22:00 hours

where event days fall on Friday the following timings would apply for major events, Friday: 12.00 hours to 23.00 hours. For minor events, Friday: 10.00 hours to 21.30 hours and closing time of the venue for "Minor" events to 22:00 hours

Conditions

1. A maximum of ten (10) event days may be operated under this licence in each calendar year, of which no more than six (6) may be at a capacity not exceeding 39,999 ("Major Event") and the remainder at a capacity not exceeding 14,999 ("Minor Event").
2. Major Event days will take place only on Fridays, Saturday, Sundays or Bank Holiday Mondays, except where otherwise approved by the Multi Agency Planning Group
3. Each year, the Premises Licence holder will undertake a full and detailed consultation with each of the responsible authorities. This consultation will take place through a Multi-Agency Planning Group (Chaired by the Local Authority) in the lead up to, and during the event.
4. Each year, at least 4 months prior to the first event date, the Premises Licence holder will notify the Licensing Authority of the proposed dates for that years events.
5. Each year, at least 3 months prior to the first event date, the Premises Licence holder will produce a draft Event Management & Operating Plan (EMOP) containing detail appropriate to the Event. This will also include a detailed plan of the site.
6. The Final Event Management and Operating Plan (EMOP) must be approved by the Multi-Agency Planning Group, at least one month prior to the first event date. Thereafter, no changes will be made to the EMOP without the prior written consent of the Licensing Authority. Any

changes during the event can only be made with the consent of the Event Liaison Team (ELT).

7. For each event the final EMOP (including the plan of the site) will be implemented and complied with by the Premises License holder.
8. Throughout the event open period the Premises Licence holder will maintain an Event Control Room to manage the event.
9. A debrief meeting will be undertaken annually after the final event date;
10. The Premises Licence holder will implement an event and pre-event communications strategy to provide anti-crime messaging and drugs awareness advice to ticket holders;
11. The Premises Licence holder will use screening on the entry points to the event, to exercise the right to refuse entry to any unauthorized or disorderly person;
12. The Premises Licence holder will implement various operations to disrupt the misuse of drugs amongst those proposing to attend the event, and to support the Event Organisers "zero tolerance to drugs" policy;
13. In conjunction with the Metropolitan Police and other responsible authorities, each year the Premises Licence holder will produce;

Crowd Management Plan
Alcohol Management Plan
Ingress Management Plan
Egress Management Plan
Security & Crime Reduction Plan
14. In conjunction with LBTH Health & Safety and other responsible authorities, each year the Premises Licence holder will produce;

Risk Assessment
Fire Risk Assessment
Schedule of Temporary Structures
Questionnaire and Inspection schedule for Food Traders
Rules for Site contractors
15. The Premises Licence holder will set up a publicised meeting each year with local residents prior to the first event date. This meeting will be to discuss plans for the Event and receive residents feedback.

16. The Premises Licence holder will set up a publicised meeting each year with local residents after the final event date. This meeting will be to receive residents feedback;
17. Age restrictions will apply to each event day, the age restrictions for each event day will be agreed in advance with the Multi-Agency Group and will be contained within the EMOP
18. All alcohol outlets will be monitored by security staff and bars management team. All bar staff will receive training and daily briefings;
19. The Premises Licence holder offers the opportunity for agencies to visit the site during the live period to demonstrate the licence holders management controls and experience of the event.
20. The Premises Licence holder will provide the contact numbers of the applicants and their appointed officers
21. For Major Events, the "Music Noise Level" (MNL) measured as a LAeq over any 15- minute from an agreed permanent noise monitoring position shall not exceed 75 dBA 15-minutes.
22. For Minor Events, the "Music Noise Level" (MNL) measured as a LAeq over any 15- minute from an agreed permanent noise monitoring position shall not exceed 65
23. The following three permanent noise monitoring positions have been agreed (as detailed below), but should it be found that these are not representative of the site layout or residential noise impact, then they may be relocated with the agreement of the Premises Licence holder and environmental health. The three agreed Permanent Noise Monitoring Locations are: i) Waterside Close, at the residential façade. ii) Empire Wharf (within Victoria Park) in-line with the building arch. ii)Wetherell Road (Iveagh Close) Day Nursery (within Victoria Park).
24. The sound system and site design shall be reviewed to manage containment of sub- bass, so as not to cause a public nuisance.
25. The Premises Licence holder shall appoint a competent Noise Consultant. The consultant will have the ability to monitor music noise levels competently and with the authority to control sound levels to ensure compliance with the music noise conditions.
26. A direct means of communication between the Noise Consultant and the Officers of the Environmental Health Department must be made available. There must also be a separate radio channel dedicated to noise control.

27. In consultation with the Council's Environmental Health Department, the sound systems and other noise sources shall be positioned so as to minimise noise disturbance.
28. In conjunction with the Council's Environmental Health Department, sound tests shall be carried out before the event. This will determine the maximum music noise levels that can prevail at agreed proxy monitoring positions so as to ensure compliance with the agreed noise limits;
29. A permanent noise monitor shall be placed at all "front of house" sound mixer positions, this must be able to measure 15 minute LAeq periods or less and print or store the results, Officers must be able to view all the results at the mixer position during the event. A copy of any noise measurements undertaken at permanent sound mixer or the 3 residential monitoring locations must be forwarded within 10 working days to the Environmental Health Department.
30. The Noise Consultant shall be able to demonstrate an up to date calibration certificate for all noise meters used according to BS7580: 1992 and be a minimum type 2 grade instrument according to BS5969: 1981.
31. Erection, dismantling and cleaning operations should only be undertaken during Council Policy working hours Mon. – Fri 8.00 a.m. – 6.00 p.m. and Saturday 8.00a.m. – 1.00 p.m. unless otherwise agreed by prior consent. If work or operations are agreed outside of the above hours a contact telephone number (not an answer phone) must be provided for the person in charge of these operations.
32. White noise "Broadband" reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property throughout the occupation of the park by the Premises Licence holder.
33. Any complaints received should be directed via a central complaints handling system and directed to the Council Officers and all concerned immediately by secure phone or messaging service, not via an insecure wireless radio system. The Council's complaints procedure for taking and logging complaints must be followed at all times.
34. The Premises Licence holder shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.
35. The noise-consultant must have a sufficient number of competent staff with the necessary authority, confirmed in writing by the licensee to control the music noise levels. This number should be agreed with

Environmental Health department in advance of the event.

36. The Premises Licence holder shall invite a representative of Environmental Protection Department to visit the site during the event live period to take noise measurements and qualitatively assess the impact of event noise on the property, and for all parties to use this information to drive further improvements in the management of the event.
37. No alcohol shall be taken out of the licensed area;
38. Any mobile dispensing servers (MDS) will be accompanied by persons not involved directly in serving alcohol. These other persons ('shepherds') will be responsible, jointly with the sellers and security personnel, for ensuring that mobile units comply with the Challenge 25 policy used on site, including preventing proxy sales; and sales to intoxicated customers;
39. The licensee must ensure that all staff involved in MDS operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.
40. MDS operators must carry a clear indication that a Challenge 25 protocol is in operation.
41. A Challenge 25 Policy shall be implemented, so that before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark is checked. Identification will include, for example;
A photo driving licence
A passport
A proof of age card bearing the PASS hologram.
42. Throughout the duration of the events (including sound checks, rehearsals and concert performances) the control limits set at the mixer position shall be adequate to ensure that the 63Hz and 125Hz octave frequency bands shall not exceed 75dB (LZeq 15 minutes) as a result of Music Noise level (MNL) beyond a 2km radius (distance measured from the main stage mixer position). The 63 Hz and 125 Hz octave frequency bands shall be assessed in a free field position at measurement points prescribed by the London Borough of Tower Hamlets Environmental Health.
43. The noise consultant shall make use of a monitoring system that allows for real-time correlation between performance stages and off site monitoring locations.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 9.55 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON MONDAY, 26 FEBRUARY 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

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

Officers Present:

Nicola Cadzow	–	(Environmental Health Officer)	
Corinne Holland	–	(Licensing Officer)	
Catrina Marshall	–	(Licensing Officer)	
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)	

Representing applicants	Item Number	Role
Altamasul Islam Khan	4.1	Applicant
Mir Haque	4.1	Applicant's Representative

Representing objectors	Item Number	Role
David Cunningham	4.1	Resident
David Donoghue	4.1	Resident
David Masters	4.1	Waste Enforcement Team
Andrew Mann	4.1	Waste Enforcement Team

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

None

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 29th November and 20th December 2017 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a Variation Premises Licence for Suito, 90 Brick Lane, London E1 6RL

At the request of the Chair, Ms Catrina Marshall, Licensing Officer, introduced the report, detailing the variation application for Suito, 90 Brick Lane, London E1 6RL. It was noted that objections had been received by the Licensing Authority, Environmental Health and local residents.

It was noted that there were some discrepancies in the report and confirmed that there had been no conditions agreed with the Police as stated in the report.

At the request of the Chair, Mr Mir Haque, representative on behalf of the applicant explained that they were applying for a variation application and seeking additional hours for the sale of alcohol and late night refreshments. He explained that complaints had been received previously due to the Temporary Event Notice applications they had had in the past.

It was noted that the reason for this application was due to customer demand and customers wanted them to remain open for longer.

He said that they have had been problems with waste disposal and as a result incurred a number of fines but this had now been resolved now, after meeting with the waste enforcement team who had showed them how to dispose of waste/rubbish correctly. It was noted that since December 2017 there have been no fines have been issued. It was also noted that all staff had been trained now and were correctly disposing waste/rubbish.

Mr Haque concluded that there would be no noise issues as loud music would not be played at the premises and there would be no touting.

At the request of the Chair, Ms Corinne Holland, Licensing Officer raised concerns about the repeated number of complaints that had been received from local residents. It was noted that a complaint was received from a resident on 28/03/16 regarding noise at the premise until 4.30am when a TEN had been applied for.

Ms Holland stated that the Licensing Authority was making representation against this application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises was within the CIZ and has received complaints when the licence has been extended by a TEN. She said that there was nothing to show that the increased hours applied for would not add to the cumulative impact already being experienced in the area. Ms

Holland concluded that the applicant continually flouts the law despite receiving a large number of fixed penalty tickets and this was not how a responsible business would operate.

Members then heard from Nicola Cadzow, Environmental Health Officer, who explained that within the last twelve months to the date of this application there has been noise complaints when TENs had been granted until 01.30hours due to behaviour of people arriving, leaving, drinking and congregating outside the premises. She expressed that there would be noise breakout from the venue affecting neighbouring residents, noise from access and egress to and from the venue by patrons especially when in high spirits.

Members then heard from local residents, Mr David Donoghue and Mr David Cunningham who expressed similar concerns about the anti-social behaviour from patrons leaving the premises, the fact it was in close proximity to residential properties, and the noise emanating from the premises, with people congregating outside the premises causing public nuisance and disturbance. They expressed serious concerns of the applicant's history of non-compliance and were of the view that the hours applied for were excessive.

In response to questions the following was noted;

- That there was 32 covers in the basement level and 16 covers on the ground level.
- That since they had been trained on waste management the premises has not received any further fines.
- That they needed a licence for off sales only for takeaway delivery services.
- That they would no longer have big events or loud music.
- That there had been no complaints regarding the premises when there have been no TENS.
- That the applicant was happy to accept a condition to limit the number of people in the premises to 32 people at any one time and for alcoholic drinks to be sold ancillary to food only.
- The applicant said that in order to rebut the CIZ policy he would have CCTV cameras, the challenge 25 policy, a booking system so they know is coming and not have more than 32 customers at the premises at any one time and last entry of customers would be at 00.30hours.

Members adjourned the meeting at 3.25pm to deliberate and reconvened at 3.55pm.

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 had carefully considered all of the evidence before them and listened to the verbal representations made on behalf of the Applicant and by the objectors present at the meeting.

In reaching the decision Members gave particular regard to the Licensing Objective of the Prevention of Public Nuisance and the Prevention of Crime and Disorder. Members were very concerned about the number of times the premises had been issued fixed penalty fines by the waste enforcement team for illegally discarding rubbish. However, it was noted that management and staff had undergone training by the waste enforcement team on how to dispose of rubbish correctly and as a result of this there have been no more fines since December 2017.

Members noted the fact that the premises are within the Cumulative Impact Zone and had previously had complaints when they have had TEN applications granted but Members were assured by the Applicant that they would no longer apply for TEN application and that the premises would only be used as a restaurant for food and drinks with no form of regulated entertainment.

Members welcomed the agreement from the Applicants that they would limit the number of people allowed on the premises after midnight and would also stop customer entry at 00.30 hours.

Members felt that it was not proportionate to reject the application in its entirety however understand the concerns raised in relation to public nuisance and CIZ and therefore decided to grant the licence in part to allow the extended hours on the weekends only with conditions.

Members also noted the serious concerns raised about customers drinking outside the premises, and causing public nuisance, therefore Members believed that a condition to restrict the supply of alcohol at the premises only to a person seated taking a table meal by a waiter/waitress service would help alleviate some of the concerns raised by the Responsible Authorities and local residents.

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

Councillor Peter Golds abstained from voting.

Accordingly, the Sub Committee

RESOLVED

That the application for a Variation of the Premises Licence for Suito, 90 Brick Lane, London E1 6RL be **GRANTED IN PART** with conditions imposed.

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

Sale of Alcohol (on sales only)

Fridays and Saturdays from 12:00 hrs to 01:00 hrs (the following day)

The Provision of Late Night Refreshments

Fridays and Saturdays from 23:00 hrs to 01:00 hrs (the following day)

Hours premises Open to the Public

Fridays and Saturdays from 12:00 hrs to 01:30 hrs (the following day)

Amendments to existing conditions

Condition 1 from Annex 2 of the Premises Licence to be replaced with the following condition

The supply of alcohol at the premises shall be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Condition 2 from Annex 3 of the Premises Licence to be replaced with the following condition

Waste materials shall not be placed in the external bins during the hours (01:00 hours to 07:00 hours the following day)

Conditions

1. The supply of alcohol shall be by waiter or waitress service only
2. There shall be no off sales of alcohol from the premises
3. No more than 32 people (excluding staff) should be allowed on the premises after 00:00 hours (midnight)
4. Last customer entry will be 00:30 hours (the following day)
5. 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.

6. 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.
7. 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 an authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. All children must be accompanied by adults

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

This item had been resolved prior to the meeting.

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.

7. RESTRICTED MINUTES OF THE PREVIOUS MEETING(S)

The restricted minutes of the Licensing Sub Committee meetings held on 6th & 26th October and 1st November 2017 were agreed as a correct record of proceedings.

