

LICENSING SUB COMMITTEE

Tuesday, 24 April 2018 at 2.00 p.m.

C1, 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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QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. RULES OF PROCEDURE (Pages 11 - 20)

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

| 3. ITEMS FOR CONSIDERATION | PAGE NUMBER(S) | WARD(S) AFFECTED |
|--|---------------------------|-----------------------------|
| 3.1 Application for a New Premises Licence for Yumcha 137 Brick Lane, London E1 6SB | 21 - 94 | Weavers |

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

| | | |
|--|-----------------|--|
| 3.2 Application for a New Premises Licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG | 95 - 236 | Spitalfields & Banglatown |
|--|-----------------|--|

Licensing Objectives:

- Public Nuisance

Representations by:

- Metropolitan Police
- Local Resident(s)

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

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

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-
Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

| | | | | |
|---|-----------------------|---------------------------------------|------------|-----------------|
| Committee : Licensing Sub-Committee | Date 24 April 2018 | Classification Unclassified | Report No. | Agenda Item No. |
|---|-----------------------|---------------------------------------|------------|-----------------|

| | |
|--|--|
| 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 (Yumcha) 137 Brick Lane, London E1 6SB Ward affected: Weavers |
|--|--|

1.0 Summary

Applicant: **Yumcha Retail Ltd**

Name and **Yumcha**

Address of Premises: **137 Brick Lane**
London
E1 6SB

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

- **The sale by retail of alcohol (on sales only)**
- **The provision of late night refreshment**

Representations: **Residents**

2.0 Recommendations

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

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

| Brief description of "background paper" | Tick if copy supplied for register | If not supplied, name and telephone number of holder |
|---|------------------------------------|--|
| <ul style="list-style-type: none">• 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 (Yumcha) 137 Brick Lane, London E1 6SB. A copy of the premises licence application form is enclosed as **Appendix 1**.

3.2 The applicant has applied for the following revised (agreed with Environmental Health Noise Team) licensable activities and timings as follows:-

The sale by retail of alcohol (On sales only)

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

The provision of late night refreshment - Indoors

- Monday to Sunday, from 23:00 hours to 23:30 hours (midnight)

The opening hours of the premises

- Monday to Sunday, from 08:00 hours to 00:00 hours (midnight)

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 representations have been made by the following:

| Residents | Appendix |
|-------------------------------|-----------------|
| Alison Leahy | 6 |
| Jago Rackham and Lowena Hearn | 7 |
| Jill Szuscikiewicz | 8 |

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (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 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
- 6.11 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.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 *CCTV shall be installed at the premises. The scope of the coverage shall be agreed with the Police. The system shall be kept in good working order and recording kept for a minimum of 31 days with a trained member of staff on duty while the premises are open.*
- 7.2 *Written operating policy including:*
- a) *drug policy*
 - b) *incident reporting*
 - c) *refusal log*
 - d) *transport and dispersal.*
- 7.3 *Staff shall be trained on drug and alcohol policy*
- 7.4 *Doors and windows shall be kept closed during operational hours post 19:00 hours*
- 7.5 *Management of refuse disposal shall be completed each morning, refraining from night time disturbance.*
- 7.6 *A Challenge 25 Policy shall be in place in relation to the sale of alcohol.*

8.0 Conditions in consultation with the Responsible Authorities

8.1 The applicant has agreed the following conditions with Met Police (**Appendix 9**), in addition to the conditions in 7.0):

1. *“CCTV is made available to Police or other Licensing Authority on request.”*
2. *“Refusals and Incident Log are made available to Police or other Licensing Authority on request.”*

8.2 The applicant has agreed the following times with Environmental Health Noise Team (Please see **Appendix 10**):

“Licensable Activities (Late Night Refreshment & Supply of Alcohol) until 23:30 hours (not Midnight as per original application), with 30 minute drink up time with premises closing at Midnight, seven days a wee”

8.3 The applicant has agreed the following condition with the Licensing Authority (Responsible Authority). Please see **Appendix 11**):
“The consumption of alcohol can only be by persons seated within the premises except when operating a pre booked private function, where the general public have no access to the premises”.

9.0 Licensing Officer Comments

9.1 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.

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

9.3 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 (10.25) 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)
- 9.4 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.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 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.
- 9.7 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)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 12 - 18** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.
- 10.0 **Legal Comments**
- 10.1 The Council’s legal officer will give advice at the hearing.
- 11.0 **Finance Comments**
- 11.1 There are no financial implications in this report.

12.0 Appendices

| | |
|-----------------------|--|
| Appendix 1 | A copy of the application |
| Appendix 2 | Site Plan |
| Appendix 3 | Maps of the surrounding area |
| Appendix 4 | Other licensed venues in the area |
| Appendix 5 | Section 182 Guidance by the Home Office |
| Appendix 6 - 8 | Representations of residents |
| Appendix 9 | Conditions agreed with Met Police |
| Appendix 10 | Conditions agreed with EH |
| Appendix 11 | Conditions agreed with Licensing |
| Appendix 12 | Licensing Officer comments on noise while the premise is in use |
| Appendix 13 | Licensing Officer comments on access/egress Problems |
| Appendix 14 | Licensing Officer comments on crime and disorder on the premises |
| Appendix 15 | Licensing Officer comments on crime and disorder from patrons leaving the premises |
| Appendix 16 | Planning |
| Appendix 17 | Licensing Policy relating to hours of trading |
| Appendix 18 | Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone |

Appendix 1

FLARE NO. 106697



LICENSING ACT 2003

| | | | |
|----------------------|---------------|----------|-----------|
| FOR OFFICE USE | | | |
| Receipt No: 259396 | FEE REQUIRED: | Date: | Initials: |
| On-Line Payment Ref: | £315 | 15/02/18 | SH |

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) YUUCHAA RETAIL LTD

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 | |
| YUUCHAA 137 BRICK LANE LONDON | LBTH TRADING STANDARDS 15 FEB 2018 LICENSING |
| Post town <u>LONDON</u> | Post code <u>E1 6SB</u> |

Telephone number at premises (if any) N/A.

Non-domestic rateable value of premises £ 39,750

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 | <input type="text"/> | | First names | <input type="text"/> | |
| Date of Birth | <input type="text"/> | I am 18 years old or over | | Please tick yes <input type="checkbox"/> | |
| Nationality | <input type="text"/> | | | | |
| Current residential address if different from premises address | <input type="text"/> | | | | |
| Post Town | <input type="text"/> | Postcode | <input type="text"/> | | |
| Daytime contact telephone number | <input type="text"/> | | | | |
| E-mail address (optional) | <input type="text"/> | | | | |

SECOND INDIVIDUAL APPLICANT (If applicable)

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

| | | | | | |
|---|----------------------|----------------------------------|----------------------|--|--|
| Surname | <input type="text"/> | | First names | <input type="text"/> | |
| Date of Birth | <input type="text"/> | I am 18 years old or over | | Please tick yes <input type="checkbox"/> | |
| Nationality | <input type="text"/> | | | | |
| Current residential address if different from premises address | <input type="text"/> | | | | |
| Post Town | <input type="text"/> | Postcode | <input type="text"/> | | |
| Daytime contact telephone number | <input type="text"/> | | | | |

E-mail address
(optional)

B) OTHER APPLICANTS

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

| | |
|---|---|
| Name | YUNCHAA RETAIL LTD |
| Address | FINSCLATE 5-7 CRAWWOOD STREET LONDON EC1V 9EE |
| Registered number (where applicable) | 08909669 |
| Description of applicant (for example partnership, company, unincorporated association etc) | LIMITED COMPANY |
| Telephone number, if any | [REDACTED] |
| E-mail (optional) | [REDACTED] |

Part 3 Operating Schedule

When do you want the premises licence to start?

| Day | Month | Year |
|-----|-------|---------|
| 1 | 9 | 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.

| |
|-----|
| N/A |
|-----|

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

YUNCHAA IS A PREMIUM TEA BUSINESS APPROX CAPACITY 60 HIGH STREET FACING. AT PRESENT WE HAVE 7 SITES THROUGHOUT LONDON AS WELL AS SUCCESSFUL ONLINE CONSUMER & WHOLESALE BUSINESS. WE HAVE SEEN AN INCREASED MIX OF ALCOHOL MIXED TEA BLENDS WHICH HAVE BEEN POPULAR IN COFFEE FOR SOME TIME. WE HAVE SEEN AN INCREASE IN SALES OF COCKTAIL BASED TEA PRODUCT ONLINE AND A TREND IN BUSINESS FOR THE THE INCLUSION OF ALCOHOL MIXED AND IS TO EXPLORE AUXILIARY ALCOHOL SALES AGAINST CORE BUSINESS TO COMPLEMENT MASTERCLASSES & TASTE SESSIONS. WITH MANY SIMILAR SPACES WE WOULD LIKE TO OFFER A PREMIUM ALCOHOL RANGE ALONGSIDE OUR ALREADY SUCCESSFUL CORE BUSINESS.

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) N/A | Both | | |
| Tue | | | | | | |
| Wed | | | | State any seasonal variations for performing plays (please read guidance note 5) N/A | | |
| Thur | | | | | | |
| Fri | | | | Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6) N/A | | |
| Sat | | | | | | |
| Sun | | | | | | |

B

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

C

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | Please give further details here (please read guidance note 4) |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | | | N/A |
| | | | |
| Tue | | | State any seasonal variations for indoor sporting events (please read guidance note 5) |
| | | | |
| Wed | | | N/A |
| | | | |
| Thur | | | 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) |
| | | | |
| Fri | | | N/A |
| | | | |
| 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) | Indoors | |
|--|-------|--------|--|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | N/A | | |
| | | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) | | |
| | | | | | |
| Thur | | | N/A | | |
| | | | | | |
| Fri | | | 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) | | |
| | | | | | |
| Sat | | | N/A | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

E

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

G

| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick (Y) (please read guidance note 3) | Indoors |
|--|-------|--------|--|--|
| Day | Start | Finish | | Outdoors |
| Mon | | | Please give further details here (please read guidance note 4) N/A | Both |
| Tue | | | | |
| Wed | | | | State any seasonal variations for the performance of dance (please read guidance note 5) N/A |
| Thur | | | | |
| Fri | | | | 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) N/A |
| 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 | Indoors |
|---|-------|--------|---|---|
| Day | Start | Finish | | Outdoors |
| Mon | | | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) | Both |
| Tue | | | | Please give further details here (please read guidance note 4) N/A |
| Wed | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) N/A | |
| Thur | | | | |
| Fri | | | 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) N/A | |
| Sat | | | | |
| Sun | | | | |

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (Y) (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|---|----------|----------|---|---|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | 23.00 PM | 00.00 AM | Please give further details here (please read guidance note 4) SUPPLY OF HOT DRINKS & FOOD BETWEEN THE HOURS SPECIFIED - CLOSING PREMISES AT MIDNIGHT. | Both | <input type="checkbox"/> |
| Tue | 23.00 PM | 00.00 AM | | | |
| Wed | 23.00 PM | 00.00 AM | | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) N/A | |
| Thur | 23.00 PM | 00.00 AM | | | |
| Fri | 23.00 PM | 00.00 AM | | 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) N/A | |
| Sat | 23.00 PM | 00.00 AM | | | |
| Sun | 23.00 PM | 00.00 AM | | | |

| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (Y) (please read guidance note 8) | On the premises | <input checked="" type="checkbox"/> |
|--|----------|----------|--|---|-------------------------------------|
| Day | Start | Finish | | Off the premises | <input type="checkbox"/> |
| Mon | 12.00 PM | 03.00 AM | State any seasonal variations for the supply of alcohol (please read guidance note 5) N/A | Both | <input type="checkbox"/> |
| Tue | 12.00 PM | 03.00 AM | | | |
| Wed | 12.00 PM | 03.00 AM | | 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) N/A | |
| Thur | 12.00 PM | 03.00 AM | | | |
| Fri | 12.00 PM | 03.00 AM | | N/A | |
| Sat | 12.00 PM | 03.00 AM | | | |
| Sun | 12.00 PM | 03.00 AM | | | |

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

Name

SCOTT PRIESTNALL

Date of Birth

Address

Postcode

Personal Licence number (if known)

issuing licensing authority (if known)

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 | |
| Mon | 08.00AM | 00.00AM | N/A |
| | | | |
| Tue | 08.00AM | 00.00AM | |
| | | | |
| Wed | 08.00AM | 00.00AM | |
| | | | |
| Thur | 08.00AM | 00.00AM | |
| | | | |
| Fri | 08.00AM | 00.00AM | |
| | | | |
| Sat | 08.00AM | 00.00AM | |
| | | | |
| Sun | 08.00AM | 00.00AM | N/A |
| | | | |

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)

• CCTV TO BE INSTALLED AT THE PREMISES. THE SCOPE OF THE COVERAGE TO BE AGREED BY THE POLICE. THE SYSTEM WILL BE KEPT IN GOOD WORKING ORDER AND RECORDINGS KEPT FOR A MINIMUM 31 DAYS. WITH A TRAINED MEMBER OF STAFF ON DUTY WHILE PREMISES OPEN.

• WRITTEN OPERATING POLICY INCLUDING DRUG POLICY / INCIDENT REPORTING / REFUSAL LOG & TRANSPORT AND DISPERSAL.

b) The prevention of crime and disorder

- OPERATIONAL CCTV SYSTEM
- DRUG & ALCOHOL POLICY - STAFF TRAINING
- INCIDENT REPORT DIARY LOG / REFUSAL LOG
- SECURITY STRATEGY / SIA TO BE AGREED BY POLICE & REVIEWED PERIODICALLY WITH POLICE & MANAGEMENT
- ATTENDANCE OF LOCAL PUBWATCH GROUP OR EQUIVALENT.

c) Public safety

- OPERATIONAL SIA LICENSED SECURITY ON KEY NIGHTS IN CONJUNCTION WITH POLICE GUIDANCE
- OPERATIONAL CCTV

d) The prevention of public nuisance

- DOORS & WINDOWS TO BE KEPT CLOSED DURING OPERATIONAL HOURS POST 10.00PM.
- SIGNAGE REQUESTING PREMISES PATRONS TO LEAVE QUIETLY
- MANAGEMENT OF REFUSE DISPOSAL COMPLETED EACH MORNING REFRAINING FROM NIGHT DISTURBANCE.

e) The protection of children from harm

| |
|---|
| <ul style="list-style-type: none">• DRUGS & ALCOHOL POLICY IN PLACE• CHALLENGE 2'S SCHEME ALIGNED WITH STAFF TRAINING & 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)

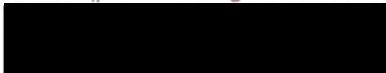
Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12) If signing on behalf of the applicant please state in what capacity.



