

LICENSING SUB COMMITTEE

Thursday, 27 April 2017 at 6.30 p.m.

MP 701, Town Hall, Mulberry Place, 5 Clove Crescent,

London, E14 2BG

This meeting is open to the public to attend.

Contact for further enquiries:

Antoinette Duhaney, Democratic Services
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E-mail: antoinette.duhaney@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

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Public Information

Attendance at meetings.

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

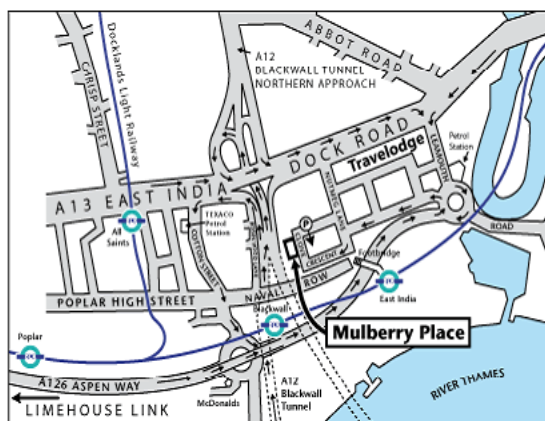
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Fire alarm

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QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

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

2. RULES OF PROCEDURE (Pages 5 - 14)

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

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. MINUTES OF THE PREVIOUS MEETING(S)	15 - 40	

To confirm as a correct record the minutes of the Licensing Sub-Committee meetings held on 30.08.16, 22.11.16, 06.12.16, & 20.12.16

4. ITEMS FOR CONSIDERATION

4.1 Licensing Act 2003: Application for New Premises Licence for Sakana Sushi, Unit E, 43A Commercial Street, London, E1 6BD	41 - 124	Spitalfields & Banglatown
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Licensing Objectives

- Crime and Disorder
- Public Nuisance

Representations

- Local residents

4 .2 Licensing Act 2003: Application for a New Premises Licence for Shell, 139-149 Whitechapel Road, E1 1DT

125 - 188

**Spitalfields
&
Banglatown**

Licensing Objectives

- Crime and Disorder
- Public Nuisance

Representations

- Metropolitan Police
- Environmental Protection
- Local resident

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

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

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:-

Acting Corporate Director, Governance and Interim Monitoring Officer

Telephone Number: 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING SUB COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

4. Exclusions

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

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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 30 AUGUST 2016

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

Members Present

Councillor Joshua Peck (Chair)
Councillor Peter Golds
Councillor Khaled Uddin Ahmed

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. RULES OF PROCEDURE

The procedures were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 31st May 2016, 4th July 2016, 19th July 2016 and 2nd August 2016 were approved as a correct record.

4. ITEMS FOR CONSIDERATION

**4.1 LICENSING ACT 2003, APPLICATION FOR A NEW PREMISES LICENSE
FOR WOOD MANGAL, 329 BETHNAL GREEN ROAD, E2 6AH**

In Attendance

Olgan Gunduz - Fortis Rose Solicitors on behalf of Applicant
Edward Dobson - Counsel for the Applicant
Mark Perry - Metropolitan Police
John Smith - Licensing Authority
Nicola Cadzow - Environmental Protection

Representations by the applicant

Edward Dobson, Counsel for the applicant addressed the Sub Committee and reported that the applicant was keen to work alongside the police and the Council. He was agreeable to the conditions suggested on pages 79-80 of the agenda pack and the agenda supplement also offered a reduction in the hours for alcohol sales. Mr Dobson stated that the police representations were speculative rather than being evidence based.

Mr Dobson stated that reducing the hours during which alcohol was on sale meant that the premises would not become a destination for late night drinking and fast food. The premises was a family run business with waiter

service and the applicant wanted the opportunity to cater for late evening diners wishing to have alcohol with their meal. The applicant owned another restaurant in Hammersmith which served alcohol and there were no issues with managing both premises.

The Sub Committee was advised that no outdoor seating would be provided and the frontage to the premises was predominantly commercial. No representations had been made by local residents and CCTV would assist in preventing crime and public nuisance. Furthermore, the premises had automatic sliding doors to prevent noise leakage.

In respect of trading beyond licenced hours, Mr Dobson stated that the applicant mistakenly believed that the premises could trade beyond 11.00pm and as soon as the breach was brought to their attention, they ceased immediately. Mr Dobson advised that any concerns of the Responsible Authorities could be mitigated by conditions and he urged the Sub Committee to grant the application.

Representations by Objectors

Mark Perry, Metropolitan Police addressed the meeting and advised Members that he had concerns regarding the late hours and the fact that the premises undertook unlicensed activities for 4-5 months. Although the premises was outside the Brick Lane Cumulative Impact Zone (CIZ), night services on the London Underground would increase footfall in the area.

There was unlikely to be much demand for seated dining beyond midnight and Mr Perry suggested that framework hours be granted to allow the applicant to demonstrate how well they could manage the premises. The applicant could then apply for a variation to extend the hours for licensed activity.

John Smith, Licensing Authority addressed the Sub Committee and stated that as an experienced restaurateur managing other premises, he would have expected the applicant to be more familiar with the requirements for managing these premises to avoid unlicensed activities.

Nicola Cadzow, Environmental Protection addressed Members echoing the sentiments of Mr Perry and Mr Smith. Ms Cadzow stated that she had concerns regarding the potential for noise disturbance from patrons congregating outside the premises after drinking elsewhere. As the premises was in a residential area, Ms Cadzow felt that licensing objective of prevention of public nuisance would not be met and she urged the Sub Committee to refuse the application.

The Licensing Objectives

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

Each application must be considered on its own merits and the Chair advised that the Sub Committee had carefully considered the written and verbal representations made by the applicant and the Metropolitan Police, Licensing Authority and Environmental Health Authority who had objected to the application, specifically in relation to the prevention of crime and disorder and public nuisance.

The Sub Committee noted that they were asked to consider the application for a new premises licence for Wood Mangal, 329 Bethnal Green Road, E2 6AH. The offer from the applicant to reduce the hours applied for as outlined in page 2 of the supplementary pack was noted. However, notwithstanding the reduced hours, Members were concerned that the amended hours could have a detrimental impact on a densely populated residential location, specifically with regard to crime and disorder and public nuisance.