The meeting ended at 4.00 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 6 MARCH 2018

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

Members Present:

Councillor Joshua Peck (Chair)
Councillor Shah Alam
Councillor Dave Chesterton

Officers Present:

Corinne Holland	–	(Licensing Officer)	
Vivienne Walker	–	(Senior Prosecution Lawyer)	
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)	

Representing applicants	Item Number	Role
Jon Payne	3.1	Licensing Representative
Denis McCourt	3.1	Applicant

Representing objectors	Item Number	Role
David Donoghue	3.1	Representing SPIRE
Charlie Dunlop	3.1	Resident
David Spurring	3.1	Resident
R. Singh	3.1	Resident
Maria Papageorgio	3.1	Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for (The London City Beach), Land off Buxton Street, London E1 6QL

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, detailing the application for The London City Beach, Land off Buxton Street, London E1 6QL. It was noted that objections had been received by local residents and resident associations.

Ms Holland explained that representations from the Metropolitan Police and the Licensing Authority had been withdrawn due to a number of amendments to application and proposed conditions offered by the applicant. Ms Holland stated that the applicant may wish to clarify whether the condition requested by Trading Standards for a challenge 25 policy been agreed. The applicant confirmed this as agreed.

It was noted that a comprehensive set of conditions had been proposed by the applicant, which had been, circulated to all interested parties.

At the request of the Chair Mr Jon Payne, Legal Representative for the Applicant explained that there had been a number of changes to the application since it was first submitted. He explained that if the licence was to be granted, it would be used for a limited period each year (1st June – 31st July). It was noted that the events would not be every night during this period. Mr Payne explained that these events could have been dealt with a number of Temporary Event Notice applications but wanted to apply for a licence for a number of reasons, to provide safety, controls and measures in place and a set of robust conditions to help promote Licensing Objectives.

It was noted that last year when events were held there were no significant concerns raised by the Police or Environment Health. Mr Payne explained that conditions had been agreed with Police and the Licensing Authority and therefore there were no objections from Responsible Authorities.

It was noted that the events would mainly be corporate events for private clientele and the advantages of this was the fact that tighter control over the event and management would know who was attending etc.

Mr Denise McCourt, applicant then addressed the Sub-Committee and gave a brief summary of his background history, his experiences to date and explained that he had 25 years of experience operating and managing events and working with local residents to address concerns. He then gave some examples of the successful events he had had in the past. Mr McCourt said that he had worked closely with the Police and Licensing Authority when had previous events in the area there had been no complaints.

Mr Payne concluded by saying that residents were 50 metres away from the premises and explained that the benefits of having the venue, occupied by

security staff, CCTV cameras would therefore be a benefit to the area which would rebut the presumption of the cumulative impact zone.

Members then heard from local residents, Mr David Donoghue, Mr Charlie Dunlop, Mr David Spurring, Mr R Singh and Ms Maria Papageorgiou who all raised similar concerns about lack of any consultation with residents in the area, the likely increase in anti-social behaviour, public nuisance and crime and disorder if another licence was to be granted in the area. The lack of police presence in the area and it was noted that there would be no control over where customers go after they leave the venue whilst travelling through the residential streets.

In response to questions from Members the following was noted;

- That the venue could accommodate up to 1000 guests, the applicant expected between 100-600 people on weekdays and 700-800 on weekends.
- That Corporate Events would be during the weekdays and open to the general public on weekends.
- That there had been no consultation with local residents in the area.
- That there would be one event per day.
- The premises licence would allow the flexibility to sometimes have day events and open events for the general public.
- There would be no entry fee.
- That the screening of the World Cup would be restricted to Corporate Events only.
- It was confirmed that the sale of alcohol would cease 30mins before closing (10.30pm).
- There were concerns that after an event, everyone would leave together and the impact of noise nuisance that would be experienced.
- That every year an event management plan would be submitted to the Responsible Authorities to review and see if the event was fit for purpose.
- That the noise limiter would be set at an agreed level by a LBTH Environmental Health Officer.
- That after 9pm customers would be moved into the marquee to stop noise emanating from the premises.
- That in order to rebut the presumption of the CIZ, the applicant believed that the nature of the events, a robust dispersal policy and noise and sound control was appropriate.
- That the corporate events would be high end clients and therefore events would be much more controlled and quieter in nature.
- The applicant was happy to add a further condition that they would have meeting with residents before events.
- The officer on behalf of the Licensing Authority confirmed they had no concerns over the impact on the CIZ.

Members adjourned the meeting at 7.40pm to deliberate and reconvened at 7.55pm.

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 has carefully considered all of the evidence before them and considered written and verbal representation from both the applicant and his representative and the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm and public safety.

The Sub-Committee noted that the premises in question are situated in the cumulative impact zone and when a representation is received, the licence will be refused. However the effect of this special cumulative impact policy is to create a rebuttable presumption.

The Sub-Committee noted that the applicant can rebut the presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

The Sub-Committee considered that the onus lay upon the applicant to show this through the operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted that the cumulative impact of the number, type and the density of licensed premises in the area may lead to serious problems of nuisance and disorder; and that the cumulative impact zone did not act as an absolute prohibition on granting or varying new licences within that zone.

The Sub-Committee noted the written representations made by objectors and also heard oral representations from objectors regarding the impact of the premises on the Cumulative Impact Zone. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and noted objectors' concerns about increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the cumulative impact zone.

The Sub Committee noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions agreed with responsible authorities. However, the Sub Committee heard no evidence that rebutted the presumption of the CIZ. Members acknowledged that the applicant had explained how they would manage the noise from the music etc. but unable to demonstrate how they would manage the noise from crowds leaving the premises. Members noted that a large number of people would be attending and leaving the venue at one time and noted that although the dispersal policy covered the people leaving the premises there was not sufficient measures in place for when they are out of the venue and spilling into residential streets.

The Sub-Committee was concerned about the impact of licensing hours in the evenings and weekend; that the premises would be importing a significant number of people into area for corporate events who would then be leaving to go into the area which already experiences a high volume of crime and disorder, public nuisance and anti-social behaviour. The potential increased footfall arising from any grant of the application in this instance requires a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele and potential alcohol fuelled disorder arising there from. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that requirement.

Members were also concerned that on weekends the premises would be an open house and therefore there would be no control over who would be attending and the number of people attending the premises. Members expressed grave concerns about the absence of any consultation with local residents.

The Sub Committee was therefore not satisfied with the application and were of the view that the applicant had failed to successfully demonstrate that they had rebutted the presumption against granting a premises licence for a premises situated in a cumulative impact zone, in that it was considered the applicant failed to demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for (The London City Beach), Land off Buxton Street, London E1 6QL be **REFUSED**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

**5. APPLICATION FOR A TEMPORARY EVENT NOTICES FOR SHAWARMA,
84 BRICK LANE, LONDON E1 6RL**

This item was resolved prior to the meeting.

The meeting ended at 7.55 p.m.

Chair, Councillor Joshua Peck
Licensing Sub Committee

Agenda Item 4.1

Committee : Licensing Sub-Committee	Date 11 April 2018	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Food & Wine Mini Market), Unit 13, 71 Ben Johnson Road, London E1 4SA Ward affected: St. Dunstan's
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1.0 Summary

Applicant: **Erdal Pinar**

Name and Address of Premises: **Food & Wine Mini Market**

Address of Premises: **Unit 13**
71 Ben Johnson Road
London
E1 4SA

Licence sought: **Licensing Act 2003 – premises licence**

- **Sale by retail of alcohol (off sales)**

Representations: **Residents / other persons**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Food & Wine Mini Market), Unit 13, 71 Ben Johnson Road, London E1 4SA.

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

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

The sale by retail of alcohol (Off sales only)

- Monday to Sunday, from 07:00 hrs to 24:00 hrs (midnight)

The opening hours of the premises

- Monday to Sunday, from 07:00 hrs to 06:59 hrs the following day

(To clarify, this is effectively 24 hours a day)

4.0 **Location and Nature of the premises**

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

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

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

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

5.0 **Licensing Policy and Government Advice**

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

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

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

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

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representation has been made by the following :

Resident / other persons	Appendix
David Kennedy	6
Margaret Fisher	7
Zakaria Hussain	8

- 6.9 Zakaria Hussain has submitted a petition with his representation, However, full name and addresses and signatures are not stated. Also, the petition has not been signed by each petitioner so Members will need to decide how much weight should be given.
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)

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

6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

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

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

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

7.0 Conditions consistent with Operating Schedule

7.1 *All staff whose responsibilities include the retail sale of alcohol shall receive training. This training shall be recorded and the records to be available on request to the Police or any authorised officer.*

8.0 *The premises shall install and maintain a comprehensive CCTV system. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer.*

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

10.0 *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.

11.0 Conditions in consultation with the Responsible Authorities

11.1 Trading Standards have requested the following condition:

“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”.

At the time of writing this report a response was not received to their email. (Please see **Appendix 9**).

12.0 Licensing Officer Comments

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

12.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the

purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 12.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 12.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 12.5 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.
- 12.6 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)
- 12.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

12.8 In **Appendices 10 - 15** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

13.0 **Legal Comments**

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

14.0 **Finance Comments**

14.1 There are no financial implications in this report.

15.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendix 6	Representation of David Kennedy
Appendix 7	Representation of Margaret Fisher
Appendix 8	Representation of Zakaria Hussain
Appendix 9	Trading Standard request condition
Appendix 10	Licensing Officer comments on noise while the premise is in use
Appendix 11	Licensing Officer comments on access/egress Problems
Appendix 12	Licensing Officer comments on crime and disorder on the premises
Appendix 13	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 14	Planning
Appendix 15	Licensing Policy relating to hours of trading

Appendix 1



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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/~~We~~ (Insert name(s) of applicant) ERDAL PINAR

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
UNIT 13, 71 BEN JOHNSON ROAD	
Post town	Post code
LONDON	E1 4SA

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

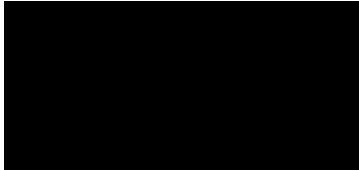
Surname

PINAR

First names

ERDAL

Date of Birth

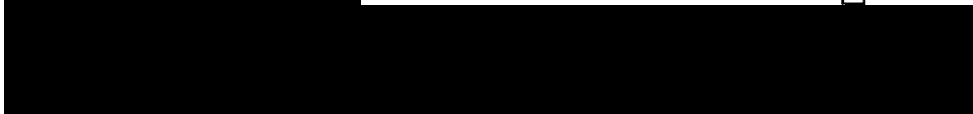


I am 18 years old or over

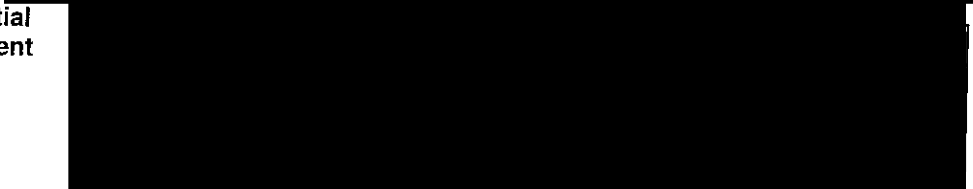
Please tick yes



Nationality



Current residential address if different from premises address

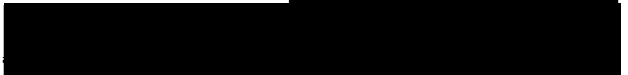


Post Town

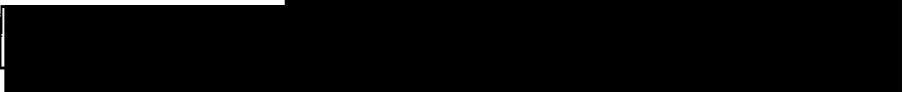
LONDON

Postcode

Daytime contact telephone number



E-mail address (optional)



SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

Date of Birth

N

I am 18 years old or over

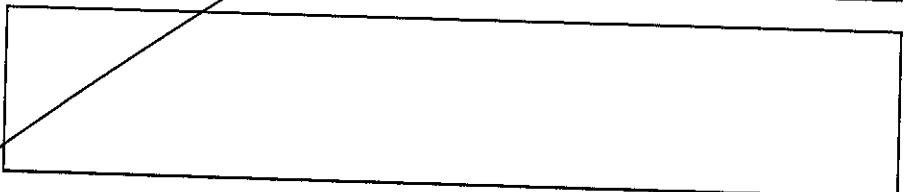
Please tick yes



Nationality

A

Current residential address if different from premises address



Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

2
A

B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
19	03	2018

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

Day	Month	Year

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

--

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

THE PREMISES LOCATED AT UNIT 13, 71 BEN JOHNSON ROAD LONDON E1 4SA.

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

Provision of regulated entertainment (see guidance Note 2)

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

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

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

In all cases complete boxes K, L and M

A

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

N A

B

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

N A

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<p>Please give further details here (please read guidance note 4)</p> <p>State any seasonal variations for indoor sporting events (please read guidance note 5)</p> <p>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. (please read guidance note 6)</p> <p style="text-align: center; font-size: 2em;">N A</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

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

Please give further details here (please read guidance note 4)

State any seasonal variations for boxing or wrestling entertainment
(please read guidance note 5)

N
A

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. (please read guidance note 6)

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon			<p>State any seasonal variations for the performance of live music (please read guidance note 5)</p> <p style="font-size: 2em; font-family: cursive;">N A</p> <p>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)</p>			
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon			<p>State any seasonal variations for playing recorded music (please read guidance note 5)</p> <p style="font-size: 2em; font-family: cursive;">N A</p> <p>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</p>			
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						

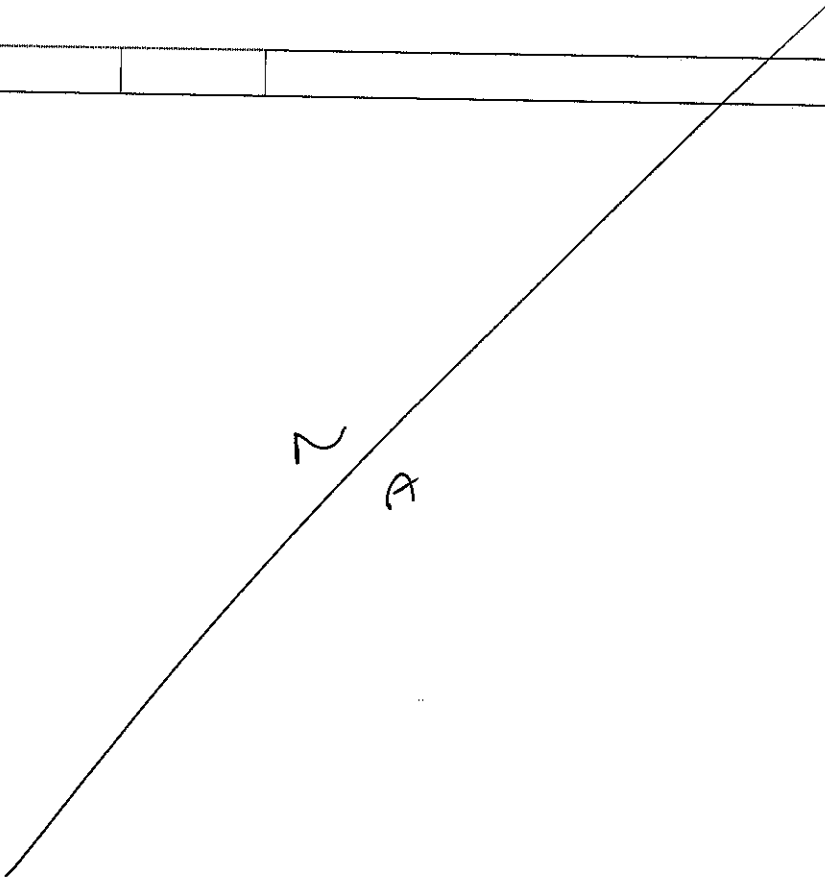
G

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

H

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

--	--	--	--



I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)	
Day	Start	Finish	Indoors	Outdoors
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