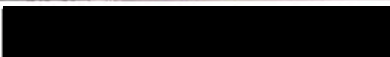
| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live 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 | 13.02.2018 |
| Capacity | AGENT REPRESENTATIVE |

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)



| | | | |
|----------------------------------|---|------------------|--|
| Post town |  | Post code |  |
| Telephone number (if any) |  | | |

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

[REDACTED]







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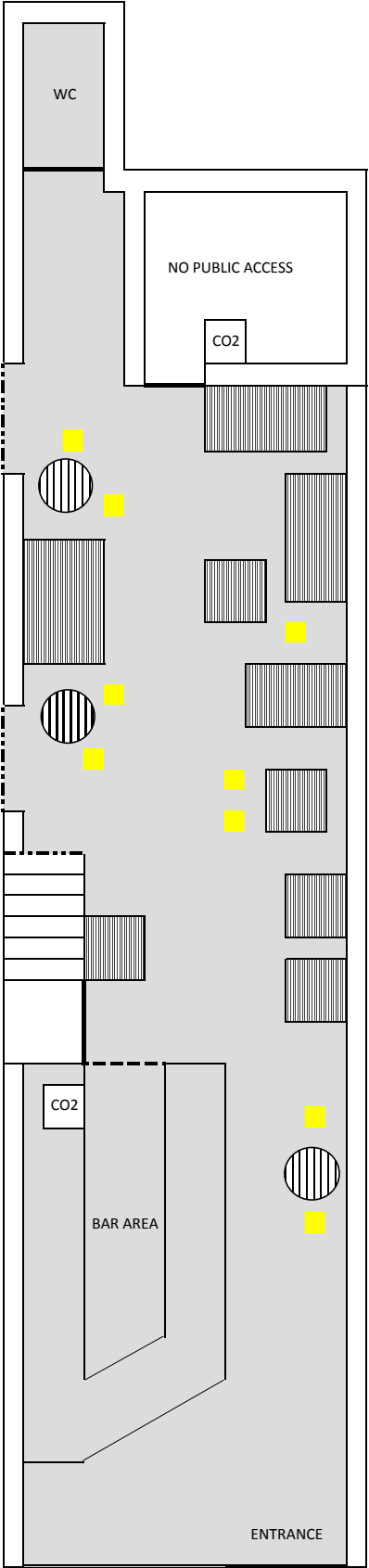
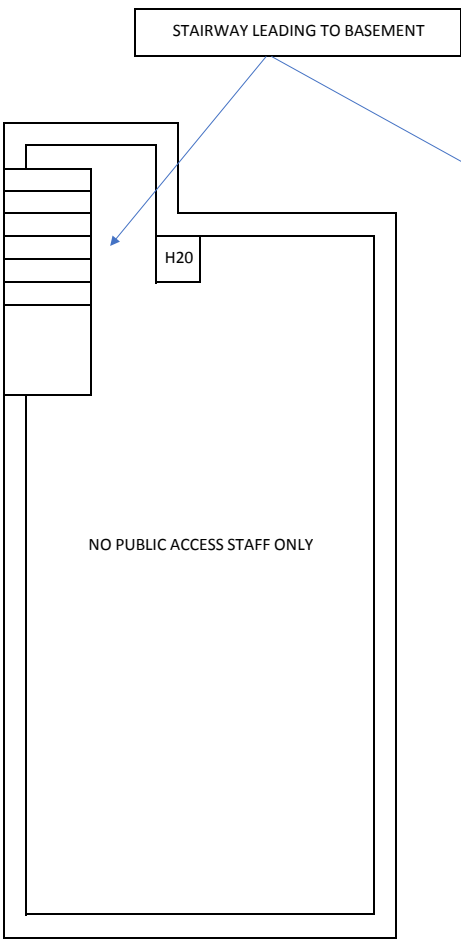
BASEMENT LEVEL PLAN

GROUND LEVEL PLAN

SCALE : 2:100

Key

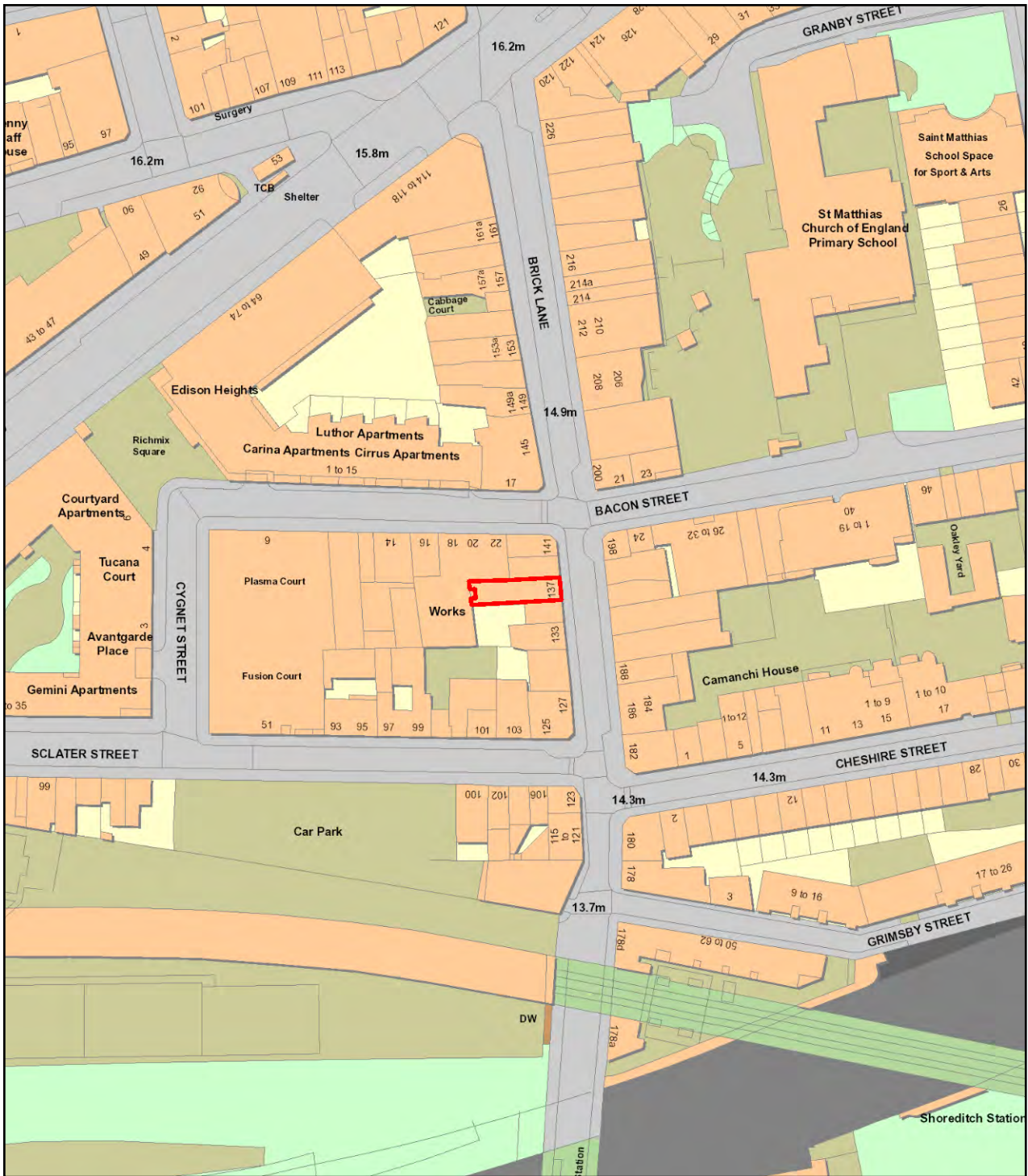
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-  CARBON DIOXIDE EXTINGUISHER
-  WATER EXTINGUISHER
-  ENTRANCE / DOORWAY
-  SEALED DOORWAY
-  WINDOW



BRICK LANE (HIGH STREET)

BRICK LANE (HIGH STREET)

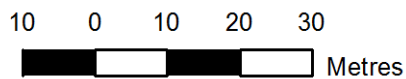
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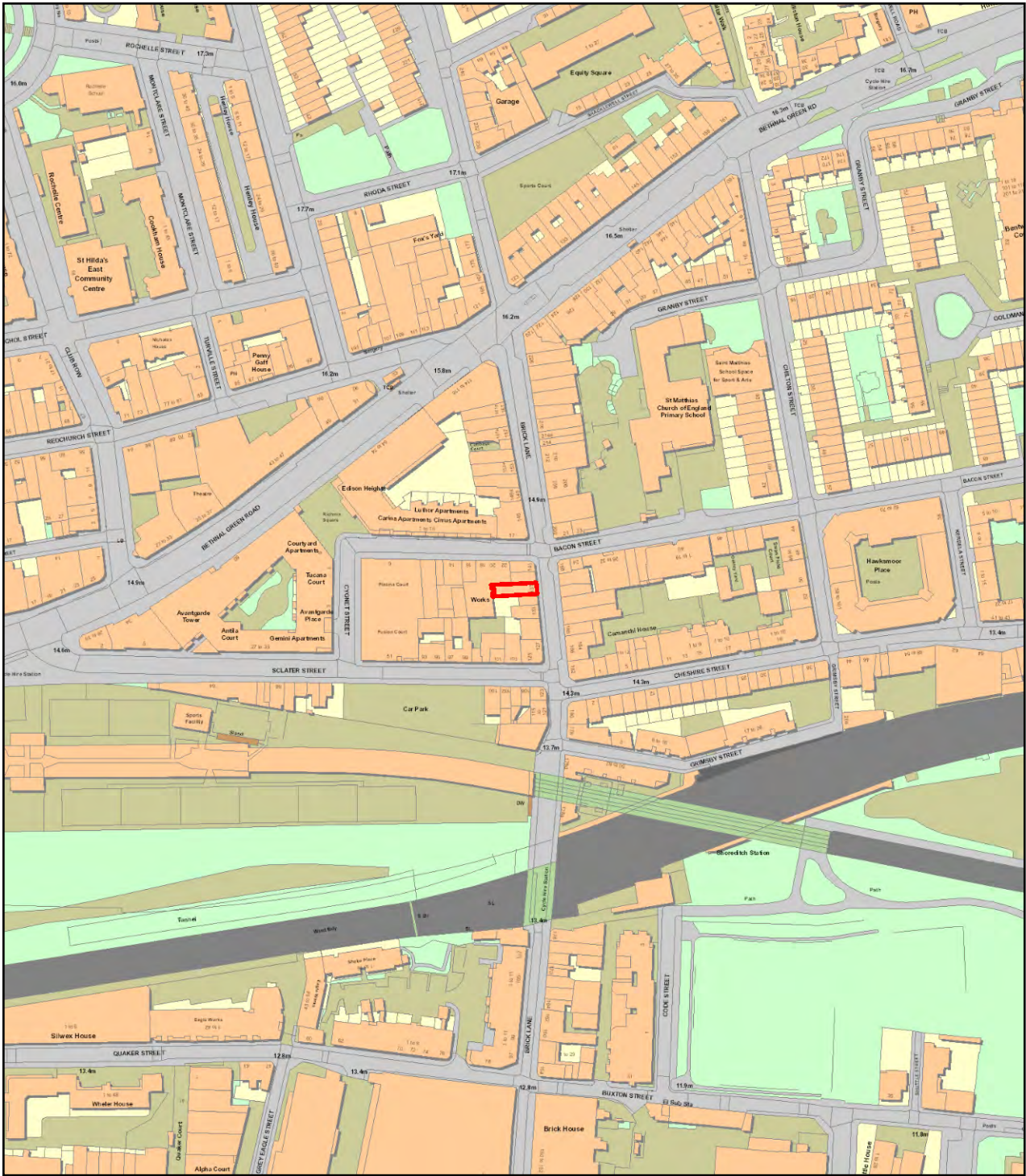
137 Brick Lane



Scale 1:1274



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137 Brick Lane



Scale 1:2547

20 0 20 40 60

Metres



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Appendix 4

Application for (Yumchaa) 137 Brick Lane

| Name and address | Licensable activities and hours | Opening hours |
|--|--|---|
| <p>(Hookah Lounge) 133 Brick Lane London E1 6SB</p> | <p>Alcohol (On sales)</p> <ul style="list-style-type: none"> • Monday to Thursday, 11:00 hrs to 12 midnight • Friday and Saturday, 11:00 hrs to 01:40 hrs • Sunday, 11:00 hrs to midnight <p>Late Night Refreshment</p> <ul style="list-style-type: none"> • Monday to Thursday, 23:00 hrs to 12 midnight • Friday and Saturday, 23:00 hrs to 01:40 hrs • Sunday, 23:00 hrs to midnight <p><u>Non-standard times</u> New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p> | <ul style="list-style-type: none"> • Monday to Thursday, 11:00 hrs to 12 midnight • Friday and Saturday, 11:00 hrs to 02:00 hrs • Sunday, 11:00 hrs to midnight <p><u>Non-standard times</u> New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p> |
| <p>Montys 149 Brick Lane London E1 6SB</p> | <p>Supply of Alcohol (On sales only)</p> <ul style="list-style-type: none"> • Sunday to Thursday 11:00 to 23:30 hrs • Friday and Saturday 11:00 to 02:00 hrs | <ul style="list-style-type: none"> • Sunday to Thursday 11:00 to Midnight • Friday and Saturday 11:00 to 02:30 |
| <p>161 Brick Lane London E1 6SB</p> | <p>The sale by retail of alcohol (On sales only)</p> <p>Monday, Tuesday, Wednesday: 09:30 hours until 01:30 hours the following day</p> <p>Thursday, Friday and Saturday : 09:30 hours until 02:00 hours the following day</p> <p>Sunday: 09:30 hours until midnight</p> <p>New Years Eve, 30th April, 31st October, 12th &13th December, Christmas Eve and Christmas Day: 09:30 hours until 03:30 hours the following day:</p> | <p>Monday, Tuesday, Wednesday:</p> <ul style="list-style-type: none"> • 09:30 hours until 01:30 hours the following day <p>Thursday, Friday and Saturday :</p> <ul style="list-style-type: none"> • 09:30 hours until 02:00 hours the following day <p>Sunday: 09:30 hours until midnight</p> <p>New Years Eve, 30th April, 31st October, 12th &13th December, Christmas Eve and Christmas Day: 09:30 hours until 03:30 hours the following day:</p> |
| <p>Hopscotch 202 Brick Lane London E1 6SA</p> | <p>The sale of alcohol (On and off sales)</p> <ul style="list-style-type: none"> ▪ Sunday to Thursday, from 11:00 hours to 23:00 hrs ▪ Friday and Saturday, from 11:00 hours to 00:30 hrs <p>Provision of late night refreshment:</p> <ul style="list-style-type: none"> ▪ Sunday to Thursday, from 23:00 hours to 23:30 hrs ▪ Friday and Saturday, from 23:00 hours to 01:00 hrs | <ul style="list-style-type: none"> ▪ Sunday to Thursday, from 10:00 hours to 23:30 hrs ▪ Friday and Saturday, from 10:00 hours to 01:00 hrs |

Application for (Yumchaa) 137 Brick Lane

| | | |
|---|---|--|
| <p>(Blanchette) 204 Brick Lane London E1 6SA</p> | <p>Alcohol may be sold or supplied: (On sales only)</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to midnight.</p> <p>(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</p> <p>(3) On Christmas Day: 12 noon to 11:30pm;</p> <p>(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;</p> <p>(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.</p> <p>(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> | <p>There are no restrictions on the hours during which this premises is open to the public</p> |
| <p>210 Brick Lane London E1 6SA</p> | <p>Alcohol (Off sales)</p> <ul style="list-style-type: none"> • Monday to Thursday, from 06:00 hours to 01:30 hours • Friday and Saturday, from 06:00 hours to 02:00 hours • Sunday, from 06:00 hours to 01:00 hours | <ul style="list-style-type: none"> • Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours) |
| <p>(Subway) 222 Brick Lane London E1 6SA</p> | <p>The provision of late night refreshment,</p> <ul style="list-style-type: none"> • Friday & Saturday, 23.00pm to 04.00am the following day. | <ul style="list-style-type: none"> • Monday to Thursday, 07.00am to 23.00pm. • Friday, 07.00am to 04.00am the following day. • Saturday, 09.00am to 04.00am the following day. • Sunday, 09.00am to 22.00pm. |
| <p>(UN-LONE) 224 Brick Lane London E1 6SA</p> | <p>Alcohol (On and off supplies)</p> <ul style="list-style-type: none"> • Sunday to Thursday, from 12:00 hours to 23:00 • Friday and Saturday, from 12:00 hours to 12midnight <p>Late Night Refreshment</p> <ul style="list-style-type: none"> • Sunday to Thursday, from 23:00 hours to 12midnight • Friday and Saturday, from 23:00 hours to 01:00 hours the following day | <ul style="list-style-type: none"> • Sunday to Thursday, from 09:00 hours to 12midnight • Friday and Saturday, from 09:00 hours to 01:00 hours the following day |
| <p>(Close-Up Cinema) 97-99 Sclater Street London E1 6HR</p> | <p>Sale of Alcohol (On sales only)</p> <ul style="list-style-type: none"> • Monday to Sunday from 10:00 hours to 23:30 hours <p>The Provision of Regulated Entertainment – indoors <u>Films</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 10:00 hours to 23:30 hours <p>The Provision for Late Night Refreshments</p> <ul style="list-style-type: none"> • Monday to Sunday from 23:00 hours to 23:30 hours | <ul style="list-style-type: none"> • Monday to Sunday from 08:00 hours to 00:00 hours (midnight) |

Application for (Yumchaa) 137 Brick Lane

| | | |
|---|---|--|
| <p>(AK Mini-Store) 104 Sclater Street London E1 6HR</p> | <p><u>The sale by retail of alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> Monday to Saturday, from 10:00 hours to Midnight Sunday, from 10:00 hours to 23:00 hours | <ul style="list-style-type: none"> Monday to Saturday, from 09:00 hours to Midnight Sunday, from 09:00 hours to 23:00 hours |
| <p>(The Vintage Emporium) Ground Floor 14 Bacon Street London E1 6LF</p> | <p>Sale by retail of alcohol</p> <ul style="list-style-type: none"> Monday to Thursday, from 12:00 hours to 19:00 hours Friday to Sunday, from 12:00 hours to 22:00 hours <p>The provision of regulated entertainment – Indoors</p> <p><u>Recorded Music</u></p> <ul style="list-style-type: none"> Monday to Thursday, from 12:00 hours to 19:00 hours Friday to Sunday, from 12:00 hours to 22:00 hours | <ul style="list-style-type: none"> Monday to Thursday, from 12:00 hours to 20:00 hours Friday to Sunday, from 12:00 hours to 22:30 hours |
| <p>(The Book Shop) 3 Cheshire Street London E2 6ED</p> | <p>Sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> Monday to Sunday, from 12:00 hours to 23:00 hours <p>The provision of regulated entertainment – Indoors</p> <p><u>Films</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 10:00 hours to 23:00 hours | <ul style="list-style-type: none"> Monday to Sunday, from 07:00 hours to 23:30 hours |
| <p>(Vintage Bean Café) 8 Cheshire Street London E2 6EH</p> | <p><u>Sale of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Sunday to Thursday from 11:00hrs – 22:30hrs Friday & Saturday from 11:00hrs – 23:30hrs | <ul style="list-style-type: none"> Sunday to Thursday from 07:00hrs – 23:00hrs Friday & Saturday from 07:00hrs – 00:00hrs (midnight) |

Appendix 5

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

Relevant, vexatious and frivolous representations

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

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

Appendix 6

Mohshin Ali

From: Alison Leahy [REDACTED]
Sent: 05 March 2018 19:53
To: Licensing
Subject: Representation about CLC/EHTS/LIC/106697 - resubmission

Follow Up Flag: Follow up
Flag Status: Completed

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

5th March 2018

Dear Tower Hamlets Licensing

Yumchaa Tea, 137 Brick Lane, London, E1 6SB

I understand that the application is being resubmitted and the hours changed from midnight to 11.30pm however my original objections still stand so I am resubmitting them, herewith.