Although the premises was not in the Cumulative Impact Zone (CIZ), Members had due regard to the experience of the Metropolitan Police in respect of the issues and challenges they faced in addressing anti-social behaviour associated with other licensed premises in the vicinity. The Sub Committee felt that the reduced hours applied for would not uphold the licensing objectives and disputed the claim by the applicant's representative that the applicant was a very experienced restaurateur. Members felt that the applicant's inexperience was demonstrated by the fact that the premises had operated unauthorised licensing activities for several months.

Members then went on to consider what hours were appropriate having regard to:

- The location of the premises
- The hours proposed
- Previous history
- Access to public transport
- Proximity to other licensed premises
- Adequacy of proposals to address crime and disorder and public nuisance

The Sub Committee felt that the hours applied for were not appropriate given the location of the premises in a predominantly residential area. In view of the close proximity of other licensed premises selling alcohol, the premises would attract patrons from other licensed premises if the hours applied for were granted. The expansion of London Underground Services on the Central Line would also have an impact given the close proximity of Bethnal Green Underground Station.

Members were not convinced that the applicant had adequate measures in place to uphold the licensing objectives and felt that the applicant had demonstrated their inexperience by carrying out unauthorised licensing activities at the premises. Although the Sub Committee felt that the hours applied for were not appropriate, had the applicant not carried out unauthorised licensing activity, the Sub Committee would have been minded to go beyond the framework hours. However Members felt that the

unauthorised licensing activity demonstrated that the applicant was untrustworthy and the Sub Committee was not convinced that the licensing objectives would be upheld. Members agreed unanimously to grant the application with framework hours and the conditions as suggested by the Metropolitan Police on pages 79-80 of the agenda pack. The Sub Committee also considered it necessary and proportionate to add further conditions to the licence to assist the applicant in upholding the Licensing Objectives, specifically in respect of Crime and Disorder and Public Nuisance.

Decision

Having considered the written and oral representations made by the applicant and objectors, the Sub-Committee unanimously

RESOLVED

That the application for a new Premises Licence for Wood Mangal, 329 Bethnal Green Road, E2 6AH be **GRANTED** with the following conditions:

The opening hours of the premises

Monday to Thursday from 06.00 hrs to 00:00
Friday and Saturday from 06.00 hrs to 00.30 (the following day)
Sunday from 06.00 hrs to 23.00

The sale of alcohol (on the premises only)

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

Late night refreshment (indoors and take away)

Monday to Thursday from 23.00 hrs to 23:30
Friday and Saturday from 23.00 hrs to 00.00
Sunday no late night refreshment

Conditions

1. There shall be no sales of alcohol for consumption off the premises.
2. No alcohol may be sold unless accompanied by the sale of a food to a person sitting down eating a meal and for consumption with that meal.
3. No alcohol shall be permitted to exit the interior of the premises at any time, including by those leaving for the purpose of smoking.
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities

and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available and download immediately upon the request of police or an authorised officer throughout the preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.

5. A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
6. An incident log shall be kept at the premises for at least 6 months, and made available on request to an authorised officer of the licensing authority of the Police, which must record the following:
 - a. all ejections of patrons;
 - b. any complaints received;
 - c. any incidents of crime or disorder;
 - d. any faults in the CCTV system; and
 - e. any visit by a relevant authority or emergency service.
7. A Challenge 25 Policy shall be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises. The only acceptable forms of identity will be those photographic identification documents recognised by the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
8. Entry by children under the age of 18 years to the premises is prohibited between 23:00 hrs and closing time each trading day, unless accompanied by an adult over the age of 18.
9. A notice shall be displayed at the exit to the premises requesting customers to respect local residents and leave the premises quietly.
10. All windows and external doors must be kept closed between 22.00 hrs and closing time, or at any time when a licensable activity takes place, except for the immediate access and egress of people to and from the premises.
11. To adhere to the licensing objectives, the DPS, the Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, to be on the premises at all times during opening hours/from 20.00 hrs each day.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee considered a tabled update on pending applications to be considered at future meetings and agreed to extend the decision deadlines as set out below.

Premises	Type of Licence	Consultation deadline	Decision deadline
Browns, 2A Chance Street, London E1 6JT	New	09/06/16	26/07/16 Extend to 15/09/16
Maki, 36 Brushfield Street E1 6AT	New	10/08/16	08/09/16 Extend to 15/09/16
Novotel 40 Marsh Wall E14 9TP	New	18/08/16	15/09/16 Extend to 27/09/16
Select Convenience, Unit 2 New Festival Quarter, Upper North Street, E14 6FY	New	22/08/16	20/09/16 Extend to 27/09/16
Barber Barber 51 Brushfield Street, Spitalfields,E1 6AA	New	26/08/16	25/09/16 Extend to 04/10/16
The Symposium, 363 Roman Road E3 5QR	New	29/08/16	26/09/16 Extend to 04/10/16
Hungry Donkey – 56 Wentworth Street, E1 7AL	Variation	29/08/16	26/09/16 Extend to 04/10/16

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other urgent business.

The meeting ended at 7.40 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

ITEM 5 - EXTENDING DECISION DEADLINES (Licensing Sub Committee - 30th August 2016)

The Sub Committee is requested to extend the decision deadline for the applications as listed below. The extensions are requested owing to the volume of applications requiring a hearing.

Recommendation

That the decision deadlines be extended as set out below.