Please give further details here (please read guidance note 4)

State any seasonal variations for the provision of late night refreshment (please read guidance note 5)

N A

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 6)

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 8)	
Day	Start	Finish	On the premises	Off the premises
Mon	07:00 AM	24:00 MIDNIGHT		<input checked="" type="checkbox"/>
Tue	07:00 AM	24:00 MIDNIGHT		
Wed	07:00 AM	24:00 MIDNIGHT		
Thur	07:00 AM	24:00 MIDNIGHT		
Fri	07:00 AM	24:00 MIDNIGHT		
Sat	07:00 AM	24:00 MIDNIGHT		
Sun	07:00 AM	24:00 MIDNIGHT		

State any seasonal variations for the supply of alcohol (please read guidance note 5)

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)

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

Name

Date of Birth

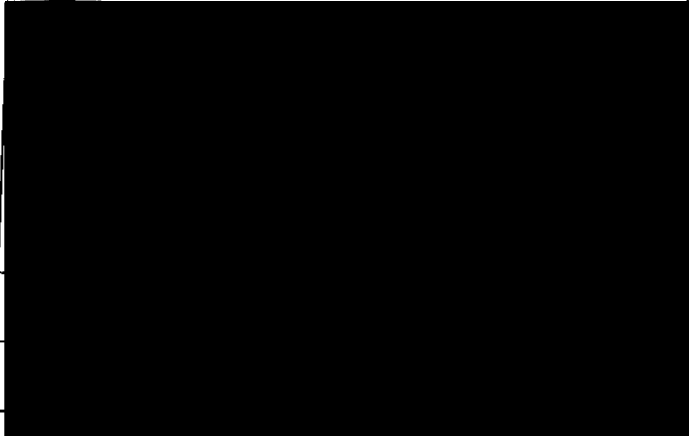
Address

Postcode

Personal Licence number(if known)

Issuing licensing authority (if known)

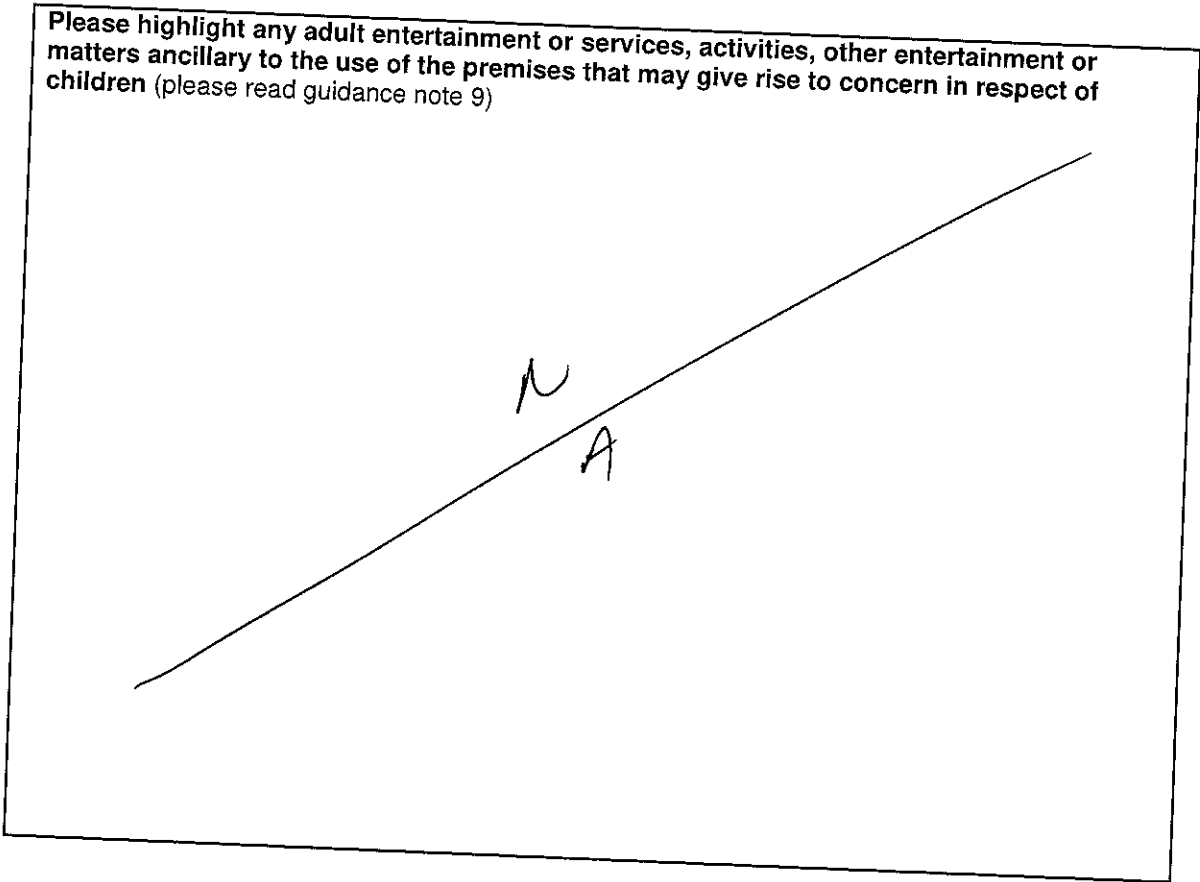
ERDAL PINAR



K

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

N
A



L

Hours premises are open to the public Standard timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 6)
Mon	07:00 AM	06:59 AM	
Tue	07:00 AM	06:59 AM	
Wed	07:00 AM	06:59 AM	
Thur	07:00 AM	06:59 AM	
Fri	07:00 AM	06:59 AM	
Sat	07:00 AM	06:59 AM	
Sun	07:00 AM	06:59 AM	

M

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

THE APPLICANT WILL COOPERATE WITH ALL RELEVANT AUTHORITIES AND WILL PROMOTE AND ADOPT ANY RECOMMENDATION FROM ALL RESPONSIBLE AUTHORITIES

b) The prevention of crime and disorder

- THE APPLICANT WILL ALWAYS COOPERATE WITH THE POLICE AND ANY OTHER AUTHORITIES FOR THIS PURPOSE
- THE APPLICANT WILL ALWAYS PROMOTE AND ADOPT ANY RECOMMENDATION FROM ALL RESPONSIBLE AUTHORITIES
- STAFF TRAINING WILL ALWAYS BE IN PLACE IN CONNECTION WITH PREVENTING OF CRIME AND DISORDER
- CCTV WILL BE OPERATIONAL AT ALL TIMES WITH RECORDING FACILITY

c) Public safety

- APPROPRIATE FIRE SAFETY PROCEDURES ARE/WILL ALWAYS BE IN PLACE INCLUDING FIRE EXTINGUISHERS.
- ALL APPLIANCE WILL BE REGULARLY INSPECTED AND MAINTAINED
- ALL EMERGENCY EXIT WILL BE KEPT FREE FROM OBSTRUCTION AT ALL TIMES
- THE APPLICANT WILL PROMOTE AND ADOPT ANY RECOMMENDATIONS FROM ALL RESPONSIBLE AUTHORITIES

d) The prevention of public nuisance

- ALL CUSTOMERS WILL BE ABLED TO LEAVE ~~QUIT~~ QUIETLY
- THE APPLICANT WILL PROMOTE AND ADOPT ANY RECOMMENDATION FROM ALL RESPONSIBLE AUTHORITIES

e) The protection of children from harm

-THE APPLICANT WILL ~~BE~~ PROMOTE AND ADOPT ANY RECOMMENDATION FROM ALL RESPONSIBLE AUTHORITIES
- STAFF TRAINING ARE / WILL ~~BE~~ ALWAYS BE IN PLACE
- THE APPLICANT WILL ALWAYS TRAIN THE STAFF TO NOTE ANY REFUSALS TO SELL YOUNG PEOPLE IN A REFUSAL LOG.

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

CHECKLIST:

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

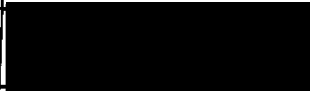
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

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

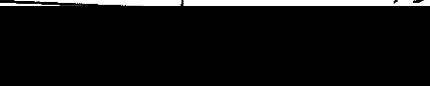
Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	25.01.2018
Capacity	THE APPLICANT

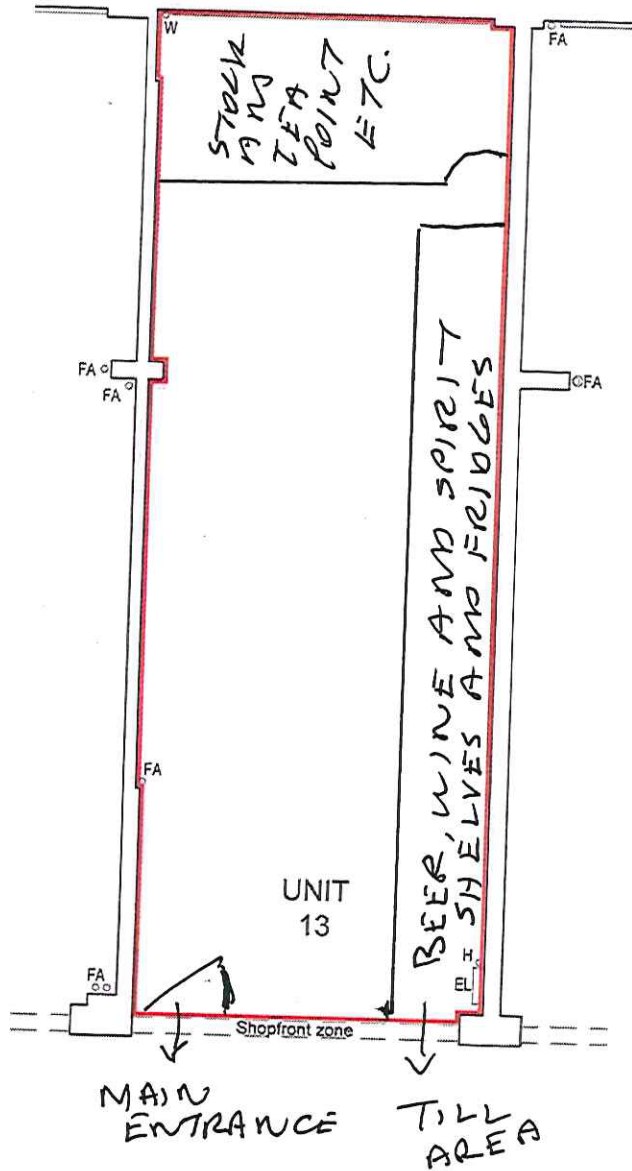
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 13) If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)	
REF: SF - PINAR OAKFIELD SOLICITORS UNIT 4 FOUNTAYNE BUSINESS CENTRE BROAD LANE	
Post town LONDON	Post code N15 4AG
Telephone number (if any)	

If you would prefer us to correspond with you (optional)
[Redacted]

Appendix 2



KEY

- C - Incoming Communication duct.
- E - Incoming Electricity supply
- EL - Electricity supply head (assumed) in cupboard.
- FA - Cast iron drainage pipe from above with access plate.
- H - Incoming water supply.
- W - Soil or waste water connection in floor.

Ben Johnson Road



Authorised Signatory
 legal Services - Business Manager
 02071925
 N



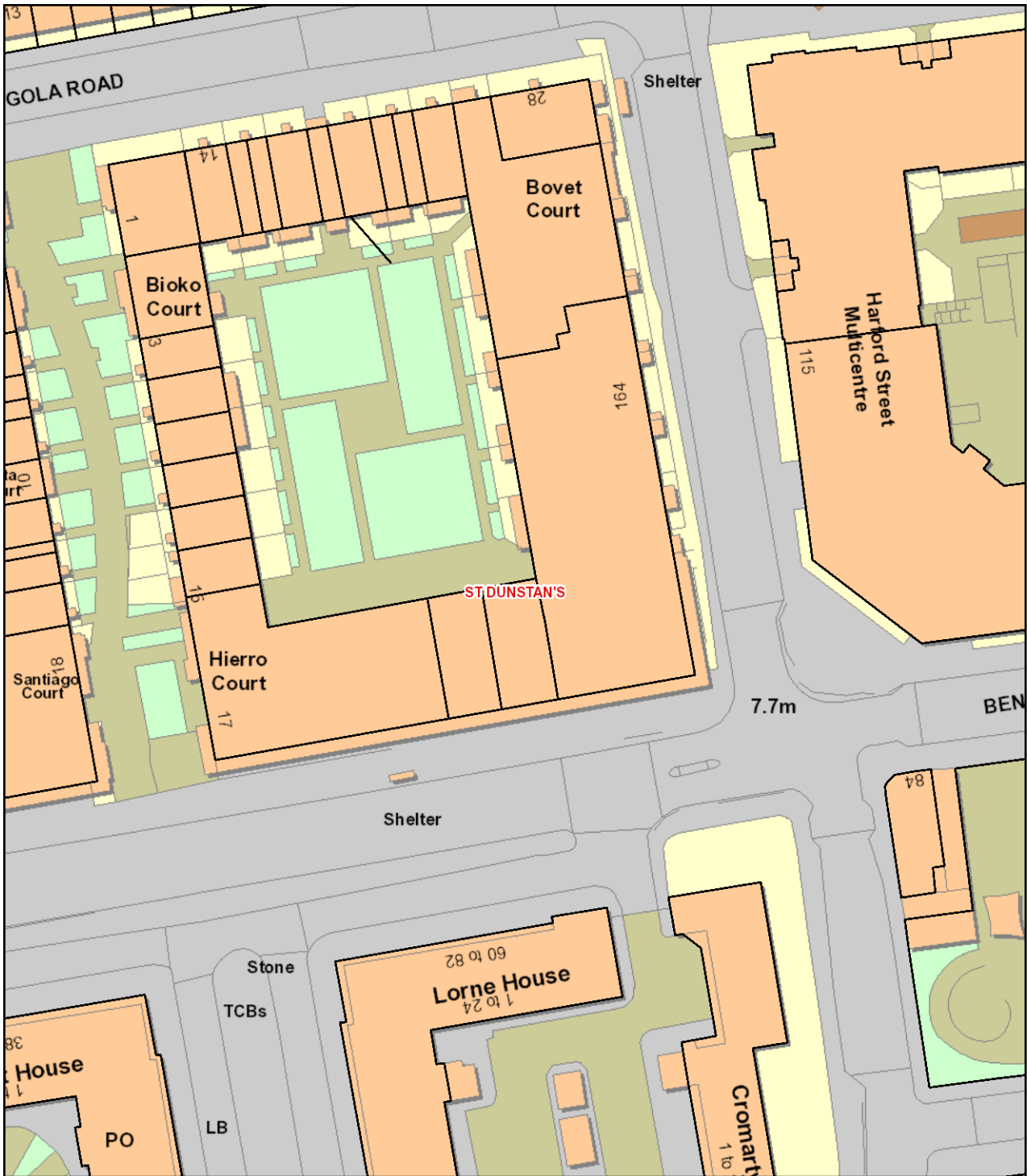
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GVA
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08449 02 03 04
 65 Gresham Street, London, EC2V 7NQ
 www.gva.co.uk