I am writing to make a representation about the CLC/EHTS/LIC/106697 application for a Premises License, I understand that the application is to serve alcohol from Monday to Sunday from midday to midnight.

My requests below are based on my experience of living near to Kahaila Cafe at 135 Brick Lane E1 6SB which is next door to Yumchaa. Kahaila Cafe has, in the past, hosted evening/night events some with amplified music. Because the air conditioning of Kahaila cafe is not adequate to cool the air when the venue is being used the proprietors have opened the roof light at the rear of the premises to get cooler air inside. My bedroom and those of many other neighbours in our block and adjacent flats face towards the roof light and, on occasion, we have had to complain to the council about the high volume of the late night noise emanating from the venue through the roof light.

Yumchaa tea is next door to Kahaila Cafe and has a back door that opens out in the direction of all our bedrooms. Please can the department ensure that:

- a) there is sufficient air conditioning so that the door doesn't have to be left open;
- b) there is no outside space in the back of the building that evening and night patrons could use for socialising and drinking or eating;
- c) the back door is not left open; and
- d) the premises has sufficient sound insulation so that any amplified music played cannot be heard through the walls?

Please don't hesitate to contact me if you have any queries about this email.

Kind regards
Alison Leahy

Appendix 7

Mohshin Ali

From: Jago Rackham [REDACTED]
Sent: 01 March 2018 10:00
To: Licensing
Subject: Licensing Representation for Yumcha Café - ref CLC.EHTS/LIC/106697

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

We (Jago Rackham & Lowena Hearn), the tenants of [REDACTED], are writing to lodge an objection to the potential licensing of Yumcha Tea, 137 Brick Lane London E1 6SB (reference CLC/EHTS/LIC/106697).

We are **objecting** to the potential licensing because it would have a serious negative effect on our lives. We can already hear the music from the Yumcha café during the day and if the café were to become licensed, serving alcohol and staying open later, this noise pollution would continue (and, most probably, increase) later into the night. This would prevent sleep and the peace and quiet one expects at home.

Thank you,

Jago Rackham – [REDACTED]

Lowena Hearn [REDACTED]

[REDACTED]

[REDACTED]

Reference CLC/EHTS/LIC/106697

Appendix 8

Jill Szuscikiewicz

David Tolley
Head of Environmental Health & Trading Standards
Licensing Section
John Onslow House
1 Ewart Place
London
E3 5EQ

Your ref: CLC/EHTS/LIC/106697

28 February 2018

Dear Mr Tolley,

Licensing Act 2003
Yumchaa Tea, 137 Brick Lane London E1 6SB

Thank you for your letter of 16th February about the application for a premises licence at the above address.

I wish to object. As next-door-neighbour (owner-occupier) I am against it because of the risk of increased noise and anti-social behaviour.

If there is drinking on the premises there will undoubtedly be smoking outside: and happy tipsy people will raise their voices. This would badly affect our ability to quietly enjoy our living room or to sleep in the bedroom at the front of our flat. I am also concerned about sound travelling inside the building. One can easily imagine tea-and-alcohol as a fairly decorous scene: however, hot alcohol is absorbed faster into the bloodstream and given the that surrounding area has quite a reputation now as a *drinking spot*, I think it would be a mistake to assume that this will be the case. Yumchaa cannot control the aims or mood of their customers in coming there and in granting a license one hopes that the worst case scenario is thoroughly explored.

I am also concerned about possible anti-social behaviour from drunken people outside the premises: and with alcohol there is always a question of public safety, particularly where there is such a high density of licensed premises already in operation (Hookah Lounge, Cereal Killer Café, Monty's Bar, Alcotraz, etc).

Following the introduction of the Cumulative Impact Zone in Brick Lane in 2012, these problems have decreased overall. There was a time when as a lone woman it was frightening to walk to my front door in the late evening (I was living in a flat at no [redacted] then): things have definitely improved, and I am grateful for this. However, I have no wish to live next door to a licensed premises again as a certain level of nuisance is inevitable.

As a long-term resident of Brick Lane I am naturally aware of the local night-time economy and the benefits it has brought. However, it seems to me that we are now at the level where the number of licenses and their improved management (by licensees and Council) is about right. It seems foolish to jeopardise things by adding a new premises license where one has not existed for many years. I note that the Council proposes to retain the CIZ in the 2018 review (which I strongly support) and even add an additional area to it. It seems counter to this intention to grant this new license and I therefore object both because of this and for the reasons I have given above.

Yours sincerely,

Jill Szuscikiewicz

Appendix 9

Mohshin Ali

From: Corinne Holland on behalf of Licensing
Sent: 12 March 2018 12:04
To: Mohshin Ali
Subject: FW: Yumcha premises licence application

From: Michael Kill [REDACTED]
Sent: 12 March 2018 11:24
To: [REDACTED]@met.pnn.police.uk
Cc: [REDACTED]; HT-Licensingoffice@met.police.uk; Licensing
Subject: Re: Yumcha premises licence application

Tom

We are happy to accept everything you have proposed within your email.

Kind Regards

Mike Kill

Michael Kill
Mobile : [REDACTED]
[REDACTED]

On 7 March 2018 at 11:53, [REDACTED]@met.pnn.police.uk> wrote:
Dear Sir,

In relation to the above submitted Premises Licence Application may I refer you to section M in upholding the Licensing Objectives and ask that the following amendments/additions are included and agreed:

1. **CCTV** is made available to Police or other Licensing Authority on request.
2. **Refusals** and **Incident Log** are made available to Police or other Licensing Authority on request.

If you are in agreement could you please reply to HT-Licensingoffice@met.police.uk and Licensing@towerhamlets.gov.uk

Many thanks

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

[REDACTED]

[REDACTED]

📍 **Address** Bethnal Green Police Station, [12 Victoria Park Square, E2 9NZ](https://www.google.com/maps/place/Victoria+Park+Square,+E2+9NZ)

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

Appendix 10

Mohshin Ali

From: Corinne Holland on behalf of Licensing
Sent: 05 March 2018 11:37
To: Mohshin Ali
Subject: FW: New Premise License Application for Yumchaa 137 Brick Lane London E1 6SB - ref M/106697

From: Nicola Cadzow
Sent: 05 March 2018 10:41
To: Licensing
Cc: [REDACTED]@met.pnn.police.uk'; [michael.c.kill](mailto:michael.c.kill@met.pnn.police.uk) [REDACTED]
Subject: FW: New Premise License Application for Yumchaa 137 Brick Lane London E1 6SB - ref M/106697

Dear Licensing,

Further to the amendment to the proposed hours as agreed by the Applicant as follows (see also email below):

Licensable Activities (Late Night Refreshment & Supply of Alcohol) until 23:30 hours (not Midnight as per original application), with 30 minute drink up time with premises closing at Midnight, seven days a week,

I have no objections to the New Premise License Application for Yumchaa 137 Brick Lane London E1 6SB - ref M/106697.

Kind regards

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

From: Michael Kill [REDACTED]
Sent: 05 March 2018 10:11
To: Nicola Cadzow
Cc: [REDACTED] met.pnn.police.uk
Subject: Re: New Premise License Application for Yumchaa 137 Brick Lane London E1 6SB - ref M/106697

Hi Nicola

Yes au can confirm we are happy with proposed hours below:

Licensable Activities (Late Night Refreshment & Supply of Alcohol) until 23:30 hours (not Midnight as per original application), with 30 minute drink up time with premises closing at Midnight, seven days a week.

Regards

Mike Kill

Sent from my iPhone

On 5 Mar 2018, at 09:47, Nicola Cadzow [REDACTED] wrote:

Dear Michael,

Further to my email below (19/2/18), please could you confirm by return email your agreement to:-

Licensable Activities (Late Night Refreshment & Supply of Alcohol) until 23:30 hours (not Midnight as per original application), with 30 minute drink up time with premises closing at Midnight, seven days a week.

Kind regards

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

From: Nicola Cadzow
Sent: 19 February 2018 15:42
To: 'michael.c.[REDACTED]'
Cc: [REDACTED] met.pnn.police.uk
Subject: New Premise License Application for Yumchaa 137 Brick Lane London E1 6SB - ref M/106697

Dear Michael,

Further to our telephone conversation, please could you confirm that:

Licensable Activities (Late Night Refreshment & Supply of Alcohol) until 23:30 hours (not Midnight as per original application), with 30 minute drink up time with premises closing at Midnight, seven days a week

Please be advised that the local paper for the advertisement is the East End Advertiser (formerly East End Life).

Kind regards

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

Appendix 11

Mohshin Ali

From: Michael Kill [REDACTED]
Sent: 27 March 2018 15:57
To: Corinne Holland
Subject: Re: Yumchaa Premises Licence application M/106697

Yes that's fine

Mike

Sent from my iPhone

On 27 Mar 2018, at 15:15, Corinne Holland <[REDACTED]> wrote:

Dear Mike

Thank you for this.

Having considered condition 2 could I just change the wording slightly and add it all into one condition.

'The consumption of alcohol can only be by persons seated within the premises except when operating a pre booked private function, where the general public have no access to the premises'.

Does this sound acceptable.

Kind regards

Corinne Holland - Licensing Officer

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

[REDACTED]
[REDACTED]

From: Michael Kill [REDACTED]
Sent: 27 March 2018 14:26
To: Corinne Holland
Subject: Re: Yumchaa Premises Licence application M/106697

Hi Corinne

Yes we can agree to this

Regards

Mike

Sent from my iPhone

On 27 Mar 2018, at 13:58, Corinne Holland [REDACTED] wrote:

Appendix 12

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 13

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 14

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 15

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 16

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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 17

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 18

Licensing Policy

8 Special Cumulative Impact Policy for the Brick Lane Area

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

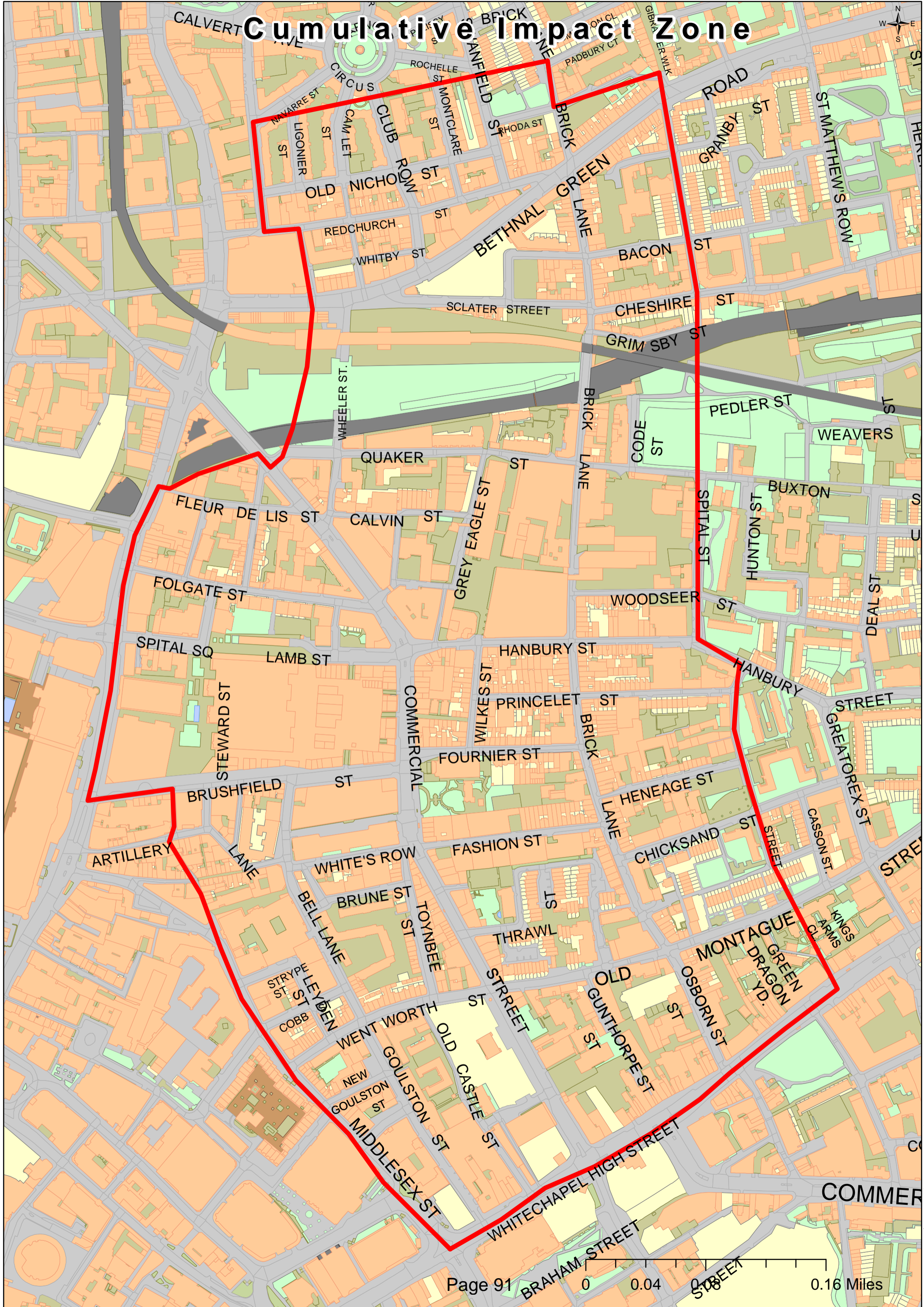
Figure One

The Cumulative Impact Zone in the Brick Lane area

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



Cumulative Impact Zone



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Agenda Item 3.2

| | | | | |
|--------------------------------|---------------|---------------------|------------|-----------------|
| Committee : | Date | Classification | Report No. | Agenda Item No. |
| Licensing Sub Committee | 24 April 2018 | Unclassified | | |

| | |
|---|---|
| Report of : David Tolley Head of Environmental Health & Trading Standards | Title: Licensing Act 2003 Application for a Premises Licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG |
| Originating Officer: Kathy Driver Principal Licensing Officer | Ward affected: Spitalfields and Banglatown |

1.0 Summary

Applicant: **Abul Mangur**
Name and **Faizah Mini Market**
Address of Premises: **2 Old Montague Street**
London E1 5NG

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

Objectors: **Metropolitan Police**
Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for a premises licence for Faizah Mini Market, 2 Old Montague street, London E1 5NG
- 3.2 Historically the premises have held a premises licence since 2005, this was revoked on 4th November 2014 following a review by Trading Standards in regards to smuggled goods. The hours held at that time was Monday to Saturday 08:00 hours to 23:00 hours and Sunday 10:00 hours to 22:30 hours.
- 3.3 A copy of the application is enclosed as **Appendix 1**.
- 3.4 The hours that have been applied for are as follows:-

Sale of Alcohol (off sales)

Monday to Sunday 11:30 hours to 02:00 hours

Hours premises is open to the public:

Monday to Sunday 08:00 hours to 02:00 hours

4.0 **Location and Nature of the premises**

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

areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

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

| | | |
|---------------------|----------|--------------------|
| Metropolitan Police | | Appendix 6 |
| Roger | Evans | Appendix 7 |
| Margaret | Gordon | Appendix 8 |
| Glenn | Leeder | Appendix 9 |
| Mohammed | Rashad | Appendix 10 |
| Jon | Shapiro | Appendix 11 |
| Dick | Tyler | Appendix 12 |
| Alan | Williams | Appendix 13 |

- 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
- Anti-social behaviour on the premises
 - Anti social behaviour from patrons leaving the premises
 - Acting as a magnet attracting the young who then engage in anti-social behaviour
 - Close proximity to residential properties
 - The LBTH Cumulative Impact Zone
 - Close proximity to Hostel
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 **Conditions consistent with Operating Schedule**

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

proof of age card with the PASS Hologram.

7.2 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

7.3 Notices shall be displayed at the exit requesting customer to leave the premises and the area quietly.

7.4 Log Book shall be kept on the premises to record incidents; inspections and refusals.

8.0 Conditions Agreed/Requested by Responsible Authority

8.1 Should the Committee decide to grant a licence the Police request the following conditions:

8.2 The premises will not sell any beer, lager or cider that exceeds the strength of 5.6%abv or higher unless four or more bottles/cans are purchased together.

8.3 CCTV recordings will be retained for a minimum of 30 days and presented to Police or Local Authority officials upon request. The CCTV must cover all internal areas and immediately outside the premises and there must be someone able to operate the system at all times the premises are open.