Premises	Type of Licence	Consultation deadline	Decision deadline
Browns, 2A Chance Street, E1 6JT	New	09/06/16	26/07/16 Extend to 15/09/16
Maki, 36 Brushfield Street E1 6AT	New	10/08/16	08/09/16 Extend to 15/09/16
Novotel 40 Marsh Wall E14 9TP	New	18/08/16	15/09/16 Extend to 27/09/16
Select Convenience, Unit 2 New festival Quarter, Upper North Street, E14 6FY	New	22/08/16	20/09/16 Extend to 27/09/16
Barber Barber 51 Brushfield Street, Spitalfields,E1 6AA	New	26/08/16	25/09/16 Extend to 04/10/16
The Symposium, 363 Roman Road E3 5QR	New	29/08/16	26/09/16 Extend to 04/10/16
Hungry Donkey – 56 Wentworth Street, E1 7AL	Variation	29/08/16	26/09/16 Extend to 04/10/16

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.44 P.M. ON TUESDAY, 22 NOVEMBER 2016****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds
Councillor Denise Jones
Councillor Joshua Peck (Chair)

Officers Present:

Mohshin Ali	– Senior Licensing Officer
Victoria Fowler	– Legal Services
Charles Yankiah	– Democratic Services

Applicants In Attendance:

Mr Markos Tsimikalis	- Hungry Donkey
Ms Lana Tricker	- Hungry Donkey

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedures were noted.

3. ITEMS FOR CONSIDERATION**3.1 Licensing Act 2003: Application for Premises Licence Variation for Hungry Donkey, 56 Wentworth Street, London, E1 7AL**

At the request of the Chair, Mr Mohshin Ali, introduced the report which detailed the application for a variation of the premises licence for Hungry Donkey, 56 Wentworth Street, London, E1 7AL. It was noted that the applicant was applying to vary Conditions 1, 10 & 17 of the existing premises licence and that there was only one objector, Mr Shapiro. Mr Ali also informed the meeting that there were no representations made by any of the responsible authorities that had been consulted.

At the request of the Chair, Ms Lana Tricker, the applicant's representative explained that the Hungry Donkey was a family business focussed specifically on Greek food, specialist Greek wine and beer at a specific price point. She informed the meeting that the premises had been taken over by Mr Markos Tsimikalis, the applicant, over 18 months ago and that it operated as an all-day restaurant starting with breakfast through to dinner and is food led. Ms Tricker further stated that the applicant wanted to vary existing conditions 1, 10 & 17 to allow for a longer serving period from 9.00pm to 10.00pm in the outside area and to provide off sales of alcohol together with telephone and mail order sales. Ms Tricker also informed the Sub Committee that the applicant had also proven himself over the last 18 months of taking over the premises as there had been no formal complaints logged relating to crime or disturbances, neither were there any issues raised with regard to dispersal issues or anti-social behaviour. She said that the premises continued to attract families, professionals and local residents generally over 30 years of age which meant that the existing customers were local and mature and support the Licensing Objectives. Mr Tsimikalis also expressed a desire to promote the Licensing Objectives and to continue within the framework hours.

Ms Tricker made it very clear to Members that the purpose of this variation was not to convert the business into a bottle shop off licence but was merely an extra feature to the restaurant business. The Licence holder will not be changing the current layout to accommodate higher quantities of alcohol.

The applicant, Mr Tsimikalis added that he had received requests from his regular customers to offer off sale of his specialist alcoholic products which he has been unable to do which is why he is now applying for a variation to the off sale exceptions. He continued that the service will not be widely advertised and will mainly serve existing customers. Mr Tsimikalis advised members that he offered specialist Greek craft products which carried a premium price tag.

In response to questions from Members it was noted, that:

- off sales were needed to generate the telephone and mail order side of the business;
- off sales would also be with takeaway meals and on its own;
- the biggest % of sales would be generated through the ancillary side of the business;
- the selling of beer would be in multiples of 6 (6 pack) rather than single sales;
- there was no history of any complaints being made in relation to the premises in the previous 18 months relating to crime and disorder, disturbances or noise; and
- the Applicant would continue to ensure that the Licensing Objectives would be met.

Members adjourned the meeting at 7.00pm to consider the decision and reconvened at 7.07pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation on behalf of the applicant and the objectors with particular regard to the licensing objective of public safety and the prevention of public nuisance.

Members were mindful that no representations had been made by the Police or Responsible Authorities.

Members noted the written objections raised by local resident, John Shapiro and in his absence considered the same when deliberating their decisions in respect of this matter.

Members considered the Cumulative Impact Zone contained within the Council's Statement of Licensing Policy and determined that the applicant had rebutted its presumption as there was evidence that the business was being run well as there were no complaints lodged against the business since it had been trading for the past 18 months, specifically in relation to crime and disorder, anti-social behaviour and customer dispersal and there had been no representations from the responsible authorities objecting to this application. Members accepted that it was a family run business which served its local community and its operating hours were well within the Council's adopted framework hours. Members also noted that the mail/telephone order sales would be delivered to the customers home address so would unlikely be consumed on the street.

Therefore considering all of the above, Members decided to grant the application for a variation premises licence with additional conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Premises Licence Variation for Hungry Donkey, 56 Wentworth Street, London, E1 7AL be **GRANTED** with conditions.

Condition 1 is now varied, to read as follows:

There shall be no alcohol or refreshments in the outside area after 22.00 hours.

Condition 17 is now varied, to read as follows:

The outside area will close at 22:00 hours Monday to Sunday.

Condition 10 is now varied, to read as follows:

There shall be no off sales of alcohol permitted with the exception of:

- a) Persons seated outside the premises at tables having meals;
- b) Telephone and mail order sales, ancillary to the main use of the business as a restaurant. All telephone and mail order sales requests are to be logged with the time and date in a register complete with the name and address of the customer. All persons ordering alcohol will be required to declare they are over 18 before an order can be placed. A Challenge 21 policy will be implemented. Trained delivery staff will implement the requirement to see the appropriate ID for those people who appear to be under 21.
- c) Sealed containers to members of the public attending the premises for purchase, ancillary to the main use of the business as a restaurant.
- d) Beer shall not be sold as single bottles/cans, but only in multiples of 6, where 6 is the minimum.

All the existing conditions identified in Annex 1, Annex 2, Annex 3 and Annex 4 be retained.

The meeting ended at 7.10 p.m.