Project Name UNIT 13, Ben Johnson Road, London, E1 4QH	Scale 1:100	Drawn RV	Checked CC	Date 31 July 2017
Client London Borough of Tower Hamlets	Project No 028720588			
Drawing Title UNIT 13 - DEMISE PLAN	Drawing No Plan 2		Rev. A4	

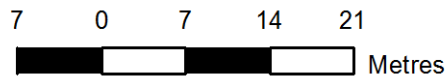
Appendix 3



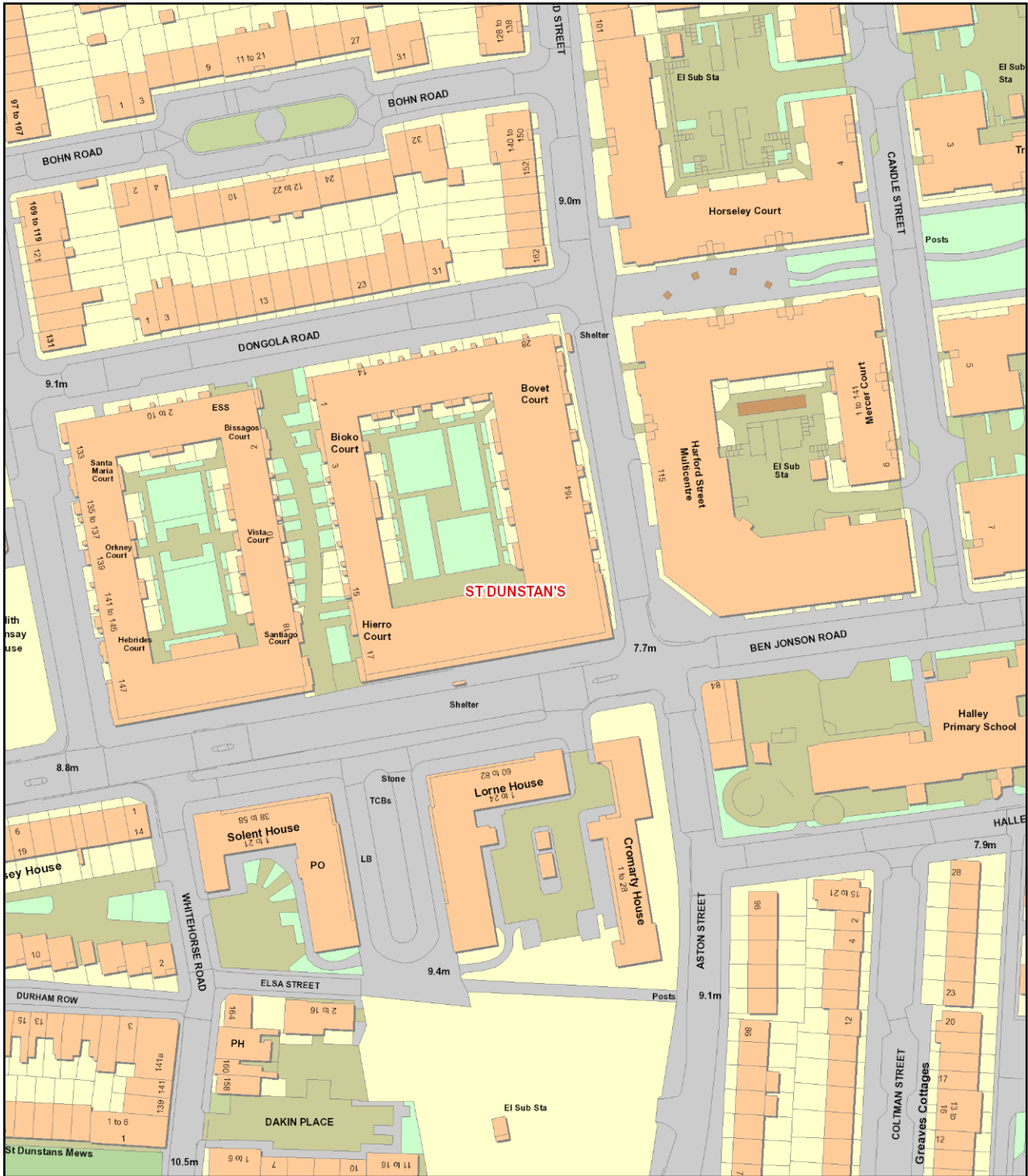
71 Ben Johnson Rd



Scale 1:769



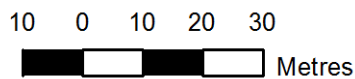
Produced by London Borough of Tower Hamlets on 20/03/2018. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



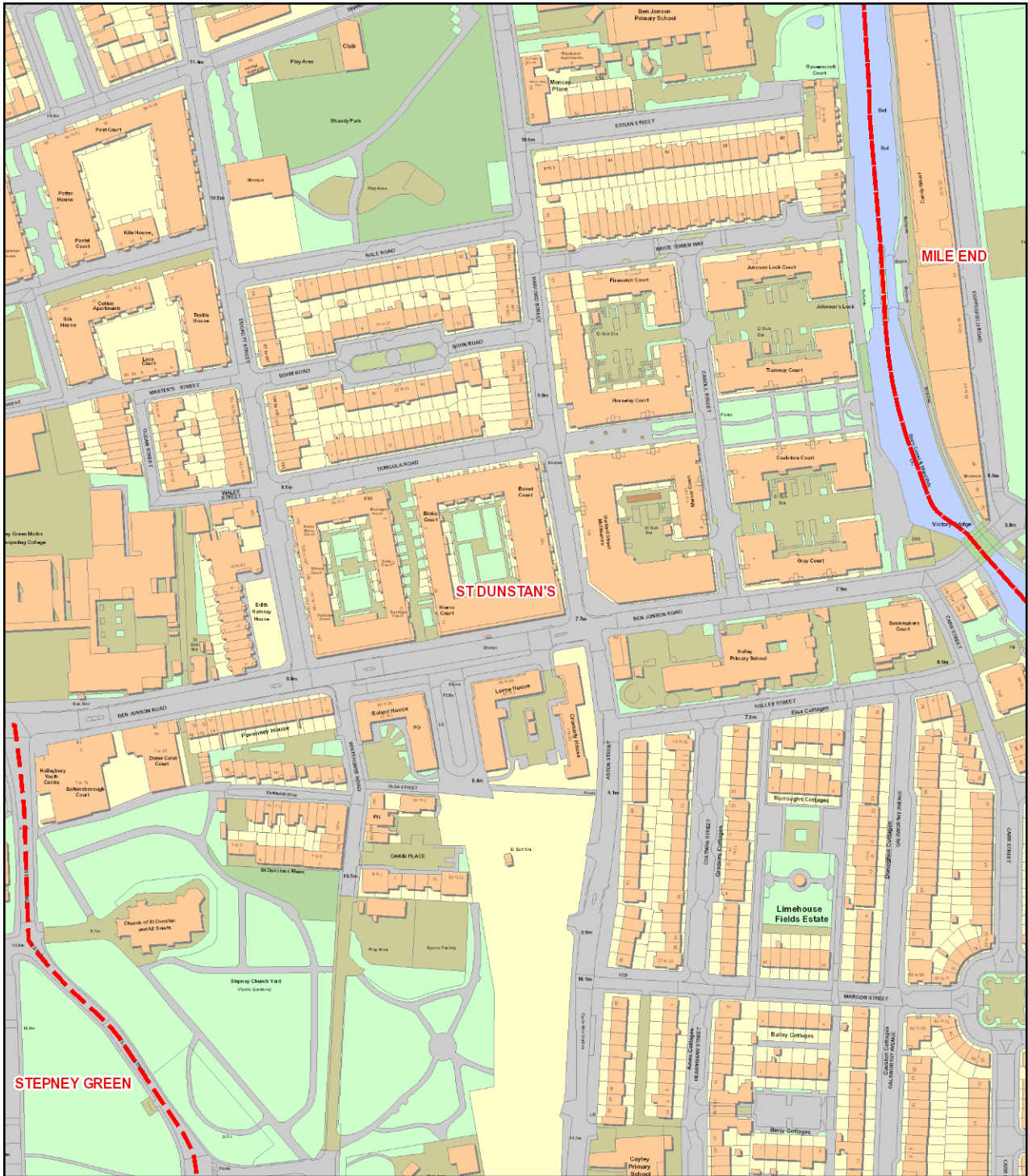
71 Ben Johnson Rd



Scale 1:1537



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71 Ben Johnson Rd



Scale 1:3074

25 0 25 50 75



Metres



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Appendix 4

Food & Wine Mini Market

Name and address	Licensable activities and hours	Opening hours
<p>(Co-operative Group Ltd) Co-op Welcome 193-197 Mile End Road London E1 4AA</p>	<p><u>The sale by retail of alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> • Monday to Saturday 06:00 until 23:00 • Sundays 10:00 to 22:30 <p><u>Late Night Refreshment</u></p> <ul style="list-style-type: none"> • Friday and Saturday until midnight 	<p>Monday to Sunday from 00:00 hours to 23:59 hours (24 hours)</p>
<p>(Sainsbury's) 3-5 Globe Road London E1 4DT</p>	<ul style="list-style-type: none"> • The sale by retail of alcohol (Off sales only) • Monday to Sunday from 07:00hrs to 23:00hrs 	<p>There are no restrictions on the opening hours of the premises</p>
<p>(Tesco Stores Ltd) 657 Commercial Road London E14 7LW</p>	<p><u>The sale by retail of alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 06:00 hours to 23:00 hours 	<p>Monday Sunday from 06:00 hours to 23:00 hours</p>

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

David Kennedy
Local Resident,

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

February 20th, 2018

Kathy Driver
Principal Licensing Officer,
Licensing Section,
John Onslow House,
1 Ewart Place,
London,
E3 5EQ

Your reference: CLC/EHTS/LIC/106072

My reference: 180220_Representation regarding 71 Ben Jonson Road, E1 4SA

Dear Ms Driver,

I write regarding the letter you sent on January 26th 2018 in relation to Mr Erdal Pinar's application for a premises license for 71 Ben Jonson Road, E1 4SA

Mr Pinar has made an application to supply of alcohol in an off-premises capacity between the hours of 07:00 and 24:00 Monday to Sunday inclusive.

I wish to make a representation that these hours are too excessive and are inappropriate for the following reasons:

Precedent

There is no existing similar precedent for the hours requested nearby.

For example, the CoOp at E1 4AA is only authorised to sell alcohol until 23:00 Monday to Saturday inclusive and until 22:30 on Sundays. Sainsbury's at E1 4DT is only authorised to sell alcohol until 23:00 Monday to Sunday inclusive. Similarly Tesco at E14 7LW is only authorised to sell alcohol until 23:00 Monday to Sunday inclusive.

Prevention of Public Nuisance

Ben Jonson Road, and in particular the area surrounding the applicant's premises has a very high residential density in comparison to the Borough average. Ben Jonson Road is not a 'Neighbourhood Centre' or 'High Street' as defined in Tower Hamlets planning policy. Ben Jonson Road is a residential area, between the 'Neighbourhood Centres' of Commercial Road, Limehouse and Mile End Road, Stepney.

The precedent examples given above in fact relate to 'Neighbourhood Centres' or 'High Street' locations where the residential densities immediately adjacent to those premises are lower than those at Ben Jonson Road.

Of the existing commercial units at Ben Jonson Road, none are in-fact open past 23:00 Monday to Sunday inclusive.

Licensing hour restrictions– similar to, and possibly even less than the precedents given above would be appropriate in respect to Mr Pinar's off-license application to protect a large number of residents from the possibility and probability of public nuisance after 23:00.

Thank-you for your consideration,

Kind regards,

David Kennedy.

Appendix 7

[REDACTED]
19/2/2018

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

Dear Sirs

Re: Objection to Premises Licence for Unit 13, 71 Ben Johnson Rd

I saw a notice on the window of Unit 13 regarding the application which has been made for a premises licence for Unit 13, 71 Ben Johnson Road to sell alcohol from 7am to 12midnight.
On further investigation I notice that the person applying for a licence appears to be the same individual mentioned in a previous application in 2009 which made for very alarming reading.

I live in Grand Union Place (GUP), off Ben Johnson Road, and several years ago we had huge problems with one of the shops selling alcohol to underage youths, who also reportedly from the shop had spirits into other bottles to disguise what it was. As a result we had a lot of Anti-Social Behaviour (ASB) and crime. The police were involved and the shop eventually had its licence revoked and as a consequence the underage drinking problem on GUP diminished.

It is well documented that crime is often fuelled by alcohol and/or drugs. Given the current problems with ASB throughout the estate of GUP, which we (Grand Union Place Residents Association (GUPRA)) are working hard with the Police, Council and Housing Managers to address, we most certainly do not want to see alcohol readily available right on our doorstep to add into the mix.

There is also the problem of unacceptable noise from 7am till the early hours, not to mention the littering of alcohol bottles, as the youths would not go home to drink alcohol where it is forbidden but would find other places eg GUP or Shandy Park.

My other concern is the large Secondary schools and Sixth form colleges in close proximity which could lead to young people trying to obtain alcohol illegally.

Sainsbury's at the top of Harford Street does sell alcohol but with a large Supermarket chain they would have strict rules which are more easily enforced.

For the reasons stated above I therefore wish to raise an objection to this licence being granted.

Thankyou and I await your response.

Regards

[REDACTED]
Margaret Fisher
GUP resident and GUPRA Chair

LBTH
TRADING STANDARDS
20 FEB 2018
LICENSING

Appendix 8

Objection to Premises Licence application for Unit 13, 71 Ben Jonson Road, London E1 4SA for extended hours of sale of alcohol for offsite consumption between 0700 to 2400

We are making a **representation** to object to the above Premises Licence application to operate for additional hours from 0700 to 1000 and 2300 to 2400 based on the following concerns:

1. The outlet is located next to and within solely residential accommodation.
2. Where alcohol is provided for such an extended period, the possibility of inappropriate and anti-social behaviour and crime is substantially increased.

My name is Zakaria Hussain, my address is [REDACTED] London, E1 [REDACTED] and myself and the undersigned are making representation for the aforementioned objection.