8.4 There must be a Personal Licence Holder present when the premises are open.

8.5 The Premises must keep and maintain an incident book and refusals book that documents all refused sales of alcohol.

9.0 Licensing Officer Comments

9.1 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.

9.2 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.

9.3 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)

- 9.4 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.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 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.
- 9.7 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)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 14-19** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

| | |
|----------------------|---|
| Appendix 1 | A copy of the application |
| Appendix 2 | Site Plan |
| Appendix 3 | Maps of the surrounding area |
| Appendix 4 | Other licensed venues in the area |
| Appendix 5 | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations |
| Appendix 6-13 | Representations of local residents |
| Appendix 14 | Licensing Officer comments on Anti-Social Behaviour on the premises |
| Appendix 15 | Licensing officer comments on anti-social behaviour patrons leaving the premises |
| Appendix 16 | Licensing officer comments on Acting as a magnet Attracting the Young |
| Appendix 17 | Cumulative Impact Zone |
| Appendix 18 | Planning |
| Appendix 19 | Licensing Policy relating to hours of trading. |

Appendix 1

105 907



LICENSING ACT 2003

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) Abul Mangur

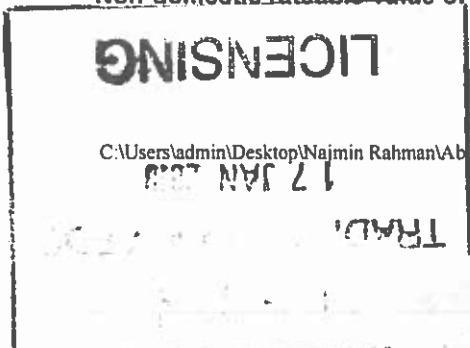
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Part 1 – Premises details

| | |
|--|---------------------|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| Faizah Mini Market 2 Old Montague Street London | |
| Post town | Post code E1 5NG |

Telephone number at premises (if any)

Non-domestic rateable value of premises



Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

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

Nationality

Current residential address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname First names

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

Nationality

Current residential address if different from premises address

Post Town Postcode

Daytime contact telephone number

**E-mail address
(optional)**

B) OTHER APPLICANTS

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

| |
|---|
| Name |
| 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 |
|-----|-------|-------------|
| 0 | 1 | 0 2 2 0 1 8 |

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

| Day | Month | Year |
|-----|-------|------|
| | | |

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

| |
|--|
| |
|--|

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

Please find enclosed plan of premises
Premises is a sweet shop where snacks are sold and soft drinks eg - coke, 7 up etc
Some household items and domestic essentials are sold.

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 red guidance note 4) | Both | | |
| Tue | | | | | | |
| Wed | | | | State any seasonal variations for performing plays (please read guidance note 5) | | |
| Thur | | | | | | |
| Fri | | | | Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | | |
| Sun | | | | | | |

B

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

C

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

D

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

E

| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 3) | Indoors | | |
|---|-------|--------|---|--|--|--|
| Day | Start | Finish | | Outdoors | | |
| Mon | | | Please give further details here (please read guidance note 4) | Both | | |
| Tue | | | | | | |
| Wed | | | | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| Thur | | | | | | |
| Fri | | | | | | |
| Sat | | | | 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) | | |
| 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 | | |
|---|-------|--------|---|--|--|--|
| Day | Start | Finish | | Outdoors | | |
| Mon | | | Please give further details here (please read guidance note 4) | Both | | |
| Tue | | | | | | |
| Wed | | | | State any seasonal variations for playing recorded music (please read guidance note 5) | | |
| Thur | | | | | | |
| Fri | | | | | | |
| Sat | | | | 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) | | |
| Sun | | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 3) | Indoors | | |
|--|-------|--------|--|--|--|--|
| Day | Start | Finish | | Outdoors | | |
| Mon | | | Please give further details here (please read guidance note 4) | Both | | |
| Tue | | | | | | |
| Wed | | | | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| Thur | | | | | | |
| Fri | | | | 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) | | |
| 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 | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | | |
| Mon | | | | Please give further details here (please read guidance note 4) | Outdoors | |
| Tue | | | Both | | | |
| Wed | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) | | | |
| Thur | | | | | | |
| Fri | | | 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) | | | |
| Sat | | | | | | |
| Sun | | | | | | |

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

J

| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 8) | On the premises | | |
|---|----------|---------|--|---|---|--|
| Day | Start | Finish | | Off the premises | | |
| Mon | 11:30 AM | 2:00 AM | State any seasonal variations for the supply of alcohol (please read guidance note 5) Christmas day, Boxing day, New Years Day, Bank Holidays during world cup season. | Both | ✓ | |
| Tue | 11:30 AM | 2:00 AM | | | | |
| Wed | 11:30 AM | 2:00 AM | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Thur | 11:30 AM | 2:00 AM | | | | |
| Fri | 11:30 AM | 2:00 AM | | | | |
| Sat | 11:30 AM | 2:00 AM | | | | |
| Sun | 11:30 AM | 2:00 AM | | | | |

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

| | |
|-----------------------------------|----------------|
| Name | Mr Abul Mangur |
| Date of Birth | [REDACTED] |
| Address | [REDACTED] |
| Postcode | [REDACTED] |
| Personal Licence number(if known) | 26160 |

| | |
|--|---------------------------------|
| Issuing licensing authority (if known) | London Borough of Tower Hamlets |
|--|---------------------------------|

K

| |
|---|
| <p>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)</p> |
|---|

L

| Hours premises are open to the public Standard timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
|---|----------|----------|---|
| Day | Start | Finish | |
| Mon | 08:00 AM | 02:00 AM | To be open on Christmas Day, Boxing Day and all Bank Holidays |
| | | | |
| Tue | 08:00 AM | 02:00 AM | |
| | | | |
| Wed | 08:00 AM | 02:00 AM | |
| | | | |
| Thur | 08:00 AM | 02:00 AM | |
| | | | |
| Fri | 08:00 AM | 02:00 AM | |
| | | | |
| Sat | 08:00 AM | 02:00 AM | |
| | | | |
| Sun | 08:00 AM | 02:00 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)

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the 4 licensing objectives with attention to:

- a) no selling of alcohol to underage people
- b) no drunk or disorderly behaviour on the premises area
- c) vigilance in preventing the use and sale of illegal drugs at the retail area
- d) no violent and anti-social behaviour
- e) no harm to children

Operating schedule providing the hours of operation and licensable activities during those hours.

- Designated premises supervisor confirm it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorise each sale.
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
- CCTV system installed with recording option available.
- Roller metal exterior window shutter will be fixed to ensure that shop front is safe and secure at all times.

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises license during which licensable activities are permitted.

Clear notice warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit.

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises license that requires the recording of such information. The log book shall be kept available for inspection when required by person authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained always in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out in a timely and effective manner.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving licence or a passport) if they wish to purchase alcohol. Well trained staff about requirement for persons' identification, age establishment etc. All the details provided in Training Record Book available the retail unit.

Log Book will be kept upon the premises at all times.

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

CHECKLIST:

Please tick to indicate agreement


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

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

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

Part 4 – Signatures (please read guidance note 11)

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

| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
| Signature |  |
| Date | 11/01/2018 |
| Capacity | Applicant |

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

| | |
|------------------|--|
| Signature | |
| Date | |
| Capacity | |

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

Mr Mohammed Abul Kalam Chowdhury
KC Solicitors
55-57 Brady Street
London

Post town

Post code
E1 5DW

Telephone number (if any)

[REDACTED]

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

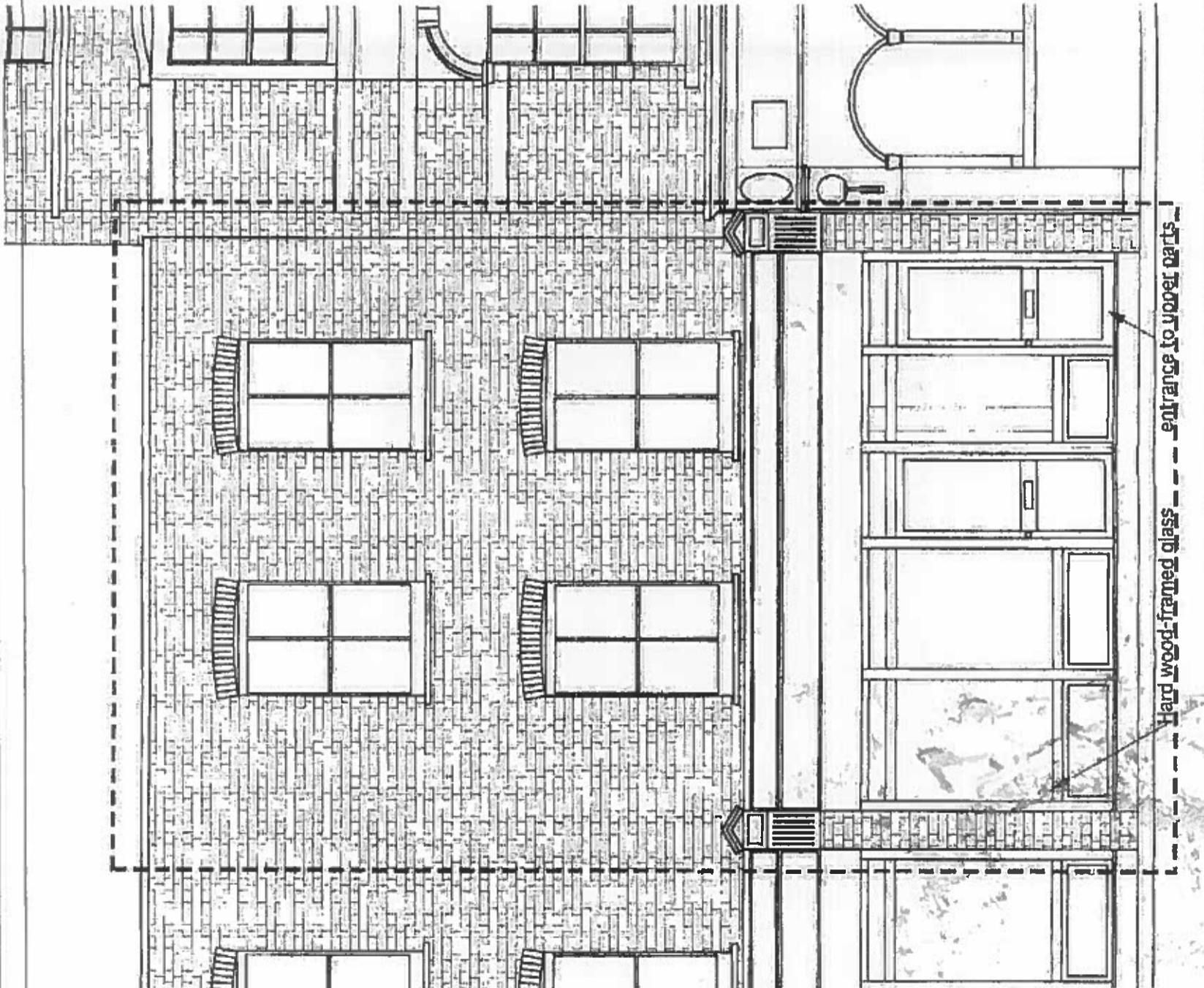
[REDACTED]

Appendix 2


2 OLD MONTAGUE STREET

ALL ELEVATIONS WILL REMAIN
SAME AS EXISTING.


THERE ARE NO PROPOSALS FOR
ANY CHANGES TO THE
FRONT, REAR OR SIDE
ELEVATIONS.

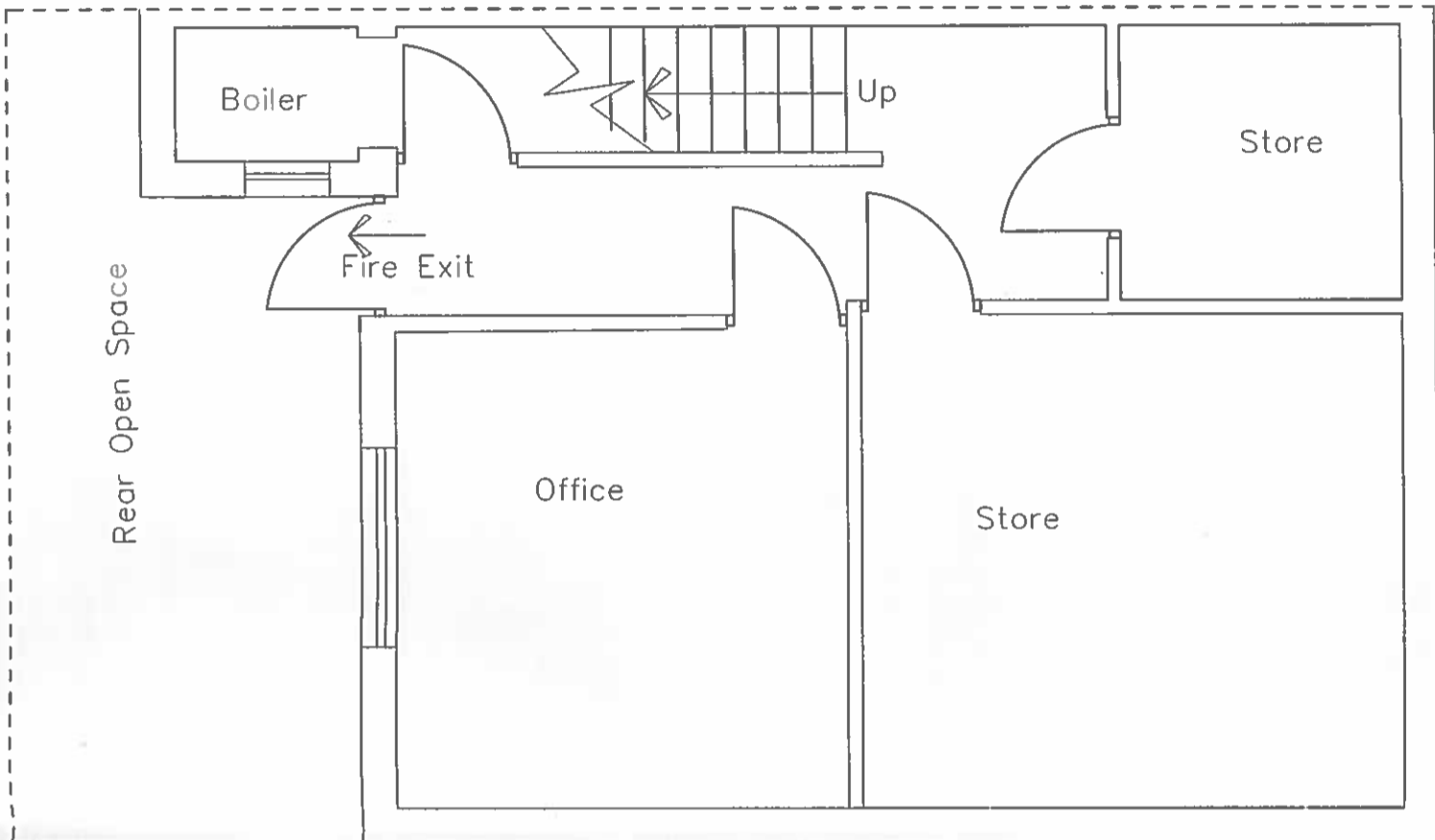


EXISTING
FRONT ELEVATION

| | | | | | |
|---|------|----------|---------|-------------|---------|
| SCALE | DATE | INITIALS | PREP BY | DESCRIPTION | CHECKED |
| | | | | | |
| DATE | | | | | |
|  Sylarc Planning <small>(153 GREEN LANE, 601 100)</small> | | | | | |
| PROJECT: | | | | | |
| 2 MONTAGUE STREET E1 5NG | | | | | |
| DWG TITLE | | | | | |
| Planning Permission | | | | | |
| SCALE 1:50 @A3 | | | | | |
| CLIENT | | | | | |
| Mr Abul Mangur | | | | | |
| DATE | | | | | |
| Nov 2017 | | | | | |
| DWG NO : | | | | | |
| SYL/17/2/3 | | | | | |
| ISSUE | | | | | |
| A | | | | | |

| | |
|---|---|
| <p>NOTE:</p> <p>PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBOURS</p> <p>DIMENSIONS TO BE CHECKED ON SITE</p> <p>CONTRACTOR TO CHECK SITE THOROUGHLY BEFORE WORK STARTS & REPORT ANY DISCREPANCIES</p> | <p>LEGEND</p> <ul style="list-style-type: none"> ☼ = SMOKE DETECTOR WITH SOUNDER ⊙ = EMERGENCY LIGHTING TO BS5266: Part 1 1988 ⊕ = HEAT DETECTOR FD30 = 30 MINUTE FIRE RESISTING DOOR AND FRAME FD20 = 20 MINUTE FIRE RESISTING DOOR AND FRAME ⊞ = SMOKE SEALS FITTED TO PERIMETER OF DOOR SC = SELF CLOSING DEVICE |
|---|---|