Chair, Councillor Joshua Peck
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.45 P.M. ON TUESDAY, 6 DECEMBER 2016****COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, 5 CLOVE CRESCENT,
LONDON E14 2BG.****Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor Peter Golds

Councillor Denise Jones

Officers Present:

Mohshin Ali

– Senior Licensing Officer

Gurwinder Olive

– Legal Services

Charles Yankiah

– Democratic Services

Applicants in Attendance

Mr Gary Pons

– Muree Food Stores Limited (Nisa Local)

Mr Anwar Ul Haq

– Muree Food Stores Limited (Nisa Local)

Mr Faizan Jamil

– Muree Food Stores Limited (Nisa Local)

Objectors in Attendance

Mr Andrew Heron

– Tower Hamlets Licensing Authority

Ms Nicola Cadzow

– Tower Hamlets Environmental Protection

PC Mark Perry

– Metropolitan Police

THE CHAIR WELCOMED EVERYONE TO THE MEETING, ENSURED THAT INTRODUCTIONS WERE MADE AND THEN BRIEFLY OUTLINED THE PROCEDURE FOR THE MEETING**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedures were noted.

3. ITEMS FOR CONSIDERATION

3.1 **Licensing Act 2003: Application for a New Premises Licence for Muree Food Stores Limited (Nisa Local) at 286 Manchester Road, Isle of Dogs, London, E14 3HP**

At the request of the Chair, Mr Mohshin Ali introduced the report which detailed the application for a New Premises Licence for Muree Food Stores Limited (Nisa Local) at 286 Manchester Road, Isle of Dogs, London E14 3HP. It was noted that the applicant had requested to reduce the hours and that clarification was sought from the applicant regarding the “new licence” and the “existing licence”. Mr Ali informed the Sub Committee that representations were made by the responsible authorities.

At the request of the Chair, Mr Gary Pons, the applicant’s representative informed the Sub Committee that the applicant had reconsidered his application given the written concerns raised by the responsible authorities and was willing to reduce the hours from 24 hours to 2.00am on Thursdays, Fridays and Saturdays and all other days to remain the same as per current hours of operation. Mr Pons then informed the Sub Committee that the premises had been a family business for over 40 years and the applicant has been involved in the business for about 35 years. The premises is a community shop which has had two major expansions in 2002 costing £500k and then again in 2016 costing £250k to improve the area and deal with anti-social behaviour. The applicant employs over 17 people, mainly local resident and operates a shift system. The applicant through the business has raised over £4,000 in 2 years for the community and operates a good business. Mr Pons informed the Sub Committee that in order for the premises to compete with the larger supermarkets e.g. Tesco and Asda it needs to operate longer hours which will ensure its survival in the long term. Mr Pons stated that the premises has had numerous requests from late night workers who have informed the applicant that on their way home from work at night they would like to purchase alcohol from the shop and take it home with them. He also informed the Sub Committee that the business does not focus on the sale of alcohol as it is a grocery and the alcohol is on display at the rear of the shop. Mr Pons made it clear that the applicant knew the street drinkers from working at the premises and had on occasions barred particular street drinkers from the shop in the past, took photographs and had made them leave. But it was not profitable for the applicant to keep serving street drinkers as he had no control once they were outside the premises, but did everything within his control to avoid any anti-social behaviour problems for the residents. Mr Pons advised the Sub Committee that no objections had been received from local residents and that the applicant would be happy to consider any conditions that would be placed on the premises by the Sub Committee.

Members heard representations from Mr Andrew Heron (Licensing Authority), Ms Nicola Cadzow (Environmental Protection) and PC Mark Perry (Metropolitan Police) who each expressed concern regarding the application for longer hours and the effect it would have on the community in relation to crime and disorder and public nuisance. Concerns were expressed regarding

the close proximity of the premises to local residents which would cause disturbances if the application were granted and the CCTV Data Protection request form which created a barrier and delays when requests were made and that the applicant has not explained how within the context of the application that they will meet the Licensing Objectives. The Metropolitan Police informed the Sub Committee that the premises were in the middle of a housing estate with street drinkers congregating in stairwells and disturbing the local residents. The Metropolitan Police were concerned that if longer hours were granted then it would mean that the street drinkers would stay in the area and stairwells for longer and be more of a public nuisance to local residents. With conditions Responsible authorities were willing to support a determination of opening either for the same hours as Tesco's or the framework hours.

In response to questions from Members it was noted, that:

- The main types of alcohol most commonly bought by street drinkers were super-strength cans of beers over 5.5% and small bottles of cheap vodka and whiskey.
- Many of the stairwells on the nearby densely populated housing estates were used for congregating street drinkers who caused disturbances and generally caused problems for local residents.
- Isle of Dogs does not have any shops or supermarkets operating with a 24-hour licence.
- The applicant was willing to reduce the hours and consider specific conditions being placed on the premises.
- The shop had a good reputation and was well kept and clean on the inside.
- Only 25% of the retail for the business is alcohol, the main retail for the business is grocery.
- The applicant agreed to offer up framework hours for sale of alcohol.
- The applicant would be willing to the imposition of conditions regarding the strength of alcohol sold after 21.00 hours, that no single cans/bottles of beers or lagers to be sold after 21:00 hours and that there must not be any open containers.
- The applicant accepted the removal of the requirement for Data Protection forms to be served in order to obtain CCTV footage by the police or authorised officers.

Members adjourned the meeting at 7.35pm to consider the decision and reconvened at 7:48pm.

The Licensing Objectives

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

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

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

Consideration

Each application must be considered on its own merits. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation on behalf of the applicant and the objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office Guidance which states that “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”.

Members were mindful that no objections had been made by local residents, but took into account the representations made by the Responsible Authorities.

Members also considered the impact of the extended hours on local residents and noted that the premises would be the only business on the Isle of Dogs that would be operating for 24 hours. Members noted, however, how well run the premises were and wished to support local businesses whilst balancing this with the interests of residents, furthermore, that the applicant agreed to offer up revised hours and conditions following a brief consultation with the responsible authorities and these were acceptable to the authorities who had no continued objections based on the revised hours and conditions.

Therefore considering all of the above, Members decided to grant the application for a new Premises Licence with additional conditions.

Decision

Accordingly, the Sub Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Muree Food Stores Limited (Nisa Local) at 286 Manchester Road, Isle of Dogs, London, E14 3HW be GRANTED with conditions.

Opening Hours

There are no restrictions on the hours during which this premises is open to the public.