I am happy to be contacted and will be available to be spokesperson for the signatories of the representation. My **signature** is at the bottom of the document. [REDACTED]

Zaynab ([REDACTED] House)

Shuhin ([REDACTED] House)

Dhruvi ([REDACTED] House)

James ([REDACTED] House)

Ripa begum ([REDACTED] House)

Samir ([REDACTED] House)

Ibrahim ([REDACTED] House)

Tahmid ([REDACTED] House)

Shafia ([REDACTED] House)

Jackie Joseph ([REDACTED] House)

Runa ([REDACTED] House)

Nurul ([REDACTED] House)

Hassan ([REDACTED] House)

Abdur Rauf ([REDACTED] House)

Nazma ([REDACTED] House)

Islam uddin ([REDACTED] House)

Mimmo ([REDACTED] House)

Teddy ([REDACTED] House)

Kadir Ahmed ([REDACTED] House)

Zahra Wasamad ([REDACTED] House)

Objection to Premises Licence application for Unit 13, 71 Ben Jonson Road, London E1 4SA for extended hours of sale of alcohol for offsite consumption between 0700 to 2400

We are making a **representation** to object to the above Premises Licence application to operate for additional hours from 0700 to 1000 and 2300 to 2400 based on the following concerns:

1. The outlet is located next to and within solely residential accommodation.
2. Where alcohol is provided for such an extended period, the possibility of inappropriate and anti-social behaviour and crime is substantially increased.

Runina Begum ([REDACTED] House)

Helal ([REDACTED] House)

Maryam ([REDACTED] House)

Dan ([REDACTED] House)

Dan Chatfield ([REDACTED] House)

David ([REDACTED] House)

Abdul Shohid ([REDACTED] House)

Poppy ([REDACTED] House)

Azizur Rahman ([REDACTED] House)

Bibi Mehzabin ([REDACTED] House)

Monjur Ahmed ([REDACTED] House)

Bibi ([REDACTED] House)

Shazna ([REDACTED] House)

Emran ([REDACTED] House)

Anwara khatun ([REDACTED] House)

Rasna ([REDACTED] House)

Paul ([REDACTED] House)

Abdur Razak ([REDACTED] House)

Jakir Ali ([REDACTED] House)

Kais ([REDACTED] House)

Benjamin Rimmer ([REDACTED] House)

Objection to Premises Licence application for Unit 13, 71 Ben Jonson Road, London E1 4SA for extended hours of sale of alcohol for offsite consumption between 0700 to 2400

We are making a **representation** to object to the above Premises Licence application to operate for additional hours from 0700 to 1000 and 2300 to 2400 based on the following concerns:

1. The outlet is located next to and within solely residential accommodation.
2. Where alcohol is provided for such an extended period, the possibility of inappropriate and anti-social behaviour and crime is substantially increased.

Zed Begum ([REDACTED] House)

Asma ([REDACTED] House)

Mahdian ([REDACTED] House)

Habbibur Rahman ([REDACTED] House)

Aysha ([REDACTED] House)

Sherina Begum ([REDACTED] House)

Irfan Ali ([REDACTED] House)

Shahanara ([REDACTED] House)

Koysur Ahmed ([REDACTED] House)

Nazir ([REDACTED] House)

Sheikh ([REDACTED] House)

Rasheda Choudhury ([REDACTED] House)

Daisy ([REDACTED] House)

Siddique Miah ([REDACTED] House)

Mohammed Abul Kalam ([REDACTED] House)

Jairaj ([REDACTED] House)

Tony ([REDACTED] House)

Amina Begum ([REDACTED] House)

Susan Siddique ([REDACTED] House)

Hayley Chilvers ([REDACTED] House)

Ben ([REDACTED] House)

Objection to Premises Licence application for Unit 13, 71 Ben Jonson Road, London E1 4SA for extended hours of sale of alcohol for offsite consumption between 0700 to 2400

We are making a **representation** to object to the above Premises Licence application to operate for additional hours from 0700 to 1000 and 2300 to 2400 based on the following concerns:

1. The outlet is located next to and within solely residential accommodation.
2. Where alcohol is provided for such an extended period, the possibility of inappropriate and anti-social behaviour and crime is substantially increased.

Shamsuna ([REDACTED] House)

Julie Din ([REDACTED] House)

Mithu Rahman ([REDACTED] House)

Anthony ([REDACTED] House)

Rumana Begum ([REDACTED] House)

Vaida Brusokaite ([REDACTED] House)

Afia Begum ([REDACTED] House)

Surya ([REDACTED] House)

Kakuli Begum ([REDACTED] House)

Rina Begum ([REDACTED] House)

Babu ([REDACTED] House)

Moyrun ([REDACTED] House)

Yuan ([REDACTED] House)

Lacki ([REDACTED] House)

Musleh Uddin ([REDACTED] House)

George Brace ([REDACTED] House)

Rupna Bibi ([REDACTED] House)

Abid ([REDACTED] House)

Nicolina ([REDACTED] House)

Theresa Brace ([REDACTED] House)

Lu ([REDACTED] House)

Objection to Premises Licence application for Unit 13, 71 Ben Jonson Road, London E1 4SA for extended hours of sale of alcohol for offsite consumption between 0700 to 2400

We are making a **representation** to object to the above Premises Licence application to operate for additional hours from 0700 to 1000 and 2300 to 2400 based on the following concerns:

1. The outlet is located next to and within solely residential accommodation.
2. Where alcohol is provided for such an extended period, the possibility of inappropriate and anti-social behaviour and crime is substantially increased.

Hussain ([REDACTED] House)

Zakir ([REDACTED] House)

Rumena ([REDACTED] House)

Tessa Paul ([REDACTED] House)

Hussain Imran ([REDACTED] House)

Mohammed Shams Uddin ([REDACTED] House)

Mrs Maureen Anderson ([REDACTED] House)

Mohammed Abdul Gafur ([REDACTED] House)

Flavio Foa ([REDACTED] House)

Abdul Rakib ([REDACTED] House)

Abdul Bashir ([REDACTED] House)

Alan ([REDACTED] House)

Reema ([REDACTED] House)

Jahedul ([REDACTED] House)

Rumi ([REDACTED] House)

Ellen ([REDACTED] House)

Dulla mama ([REDACTED] House)

Noman ([REDACTED] House)

George Rosario ([REDACTED] House)

Megan Norris ([REDACTED] House)

Adeem Zubair ([REDACTED] House)

Objection to Premises Licence application for Unit 13, 71 Ben Jonson Road, London E1 4SA for extended hours of sale of alcohol for offsite consumption between 0700 to 2400

We are making a **representation** to object to the above Premises Licence application to operate for additional hours from 0700 to 1000 and 2300 to 2400 based on the following concerns:

1. The outlet is located next to and within solely residential accommodation.
2. Where alcohol is provided for such an extended period, the possibility of inappropriate and anti-social behaviour and crime is substantially increased.

Hasnat ([REDACTED] House)

Shumel ([REDACTED] House)

Shaida ([REDACTED] House)

Paris ([REDACTED] House)

Rukshana ([REDACTED] House)

Nipa ([REDACTED] House)

Tasim ([REDACTED] House)

Parvez ([REDACTED] House)

Monzul ([REDACTED] House)

Mahmud ([REDACTED] House)

Vivien ([REDACTED] House)

Mamum Bhai ([REDACTED] House)

Elian ([REDACTED] House)

Jane Morris ([REDACTED] House)

Billie Hall ([REDACTED] House)

Pablu ([REDACTED] House)

Malcolm ([REDACTED] House)

Amena Begum ([REDACTED] House)

Helal ([REDACTED])

Asif ([REDACTED] House)

Modud ([REDACTED] House)

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2. Where alcohol is provided for such an extended period, the possibility of inappropriate and anti-social behaviour and crime is substantially increased.

Rajib ([REDACTED] House)

Naiara ([REDACTED] House)

Tony Benjamin ([REDACTED] House)

Ainoune ([REDACTED] House)

Lutfur ([REDACTED] House)

Nemo ([REDACTED] House)

Robert Hatt ([REDACTED] House)

Abu Miah ([REDACTED] House)

Hafsa ([REDACTED] House)

Begum ([REDACTED] House)

Shirley Clifford ([REDACTED] House)

Shofiqun Nessa Chourdhury ([REDACTED] Street)

Shahera khatun ([REDACTED] Street)

Sonu ([REDACTED] Street)

Jamie ([REDACTED] Street)

Ahmal ([REDACTED] Street)

Mohammed Salam ([REDACTED] House)

Jalal ([REDACTED] Street)

Jamila Begum ([REDACTED] Street)

Foysal ([REDACTED] Street)

Ruksana Sultana ([REDACTED] Street)

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2. Where alcohol is provided for such an extended period, the possibility of inappropriate and anti-social behaviour and crime is substantially increased.

Fatima ([REDACTED] Street)

Rofikun Nessa ([REDACTED] Street)

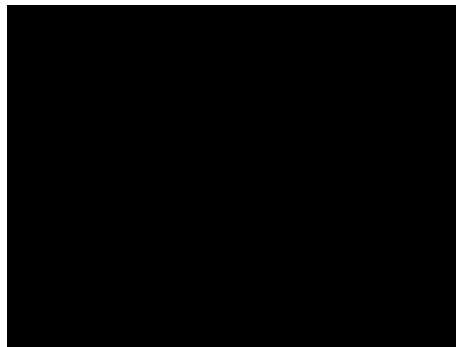
A Kearney ([REDACTED] Street)

Imran ([REDACTED] Street)

Shaena Parvin ([REDACTED] Street)

Anna Keating ([REDACTED] Street)

Abu bakr ([REDACTED] Street)



Appendix 9

Mohshin Ali

From: Kevin Maple
Sent: 20 February 2018 13:39
To: [REDACTED] oakfieldsolicitors [REDACTED]
Cc: 'erdal_pinar [REDACTED]'; Licensing
Subject: New Premises License Application for Food & Wine Mini Market Unit 13, 71 Ben Jonson Road, London - ref M/106072. Your ref: SF-PINAR
Attachments: Challenge 25.docx

Dear Sinan

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

Trading Standards is one of the "responsible authorities" and as such we can make representations to the licensing authority in relation to their 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 Client's application in which they describe the additional steps that they will take to promote the Licensing objectives. Their comments that relate to the 'protection of children from harm' are stated as follows:

e) The protection of children from harm

- THE APPLICANT WILL ~~ASK~~ ANY RECOMMENDATION SIBLE AUTHORITIES
- STAFF TRAINING ARE BE IN PLACE
- THE APPLICANT WILL STAFF TO NOTE ANY YOUNG PEOPLE IN A

Considering the above I would be grateful if your client would consider adopting 'Challenge 25' so that they have a robust procedure in place to prevent underage sales. Please find further details of 'Challenge 25' attached.

Please let me know if your client is willing to adopt this policy and if so are they willing for the 'Challenge 25' policy to be made a voluntary condition of their 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 your client with support materials to assist in the adoption 'Challenge 25' – please refer to the attached leaflet for further details.

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

Best regards,

Kevin Maple
Consumer Services Officer

Tower Hamlets Trading Standards



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

Challenge 25

Guidance for those applying or varying a premises licence to sell alcohol

The licensing Act 2003 introduced mandatory conditions on every alcohol licence, including one that requires all premises to have a policy to prevent underage sales.

Although there is a minimum policy for premises to adopt, Tower Hamlets Council would like you to go further and recommends that you operate a 'Challenge 25' policy. This will ensure you have a robust procedure in place to help you & your staff avoid selling alcohol to children and under-aged persons.

What is Challenge 25?

Challenge 25 is a scheme that encourages anyone who is over 18 but looks under 25 to carry acceptable ID when they want to buy alcohol

Why Challenge 25?

Alcohol consumption during any stage of childhood can have a harmful effect on a child's development. Alcohol use during the teenage years is related to a wide range of health and social problems, and young people who begin drinking before the age of 15 are more likely to experience problems related to their alcohol use.

Remember:

- Illegal sales often result in antisocial behaviour
- Antisocial behaviour has a negative impact on the local community
- People who start drinking when young find it harder to give up and are more likely to suffer long term ill health
- The owner of a business could be prosecuted and fined if an illegal sale takes place
- You may receive a fixed penalty notice or lose your licence if you or any of your staff sell alcohol to an under-age customer.

How do you operate Challenge 25?

Challenge 25 simply requires that every person buying an age restricted product such as alcohol & tobacco and who look under the age of 25, is challenged to produce a valid ID.

In order to adopt Challenge 25, organisations are asked to consider taking the following steps:

- Introduce a 'No ID No Sale' policy for anyone who look under the age of 25
- Display posters to advertise your proof of age policy in a prominent place
- Set up a 'prompt' on your till to remind staff to ask for proof of age when selling age-restricted products e.g. EPoS or till prompt stickers
- If you or your staff refuse a sale, record this in the refusals book (**see overleaf for more information**)
- Make sure staff are fully trained and their training is monitored and record details in the training record book (**see overleaf for more information**)
- Do not sell to a child even if they say the product is for a parent or other adult
- If you sell tobacco ensure the statutory notices are prominently displayed.
- Display posters to make adults aware that they may be fined for buying restricted items for young people (**a proxy sale**). You have the right to refuse to sell to them if you are suspicious.

Posters, refusal & training record books, till prompt stickers, and statutory notices can be supplied to you free of charge - see contact details overleaf

ID for Proof of age

Be clear about what ID is acceptable. It is important to ensure that the ID card belongs to the person using it and you need to see that person's age or date of birth. We recommend that you only accept cards with a photograph and a date of birth.

Passports and driving licences are acceptable but remember that a person can have a driving licence from the age of 17.

Be aware of fake ID – The Home Office has produced [guidance](#) for retailers to help them understand how to spot fake ID. Staff should be trained about the types of ID that are acceptable and how to spot fake ID.

It is recommended to accept ID cards that include the [PASS](#) (Proof of Age Standards Scheme) holographic logo, which will also show a photograph and date of birth. The hologram is forge-proof and recognisable. Nationally recognised PASS cards are CitizenCard & VALIDATE UK.

Refusals book

When you or a staff member refuses a sale keep a record of the incident in the refusal book. This shows us that your business is serious about avoiding sales to young people.

You should monitor the refusals book to ensure that all staff are using it. If there are no entries, or very few by certain staff, this could indicate their reluctance to challenge people about their age and can help identify if extra training or support is needed.

Training and support for staff

It is important that you make sure all staff selling age-restricted products receives regular training. That means not just new starters but all staff should receive refresher training periodically.

Please make sure your staff know:

- What the age limits are for the age restricted products you sell
- What acceptable photo ID looks like
- How to check ID photographs to ensure they belong to the customer
- They operate a Challenge 25 policy – include age perception as part of training

Keep records of training and instructions given to staff. Staff should sign a record to confirm that they have understood the training.

You should also regularly monitor staff to check how they are dealing with age restricted products. Some may lack confidence in asking for proof of age.

Further information

We can supply you with **posters, refusal & training record books, statutory notices** and training materials free of charge.