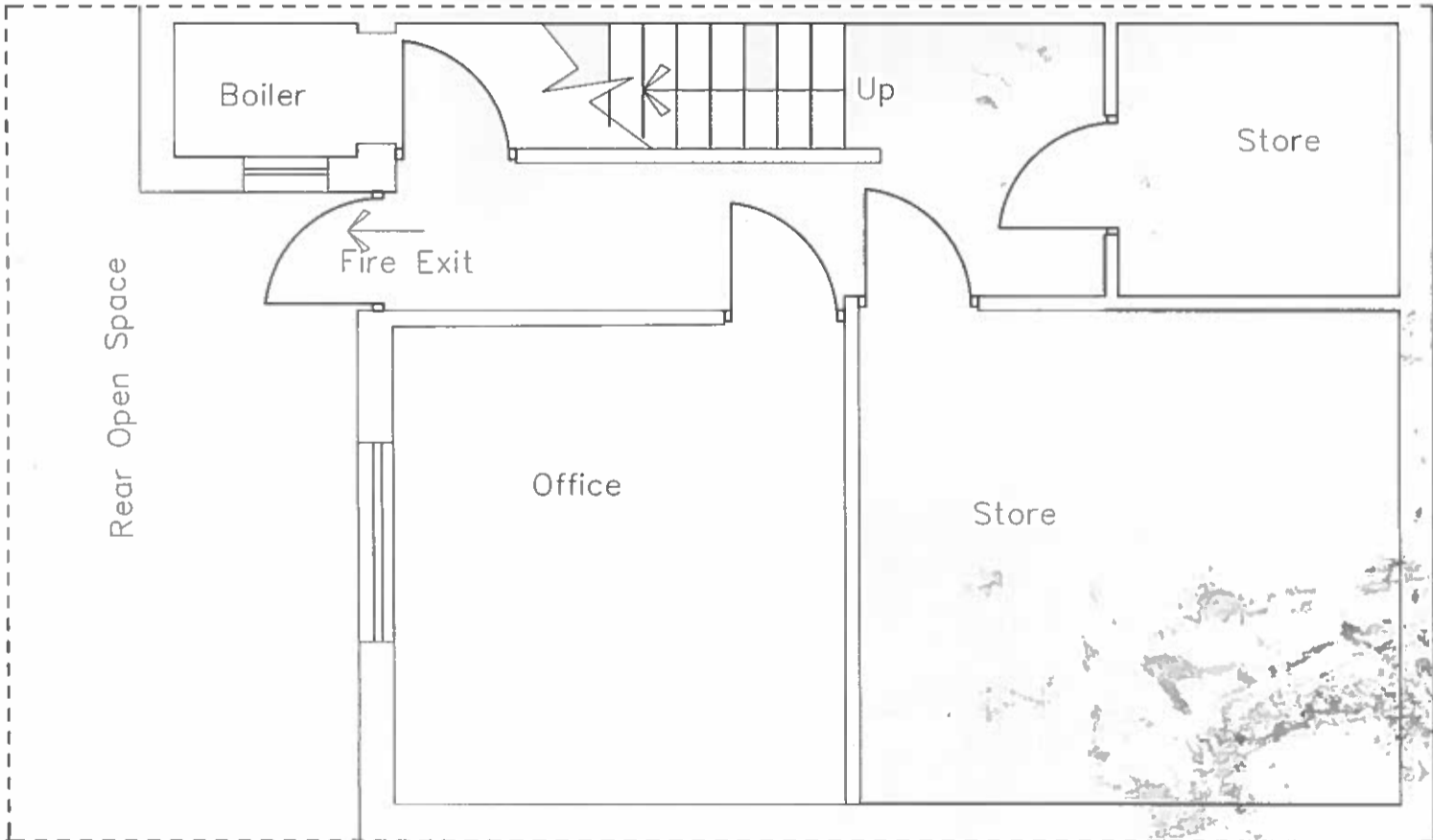
| | | | |
|--|---------------------|----------|-------------|
| DATE | DATE | DATE | DESCRIPTION |
| CHECKED | REVISED | DATE | DESCRIPTION |
|  Sylarc Planning PROJECT: 2, MONTAGUE STREET E1 SNG (153 GREEN LANE, 601 13X) | | | |
| DWG TITLE | PLANNING PERMISSION | SCALE | DATE |
| Planning Permission | | 1:50 BA3 | Nov 2017 |
| CLIENT | DWG NO : | ISSUE | |
| Mr Abul Mongur | SYL/17/2/2 | A | |



**EXISTING
BASEMENT PLAN**

NOTE:
PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBOURS
DIMENSIONS TO BE CHECKED ON SITE. CONTRACTOR TO CHECK SITE THOROUGHLY BEFORE WORK STARTS & REPORT ANY DISCREPANCIES.

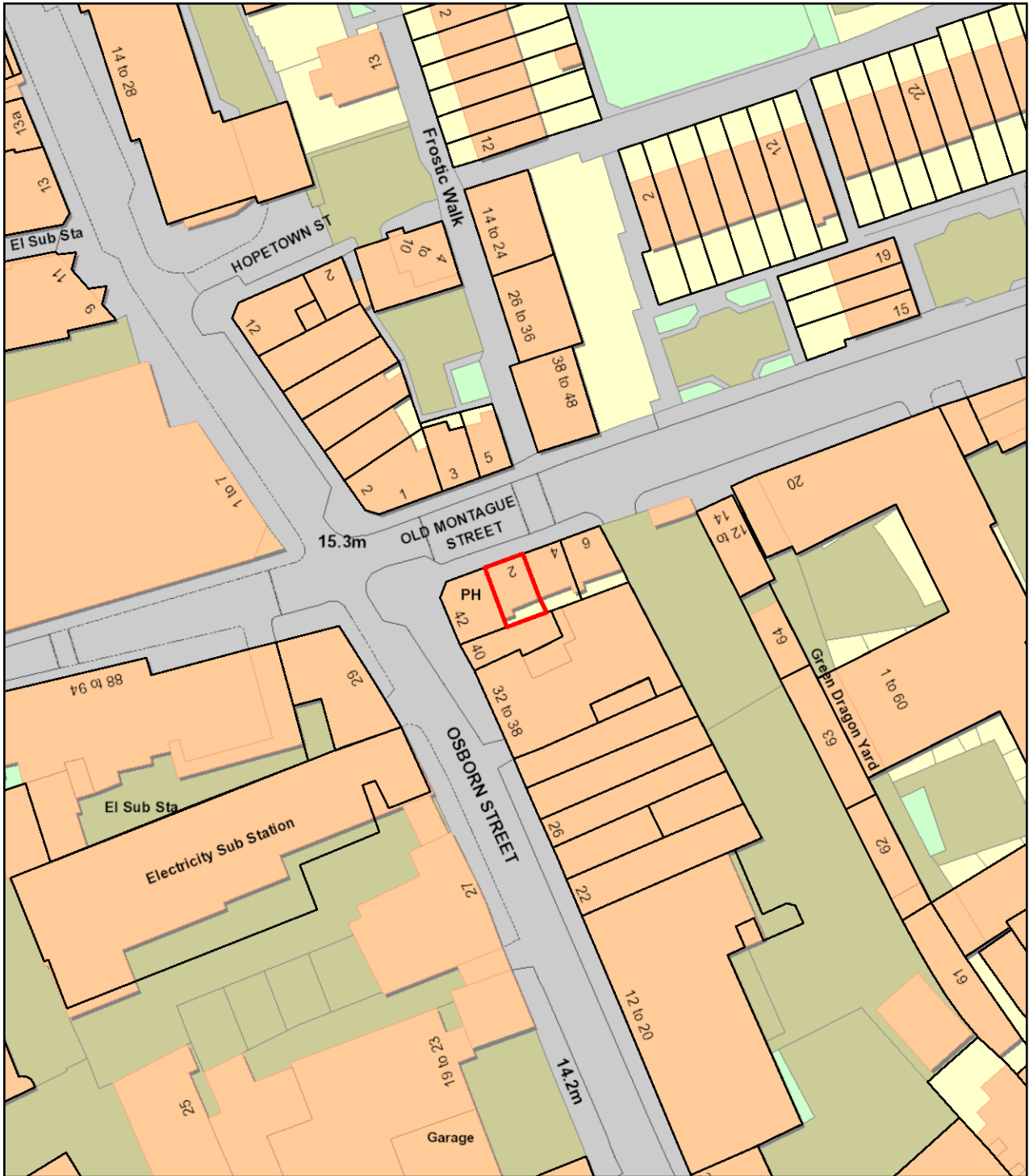
LEGEND
 ☉ = SMOKE DETECTOR WITH SOUNDER
 ○ = EMERGENCY LIGHTING TO BS5266: Part 1 1988
 ⊕ = HEAT DETECTOR
 FD30 = 30 MINUTE FIRE RESISTING DOOR AND FRAME
 FD20 = 20 MINUTE FIRE RESISTING DOOR AND FRAME
 ⊞ = SMOKE SEALS FITTED TO PERIMETER OF DOOR
 SC = SELF CLOSING DEVICE



**OLD MONTAGUE ROAD
Front**

**PROPOSED
BASEMENT PLAN**

Appendix 3

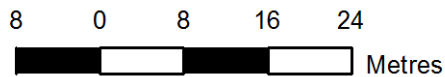


Map 1

2 Old Montague Street



Scale 1:882



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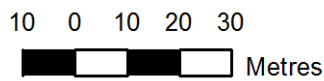


Map 2

2 Old Montague Street



Scale 1:1765



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Appendix 4

| Name and Address | Licensable activities and hours | Opening hours |
|--|--|--|
| <p>(Sonargaon Restaurant) 32-38 Osborn Street E1 6TD</p> | <p>First Floor Supply of alcohol (first floor restaurant) Sunday to Saturday 12 midday until 12 midnight Late Night Refreshment (first floor restaurant) Sunday to Saturday until midnight</p> <p>Supply of alcohol, Regulated Entertainment (basement area) Sunday to Wednesday 12 midday until 01 00 hrs Thursday to Saturday 12 00 midday until 03 00 hrs Late Night Refreshment (basement area) Sunday to Wednesday until 01 00 hrs Thursday to Saturday until 03 00 hrs</p> | <p>1ST Floor Restaurant Sunday to Saturday 12 midday until 12 midnight)</p> <p>Basement Area Sunday to Wednesday 12 midday until 01 00 hrs Thursday to Saturday 12 00 midday until 03 00 hrs</p> |
| <p>Apples & Pears 26 Osborn Street London E1 6TD</p> | <p><u>The provision of regulated entertainment</u> Films; recorded music; performance of dance; anything similar to recorded music or performance of dance; provision of facilities for making music; provision of facilities for dancing; provision of facilities for entertainment of a similar description to making music or dancing. Sunday to Thursday 11:00 hrs – 23:30 hrs Friday & Saturday 11:00 hrs – 00:30 hrs the following day.</p> <p>Live Music; anything similar to live music. Sunday to Thursday 11:00 hrs – 23:00 hrs Friday & Saturday 11:00 hrs – midnight</p> <p><u>The provision of late night refreshment</u> Sunday to Thursday 11:00 hrs – 23:30 hrs Friday & Saturday 11:00 hrs – 00:30 hrs the following day</p> <p><u>The sale by retail of alcohol</u> Sunday to Thursday 11:00 hrs – 23:30 hrs Friday & Saturday 11:00 hrs – 00:30 hrs the following day</p> <p><u>Non Standard Times</u> (This applies to all the above licensable activities). On no more than 15 occasions per calendar year the premises may be extended to such time as agreed with the police, the police having the power to veto any such application.</p> | <p>Sunday to Thursday 11:00hrs – midnight Friday & Saturday 11:00hrs – 01:00hrs</p> |

| | | |
|--|---|---|
| <p>(City Hotel and Conference) 12-20 Osborne Street London E1 6TE</p> | <p>The on and off sale of alcohol to residents (including a maximum of ten bona fide guests of each resident), Monday to Sunday, 00.00am to midnight. The on and off-sale of alcohol to non-residents, Monday to Saturday, 10.00am to 01.00am the following day, and on Sunday from 10.00am to midnight. If non-residents are attending a pre-booked event the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day. Half an hour drinking up time is permitted after the terminal time for the sale of alcohol. Late night refreshment, Monday to Saturday, 23.00pm to 01.00am the following day, Sunday, 23.00pm to 00.30am the following day. For pre-booked events the hours on Monday to Wednesday are extended to 23.00pm to 01.30am the following day, and Thursday to Saturday, 23.00pm to 02.30am the following day. See full licence re other activities.</p> | <p>Monday to Sunday, 00.00am to midnight</p> |
| <p>(Nabrasa Express) 30 Osborn Street London E1 6TD</p> | <p>The sale by retail of alcohol Monday to Saturday 11:00 hours to 23:30 hours Sunday 11:00 hours to 23:00 hours</p> <p>The provision of late night refreshment Monday to Sunday 23:00 hours to 23:30 hours</p> | <p>Monday to Saturday 11:00 hours to 00:00 hours Sunday 11:00 hours to 23:30 hours</p> |
| <p>(The Archers) 42 Osborn Street London E1 6TD</p> | <p>The sale by retail of alcohol:</p> <ul style="list-style-type: none"> • Monday, Tuesday, Wednesday and Thursday from 11:00hrs to 23:30hrs • Friday and Saturday from 11:00hrs to 00:30hrs (the following day) • Sunday from 12:00hrs (midday) to 22:30hrs <p>Regulated Entertainment consisting of: Recorded Music:</p> <ul style="list-style-type: none"> • Monday, Tuesday, Wednesday and Thursday from 11:00hrs to 23:30hrs • Friday and Saturday from 11:00hrs to 00:30hrs (the following day) • Sunday from 12:00hrs (midday) to 22:30hrs <p>Live music to include Karaoke:</p> <ul style="list-style-type: none"> • Friday from 21:00hrs to 00:30hrs | <ul style="list-style-type: none"> • Monday, Tuesday, Wednesday and Thursday from 11:00hrs to 00:00hrs (midnight) • Friday and Saturday from 11:00hrs to 01:00hrs (the following day) • Sunday from 12:00hrs to 23:00hrs |

| | | |
|--|--|---|
| <p>(Moonlight) 8 Brick lane London E1 6RF</p> | <p>The sale by retail of alcohol The provision of regulated entertainment (by way of recorded music) The provision of late night refreshment</p> | <p>Sunday, Monday, Tuesday and Wednesday, between 12 noon and 11pm Thursday, Friday and Saturday, between 12 noon and 1am the following day</p> |
| <p>(Best One) 20 Brick Lane London E1 6RF</p> | <p>For the Supply of Alcohol, Monday to Thursday from 08 00 hrs to midnight Friday and Saturday from 08 00 hrs to 01 00 hrs the following day Sunday from 09 00 hrs until 23 00 hrs</p> | <p>Monday to Thursday from 08 00 hrs to midnight Friday and Saturday from 08 00 hrs to 01 00 hrs the following day Sunday from 09 00 hrs until 23 00 hrs</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



Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Toby Club,
Vawdry Close
E2

Telephone: [REDACTED]

Email: [REDACTED]
[REDACTED]

18th January 2018

Dear Sir,

Re: Application for a Premises Licence for:

**Faizah Mini Market
2 Old Montague Street
E1 5NG**

I write to you with reference to the above application which was received by Tower Hamlets Police Licensing.

Tower Hamlets Police object to this application on the grounds of Preventing Crime and Disorder and Prevention of Public Nuisance.

This application is for the premises to sell alcohol every day of the year, including Bank Holidays, from 11:30 - 02:00 in an area within the Brick Lane CIZ and Brick Lane Public Spaces Protection Order 2017. It is also an area where there has been ongoing partnership working between Police, Local Authority and Business owners in an effort to reduce the amount of Crime and Anti-Social behaviour generated by alcohol and drugs.

Tower Hamlets Police object on the following points:

The premises is situated in a location that is directly between two hostels, Hope Town Hostel (60 Old Montague Street) and Dellow Centre, each within two minutes walk of this Mini Market/Off-Licence.

Not more than 10 minutes walk away on Whitechapel Road there is another hostel called Booth House that primarily houses males with alcohol related problems; all of these hostels and its vulnerable residents could easily access the premises.

There is a real fear that should this premises remain open to 2AM every day then this would lead to a significantly greater amount of street drinkers in the area buying cheap high volume alcohol and therefore raising the risk of Anti-Social Behaviour and Crime within a residential area.

The street drinkers and others wishing to purchase alcohol at a later time than is reasonably expected would also remain longer in the area and into the early hours of the morning therefore realising concerns related to Crime and Disorder and Public Nuisance associated with alcohol misuse.

The local Safer Neighbourhood Police for Spitalfields and Banglatown have also expressed their concerns about the premises opening to 2AM when it is within a very short distance from hostels that house vulnerable adults and where they provide rehabilitation for those who have been alcohol or drug dependant.

Licensing Guidance Paragraph 8.34 states “applicants are in particular expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives”.....including “any risk posed to the local area by the applicants’ proposed licensable activities” . I don’t believe the applicant has taken into consideration the local community and the impact such late hours will have on the neighbourhood.