Sale of Alcohol

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:-

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

Additional Conditions –

- **Alcohol Strength** - No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises after 21:00 hours.
- **No single purchases** - A minimum of two cans/bottles of beer, lager or ciders must be sold after 21:00 hours.
- **Refusals Log** - A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, the reason for refusal and the name of the member of staff who refused the sale. This log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises are open.
- **No open containers** - All sales of alcohol shall be in sealed containers only.

Amended Conditions -

- **Condition 3** – The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available for inspection at the premises by the police, or an authorised officer of the licensing authority.
- **Condition 6 (ii)** - A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, and EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

All other conditions identified in the Operating Schedule shall be retained.

The meeting ended at 8.10 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 20 DECEMBER 2016****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,****5 CLOVE CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Rajib Ahmed (Chair)
Councillor Peter Golds
Councillor Candida Ronald

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Vivienne Walker – (Senior Prosecution Lawyer)
Antoinette Duhaney – (Interim Senior Committee Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Rajib Ahmed declared an interest in Agenda Item 3.3, Brar Wines Store, 2 Spey Street on the grounds that the premises were located in his Ward. However he did not know the applicant.

2. RULES OF PROCEDURE

The Rules of Procedure were noted.

3. ITEMS FOR CONSIDERATION**VARIATION OF ORDER OF BUSINESS**

When the meeting was opened at 6.30, no applicants were present. The Sub Committee therefore agreed to vary the order of business and considered items in the following order

Agenda Item item 3.3 (the applicant had advised that he would not attend)
Agenda Item item 3.4
Agenda Item item 3.2

3.1 Licensing Act 2003: Application for a Premises Licence for Lemman Locke Apart-Hotel, 15 Lemman Street, Aldgate, London, E1 8EN APPLICATION WITHDRAWN

This application was withdrawn.

3.2 Licensing Act 2003, Application for Variation of a Premises Licence for The Natural Philosopher, 489 Hackney Road, London, E2 9ED

The Sub Committee noted that the applicant was not in attendance.

Attendees

PC Mark Perry, Metropolitan Police
Nicola Cadzow, Environmental Health

The report was introduced by Mohshin Ali, Senior Licensing Officer who advised that a variation to the premises license was being sought.

PC Mark Perry addressed the meeting and stated that the premises was close to the Brick Lane Cumulative Impact Zone and many other late night venues. If the variation was granted, there was potential for alcohol related Anti- Social Behaviour and the premises could encourage patrons to leave other premises which had closed to continue drinking at these premises. PC Perry suggested that the Sub Committee agree the hours recommended by himself and Environmental Health. The applicants could then apply for a Temporary Event Notice to demonstrate that they could manage late night premises with different dynamics.

Nicola Cadzow also addressed Members and reported that the applicant was unwilling to accept a reduction in the hours applied for. Ms Cadzow stated that there was potential for noise and disturbance to residents and the applicant had failed to demonstrate how the licensing objectives would be met. On this basis, Ms Cadzow requested the Sub Committee to refuse the variation.

Members then withdrew from the meeting to deliberate in private.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Sub Committee has carefully considered all of the evidence before them including written representations from the applicant and written and verbal representations on behalf of the objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder and the prevention of children from harm.

As the applicant did not attend the hearing, the application was considered in absentia. The Sub Committee heard from PC Mark Perry on behalf of the Metropolitan Police that although the premises was outside the Cumulative Impact Zone, the later hours applied for would attract patrons from other nearby premises which had closed, thereby increasing the potential for Anti Social Behaviour and public nuisance. Although there were no concerns about the operation of the existing premises license, if the variation was approved, this had the potential to change the night time dynamics in the area. PC Perry recommended that if the Sub Committee was minded to grant the variation, then the hours should be as set out on page 117 of the agenda pack. The applicant could then seek later hours through Temporary Event Notices before applying for a further variation.

Nicola Cadzow addressed Members on behalf of Environmental Protection supporting the views of PC Perry. Ms Cadzow stated that the application had been encouraged to accept the hours as suggested by the Metropolitan police but had declined to do so and on this basis, Environmental Protection did not support the application.

The Sub Committee expressed its regret that the applicant was not in attendance to respond to the concerns raised by the objectors.

Decision

In the circumstances, the Sub Committee unanimously

RESOLVED

That the application for a Variation of a Premises Licence for The Natural Philosopher, 489 Hackney Road, E2 9ED be **REFUSED** for the following reasons:

- The Committee was persuaded by the written and oral representations from the Metropolitan Police and Environmental Protection regarding the potential for Anti-Social Behaviour and public nuisance if the application was granted.
- As the applicant was not in attendance, the Sub Committee was unable to seek the necessary clarification on the reasons for the variation being sought
- The application had failed to demonstrate how the licensing objectives would be upheld.

3.3 Licensing Act 2003: Application for Temporary Event Notice for Brar Wines Store, 2 Spey Street, E14 6PZ

The Sub Committee noted that the applicant had advised that he was unable to attend the hearing.

Attendees

PC Mark Perry, Metropolitan Police
Nicola Cadzow, Environmental Health

The report was introduced by Mohshin Ali, Senior Licensing Officer who advised that a previous premises license was revoked in 2014 following a review. An application for a premises license made in 2015 was also refused.

PC Mark Perry addressed the meeting and advised that the premises license was revoked in 2014 because of concerns regarding Anti-Social Behaviour associated with the premises. Test purchases had also identified that the premises was selling alcohol to underage customers; alcohol had also been sold to customers who were already intoxicated. PC Perry was concerned that if the Temporary Event Notice was granted, this would lead to a recurrence of Anti-Social Behaviour and undermine the licensing objectives. PC Perry urged Members to refuse the application.

Nicola Cadzow, Environmental Health also addressed the meeting echoing the sentiments of PC Mark Perry and requesting that the Temporary Event Notice be refused.

Members then withdrew from the meeting to deliberate in private.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Sub Committee has carefully considered all of the evidence before them including written representations from the applicant and written and verbal representations on behalf of the objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

As the applicant had indicated that he would not be attending the hearing, the application was considered in absentia. The Sub Committee heard from PC Mark Perry on behalf of the Metropolitan Police that a previous license held by the premises had been revoked because of concerns regarding persistent Anti-Social Behaviour from customers, particularly young people, congregating outside the premises. The Sub Committee's attention was drawn to witness statements included in the agenda pack showing that the premises had sold alcohol to customers who were drunk and had also made under age sales as demonstrated by a successful test purchase.