Call **Trading Standards 020 7364 5008** or email tradingstandards@towerhamlets.gov.uk

Appendix 10

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 10.1 of the Licensing Policy**). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.10**).

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

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

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 11

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 12

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 13

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 14

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 15

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	11 April 2018	Unclassified		

Report of: David Tolley Head of Environmental Health and Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a variation of a premises licence for (Super Kebab), 240 Cambridge Heath Road, London, E2 9DA Ward affected: St Peter's
--	---

1.0 Summary

Applicant: **Paradise Organic Ltd**

Name and **Super Kebab**

Address of Premises: **240 Cambridge Heath Road
London
E2 9DA**

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

- **To extend the hours for the provision of late night refreshment**

Representations: **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

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

Mohshin Ali
020 7364 5409

3.0 **Background**

- 3.1 This is an application for a variation of a premises licence for Super Kebab, 240 Cambridge Heath Road, London E2 9DA.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.
- 3.3 The Premises Licence was originally granted in August 2007.
- 3.4 A Premises Licence Transfer was received in January 2018, at the same time as this variation application was submitted, to transfer the licence into the name of Paradise Organic Limited (Director - Mr Niyazi Kaya).
- 3.5 The timings of the existing licence are detailed below:

The Provision of Late Night Refreshment

- Sunday – Thursday 23:00 hours to 00:00 hours (midnight)
- Friday – Saturday 23:00 hours to 01:00 hours

The opening hours of the premises

- Sunday – Thursday 11:30 hours to 00:00 hours (midnight)
- Friday – Saturday 11:30 hours to 01:00 hours

- 3.6 A copy of the variation application is enclosed as **Appendix 2**.
- 3.7 The applicant has described the nature of the variation as follows:
“To extend the existing hours”
- 3.8 The timing applied for are:

The provision of Late Night Refreshment

Sunday to Wednesday 23:00 hours to 02:00 hours
Thursday to Saturday 23:00 hours to 04:00 hours

Opening Times:

Sunday to Wednesday 11:30 hours to 02:00 hours
Thursday to Saturday 11:30 hours to 04:00 hours

- 3.9 The Police requested the reduction of one hour for licensable activities and opening hours on Thursday to Saturday from 05:00 hours to 04:00 hours. This was agreed with the applicant. **(Appendix 3)**
- 4.0 **Location and Nature of the premises**
- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 Maps showing the vicinity are included as **Appendix 4**.

4.3 Details of the nearest licensed venues are included as **Appendix 5**.

5.0 Licensing Policy and Government Advice

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

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

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

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

6.0 Representations

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

6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

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

6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.

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

- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by a local resident:
- Mary Martin (**Appendix 7**)
- 6.9 The applicant's agent attempted to mediate with this resident. A copy of the letter sent is attached in **Appendix 8**. No response has been received from the resident to date.
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance.
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 No additional conditions volunteered. The only existing condition in Annex 2 of the licence is:
CCTV to be maintained and recordings kept for minimum of 30 days

8.0 Conditions in consultation with the responsible authorities/other person

None

9.0 Licensing Officer Comments

- 9.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

9.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)

- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

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

9.8 In **Appendices 9 - 16** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the existing licence
Appendix 2	A copy of the variation application
Appendix 3	Police Agreement to hours
Appendix 4	Maps showing vicinity of venue
Appendix 5	Details of nearest licensed venues
Appendix 6	Relevant, vexatious and frivolous representations
Appendix 7	Representation of Mary Martin
Appendix 8	Copy of mediation letter
Appendix 9	Section 182 Advice regarding crime and disorder
Appendix 10	Licensing Policy Advice on crime and disorder
Appendix 11	Licensing Officer comments on ASB from patrons leaving the premises
Appendix 12	Licensing Officer comments on ASB on the premises
Appendix 13	Section 182 Advice on Public Nuisance
Appendix 14	Licensing Policy advice on Public Nuisance
Appendix 15	Planning
Appendix 16	Licensing Policy relating to hours of trading

Appendix 1


**(Troy Kebab)
240 Cambridge Heath Road
London
E2 9DA**

Licensable Activities authorised by the licence

The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 17th August 2007



Part A - Format of premises licence

Premises licence number

[Redacted]

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description (Troy Kebab) 240 Cambridge Heath Road	
Post town London	Post code E2 9DA
Telephone number [Redacted]	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities
Sunday, Monday, Tuesday, Wednesday, Thursday until midnight
Friday and Saturday until 01:00 hours the following day

The opening hours of the premises
Sunday, Monday, Tuesday, Wednesday, Thursday from 11:30 hrs to midnight
Friday and Saturday from 11:30 hours to 01:00 hours the following day

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Not applicable

Part 2

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

██████████
240 Cambridge Heath Road
London
E2 9DA

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

██████████

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

Not applicable

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

Not applicable

Annex 1 - Mandatory conditions

None applicable

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV to be maintained and recordings kept for minimum of 30 days.

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

Not applicable

Annex 4 - Plans

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

12th June 2007



Part B - Premises licence summary

Premises licence number

██████████

Premises details

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

(Troy Kebab)
240 Cambridge Heath Road

Post town

London

Post code

E2 9DA

Telephone number

██████████

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities	Sunday, Monday, Tuesday, Wednesday, Thursday until midnight Friday and Saturday until 01:00 hours the following day
The opening hours of the premises	Sunday, Monday, Tuesday, Wednesday, Thursday from 11:30 hrs to midnight Friday and Saturday from 11:30 hours to 01:00 hours the following day
Name, (registered) address of holder of premises licence	<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> 240 Cambridge Heath Road London E2 9DA
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	Not applicable
Registered number of holder, for example company number, charity number (where applicable)	<div style="background-color: black; width: 100px; height: 15px;"></div>
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Not applicable
State whether access to the premises by children is restricted or prohibited	No restrictions

Appendix 2

Section 1 of 18

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

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

Is the applicant:

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

Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

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

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

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

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent 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 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

5,500

Section 3 of 18

VARIATION

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

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

Extension of hours. Existing hours are Sunday to Thursday until midnight Friday and Saturday until 02:00
Requested hours are Sunday to Wednesday until 01:00 Thursday to Saturday until 05:00

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

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

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

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

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

N/A

Continued from previous page...

State any seasonal variations.

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

N/A

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

N/A

Section 13 of 18

SUPPLY OF ALCOHOL

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

- Yes No

Section 14 of 18

ADULT ENTERTAINMENT

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

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

N/A

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="11:30"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:30"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:30"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:30"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:30"/>	End	<input type="text" value="02:00"/>
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.

N/A

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

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

N/A

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

N/A

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

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

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

No further conditions proposed other than existing ones.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Section 17 of 18

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 18 of 18

PAYMENT DETAILS

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

Variation Fees are determined by the non-domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

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

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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

Appendix 3

Corinne Holland

From: Thomas.Ratican [REDACTED]
Sent: 16 February 2018 09:37
To: Licensing
Cc: [REDACTED]
Subject: Super Kebab, 240 Cambridge Heath Road
Attachments: LIC 70.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear all,

Please see the below correspondence re: alteration of closing time Thursday - Saturday from 0500 to 0400 as agreed with applicant and agents, Narts.

Regards

Tom

PC Thomas Ratican 235HT | Licensing Unit | Tower Hamlets Borough | Metropolitan Police Service | *Telephone [REDACTED]

* Email [REDACTED] *Address Bethnal Green Police Station, 12 Victoria Park Square, E2 9NZ

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

From: Ezgi Yildirim [REDACTED]
Sent: 14 February 2018 17:58
To: Ratican Tom - HT
Subject: re: Super Kebab, 240 Cambridge Heath Road

Dear Tom,

Thank you for for your agreement to the proposed hours.

Kind Regards,
Ezgi Yildirim
[REDACTED]

> Dear Sir/Madam,

Further to my conversation with Ezgi this morning in relation to opening times for the above premises:

Tower Hamlets Police Licensing have agreed the proposed closing time of 4am Thursday to Saturday and 0200 Sunday to Thursday.

Kind regards

Tom

PC Thomas Ratican 235HT | Licensing Unit | Tower Hamlets Borough | Metropolitan
Police Service |
(Telephone [REDACTED] |
: Email [REDACTED]
+Address Bethnal Green Police Station, 12 Victoria Park Square, E2 9NZ

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Twitter: @metpoliceuk <

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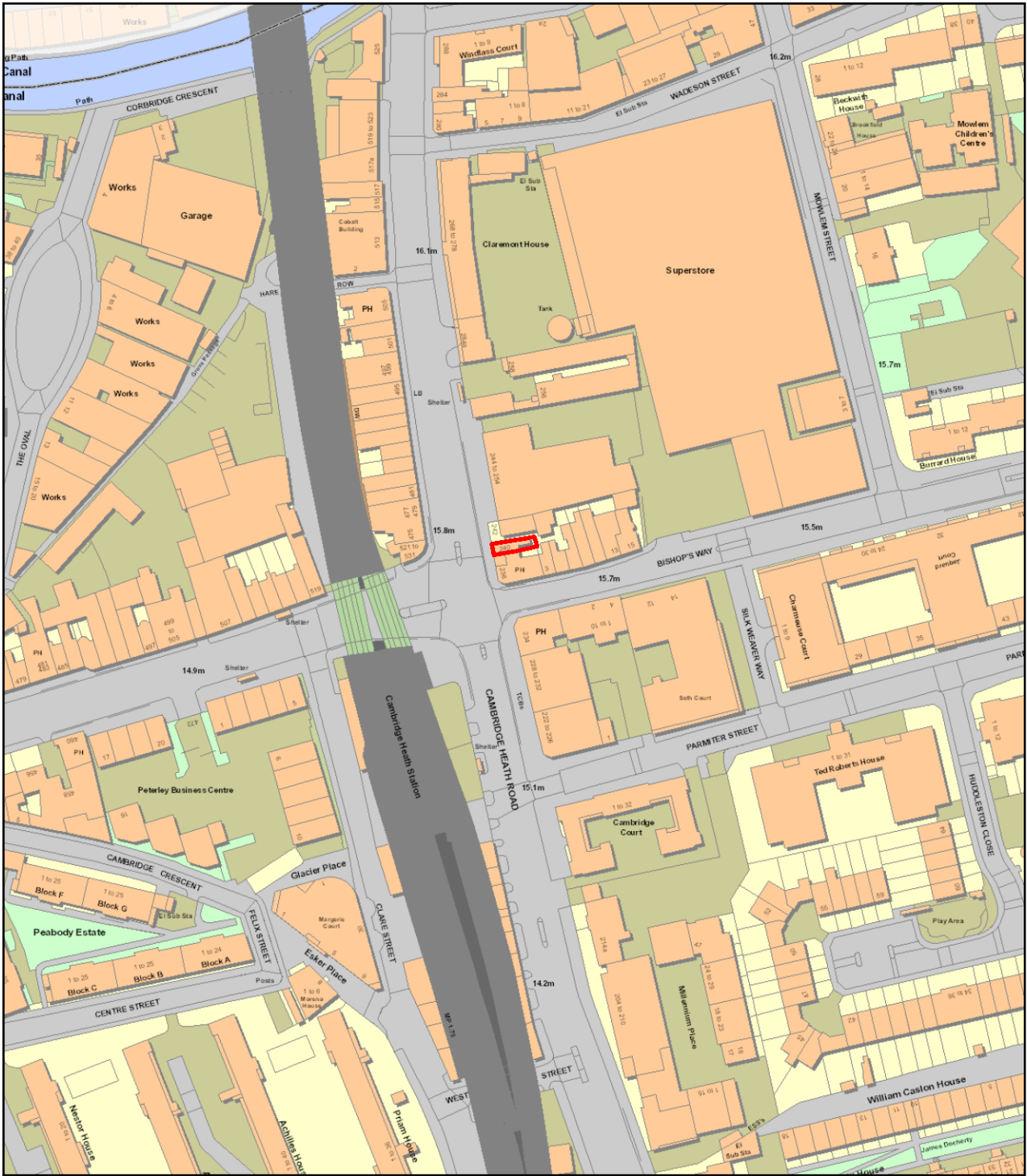
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Appendix 4



240 Cambridge Heath Road

Map 1



Scale 1:1943

10 0 10 20 30

Metres



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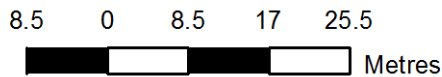


240 Cambridge Heath Road

Map 2



Scale 1:971



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Appendix 5

Premises name and address	Licensable Activities and Hours	Opening Hours
<p>(Shop N Save) 475-477 Cambridge Heath Road</p>	<p><u>The sale of alcohol (off sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 08:00hrs to 24:00hrs (midnight) • Thursday to Saturday from 08:00hrs to 01:00hrs (the following day) 	<ul style="list-style-type: none"> • Monday to Saturday from 06:00hrs to 02:00hrs (the following day) • Sunday from 08:00hrs to 02:00hrs (the following day)
<p>(The Café Chantant) Arch 300 Cambridge Heath Road</p>	<p><u>The Supply of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Monday to Saturday from 12:00hrs (midday) to 22:30hrs • Sunday from 12:00hrs (midday) to 21:30hrs <p><u>The Provision of Regulated Entertainment in the form of Live Music (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 19:00hrs to 21:00hrs • Friday and Saturday from 19:00hrs to 22:00hrs 	<ul style="list-style-type: none"> • Monday to Saturday from 07:00hrs to 23:00hrs • Sunday from 08:00hrs to 22:00hrs
<p>(Venue 299) Railway Arches 298 - 299 Cambridge Heath Road</p>	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Sunday to Wednesday, from 10:00 hours to 23:00 hours • Thursday, from 10:00 hours to 23:30 hours • Friday and Saturday, from 10:00 hours to 00:30 hours the following day <p>The provision of late night refreshment - Indoors and outdoors</p> <ul style="list-style-type: none"> • Sunday to Wednesday, from 23:00 hours to 23:00 hours • Thursday, from 23:00 hours to 23:30 hours • Friday and Saturday, from 23:00 hours to 00:30 hours the following day 	<ul style="list-style-type: none"> • Sunday to Wednesday, from 10:00 hours to 23:30 hours • Thursday, from 10:00 hours to 00:00 hours (midnight) • Friday and Saturday, from 10:00 hours to 01:00 hours the following day

	<p>The provision of regulated entertainment – Indoors <u>(Plays and Films. Recorded Music)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday, from 10:00 hours to 23:00 hours • Thursday, from 10:00 hours to 23:30 hours • Friday and Saturday, from 10:00 hours to 00:30 hours the following day <p><u>Live Music.</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday, from 12:00 hours to 23:00 hours • Thursday, from 12:00 hours to 23:30 hours • Friday and Saturday, from 12:00 hours to 00:30 hours the following day 	
<p>(Metropolis) 234 Cambridge Heath Road</p>	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Sunday, from 09:00 hours to 05:00 hours the following day <p>The provision of regulated entertainment <u>(Films and Live Music – Indoors)</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 09:00 hours to 05:00 hours the following day <p><u>(Recorded Music and Performance of Dance – Indoors and Outdoors)</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 09:00 hours to 05:00 hours the following day <p>The provision of late night refreshment – Indoors</p> <ul style="list-style-type: none"> • Monday to Sunday, from 23:00 hours to 05:00 hours the following day 	<ul style="list-style-type: none"> • Monday to Sunday, from 00:00 hours to 00:00 hours the following day