The applicant had previously applied to vary the premises licence regardless of it being revoked in 2014 because of problems including selling high volume alcohol to vulnerable residents of the nearby hostels and sale of alcohol to an already intoxicated person. The applicant has also included the consumption of alcohol for both on and off the premises. The applicant should be aware of the saturation policy and the late hours applied for do not reflect the concerns that have lead to the implementation of a CIZ. One of the main reasons for the introduction of the CIZ was to combat the expansion of late night venues. One more late night opening venue will only compound the problems in this area.

In summary this application is for a premises with a problematic history with selling alcohol, and related issues with the local hostels resulting in licence revocation in 2014. The applicant has made obvious errors in his applications in which he fails to mention the CIZ and local hostels and how he would intend to promote the licensing objectives in those areas.

The applicant has also proposed the sale of alcohol until 2AM every day of the year, going well beyond the framework hours displaying a disregard for the local residents and the needs of those vulnerable and recovering from alcohol related illnesses.

There are no other similar premises in the vicinity that have these opening hours therefore resulting in the premises becoming a beacon for crime and disorder into time sensitive hours.

There a significant amount of ASB and public order related Police reports generated from the immediate vicinity over the past 6 months with alcohol and drugs being key triggers, and It is strongly believed that these problems would increase dramatically if this application were to be successful.

It is therefore recommended that the committee reject this application however, if the committee are of the mind to grant it implementing framework hours then the following conditions would be suggested:

1. The premises will not sell any beer, lager or cider that exceeds the strength of 5.6%abv or higher unless four or more bottles/cans are purchased together.
2. CCTV recordings will be retained for a minimum of 30 days and presented to Police or Local Authority officials upon request.

Dear Tom

It was good to meet with you on Thursday. Do let me know if there is anything else that I or we can do to support you in your role.

In regards to the recent Premises application at Faizah, 2 Old Montague Street, E1 5NG, I object to this as a licence in this area will negatively impact the community for the following reasons.

- a) Prevention of Public Nuisance. We and the community are already raising concerns about ASB in the area and the high concentration of Hostels and night life scene on Brick Lane would be drawn to this premises, increasing the footfall, risk of incidents, shouting and litter. We are solution focused and working together to address the issues but feel that this would add substantially to the ASB in the area.
- b) Prevention of Crime and Disorder – With our hostels being so local and giving that our remit is to support the most vulnerable to address their substance misuse issues this premises would not only negatively impact on their recovery being right on their doorsteps but increase the risks of e.g. fighting, drug problems, disorder etc..
Neighbours and hostels staff are already working together to resolve noise, ASB etc and this would only add to the current issues.
- c) Public Safety – If individuals congregate outside the off Licence this could perhaps force other pedestrians to walk on the road putting perhaps their own and that of their children's safety at risk.
- d) Other issues – Unfortunately our experience has been that off licences do not work with the community to resolve issues and frequently will hold cards and give credit to vulnerable residents. Monitoring financial exploitation is difficult as there are no records. Other individuals seeking opportunities to exploit will observe dates payments are made and work out vulnerable residents paydays and then exploit or rob them on their paydays.

Tom I hope that this is of assistance to you

Let me know if you have any additional queries

Kindest regards Mary

Mary Kneafsey
Assistant Director Client Services



Hello Thomas

I am emailing to place on record my concerns regarding the proposal for the extended licensing hours to the property at [Faizah, 2 Old Montague Street, E1 5NG](#). until 2am

I can not express enough my concerns regarding this as I am sure you aware we work with some very vulnerable clients who are living at Salvation Army centres and alot of our clients have issues regarding their alcohol abuse .

The Salvation Army are working with these clients on their addiction issues but to have an extended opening hours where alcohol is available until 2am will seriously impact on anti social behaviour in the area and also have a negative impact on clients recovery.

It could be stated that clients would find alcohol or could "store" alcohol bought earlier in the day - however - I am sure that this proposed extended licensing hours would have a serious negative impact on not only our clients recovery but also on the immediate neighbourhood.

I trust this statement is satisfactory for what you require to register concerns. If you require me to do anything else please let me know

Kind regards

Helen

Helen Wilson
Interim Service Manager
Tower Hamlets Women's Service

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

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Lee Andrews..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: - Anti-Social Behaviour Coordinator

This statement (consisting of: ... **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



Date: 26 January 2018

I, Lee Andrews, of One Housing Group, Suttons Wharf South, 44 Palmers Road, London E2 0TA (business address) WILL SAY AS FOLLOWS:-

1. I have been employed by One Housing as an Anti-Social Behaviour Coordinator since 10 August 2015. My role includes, supervising and investigating reports of anti-social behaviour, providing support to identified witness and victims of anti-social behaviour and conducting tenancy enforcement action.
2. I make this statement on behalf of One Housing in order to oppose the application for a premises licence (02:00hr close) at the following premises:-
 - Faizah, 2 Old Montague Street, London E1 5NG
3. Throughout this witness statement I will refer to various documents of which are produced and shown in a bundle marked "LA1".
4. One Housing is the owner and landlord of the following estates within the Spitalfields and Banglatown Ward, Tower Hamlets ("the Ward"):-
 - 1 Kings Arms Court, Old Montague Street, London E1
 - 2 Kings Arms Court, Old Montague Street, London E1
 - The Green Dragon Yard Estate, Old Montague Street, London E1
 - The Flower and Dean Estate, London E1
 - Flats 1-8, 72 Quaker Street, London E1

Signature:



Signature witnessed by:

Continuation of Statement of [REDACTED]

5. Faizah is located a short distance from 4 housing estates belonging to One Housing that are blighted by Anti-Social Behaviour issues that are directly linked to Class A drugs, alcohol abuse and violence. I have attached to this statement a recent Community Impact Statement that I prepared for the police in order to highlight the ongoing Anti-Social Behaviour issues that were being by our faced by residents, leaseholders and staff of One Housing on a daily basis in the Ward.

6. In addition to the above, Faizah is also centrally located between the Hopetown Hostel and The Dellow Centre Hostel/Day Centre. These centres house some of the most vulnerable people in Tower Hamlets who, in some cases, have significant drug and alcohol dependency issues.

7. One Housing, the police and partnering agencies work tirelessly and invest vast amounts of time, money and resources in to combating Anti-Social Behaviour in the Ward. By permitting the sale of alcohol in to the hourly hours of the morning in an area that is already experiencing high volumes of Anti-Social Behaviour relating to drug and alcohol misuse, One Housing is firmly of the view that this will only lead to further increases in Anti-Social Behaviour, crime and disorder which will most certainly have a detrimental impact on the local community and stretch the limited resources already in place to compact Anti-Social Behaviour to breaking point.

*Lee Anderson
26/1/18*

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

"LA1"

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Lee Andrews

URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: Anti-Social Behaviour Coordinator

This statement (consisting of: ... 15 ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



Date: 19 December 2017

I, Lee Andrews, of One Housing Group, Suttons Wharf South, 44 Palmers Road, London E2 0TA (business address) WILL SAY AS FOLLOWS:-

- I have been employed by One Housing Group ("One Housing") as an Anti-Social Behaviour Coordinator since 10 August 2015. My role includes, supervising and investigating reports of serious Anti-Social Behaviour, providing support to identified witness and victims of Anti-Social Behaviour and conducting tenancy enforcement action against those responsible for causing Anti-Social Behaviour.
- I make this statement at the request of the Spitalfields and Banglatown Safer Neighbourhood Policing Team in order to provide the recipient of this statement with an overview of the on-going Anti-Social Behaviour issues that have plagued tenants, leasehold owners and staff of One Housing in the Spitalfields and Banglatown Ward, Tower Hamlets ("the Ward") for years.
- One Housing is the owner and landlord of the following estates and blocks within the Ward:-
 - 1 Kings Arms Court, Old Montague Street, London E1
 - 2 Kings Arms Court, Old Montague Street, London E1
 - The Green Dragon Yard Estate, Old Montague Street, London E1
 - The Flower and Dean Estate, London, E1
 - Flats 1-8, 72 Quaker Street, London E1
- I will now separate the issues of Anti-Social Behaviour that are encountered by residents of the above referred blocks/estates in to five subsections below:-

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2006/07(1): MG 11(T)

RESTRICTED (when complete)

Continuation of Statement of ...

1 Kings Arms Court, Old Montague Street, London, E1

1 Kings Arms Court is a low rise block of flats situated on the alleyway linking Old Montague Street and Whitechapel Road and is opposite/overlooks the Hopetown Hostel, Old Montague Street, London E1. The block was build it 2008 and comprises of 17 self-contained units, which are owned by private leaseholders who have purchased their respective properties from One Housing.

Having interrogated our internal Anti-Social Behaviour database, I have established that complaints of Anti-Social Behaviour from leaseholders of 1 Kings Arms Court have been ongoing since at least June 2016. The types of behaviour complained by the leaseholders centre around street drinking, drug dealing, drug use, shouting and swearing, violence and, in particular, the behaviour of residents/visitors of the Hopetown Hostel in the locality of 1 Kings Arms Court.

An example of the type of complaint that I receive on a regular basis regarding Anti-Social Behaviour in and around 1 Kings Arms Court is set out below:-

"Hi all, only me again.

For the past few weeks I keep hearing women cackling, arguing and generally making a nuisance of themselves from anywhere between 7:00pm through to the early hours the next day. I can't see them because I am disabled, they seem to be congregating under the gateway to Black Lion House. Possibly out of view of the CCTV, if it's working? Is there any chance we can get the security guard in BLH's car park to tell them to move on, or report to the police?

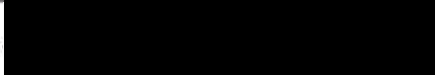
*Other times, I witness the *hitness going on below in the alley and around Old Montague Street to Hopetown and I've tried numerous times to txt Hopetown either without reply, or a 'security are out', which is a complete lie, as I haven't seen a single security personnel for an absolute age.*

I've witnessed drug deals going on directly outside Hopetown, always the other side of where the CCTV is pointing. Men and women kicking 2 Kings Arms Court

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Signature witnessed by:

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Continuation of Statement of .. 

main door in still. Arguments, drug deals in the alley...

I can't call the police because I am speech impaired. I can't txt 101, so I have to txt 999 leaving specific instructions to investigate exactly where I've told them to investigate and to leave me alone as I am not very mobile (that's putting it mildly) and my communication difficulties would only make the situation worse.

Do we actually know that the CCTV is working? Both on Old Montague Street and the alleyway? If it needs to be activated first, is there a number I can text to get it activated fast?

Sorry if it sounds like I'm repeating myself... it's probably because I am. I've tried banging my head against the wall also, but that doesn't work either!

Hopetown, please read the txt msgs below and ask your security (if there are any?) to be less flippant and be more proactive (particularly today's at the bottom)?"

2 Kings Arms Court, Old Montague Street, London E1

2 Kings Arms Court is a low rise block of flats situated on the alleyway linking Old Montague Street and Whitechapel Road and is opposite/overlooks the Hopetown Hostel, Old Montague Street, London E1. The block was build it 2008 and comprises of 10 self-contained units, which houses general needs tenants who have been referred to One Housing by London Borough of Tower Hamlets as they are deemed most in need in the Borough.

Whilst 2 Kings Arms Court is situated only a matter of yards from 1 Kings Arms Court, the block is significantly impacted from high volumes of Anti-Social Behaviour due to drug users and vagrants wanting going access to the block for the purpose of conducting illicit activities in the external and internal communal areas. Entrance to the block is obtained via an external communal steel door which, historically, has been damaged by individuals who have continuously kicked the door to gain entry. Residents of 2 Kings Arms Court are also disturbed by unknown individuals buzzing on the

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Continuation of Statement of ...

resident's intercom systems requesting entry to the block by purporting to be visitors/delivery drivers. This has resulted in some residents having to de-activate their intercom systems so that they are not disturbed during the night.

In addition to the above, the ground floor flats at 2 Kings Arms Court have rear gardens which run parallel with the alleyway linking Old Montague Street and Whitechapel Road. Unfortunately, most residents situated on the ground floor no longer utilise their garden space due to them being used as a dumping ground by individuals using the alley way. Residents will often find discarded beer cans, bottles, cigarettes and other items in their gardens which have been thrown from the alley way.

The most concerning aspect for One Housing and also the residents of 1 and 2 Kings Arms Court is the behaviour of those that reside at the Hopetown Hostel which, on the face of it, goes mostly unchallenged on an almost daily basis due to the lack of police and THEOs and the streets. I personally have witnessed women and men (who are attracted to the Hostel due to the women) engaging in verbal confrontations, street drinking and other forms of Anti-Social Behaviour in broad day light without any regard to members of the public and community. This is most certainly something that has been going on since I took up my role in January 2017 and, despite the implementation of 2 Public Space Protection Orders and installation of high quality CCTV, the problems show no sign of abating.

The Green Dragon Yard Estate

The Green Dragon Yard Estate comprises of approximately 64 self-contained units that are situated in separate blocks and each have individual communal entrance points on the ground floor and can only be accessed with specific key fobs which are given to residents by the One Housing upon the commencement of their tenancy. The entrance points to the Green Dragon Yard Estate are located on Old Montague Street and Whitechapel Road. The entrance points to the Green Dragon Yard Estate are fitted with steel automatic security gates and can only be accessed by key fobs which are again only given to residents by One Housing.

The Green Dragon Yard Estate has been blighted with Anti-Social Behaviour problems

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Continuation of Statement of

for at least the past 5-6 years, with residents having to withstanding persistent acts criminal and Anti-Social Behaviour by local street drinkers, prostitutes, drug users and rough sleepers. Residents will often witness unknown individuals breaking in to the separate blocks to inject drugs, perform sex acts and engage in physical violence. Since 2015, there have been 2 Premises Closure Orders obtained against properties in Green Dragon Yard for serious Anti-Social Behaviour (namely Class A drugs). However, despite this action, the incidents continue to occur. Residents are often kept awake in to the early hours of the morning due to unknown individuals fighting and shouting on Old Montague Street whilst trying to kick open the security gate to Green Dragon Yard situated on Old Montague Street. Once inside the Green Dragon Yard Estate, the security and safety of the residents is significantly compromised.

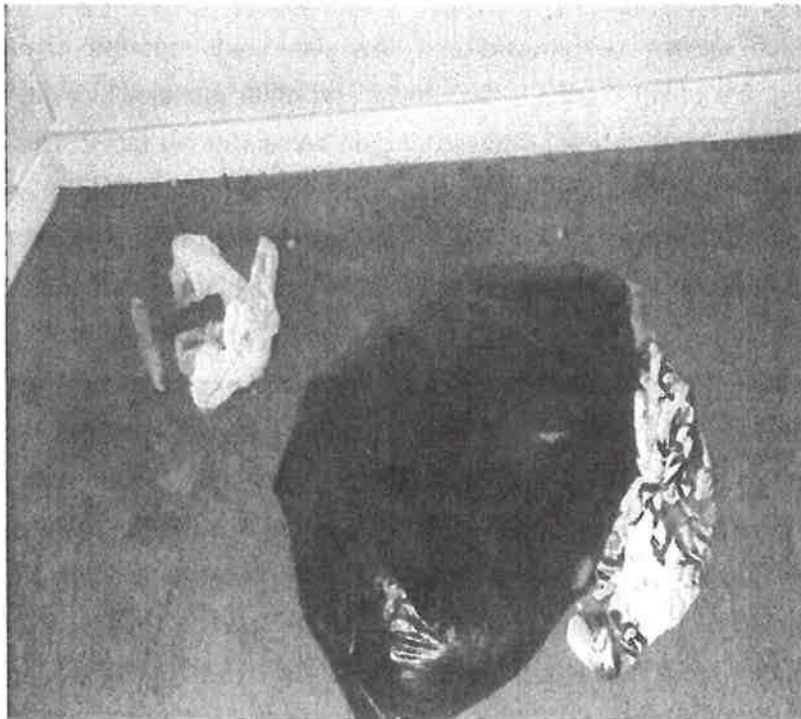
During a recent investigation relating to the issues of Anti-Social Behaviour within Green Dragon Yard, it was established that key fobs usually reserved for residents were being copied in local shops by unknown individuals which subsequently granted them unrestricted access to the estate. It has also been reported to me that unknown individuals are using fireman's drop keys and other makeshift devices to override the door entry systems for the purposes of gain access to the block. This behaviour again significantly comprises the safety and security of the residents and staffs as the individuals know that it is very difficult for One Housing to combat this problem without having to undertake a complete overhaul of its security systems at a vast expense.

In December 2017, residents found a male asleep on a communal stairwell of Block B who was clearly under the influence of drugs. The male in question had urinated and defecated in the communal area which then had to be walked over by residents and their children to get in and out of the block. The task of clearing up the aftermath of the rough sleeper will fall to One Housing staff who then have to spend the best part of a day cleaning and sterilising an entire block only for it to happen again the next night. Images taken from earlier this month of the most recent incidents of rough sleepers in the blocks are below:-

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Signature witnessed by:

Continuation of Statement of [REDACTED]



There have also been recent incidents of drug users who are believed to be associated with the local hostels being found in the bin stores of Green Dragon Yard smoking Class A drugs and acting in an anti-social manner. This behaviour is not uncommon and

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Continuation of Statement of ...

appears to happen most nights but is particularly bad at the weekends. I personally have viewed hours of CCTV footage and footage taken by residents of acts of Anti-Social Behaviour at Green Dragon Yard which, at times, can be shocking to watch.