The Metropolitan Police were concerned that if this application was granted, it would undermine the licensing objectives and was likely to lead to a recurrence of the Anti-Social Behaviour with young people congregating outside the premises causing public nuisance to residents. Similar sentiments were echoed by Nicola Cadzow on behalf of Environmental Protection and the Sub Committee was urged to refuse the application.

The Sub Committee expressed its regret that the applicant was not in attendance to respond to the concerns raised by the objectors.

Decision

In the circumstances, the Sub Committee unanimously

RESOLVED

That the application for a Temporary Event Notice for Brar Wines Store, 2 Spey Street, E14 6PZ be **REFUSED** for the following reasons:

- The Committee was persuaded by the compelling evidence from the Metropolitan Police and Environmental Protection regarding the likely recurrence of Anti-Social Behaviour leading to public nuisance if the application was granted.
- Since the previous license was revoked, there had been no change in the people involved in managing the premises
- The applicant had failed to demonstrate how the licensing objectives would be upheld particularly in respect of the prevention of crime and disorder and the prevention of public nuisance.

3.4 Licensing Act 2003: Temporary Event Notice for Apiary Studios, 458 Hackney Road, London E2 9EG

The Sub Committee noted that the applicant was not in attendance.

Attendees

PC Mark Perry, Metropolitan Police
Nicola Cadzow, Environmental Health

The report was introduced by Mohshin Ali, Senior Licensing Officer who advised that a Temporary Event Notice was being sought for New Years Eve/New Years Day.

PC Mark Perry addressed the meeting stating that he had concerns about the size of the venue and the number of patrons expected. A similar event on 25th September 2016 had caused serious crowd control issues and PC Perry had little confidence in the applicant's ability to meet the licensing objectives and ensure the safety of attendees. The applicant had failed to submit an event management plan and had provided no information on how 250 patron would be accommodated in such small premises. In the circumstances, PC Perry requested that the application be refused.

Nicola Cadzow addressed Members supporting the concerns of PC Perry. Ms Cadzow stated that a previous event at the premises had lead to a complaint regarding disturbance and she was not convinced that measures had been put in place to prevent disturbance in a residential area and meet the licensing objectives. Ms Cadzow had requested the applicant to consider a 3am finishing time for the event but this had been declined. Mr Cadzow therefore urged the Sub Committee not to grant the application.

Members then withdrew from the meeting to deliberate in private

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Sub Committee has carefully considered all of the evidence before them including written representations from the applicant and written and verbal representations on behalf of the objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder and the prevention of children from harm.

As the applicant did not attend the hearing, the application was considered in absentia. The Sub Committee heard from PC Mark Perry on behalf of the Metropolitan Police that there were concerns over the crowd capacity for the event and the potential for this to be exceeded. PC Perry referred to an event held at the premises on 24th – 25th September 2016 which had been poorly

managed and had caused public nuisance to residents. This event had attracted more patrons than capacity would allow and patrons were congregating in the external courtyard to the premises. The applicant had submitted no adequate Event Management Plan and the Metropolitan Police had no confidence in the applicant's ability to manage this event whilst upholding the licensing objectives and the Sub Committee was urged to refuse the application.

Nicola Cadzow addressed Members on behalf of Environmental Protection echoing the sentiments of PC Perry. Ms Cadzow stated that a previous event at the premises on 24th – 25th September had attracted complaints and disturbance had been caused by noise from patrons in the external courtyard and on nearby streets. The applicant had been encouraged to reduce the end time of the event to 3am but had declined to do so and on this basis, Environmental Protection did not support the application.

The Sub Committee expressed its regret that the applicant was not in attendance to respond to the concerns raised by the objectors.

Decision

In the circumstances, the Sub Committee unanimously

RESOLVED

That the application for a Temporary Event Notice for Apiary Studios, 458 Hackney Road, E2 9EG, be **REFUSED** for the following reasons:

- The Committee was persuaded by the compelling evidence from the Metropolitan Police and Environmental Protection regarding the likelihood of public nuisance if the application was granted.
- In the absence of a robust Event Management Plan, the Sub Committee was not convinced that the licensing objectives would be upheld, with particular regard to the prevention of crime and disorder and the prevention of public nuisance.
- As the applicant was not in attendance, the Sub Committee was unable to seek the necessary clarification/assurances regarding the capacity of the event and how this would be managed whilst ensuring that the licensing objectives were upheld.

The meeting ended at 7.24 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

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Agenda Item 4.1

Committee :	Date	Classification
Licensing Sub Committee	14th February 2017	Unrestricted

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for New Premises Licence for Sakana Sushi, Unit E, 43a Commercial Street, London, E1 6BD
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant: **Japanese Cuisine Limited.**
Name and **Sakana Sushi**
Address of Premises: **Unit E, 43A Commercial Street**
London
E1 6BD

Licence sought: **Licensing Act 2003**
The provision of late night refreshment

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 Background

- 3.1 This is an application for a new premises licence for Sakana Sushi – Unit E, 43a Commercial Street, London, E1 6BD.
- 3.2 The premises did previously have a late night refreshment licence in place. A copy of that licence is enclosed as **Appendix 1** for Members' information only. Sakana Sushi Limited, the previous premises licence holder, dissolved on 23rd February 2016, thus voiding the licence.
- 3.3 A copy of the variation application is enclosed as **Appendix 2**. It is noted that there appears to be a number of mistakes in the application which Members should seek clarity on. The Applicant has indicated in Section (B) that the Supply of Alcohol has been applied for. However, the Applicant has completed Section (I) of the application specifying the Provision of Late Night Refreshment.
- 3.4 The applicant has described the nature of the application as either:
- The sale of alcohol and/or
 - Providing late night refreshment
- 3.5 The hours that have been applied for are as follows:-

The Provision of Late Night Refreshment (indoors nor outdoors defined in application):

- Monday to Thursday from 23:00hrs to 01:30hrs (the following day)
- Friday and Saturday from 23:00hrs to 02:00hrs (the following day)
- Sunday from 23:00hrs to 00:00hrs (midnight)

Members will note that the application states the start times for licensable activities as being 11:00hrs. Therefore it should be confirmed exactly what the applicant is applying for. It is noted that the Applicant goes on to provide the name and personal licence details for a proposed designated premises supervisor.