<p>(Cousins Snooker & Pool Club) First Floor 244 - 254 Cambridge Heath Road</p>	<p>The sale of alcohol</p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 23:00 hrs 	<ul style="list-style-type: none"> ▪ Monday to Sunday from 11:00 hours to 23:00 hrs
<p>(Al Amin) 483 Cambridge Heath Road</p>	<p>Alcohol may be sold or supplied: (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Appendix 6

**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 7

Kathy Driver

From: Mary Martin <[REDACTED]>
Sent: 12 February 2018 09:36
To: Licensing
Subject: Re: CLC/EHTS/LIC/106222 - SUPER KEBAB - 240 CAMBRIDGE HEATH RD

Follow Up Flag: Follow up
Flag Status: Completed

Further to your email, both details are stated, in the email, for your reference:

Address - resident at:

[REDACTED]
[REDACTED]

Name
Mary Martin

I consider that my concerns are in line with: the Licensing Act 2003, all representations must be about the likely effect of the grant of the premises licence on the promotion of one or more the following licensing objectives, those being:

- Increased crime & disorder, already an issue in the area
- public nuisance, from increased footfall, loitering & littering
- the premises customer base includes school children, I think all would agree the establishment is not a positive influence
- public safety once again from customers loitering & littering - note the area outside the establishment is very narrow, next to traffic lights on an extremely busy road

M Martin

I am a resident of [REDACTED], any increase in hours & or licensing to Super Kebab, will be a further blight on the quality of our living standards & that of the neighbourhood as follows:

Extractor fan - a bedroom faces the rear of the premises & the extractor can be heard, whilst operational

Increased refuse - the establishment creates a lot of waste products, none of which is recyclable, customers regularly dispose of rubbish on Bishops Way. To my knowledge the establishment make no attempt to deal with this currently

Increased antisocial behaviour/noise pollution - our bedroom faces onto Bishops Way customers regularly sit in cars outside our property, late at night, consuming food from the premises, creating noise pollution & further refuse

M Martin

On 12 Feb 2018, at 09:06, Licensing <Licensing@towerhamlets.gov.uk> wrote:

Thank you for your email. Unfortunately, your email does not meet the legal criteria to be valid as your full details and address need to be provided.

Under the Licensing Act 2003, all representations must be about the likely effect of the grant of the premises licence on the promotion of one or more the following licensing objectives:

- . the prevention of crime and disorder
- . the prevention of public nuisance
- . public safety
- . the protection of children from harm

If the representations are not resolved then the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. If you do make a valid representation, the Council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (address redacted) and the applicant is entitled to a full, un-redacted copy of your representation

Please note that the last date for the Licensing Authority to receive representations is 5th March 2018. Representations should be sent to licensing@towerhamlets.gov.uk . In the meantime, you can find further information on our website:

<http://www.towerhamlets.gov.uk/representation>

If I can be of any further help, do not hesitate to contact me.

Regards,

Kathy Driver
Principal Licensing Officer

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

Please note:

Meetings with Licensing Officers are by prearranged appointment only.

Tel: XXXXXXXXXX
Fax: 020 7364 0863
Hotline: 0207 364 5008

General email:licensing@towerhamlets.gov.uk

See our regular licensing news pages at www.towerhamlets.gov.uk/licensing

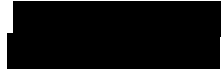
Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

Appendix 8



Helping Turkish & Kurdish individuals in food & leisure businesses to protect themselves, their customers, and reputation of their business since 2006

Licensing Department
53 Stoke Newington High Street
London N16 8EL



09 March 2018

Dear Resident,

I am writing this letter in respect of your objection regarding to the Premises Licence application we have submitted on behalf of Super Kebab.

I have spoken to the client regarding to your concerns, The client has stated as follows:

- We are running this business less than 3 months, When we took over the business we have made a huge clearance inside. The hygiene rating was 1 by then and we have recently got 5. We are doing our best to keep the business and around as clean as possible. We will display signs indicating for customers to leave quietly and place their litters in to the bins provided outside the premises.
- Our extractor fan system has been installed inside the premises which causes no disturbance to neighbours due to noise or odour.
- The Client is more than happy to discuss all your concerns at the premises any time you wish, and he is willing to make any changes with your recommendations.

We kindly request you to reconsider your objection, and you can directly contact us or the client for any further assistance.

Yours Sincerely,



Aysen Ipek Kilic
Licensing Consultant



10th Years Celebration at NART

Appendix 9

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

Updated April 2017

Crime and disorder

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

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

Appendix 10

Crime and Disorder – Licensing Policy, updated March 2015

- 6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 200. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
 - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

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

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

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

Smuggled goods

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

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

I. Seller's name and address

II. Seller's company details, if applicable

III. Seller's VAT details, if applicable

IV. Vehicle registration detail, if applicable

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

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

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

Appendix 11

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 12

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 13

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 14

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 15

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 16

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	11 April 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application for time limited Premises Licence for Weavers field, London E2 Ward affected: St Peters
--	--

1.0 Summary

Applicant: **LB Tower Hamlets**
Name and **Boishakhi Mela Event**
Address of Premises: **Weavers Field**
London E2

Licence sought: **Licensing Act 2003**
Time Limited for 1st July 2018 only
Provision of regulated entertainment

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

Section 182 Guidance
LBTH Licensing Policy
File Only

Kathy Driver
020 7364 5171

3.0 **Background**

3.1 This is an application for time limited premises licence for 1st July 2018 for Weavers Field, London E2

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

3.3 The applicant has described the nature of the variation as:
Providing regulated entertainment

3.4 The hours that have been applied for are as follows:-

The Provision of Regulated Entertainment consisting of Plays, Films, Indoor Sports, Live Music, Recorded Music, Performance of Dance and similar

Sunday 1st July 2018 from 12:00 hours to 20:00 hours

Hours premises is open to the public:

Sunday 1st July 2018 from 12:00 hours to 20:00 hours

4.0 **Location and Nature of the premises**

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

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

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

5.0 **Licensing Policy and Government Advice**

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

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

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

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

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents.

See **Appendix 5 – Mr. P. Aquilina**

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust (Public Health England)
 - Home office Immigration Enforcement

- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections cover allegations of
- Noise while the premise is in use
 - Close proximity to residential properties
 - Noise leakage from the premises
 -
- 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.
- 6.14 In addition to the documentation contained in the report, the application contains additional documentation providing the detail of the Event Management Plan/Noise Management Plan/Acoustic Report/Security Plan/Risk Assessment /Crown Safety Plan. Members are asked to consider all the associated documentation which accompanies the application and incorporate any conditions which are relevant, proportionate and enforceable from those documents that are necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 No glass bottles will be available on site.
- 7.2 The Event Management Plan will form part of the conditions of the licence.

8.0 Licensing Officer Comments

- 8.1 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.

Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

8.2 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.

8.3 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)

8.4 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.

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

8.6 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.

8.7 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)

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

8.9 In **Appendices 6-8** 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

- | | |
|-------------------|---|
| Appendix 1 | A copy of the application |
| Appendix 2 | Site Plan |
| Appendix 3 | Maps of the surrounding area |
| Appendix 4 | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations |
| Appendix 5 | Representations of Mr. P Aquilina |
| Appendix 6 | Licensing officer comments on Noise when the premises is in use |
| Appendix 7 | Licensing officer comments on Access and Egress Problems |
| Appendix 8 | Licensing Policy relating to hours of trading. |

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Appendix 1

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?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

Applying as an individual

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

Applicant Business

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

Is your business registered outside the UK? Yes No

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

Business name

VAT number

Legal status

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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...

Local authority

Address

Building number or name	Tower Hamlets Council Town Hall Mulberry Place
Street	5 Clove Crescent
District	
City or town	London
County or administrative area	
Postcode	E14 2BG
Country	United Kingdom

Contact Details

E-mail	[REDACTED]
Telephone number	[REDACTED]
Other telephone number	
* Date of birth	<input type="text" value="dd"/> <input type="text" value="mm"/> <input type="text" value="yyyy"/>
* Nationality	British

Documents that demonstrate entitlement to work in the UK

Add another applicant

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.

The venue is LBTH council owned and managed park located at Newfields, Vallance Road, London, E2 6HD. The

Continued from previous page...

application is for the use of the venue to deliver the Boishakhi Mela 2018.

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

19999

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

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

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Start

End

WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Start

End

Continued from previous page...

Will the performance of a play take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

A free to enter annual community event held to celebrate the Bangladeshi new year. The event consists of live music, recorded music, dance performances, poetry, storytelling and dramatic productions, fun fair, food and various bazaar stalls (no alcohol), workshops, sporting and arts / crafts activities.

State any seasonal variations for performing plays

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

N/A

Non standard timings. Where the premises will be used for the performance of a play 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.

N/A

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- 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

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WEDNESDAY

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Continued from previous page...

THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

A free to enter annual community event held to celebrate the Bangladeshi new year. The event consists of live music, recorded music, dance performances, poetry, storytelling and dramatic productions, fun fair, food and various bazaar stalls (no alcohol), workshops, sporting and arts / crafts activities.

State any seasonal variations for the exhibition of film

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

N/A

Non standard timings. Where the premises will be used for the exhibition of film 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.

N/A

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing indoor sporting events?

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start

End

Start

End

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

A free to enter annual community event held to celebrate the Bangladeshi new year. The event consists of live music, recorded music, dance performances, poetry, storytelling and dramatic productions, fun fair, food and various bazaar stalls (no alcohol), workshops, sporting and arts / crafts activities.

State any seasonal variations for indoor sporting events

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

N/A

Continued from previous page...

Non-standard timings. Where the premises will be used for indoor sporting events 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.

N/A

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

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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Continued from previous page...

SATURDAY

Start

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Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors Outdoors Both

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

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

A free to enter annual community event held to celebrate the Bangladeshi new year. The event consists of live music, recorded music, dance performances, poetry, storytelling and dramatic productions, fun fair, food and various bazaar stalls (no alcohol), workshops, sporting and arts / crafts activities.

State any seasonal variations for the performance of live music

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

N/A

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

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

N/A

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

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.

Continued from previous page...

TUESDAY

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WEDNESDAY

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Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

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Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

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Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

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Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

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Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

A free to enter annual community event held to celebrate the Bangladeshi new year. The event consists of live music, recorded music, dance performances, poetry, storytelling and dramatic productions, fun fair, food and various bazaar stalls (no alcohol), workshops, sporting and arts / crafts activities.

State any seasonal variations for playing recorded music

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

N/A

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

Continued from previous page...

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

N/A

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- 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

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End

WEDNESDAY

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THURSDAY

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End

Start

End

FRIDAY

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End

Start

End

SATURDAY

Start

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Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

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

Continued from previous page...

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

A free to enter annual community event held to celebrate the Bangladeshi new year. The event consists of live music, recorded music, dance performances, poetry, storytelling and dramatic productions, fun fair, food and various bazaar stalls (no alcohol), workshops, sporting and arts / crafts activities.

State any seasonal variations for the performance of dance

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

N/A

Non-standard timings. Where the premises will be used for the performance of dance 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.

N/A

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

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

Continued from previous page...

THURSDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Give a description of the type of entertainment that will be provided

A free to enter annual community event held to celebrate the Bangladeshi new year. The event consists of live music, recorded music, dance performances, poetry, storytelling and dramatic productions, fun fair, food and various bazaar stalls (no alcohol), workshops, sporting and arts / crafts activities.

Will this entertainment take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

There will be a wide range of cultural performances across the event, including amplified and un-amplified activity. More details can be found in the Event Management Plan.

State any seasonal variations for entertainment

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

N/A

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

N/A

Continued from previous page...

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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

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.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="20:00"/>
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.

NONE

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.

N/A

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)

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

The application includes measures which promote all four licensing objective.

The event itself will be planned in consultation with a multi-agency safety and operational advisory group. There will be

Continued from previous page...

regular meetings in the lead up to the event. In addition a table top exercise for representatives from the event delivery team and responsible authorities will be delivered by an independent risk management company in order to test the suitability of the planning in place for the delivery of the event. Further, in order to ensure that there is an evaluation of the planning process and the delivery of the event of itself, a post event debrief will take place. This will inform the delivery of the event in the future as the event is an established regular annual event. Multi agency representatives will include:

- Metropolitan Police
- London Fire and Emergency Planning Authority
- Transport for London
- London Ambulance Service / Appointed First Aid Provider
- London Borough of Tower Hamlets other than Arts, Parks and Events
- Appointed Production Management Company – Face Events
- Appointed Security Company – AP Security
- Appointed Event Medical Provider - tbc
- Appointed independent H&S Safety Advisor - Ice Risk Management

The event organiser will produce documentation to ensure that the event has measures in place that comprehensively meet all four licensing objectives (these are likely to be further enhanced with advice from the safety and operational advisory group).

Site Map, please note that upcoming planning meetings will feed into the detail and layout of the event site and the contained structures. Consultation with the responsible authorities will be made prior to any changes to the site plan. The final site plan will be agreed by the Licensing Authority prior to the event taking place.

More detailed supporting documents including revised versions of the Event Management Plan and Crowd Management Plan will be provided to the multi -agency planning group and LBTH licensing for review. These will include extensive supporting documentation including but not limited to; emergency and contingency plans, C3 plan (command, control and communication), noise management plan, risk assessment and method statement including fire risk assessment, construction phase plan, traffic management plan and comprehensive running orders detailing all artists and speakers at the event.

Deployment of stewards and security will be based on a risk assessment, with consideration given to the scale, site, content, audience profile of the event and recommendations from the safety and operational advisory group. An agreed number of SIA registered security personnel will be on duty throughout the event and deployed to key areas. The event organisers have appointed a suitably qualified security management company for this purpose who have a good track record of providing a high level of crowd safety management for this event in 2016 and 2017.

Security will be vigilant in looking for potential suspicious behavior and will work with the Metropolitan Police to agree a set of procedures in dealing with issues around crime and disorder. It is expected that the Metropolitan Police will propose policing plans for deployment of officers for the event.

b) The prevention of crime and disorder

The event organiser will work closely with the Metropolitan Police to plan and oversee all issues regarding health and safety, including, crime and disorder both leading up to and during the event. A debrief will take place post event to inform planning of future events.

The Metropolitan Police will be integrated into the operational running of the event, working closely with the event organiser and the appointed security management contractor. The appointed security contractor is suitably qualified and has experience of working closely with a range of stakeholders (such as the police and local authority) to plan and implement crowd safety and management at large scale events. Furthermore the contractor has experience of providing suitable crowd management resources for this specific event (delivered services in 2016 and 2017).

At identified entry points to the event site there will be clear signage detailing the conditions of entry. A personal and bag search may form part of those conditions and be implemented on a selective basis at each gate. All gates will be manned by sufficient personnel from the security management company.