For example, in May 2017, I viewed mobile phone footage that had been taken from a resident of Green Dragon Yard which showed a number of incidents that they had captured inside their block. In one of the videos that I viewed, I could hear a large disturbance/altercation occurring on a communal landing of one of the blocks which involved an unknown female and a male. The female then makes her way down the communal stairwell before speaking to the resident holding the camera and tells them that there are "...crack heads up stairs..."

In another video that I watched, I was able to identify a male wearing a blue t-shirt who I had previously seen in CCTV footage taken on 10 April 2017 being confronted by residents of Green Dragon Yard about why he was there. It appears that this male was refusing to leave the communal doorway of Block C. During the confrontation between the unidentified male and the residents, the male clearly states "...why are they dealing drugs upstairs then..." before laughing in the faces of the residents.

Notwithstanding the above, residents also have to witness unknown individuals committing criminal damage to the doors to their respective blocks. Despite these steel doors being fitted with maglocks, they are often damaged beyond repair by people who continuously kick the doors until the locks are damaged and give way. It is then down to One Housing and the residents to pick up the bill for the repair to the communal doors. An example of this happened on 21 November 2017 when I was contacted by a resident via email who stated as follows:-

"Hi lee,

Following the voicemail i have just left you, the 999 police reference is 1430.

Four guys have just tailgated someone onto the estate via Whitechapel Road gate. Looking suspicious i followed them and watched one of them kick the block a door (flats 1 - 18) open. Nathaniel also witnessed this.

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Signature witnessed by:

Continuation of Statement of

I told them i would call the police to which the guy who kicked the door open said "I live here". He doesnt!

Nathaniel said they went into flat ■.

The time of this was 7.45am approx.

Please review cctv and forward to the SNT team.

Regards"

Extracts from other emails that I have received this year from residents of Green Dragon Yard regarding Anti-Social Behaviour at Green Dragon Yard are below:-

"our front gate has become a known drug dealing spot and yet nothing has been done. There is no police presence despite the on-going problems in front of the gate..."

"...How much more do residents here need to endure..." and "...This has gone on for far too long..."

"...Whilst ■ may not be directly responsible for all the activities, his guests are, which in turn have an impact on the residents..."

"...enough is enough. The problem with ■ GDY has been going on since 2013 and it is now time to act..."

The above incidents are still ongoing as at the date of this statement and clearly demonstrate a significant problem relating to Anti-Social Behaviour in and around Old Montague Street, London, E1, which is having a huge impact on the lives of residents belonging to One Housing and the wider community.

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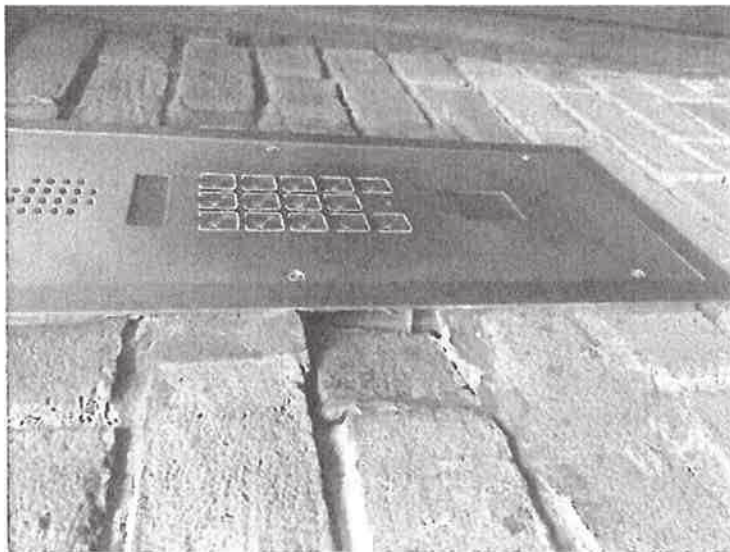
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Continuation of Statement of

The Flower and Dean Estate

The Flower and Dean Estate comprises of approximately 100 street properties and low rise blocks of flats and is situated behind Brick Lane near Whitechapel. Access to the estate can also be accessed via multiple entrance points on Brick Lane, Wentworth Street, Thrawl Street and Commercial Street.

Like the Green Dragon Yard Estate, the Flower and Dean Estate has also been the subject of persistent and serious acts of Anti-Social Behaviour for many years. However, during the recent months there has been a significant spike in Anti-Social Behaviour on the Flower and Dean Estate which includes, physical violence, drug use, alcohol use, drug dealing and dog fighting. All of which is witnessed by residents (including children) of the Flower and Dean Estate both during the day and night on a regular basis.



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Continuation of Statement of



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Continuation of Statement of



A large portion of the above referred incidents are believed to be attributed to residents and visitors of the nearby Hopetown Hostel and Dellow Centre. This assertion is based on witnesses and staff observing residents of the aforementioned centres coming to the Flower and Dean Estate for the purposes of engaging in drug related activity and other forms of Anti-Social Behaviour. On the occasions when I have witnessed drug dealing taking place on the Flower and Dean Estate, I have contacted both 101 and 999 only to be told that there are waits of up 1 hour + for a police response which, in my view is unacceptable. I am also informed by residents that this is the same response that they receive from the police when they call them to report Anti-Social Behaviour.

In the summer of 2017, an employee of One Housing Group was threatened by an individual who was armed with a knife after they challenged the individual about stealing items from the estate. There have also been other incidents where staff and residents have been threatened with violence by unknown individuals for requesting that they

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Continuation of Statement of

move on from the area.

In December 2017, the Flower and Dean Estate Community Centre was broken in to by a rough sleeper who was found by a lone female member of staff the next morning. Despite contacting the police, the member of staff had to wait over an hour for the police to arrive only to be told that there was nothing that they could do to remove him as there were no signs of forced entry. It was only because of protests from other members of staff that the officers removed the male. One Housing has had to now pay for additional security measures to be implemented at the Community Centre to avoid a repeat of the above referred incident.

During a recent residents meeting which was joint chaired by myself and Sgt Rai of the Spitalfields and Banglatown Safer Neighbourhood Team, residents expressed their dismay at the lack of police resources and action being taken against those responsible for the Anti-Social Behaviour. Another concern raised by residents was regarding the reluctance by senior officials to allow the Spitalfields and Banglatown Safer Neighbourhood Team to work from Brick Lane Police Station. As such, some residents are now threatening to take matters in to their own hands against those responsible for the Anti-Social Behaviour as they do not feel that anything is being done to address the issues by the Local Authority or the police despite the Flower and Dean Estate being covered by a Public Space Protection Order which prohibits a large number of the issues that are being complained about.

Attached to this statement is a recent Anti-Social Behaviour briefing put together by One Housing Group and handed to the police in order to provide an overview of the continuing issues occurring on the Flower and Dean Estate.

72 Quaker Street, London E1

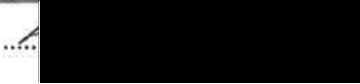
72 Quaker Street is a low rise block of flats situated off of Brick Lane. Entrance to the block is via a street level steel communal front door and intercom system. Since the beginning of 2017, I have received numerous complaints from residents of rough sleepers accessing the block by damaging the steel communal door and locking mechanisms and sleeping rough in the communal bin rooms and utilities cupboards.

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Continuation of Statement of



Again, once the steel communal door is broken, non-residents have the run of the block until it is repaired at the expense of One Housing.

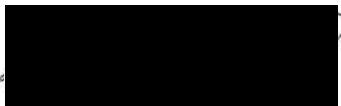
Listed below are a couple of reports from residents that I have received this year detailing persistent Anti-Social Behaviour that they have to withstand at 72 Quaker Street.

"Today at about 9am I saw our cleaner (a lovely chap) and after exchanging pleasantries we discussed the fact that the same rough sleeper was not only passed out in the communal area but he is also using it as a toilet. The communal area now stinks of urine. Frankly I was embarrassed.

I have seen used drug paraphernalia in the communal area including (but not exclusively) broken lighters, rizla and an empty syringe packet (no syringe or needle)

My girlfriend is nervous about visiting me as she does not want to be confronted by hostile rough sleepers and I am too ashamed to invite friends to visit (as you know one of my friends has been chased aggressively from the block by a neighbour simply because he pressed their buzzer by mistake)."

Signature:

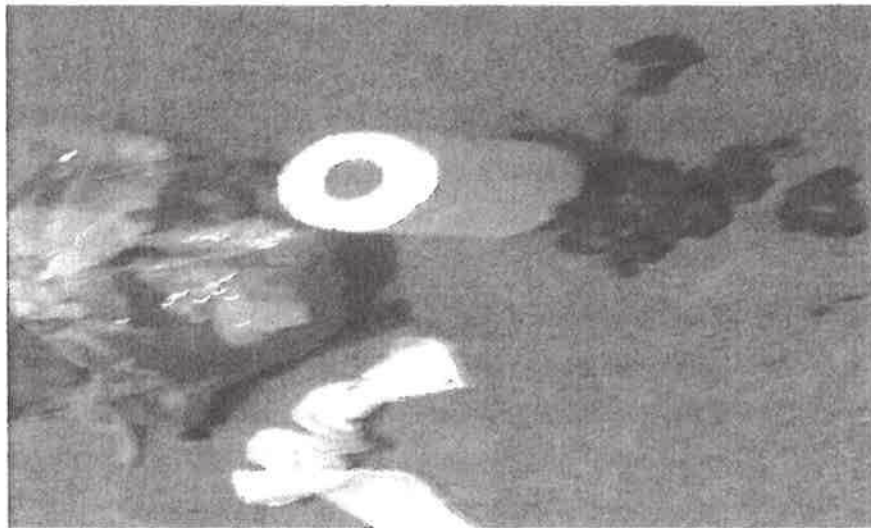


Signature witnessed by:

.....

Continuation of Statement of

"Does this count as anti social behaviour... ?



Perhaps I am still paranoid

No

I am fucked off !"

5. In summary, the impact that Anti-Social Behaviour is having on residents, staff of One Housing and the local community within the Ward is beyond comprehension. I am receiving reports from residents that they are fearful to leave their homes after dark and will not allow their children out to play as they do not believe that they live in a safe environment anymore. Unless significant resources are re-allocated to the Spitalfields and Banglatown Safer Neighbourhood Policing Team to enable them to effectively tackle the continuing drugs epidemic the blights this Ward which, in my view is one of the major contributing factors to Anti-Social Behaviour in the Ward, problems within the Ward are going to continue to escalate with the risk to public safety ever increasing.

Lee Arakew
19.12.17

Signature:

Signature witnessed by:

Appendix 7

Roger Evans



Your ref: CLC/EHTS/LIC/105907

February 9 2018

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



Dear Madam/Sir

Licensing Act 2003 –
Faizah Mini Market, 2 Old Montague Street, E1 5NG

As a local resident and member of the Spitalfields and Banglatown Police Ward Panel, I object to the application from Faizah Mini Market to sell alcohol on and off the premises from 11.30am to 2am seven days a week.

I have lived opposite the premises since 1981 and object in the strongest possible terms for a licence for Faizah Mini Market to sell alcohol at any time of the day or night, let alone from 11.30 in the morning through to 2 in the morning seven days a week.

The application is for an undesirable off licence in an undesirable location. It should be rejected outright.

Old Montague Street is a dense mix of residential and business properties with long-standing problems associated with antisocial behaviour, aggressive begging, illegal drug use and illegal drug dealing.

The Faizah premises are situated 150 metres from the Hopetown Hostel on Old Montague Street, 150 metres from the Dellow Centre and Providence Row hostel on Wentworth Street, 100 metres from the Health E1 homeless health centre on Brick Lane and 50 metres from the Day Lewis Pharmacy on Old Montague Street that dispenses methadone prescriptions to most of the drug misusers in the neighbourhood.

The local hostels house many vulnerable residents who are alcohol dependent and there are many vulnerable people on the local streets.

The last thing the area needs is an outlet selling alcohol at all hours of the day and night to vulnerable people in the neighbourhood who need to beg and steal to feed their alcohol dependency.

The Faizah Mini Market consists of a small public shop on the ground floor with no space on the premises for the consumption of food or drink. Any alcohol bought on the premises would have to be taken away or consumed outside the premises.

The premises are within the Brick Lane Cumulative Impact Zone where there are licensing objectives to prevent crime and disorder, the promotion of public safety and the avoidance of public nuisance.

The premises are the site of the former notorious Sweet Point off licence, the alcohol licence for which was finally revoked by the authorities in 2014 after years of public nuisance and objections from Tower Hamlets licensing, the police, managers of the local hostels and public residents.

Sweet Point was a blight on the neighbourhood and a magnet for antisocial behaviour, with large numbers of customers congregating in front of the property day and night, using the area in front of the premises as a base for drug dealing and criminal activity such as aggressive begging and mugging.

There are no public lavatories nearby and there was a huge problem with public urination and defecation on Old Montague Street and neighbouring properties from Sweet Point customers

and people loitering outside the premises, drunk and incapable and causing a public nuisance.

If this licence for Faizah Mini Market were granted, what guarantees are there that the problems associated with the former Sweet Point would not be repeated?

How can Faizah guarantee that its sales of alcohol would not lead to violent or antisocial behaviour outside its premises? How can it prevent sales of alcohol to customers who are drunk, when many local hostel residents are alcohol dependent?

I see no reason for the granting of this application and urge that it be rejected outright.

Yours faithfully

A black rectangular redaction box covering the signature of Roger Evans. There are some faint blue ink marks above the box, possibly from a pen or marker.

ROGER EVANS

Appendix 8

Catrina Marshall

From: StGeorgeResidents'Association [REDACTED]
Sent: 26 January 2018 16:31
To: Licensing
Subject: Faizah Mini Market - 2 Old Montague Streetout

Follow Up Flag: Follow up
Flag Status: Completed

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

To: Licensing Team
London Borough of Tower Hamlets

Dear Licensing Team,

Re: Premises Licence Application, Faizah Mini Market, 2 Old Montague Street, Whitechapel.

SGRA represents residents in 193 flats in Folgate Street, Lamb Street Commercial Street and Spital Square. Old Montague Street is about 7 minutes walk from Lamb Street, so sale of alcohol to 2am is not an immediate impact on residents. However we experience nightly rowdy behaviour from people walking from the Brick Lane area towards Bishopsgate.

The applicant's description of the business suggests that there might be somewhere for customers to consume alcohol with food. This is not obvious when standing outside the premises. If the business were to sell alcohol, it is likely to be consumed in the street or elsewhere. The business is a short distance from unlicensed restaurants on Brick Lane where there may be a 'bring own booze'. By this means, customers at nearby restaurants could extend their drinking time for as long as a restaurant will allow them to stay.

The area around Old Montague Street is one that attracts drug dealing. Anywhere that sells alcohol until 2am will be a magnet for alcohol and drug addicts.

Old Montague Street is close to the centre of the Brick Lane Cumulative Impact Zone. For that reason alone it should not be granted a licence at all, let alone to 2am each day.

Therefore SGRA asks that Faizah Mini Market's application is REFUSED to prevent an increase in the incidence of crime and disorder, and nuisance from alcohol-related antisocial behaviour until well beyond midnight.

Yours faithfully,
Margaret Gordon - Chairperson, St George Residents' Association Spitalfields.

Appendix 9

Catrina Marshall

From: Glenn Leeder [REDACTED]
Sent: 23 February 2018 05:32
To: Licensing
Subject: Objection - Faizah Mini Market - extension to licensing

I wish to object to the application for the extension of alcohol sales at the above premises until 02:00 am daily.

This business operates within the Tower Hamlets Cumulative Impact Zone. Any increasing in licensing times would contravene the policy of Tower Hamlets Council.

Additionally there are public order, safety and nuisance issues for residents living nearby to this business. Drunk patrons leaving premises in the Brick Lane area are often loud and disruptive. They frequently cause public disorder and nuisance by urinating and vomiting in the streets. Drunk patrons contribute to anti-social behaviour that local residents must endure.

By sticking to the policy of the Cumulative Impact Zone, Tower Hamlets will help prevent crime, disorder and public nuisance.

Please reject this application.

Glenn Leeder
[REDACTED]
[REDACTED]

Appendix 10

Catrina Marshall

From: Mohammed Rashad [REDACTED]
Sent: 25 January 2018 13:12
To: Katrina Marshall
Subject: FW: invalid representation

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Katrina,

Please find below the premises which I am referring to below.

Faizah, 2 Old Montague Street, E1 5NG.

Kind Regards
Rashad

From: Katrina Marshall [mailto:Catrina.Marshall@towerhamlets.gov.uk]
Sent: 25 January 2018 08:35
To: Mohammed Rashad [REDACTED]
Subject: FW:invalid representation

Good morning Sir,

As mentioned in my email below I need you to advise me of the name and address of the premises you are referring to please and add it to you original comment, this could be any premises in the borough so you need to make it clear which one you one mean.

If I can be any further help do let me know.