Hours premises is open to the public:

- Monday to Thursday from 11:00hrs to 01:30hrs (the following day)
- Friday and Saturday from 11:00hrs to 02:00hrs (the following day)
- Sunday from 11:00hrs to 00:00hrs (midnight)

- 3.6 In an email exchange between the Metropolitan Police and the Applicant, it is noted that the Applicant has now agreed to the following quoted hours:

Sun -Thu 11.30 - 23.00 : closing 23.30
Fri - Sat 11.30 - 23.30 :
Closing Midnight

The Police in their original representation (since withdrawn) took the application to include both alcohol *and* late night refreshment. The

representation was subsequently withdrawn once the Applicant agreed to the above. However, it remains very unclear what has been agreed with the Responsible Authorities. Please see **Appendix 3** which exhibits an email exchange between the Police and the Applicant; and **Appendix 4** which exhibits an email exchange between Environmental Health (Noise) and the Applicant.

The Applicant does appear to have agreed additional conditions and the following hours:

The Supply of Alcohol (on sales only)

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

Late Night Refreshment

- Friday to Saturday from 23:00hrs to 23:30hrs

Opening Hours

- Monday to Thursday from 11:30hrs to 23:30hrs
- Friday and Saturday from 11:30hrs to 00:00hrs (midnight)

Members should note that alcohol sales and opening hours have not been addressed for Sundays and will therefore have to make a formal decision on any hours if it is seen fit to grant.

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 5**.
- 4.3 Maps showing the vicinity are included as **Appendix 6**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 7**.

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in March 2015.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 8**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents.
- **Appendix 9** Anthony do Jasay
 - **Appendix 10** Pat Jones
 - **Appendix 11** Glenn Leeder
 - **Appendix 12** Selina Misfud on behalf of the Spitalfields Community Group
 - **Appendix 13** Alan Williams

- 6.9 It should be noted that the application also received an invalid representation. The author was written to in order to be provided with the opportunity to make a valid representation within the consultation period. No response was received.
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust (Public Health England)
- 6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.12 The objections cover allegations of
- Potential anti-social behaviour on the premises
 - Potential anti-social behaviour from patrons leaving the premises
 - Close proximity to residential properties
 - Hours of trade
 - The LBTH Cumulative Impact Zone
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 **Conditions consistent with Operating Schedule**

7.1 Members will note from the application for that the following points are offered in the Operating Schedule. Members will note that they may require significant amendments to make them enforceable:

7.2

- 1) Strong Management controls and effective training of all staff so that they are aware of the premises licence and the requirement to meet the four licensing objectives with particular attention to:
 - a) No selling of alcohol to underage people;
 - b) No drunk and 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
- 2) CCTV system installed to monitor entrances, exits and other parts of the premises in order to address the prevention of crime objective;
- 3) A clear and legible notice outside the premise indicating the normal hours under the terms of the premises licence during which licensable activities are permitted;
- 4) Clear and conspicuous notices warning of potential criminal activity, such as theft that may target customers will be displayed;
- 5) Not selling of alcohol to drunk or intoxicated customers;
- 6) All staff will be trained;
- 7) Custom will not be sought by means of a personal solicitation outside or in the vicinity of the premises;
- 8) Internal and external lighting to promote the public safety;
- 9) There will be training and implementation of underage ID check;
- 10) Will keep book or recording system for inspections;
- 11) There will be prominent and clear and legible notices displayed at the exit requesting customers to respect residents and leave the premises and area quietly;
- 12) Customers will not be allowed to stand outside the premises;
- 13) Customers will not be admitted to premises above opening hours;
- 14) Adequate waste receptacles for use by customers will be provided in the local vicinity;

- 15) Will display Challenge 25 sign;
- 16) Will check and accept only photo ID;
- 17) Will keep log book at all times;
- 18) Training provided to all staff.

8.0 Conditions Agreed/Requested by Responsible Authority (please see Annexes 3 and 4)

8.1

- 1) CCTV. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority. One camera be placed outside the entrance and on entry;
- 2) Use of incident /refusal book;
- 3) No drinks to be consumed outside the premises;
- 4) No more than 4 smokers to be outside at one time.

9.0 Licensing Officer Comments

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also "as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do

so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60)
Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

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

- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 14-18** 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 the void licence
Appendix 2	A copy of the application
Appendix 3	Email between Applicant and Police discussing hours and potential conditions
Appendix 4	Email between Applicant and Environmental Health (Noise) discussing hours and potential conditions
Appendix 5	Site Plan
Appendix 6	Maps of the surrounding area
Appendix 7	Surrounding Premises Licence details
Appendix 8	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 9	Representation of local resident Anthony do Jasay
Appendix 10	Representation of local resident Pat Jones
Appendix 11	Representation of local resident Glenn Leeder
Appendix 12	Representation of local resident Selina Misfud on behalf of the Spitalfields Community Group
Appendix 13	Representation of local resident Alan Williams
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 access and egress problems
Appendix 17	Licensing officer comments on hours of trading
Appendix 18	Licensing officer comments on the LBTH Cumulative Impact Zone

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Appendix 1

(Sakana Sushi Ltd)
Unit E, 43a Commercial Street
London
E1 6BD

Licensable Activities authorised by the licence

The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 9th December 2008



Part A - Format of premises licence

Premises licence number

18183

Part 1 - Premises details

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

(Sakana Sushi Ltd)
Unit E, 43a Commercial Street

Post town
London

Post code
E1 6BD

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Monday to Thursday 11:00 hours – 01:30 hours
Friday & Saturday 11:00 hours – 02:00 hours
Sunday 11:00 hours – midnight

The opening hours of the premises

Monday to Thursday 11:00 hours – 01:30 hours
Friday & Saturday 11:00 hours – 02:00 hours
Sunday 11:00 hours – midnight

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

Not applicable

Annex 1 - Mandatory conditions

No nudity or semi nudity permitted.