Continued from previous page...

Security and stewarding arrangements for the event will have been assessed and the event organisers will have a Crowd Safety Management Plan. The numbers of stewards and security to be deployed are based on risk assessments provided by the event organiser which take into consideration the scale, site, content, audience profile of the event and recommendations from the safety and operational advisory group.

A sufficient number of competent and trained securities personal (most SIA certified) will be in attendance throughout the day. They will be deployed and managed by the Security Co-ordinator of the appointed security contractor, who will provide a Crowd Safety Management Plan that will be further enhanced through the advice and recommendations from the safety and operational advisory group. The Security Co-ordinator will work closely in partnership with the event organisers and the Metropolitan Police to observe, report and prevent crime and disorder.

The performance stage and wider site will be designed and laid out to:

- Provide good sight lines
- Reduce crowd pressures
- Ease crowd management

Security observation of the crowd will be carried out throughout the event. All stewards and security personnel will work under a system of supervisors and will liaise with the events organiser and its appointed Health & Safety representative. In addition to personnel monitoring crowd activity on the ground, Event Control will monitor the crowds on site and approaching the site via the council's permanent CCTV.

The stewards' main responsibilities will be to assist crowd management, prevent overcrowding, reduce crushing problems, minimise injury and provide assistance to police and other emergency service. In addition:

- Each group of stewards will be equipped with a radio.
- All stewards will wear high visibility clothing.
- The steward's plan will be sent to all relevant agencies.
- A full briefing session will take place prior to the commencement of the event.
- The stewards briefing sheet will also be sent to all relevant agencies.

Communication:

Radio Communication will be in place between the key personnel of the event organising staff (to include production, event and trading managers and key production staff), stewards, and security and on site emergency services. In addition key personal from the safety and operational advisory group will be on radio contact. An assessment of radio coverage will be undertaken by a competent communications contractor and repeaters will be installed as necessary to ensure good communications are maintained on site and on the roads affected by road closures.

The organiser will control the PA system so that safety and information messages can be broadcast to members of the public throughout the event. Professional MC's will be provided briefing notes in advance by the event organiser. Megaphones will be used in the event of power failure.

All key personnel of the event organising staff will also have mobile phones to back up the radio communication. Information regarding all event personnel mobile phone numbers will be provided before the event. Radio channels will be allocated on the day of the event. The appointed security contractors will have their own radio communication.

Radio communications will be monitored and controlled via the Control Room. The Control Room will liaise with the event organisers who will in turn have responsibility for dissemination of that information, as required, across other agencies and working personnel. The event organiser will then manage issues and liaise with security control upon resolution. The only exception to this procedure would be instances where emergency liaison team (ELT) require radio communication. In such instance ELT will talk directly to any appropriate party and will hold priority over other transmissions.

ELT will comprise of representatives from:

- Emergency service on site
- Event Organisers (LB Tower Hamlets Arts, Parks and Events)

Continued from previous page...

- Head of Security
- Licensing
- Health and Safety Advisor (Ice Risk Management)
- Traffic Management (if required)

The Metropolitan Police will propose policing plans for deployment of officers for the event.

c) Public safety

All issues around health and safety, crime and disorder and public safety will be addressed at regular safety and operational advisory group meetings to agree measures to further inform event operational plan. The operational advisory group includes:

- Metropolitan Police
- London Fire and Emergency Planning Authority
- Transport for London
- London Ambulance Service
- Appointed First Aid Provider
- London Borough of Tower Hamlets (to include Arts & Events Team and other departments as required, e.g. licensing, environmental protection, civil contingency and environmental health)
- Appointed Production Management Company – Face Events
- Appointed Security Company – AP Security

Arrangements for the planning and delivery of this event are in accordance with The Event Safety Guide (commonly known as the Purple Guide) and the Guide to Safety at Sports Grounds (commonly known as the Green Guide). General provisions and work practices are covered by the Health and Safety at Work Act 1974. The Regulatory Reform (Fire Safety) Order 2005 covers provisions relating to Fire Precautions, with specific reference to; HM Government Fire Risk Assessment Guidance: Open Air Events and Venues HM Government Fire Risk Assessment Guidance: Small and Medium Places of assembly HM Government Fire Risk Assessment Guidance: Large Places of assembly.

Suitable and sufficient risk assessments, including fire risk assessment will be undertaken and reviewed by the Event Organiser and independent Health & Safety Advisor. All contractors will be required to provide suitable and sufficient H&S documentation, which will be assured by the independent Health & Safety Advisor and reviewed by the council's corporate H&S team. The Production Management company will be the Principal Contractor and Principal Designer responsible with day-to-day overarching responsibility for the main CDM construction project and oversight of other contractor CDM Projects taking place on-site. The independent Health & Safety Advisor will communicate safety information to contractors on site, monitoring and co-ordinating safety performance and co-ordinating safety issues. A site check will be carried out prior the event opening to the public. The organiser will also work closely with the LBTH Corporate Health & Safety department in the run up to the event.

The appointed security contractor will produce a Crowd Safety Management Plan with procedures, practices and resource levels to be employed for the event and forms a key part of the event plan. The key duty of all security / steward staff is to oversee and promote public safety irrespective of their designated area of work.

Suitable, at height, exit signage will be at key gates and marquees clearly visible to the public, staff and artist attending. Additional signage will for welfare, first aid, toilets and other event and safety messaging will be clearly displayed. A breakdown of this will be on the event plan.

Radio Communication will be in place between the key personnel of the event organising staff (to include production, event and trading managers and key production staff), stewards, security and on site emergency services. The organiser will control the PA system so that safety and information messages can be broadcast to members of the public throughout the event. Megaphones will be used in the event of power failure.

Emergency rendezvous points will be implemented and locations will be agreed as part of the development of the Emergency Plan.

Continued from previous page...

No glass bottles will be available on site. Audience members found attending with glass will be asked politely by security personnel to decant the contents into cups provided by the organisers and the glass will then be disposed of in recycling bins out of the audience area.

In consideration of the threat to public safety in relation to acid attacks, no liquids will be permitted on site unless the bottle is sealed or the persons entering with the liquid are willing to drink / apply it in front of the security personnel at the entry gates. In the event of an incident appropriate first aid will be made available including specific kits (5 litre water bottles and PPE) at designated points, which will be included in later revisions of the site plan.

No dogs except guide dogs will be permitted on site during the event.

First aid provision will be provided by appointed First Aid Provider and deployed in accordance with HSE guidelines and based on risk assessment.

Fire wardens will be on site to monitor and act as first response to any fire safety concerns and a full fire risk assessment will be carried out in advance.

d) The prevention of public nuisance

The continuous noise level will not exceed levels specified and agreed with the London Borough of Tower Hamlets Environmental Health Team. The sound system and other noise source will be orientated to minimise sound spill to neighbouring properties. The principle noise limit for the event will be adhered to. Low frequency noise will also be monitored and remedial action will take place if necessary.

Generators used in the build up to, during, and after will be suitable silenced types, sensibly positioned to avoid disturbance. Limiters will be fitted to PA outputs to enable the overall level to be controlled. In order to ensure control and management of the noise levels, these will be inaccessible to artists sound engineers.

Persons operating and using sound systems, including public address systems, shall comply without delay with any reasonable instructions from London Borough of Tower Hamlets Environmental Health Team for requests for reductions in the noise levels. A sound pressure meter will be available for use by the PA system engineer and Event Health & Safety Manager.

Any noise complaints will be directed to the event organisers who will take immediate steps to ensure that PA system is operating within agreed limits. More details can be found in the Noise Management Plan.

Work on site will only take place within hours specified within LBTH environmental section guidance. Any variance will be agreed as part the Production Plan and Dispensation Form submitted to Environmental Protection for approval.

The event organisers will be available to liaise with London Borough of Tower Hamlets Environmental Protection Team at any time during, sound checks, and throughout the event.

As the event may affect residents in some areas surrounding the park, the event organiser will undertake a door to door letter drop including details of the event and contact number on site to all affected residents and business for further information. Information will also be made available on the council's arts and events web page.

e) The protection of children from harm

The event will be open and accessible to all members of the public including children. The programming content of the event is appropriate to its mixed age range audience with activities and performance aimed at a family audience.

An Information and Welfare marquee will be situated in Weavers Fields on an identified location and is clearly indicated on the site plan. All stewards and security staff will be fully briefed on procedures relating to missing and found children. The aim of this welfare service is to safely look after any missing/found children/vulnerable persons at this event and to re-unite them with their parent / guardian as quickly as possible.

We will have in place clear written procedures to deal with missing children/vulnerable persons, from initially

Continued from previous page...

locating a lost child until they have been re-united with their parent / guardian. Procedures will include the communication process between event staff, security and the police. Staff allocated to the children's / welfare tent will have a current and verified DBS check documentation.

Consideration will be given to regulations set out in the children's Act 1989.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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.

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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.

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- 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

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

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

Continued from previous page...

* Fee amount (£)

4,100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

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

[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)

Add another signatory

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

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

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

Continued from previous page...

IT IS AN OFFENCE LIABLE 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

Appendix 2

FACE

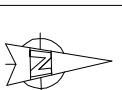
General Notes

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KEY

- Flag, 42no.
- Picnic bench, 27no.
- Barrier - Ped. 2.25m, 150no.
- Barrier - Mojo, 1.0m, 23no.
- Fence - Heras, 3.5m, 198no.
- Toilet - Disabled, 2.4m, 3no.
- Toilet - Polyjohn, 1.3m, 45no.
- Refrigeration unit, 4no.
- Generator, 10no.
- Water Bowser, 2no.
- First Aid
- Entrance & Exit gates
- Fire Point
- Trackway, 3 x 2.5m, 83no.
- Dressing Room
- Green Room
- Front of House
- Camera Platform
- Wheelchair User Platform
- Recirc. Toilets
- Outside Broadcast
- Emergency Vehicle Access

Rev	Description	By	Date
A	Minor changes	NJK	01.02.18
B	Minor changes	NJK	19.02.18



GRID LINES: 20m

Title
Boishakhi Mela 2018

Drawn
NJK

Client
Weavers Fields

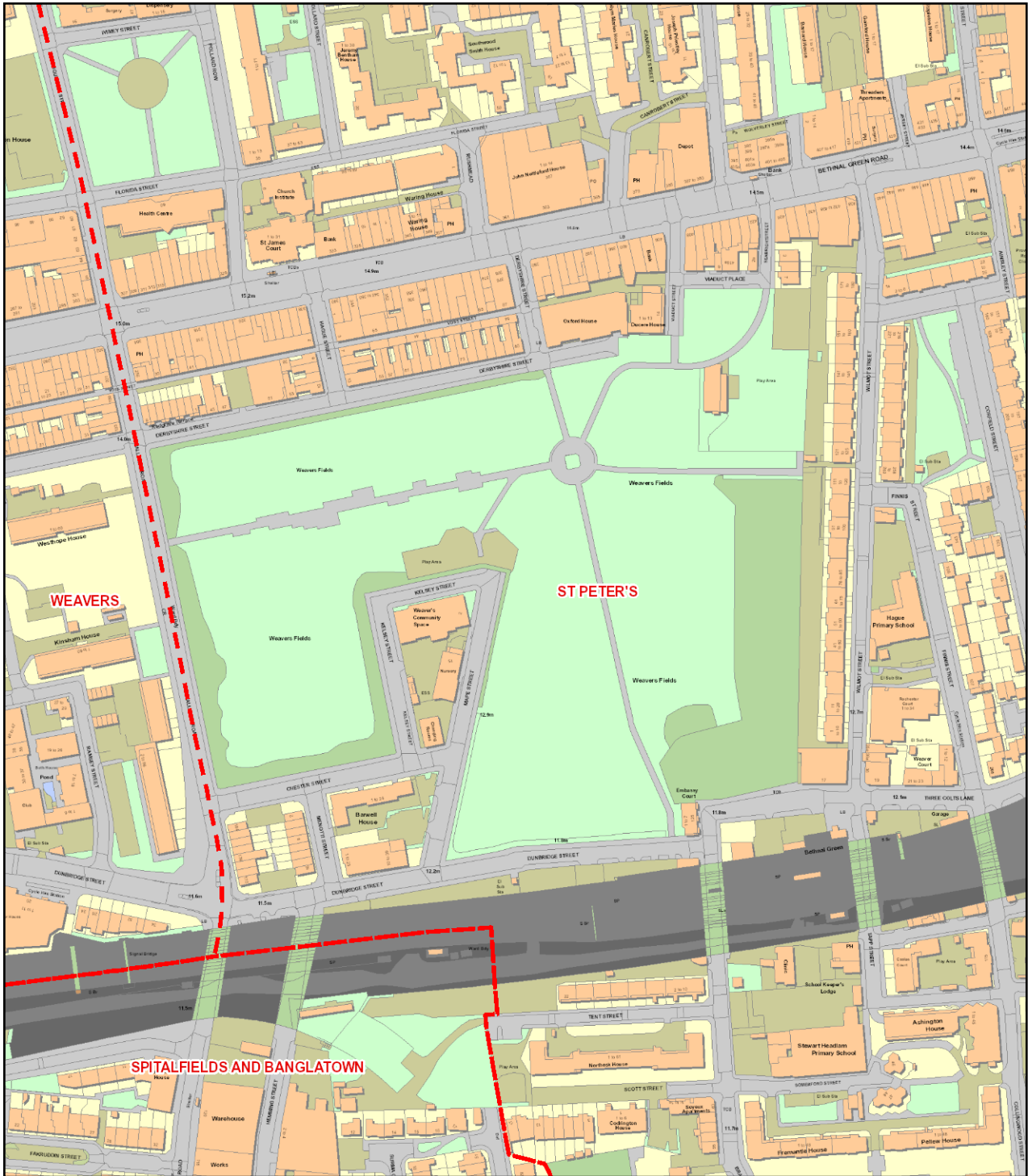
Date
24/01/2018

Scale
1:1000 @ A3

Boishakhi Mela - 01B



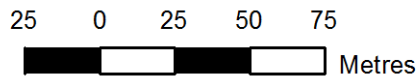
Appendix 3



Weavers Field



Scale 1:3074



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Appendix 4

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

Relevant, vexatious and frivolous representations

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

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

Appendix 5

3-MARCH 2018

PAUL AQUILINA

Re Boishakhi MELA

To whom it may concern
re Boishakhi MELA,

which is to take place on the
1st - JULY 2018 at weavers fields
Vallance Road LONDON E1. 6HD
as a resident and leaseholder
who lives in Vallance Road,

I strongly object to Boishakhi MELA
taking place at weavers fields
as it did last year 2017, will cause
a lot of disruption and noise.

Weavers fields is a very built up area
surrounded by Estates and Flats
(peoples homes,) and as a resident
who is registered disabled and lives
in Vallance Road, I object to Boishakhi
mela to be held in weaver fields

I look forward to your reply

LBTH

TRADING STANDARDS

06 MAR 2018

LICENSING

Appendix 6

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 7

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 8

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