Regards

Catrina Marshall
Licensing Officer

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Hotline: 0207 364 5008

General email: licensing@towerhamlets.gov.uk

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



From: Catrina Marshall **On Behalf Of** Licensing
Sent: 24 January 2018 12:44
To: 'Mohammed Rashad'
Subject: RE: Licensing Officer

Good afternoon Sir,

I'm sorry to return this but for it to be a valid representation I need you to add the name and address of the premises you are referring to please.

Regards

Catrina Marshall
Licensing Officer

2nd Floor, John Onslow House
1 Ewart Place,
London, E3 5EQ

Email: 






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

Hotline: 0207 364 5008

General email: licensing@towerhamlets.gov.uk

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



From: Mohammed Rashad 
Sent: 24 January 2018 12:10
To: Licensing
Subject: Licensing Officer

To LBTH licensing officers,

In regards to the application to sell alcohol until 2am, I feel if the licence is to go ahead there will be a negative impact on the lives of local residents as well as the vulnerable adults that the Dellow Centre supports.

We currently house 58 vulnerable adults with complex needs, some of these individuals have support needs around substance misuse namely alcohol. These individuals have had a long period of time that they were dependent on alcohol, we are working with them and support providers to try and minimise and reduce the harm caused by excessive consumption of alcohol, and having a late night off licence will be detrimental to their recover.

As well as the impact on the lives of our tenants, local residents will also be effected, as you may be aware there is a lot of anti-social behaviour taking place locally, the community safer neighbour teams are working closely with hostels to try and minimise any issues caused by hostel dwellers, if these off license are allowed to stay open for longer the ASB issues will increase greatly and become unmanageable.

I hope you take our concerns into consideration.

Kind Regards

Mohammed Rashad
Contract Manager (Interim)

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]@ [Redacted] [Redacted]

Sent: 18 January 2018 11:26
To: Mohammed Rashad <M [Redacted]>
Subject: New Premises Licence

Dear Mr Rashad,

In relation to our earlier telephone conversation:

I am a police officer in the Tower Hamlets Licensing Team.

A shop located near Dellow Centre has applied for a premises licence proposing the sale of alcohol every day until 2AM.

I am in the process of objecting to the application as it is believed that should the premises obtain a licence it would have a detrimental effect on the several hostels in the vicinity that provide rehabilitation services to vulnerbale adults.

I would very much appreciate your views on the matter.

Kind regards

Tom

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

Telephone [Redacted]
Email [Redacted]
Address [Redacted]

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Appendix 11

Kathy Driver

From: Jon Shapiro [REDACTED]
Sent: 14 February 2018 22:34
To: Licensing
Subject: Licensing Application by "Faizah Mini Market", 2 Old Montague Street, E1 5NG

Dear Sir or Madam,

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

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

as the premises is within the Brick Lane "Cumulative Impact Zone" (CIZ) and a mere 50 yards from the entrance to the Hopetown Hostel which is in the process of housing the vulnerable residents previously resident at Booth House.

The Brick Lane area absolutely does **not** need any additional "off-sales" outlets which inevitably impact the CIZ.

Quite apart from not needing any additional "off-sales" outlets at all, it is totally irresponsible for a premises so close to the Hopetown Hostel (and also close to the Dellow Centre) to be requesting an alcohol licence – let alone one asking to sell alcohol until 02.00 hours each day!

The Brick Lane area has always been stated by our Borough Police Commanders to be the "number one policing problem in Tower Hamlets". Until and unless this area ceases to be such a policing problem I believe that additional "Off-Sales" licences should not be granted to any premises in the CIZ, and certainly not to one so close to Hostels for the vulnerable.

The area is plagued by ASB and hospital admissions to A&E, and I believe that the Licensing Committee should be assisting the Police and other authorities in reducing any and all encouragement to provide increase the consumption of alcohol by drinkers in this area which is within the CIZ.

For all the reasons quoted above I believe it is **wholly irresponsible** of the Faizah Mini Market to apply to sell alcohol, and I **most strongly** request that this Licensing Application should be **wholly rejected**.

Yours faithfully,
Jon Shapiro.

Resident at:

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

Appendix 12

Catrina Marshall

From: Corinne Holland on behalf of Licensing
Sent: 23 February 2018 16:15
To: Katrina Marshall
Subject: FW: Objection to licensing application for "Faizah Mini Market", 2 Old Montague Street, E1 5NG

From: Dick Tyler [REDACTED]
Sent: 23 February 2018 16:10
To: Licensing
Subject: RE: Objection to licensing application for "Faizah Mini Market", 2 Old Montague Street, E1 5NG

Thank you.

Yes, I still wish to object. I believe that the hours and conditions which I referred to in my previous email, which have been agreed to by responsible applicants in discussion with residents and the Licensing Committee, should be adhered to in all cases. Per my previous email, licences for off sales should only be granted where the applicant can show a clear need for them and, if granted, they should only extend until 22:00.

Faizah Mini Market is within 50 yards of the front entrance of the Hopetown Hostel, and also close to the Dellow Centre. It cannot be appropriate for off sales to be allowed this late in an area which is much used by the homeless and vulnerable.

The Spitalfields area has been subject to an exceptionally high level of anti-social behaviour and disorder for many years, mainly due to the uncontrolled sale of alcohol. The introduction of the Saturation Policy in the Brick Lane area CIZ and intense policing resulted in a marked reduction in anti-social behaviour.

Sadly, severely reduced police manning levels and the need for the police to concentrate on anti-terrorism and other high-profile concerns have resulted in a return of anti-social behaviour and the intolerable nuisance it presents to residents and their children. The need to enforce a common level of licensing conditions in the area is now vital.

I believe that the hours and conditions set out in my previous email, which have been agreed by responsible applicants in discussion with residents and the Licensing Committee, should be adhered to in all cases.

Regards

Dick Tyler

Dick Tyler
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

From: Catrina Marshall [<mailto:Catrina.Marshall@towerhamlets.gov.uk>] **On Behalf Of** Licensing
Sent: 23 February 2018 15:56
To: Dick Tyler [REDACTED]
Subject: RE: Objection to licensing application for "Faizah Mini Market", 2 Old Montague Street, E1 5NG

Good afternoon Sir,

The applicants solicitor has advised us they have agreed reduced hours for the above application as follows:

**to reduce the hours sale of alcohol to:-
Monday to Thursday until 23:30 hours; Friday and Saturday until Midnight; Sunday until 22:30 hours.**

I've also been advised to ask you to expand on the impact of the licensing objectives and if you still want to object bearing in mind they have agreed reduced hours?

Regards

Catrina Marshall
Licensing Officer

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



From: Dick Tyler [REDACTED]
Sent: 23 February 2018 15:07
To: Licensing
Subject: Objection to licensing application for "Faizah Mini Market", 2 Old Montague Street, E1 5NG

Dear Licensing Department,

I wish to object to the licensing application for "**Faizah Mini Market**", 2 Old Montague Street, E1 5NG on the grounds of the prevention of public nuisance, public safety and the prevention of crime and disorder.

I believe that applications within the Brick Lane CIZ should only be approved for the following hours:

- Sunday to Wednesday: Alcohol until midnight, food until midnight, close at 00:30
- Thursday to Saturday: Alcohol until 00:30, food until 01:00 and close at 01:30
- Licences for off sales should only be granted where the applicant can show a clear need for them and, if granted, that they should only extend until 22:00.

I also believe that licences should be refused or more restrictive hours imposed where there is a history of anti-social behaviour associated with the applicant.

The application is for both on and “**off-sales**” until 02.00 hours seven days a week. If the Licensing Committee grants a licence at all, it should conform to the above criteria.

Yours sincerely,

Dick Tyler

[Redacted signature line]

[Redacted line]

[Redacted line]

[Redacted line]

[Redacted line]

[Redacted line]

[Redacted line]

Working Together for a Better Tower Hamlets

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

Appendix 13

From: Alan Williams [REDACTED]
Sent: 28 February 2018 19:59
To: Licensing
Subject: Fwd: "Faizah Mini Market", 2 Old Montague Street, E1 5NG

Dear Licensing Committee

I apologise, there were enough applications to which I wished to object, that I put the sentence below (in red) in the wrong objection. I repeat this objection with the words now inserted.

I note that these premises are within the **Tower Hamlets' Cumulative Impact Zone**. As I understand things, that means that the applicants have to demonstrate that there is a need for another licence. I see no such demonstration in the application. The Council has designated the area as a CIZ, the default position is that there should be no more licenses issued in the area unless a need is established.

There are other reasons to object to this application. Generally, with such very late opening and drinking hours as are being applied for, there is a probability of anti-social behaviour across a wide area of Spitalfields.

Long drinking hours lead to antisocial behaviour - both in the establishment itself and also in the surrounding areas. Such behaviour includes loud shouting, urination and defecation, and the taking of drugs, and is disgusting and unacceptable in a residential area where there are children present. There are also increased levels of crime and disorder to consider in an area much used by the homeless and vulnerable. **These premises are within 50 yards of the front entrance of the Hoptown Hostel, and also close to the Dellow Centre.**

The introduction of the Saturation Policy in the Brick Lane area CIZ and intense policing resulted in a marked reduction in anti-social behaviour. Sadly, severely reduced police manning levels and the need for the police to concentrate on anti-terrorism and other high-profile concerns have resulted in a return of anti-social behaviour and the intolerable nuisance it

presents to residents and their children. The need to enforce a common level of licensing conditions in the area is now vital.

I believe that the following hours and conditions agreed by responsible applicants in discussion with residents and the Licensing Committee should be adhered to in all cases, and that licences should be refused or more restrictive hours imposed where there has been a history of anti-social behaviour associated with the applicant:

Sunday to Wednesday: Alcohol until midnight, food until midnight, close at 00:30

Thursday to Saturday: Alcohol until 00:30, food until 01:00 and close at 01:30

Licences for off sales should only be granted where the applicant can show a clear need for them and, if granted, that they should only extend until 22:00.

I also fear that acceptance of this application will obviously lead to other local establishments, understandably, trying to extend their own opening hours.

For all these reasons, I ask you to refuse this application, asking that, if the Licensing Committee sees fit to grant a licence at all, that licence should conform to the above criteria.

Please redact my personal details from any use of this letter on your website.

Alan Williams

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

Alan Williams

[REDACTED]
[REDACTED]
[REDACTED]

<https://sites.google.com/a/thepewterer.org.uk/thepewterer/the-pewterer-vol-8-4-dec-2017>

Begin forwarded message:

From: Alan Williams <[REDACTED]>
Subject: "Faizah Mini Market", 2 Old Montague Street, E1 5NG
Date: 28 February 2018 at 17:59:07 GMT
To: licensing@towerhamlets.gov.uk

Dear Licensing Committee

I note that these premises are within the **Tower Hamlets' Cumulative Impact Zone**. As I understand things, that means that the applicants have to demonstrate that there is a need for another licence. I see no such demonstration in the application. The Council has designated the area as a CIZ, the default position is that there should be no more licenses issued in the area unless a need is established.

There are other reasons to object to this application. Generally, with such very late opening and drinking hours as are being applied for, there is a probability of anti-social behaviour across a wide area of Spitalfields.

Long drinking hours lead to antisocial behaviour - both in the establishment itself and also in the surrounding areas. Such behaviour includes loud shouting, urination and defecation, and the taking of drugs, and is disgusting and unacceptable in a residential area where there are children present. There are also increased levels of crime and disorder to consider in an area much used by the homeless and vulnerable.

The introduction of the Saturation Policy in the Brick Lane area CIZ and intense policing resulted in a marked reduction in anti-social behaviour. Sadly, severely reduced police manning levels and the need for the police to concentrate on anti-terrorism and other high-profile concerns have resulted in a return of anti-social behaviour and the intolerable nuisance it presents to residents and their children. The need to enforce a common level of licensing conditions in the area is now vital.

I believe that the following hours and conditions agreed by responsible applicants in discussion with residents and the Licensing Committee should be adhered to in all cases, and that licences should be refused or more restrictive hours imposed where there has been a history of anti-social behaviour associated with the applicant:

Sunday to Wednesday: Alcohol until midnight, food until midnight, close at 00:30

Thursday to Saturday: Alcohol until 00:30, food until 01:00 and close at 01:30

Licences for off sales should only be granted where the applicant can show a clear need for them and, if granted, that they should only extend until 22:00.

I also fear that acceptance of this application will obviously lead to other local establishments, understandably, trying to extend their own opening hours.

For all these reasons, I ask you to refuse this application, asking that, if the Licensing Committee sees fit to grant a licence at all, that licence should conform to the above criteria.

Please redact my personal details from any use of this letter on your website.
Alan Williams

Appendix 14

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 15

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 16

Acting as a Magnet Attracting the Young who then engage in Anti-Social Behaviour

General Advice

Members will need to consider whether any of the problems alleged to be associated with young people are the responsibility of the premises. Are they encouraging gangs in any way? If not, there may not be any proportionate conditions that can be applied? Are these patrons of the premises?

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. However, hours may be an important issue.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate (in relation to the behaviour of patrons who have left the premises) 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 4.10 and 4.11 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 5.2 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 2 Annex D of the Licensing Policy).** In particular Members may wish to consider (this list is not exhaustive):

- 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 6 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

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

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.

Anti-Social Behaviour Act 2003

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

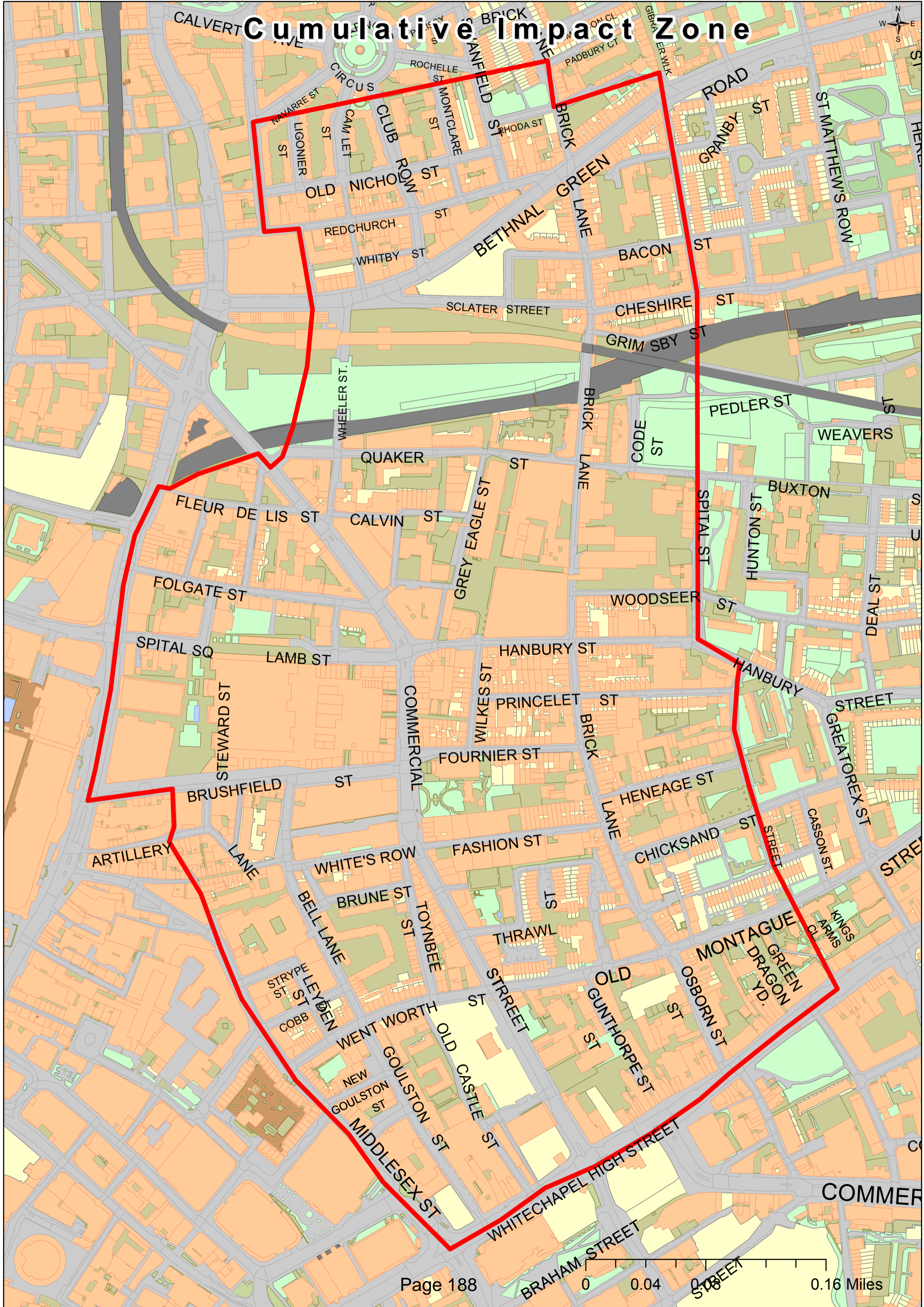
Appendix 17

Licensing Policy

8 Special Cumulative Impact Policy for the Brick Lane Area

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

Cumulative Impact Zone



Appendix 18

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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 19

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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