Annex 2 - Conditions consistent with the operating Schedule

1. Deliveries to the premises will only be made between 11:00 hours and 16:00 hours.
2. Four staff will be in attendance at all times whilst the premises are open or business.
3. No music will be played from within the premises.
4. CCTV will be installed in the premises and will operate 24 hours-a-day, with recordings kept for at least 30 days, and made available for inspection by the police or other statutory authority.
5. All staff will be trained in the operation of the CCTV system and record will be maintained of the training which will be made available for inspection.
6. "CCTV in operation" sign will be displayed in the premises.
7. The main doors of the premises will be kept closed at all times except for access and egress.
8. Customers will be asked to leave the premises quietly during late night trading.
9. Signage will be displayed to show customers where to dispose of waste.
10. Staff will clean up any waste from outside the premises every two hours.

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

Not applicable

Annex 4 - Plans

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

7th October 2008



Part B - Premises licence summary

Premises licence number

18183

Premises details

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

(Sakana Sushi Ltd)
Unit E, 43a Commercial Street

Post town
London

Post code
E1 6BD

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment



The times the licence authorises the carrying out of licensable activities

Monday to Thursday	11:00 hours – 01:30 hrs
Friday & Saturday	11:00 hours – 02:00 hrs
Sunday	11:00 hours – midnight

The opening hours of the premises

Monday to Thursday	11:00 hours – 01:30 hrs
Friday & Saturday	11:00 hours – 02:00 hrs
Sunday	11:00 hours – midnight

Name, (registered) address of holder of premises licence

Sakana Sushi Limited Unit 5 43a Commercial Street London E1 6BD



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

Not applicable

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

08880369

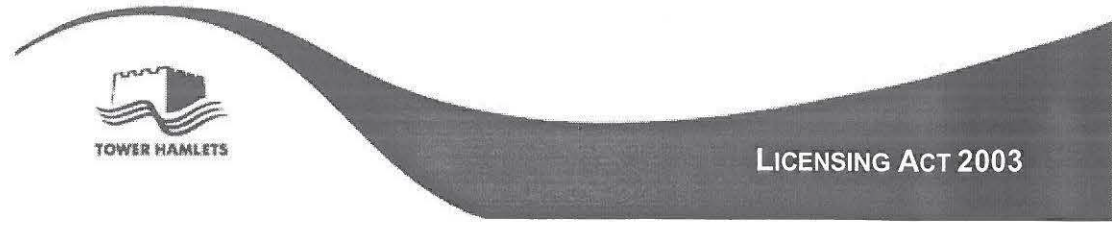
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not applicable

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

No restrictions

Appendix 2



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

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.
 On-Line payments can be made at:
http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx
 Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

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) SHIBLI ALAM / MUHAMMED ZAKIR HUSSAIN

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	
<u>43A COMMERCIAL STREET (SAKANA SUSHI)</u> <u>LONDON</u> <u>UNIT E</u>	
Post town	Post code <u>E1 6BD</u>

Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £ 11,500

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

I am 18 years old or over Please tick yes

Current postal 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	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick yes

Current postal 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"/>
----------------------------------	----------------------

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	SHIBLI ALAM & MOHAMMED ZAKIR HOSSAION (JAPANESE CUISINE LTD)
Registered number (where applicable)	956 75 66
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY BY SHARES
Telephone number, if any	07834986795
E-mail (optional)	

COMPANY ADDRESS
UNIT 2-3
52-55 MILE END ROAD
E1 4UN

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

1	0	1	2	2	0	1	6
---	---	---	---	---	---	---	---

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

Day Month Year

--	--	--	--	--	--	--	--

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

--

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

It is a restaurant on a main road, the road mixed of commercial and residential.
The restaurant is one floor (ground) with back kitchen.
we provide Japanese Cuisine (food hot & cold) with sitting for 30 people max.

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

Provision of regulated entertainment

- 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 L)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please red guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri						
Sat				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 5)		
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please red guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for exhibition of films (please read guidance note 4)		
Thur						
Fri						
Sat				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 5)		
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3) State any seasonal variations for indoor sporting events (please read guidance note 4) 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 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

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

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 3)	
Tue			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)	
Wed				
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 5)
Sat				
Sun				

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors
Day	Start	Finish		Outdoors
Mon	11 am	01.30	Please give further details here (please read guidance note 2)	Both
Tue	11 am	01.30	Next day	
Wed	11 am	01.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur	11 am	01.30	Next day	
Fri	11 am	02.00	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 5)	
Sat	11 am	02.00	Next day	
Sun	11 am	12.00	Mid night	

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises
Day	Start	Finish		Off the premises
Mon			Please give further details here (please read guidance note 7)	Both
Tue				
Wed			State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Thur				
Fri			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 5)	
Sat				
Sun				

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

Name shibli ALAM

Address A

Person

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 8)

*we will only be selling alcohol between
11.30am - 11.30pm Monday - Thursday and
Friday & Saturday 11.30am - 12 midnight
Sunday 11.30am - 10.30pm
There will not be any entertainment taking
place.*

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	11Am	01.30	<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	11	01.30	
Wed	11	01.30	
Thur	11	01.3	
Fri	11	02.00	
Sat	11	02.00	
Sun	11	Midnight	

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 9)

Strong Management Controls and effective training of all staff so that they are aware of the Premise licence and the requirements to meet the four licensing objectives with particular attention to:

- 1) No selling of Alcohol to underage people.
- 2) No Drunk and disorderly behavior on the Premise area.
- 2) vigilance in preventing the use and sale of illegal drugs at the retail area.
- 3) NO violent and Anti Social behaviour
- 4) No any harm to children.

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 & legible notice outside the Premises indicating the normal hours under the terms of the Premises licence during which licensable activities are permitted.

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

No selling of alcohol to drunk or intoxicated customers.

All staff will be trained.

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

c) Public safety

Internal & external lighting to promote the public safety.

There will be training and implementation of underage ID checks.

Will keep log book or recording system for inspections.

d) The prevention of public nuisance

There will be prominent and clear and legible notice displayed at the exit requesting Customers to respect residents and leave the premises and area quietly.
Customers will not be allowed to stand outside the premises.
Customers will not be admitted to premises above opening hours.
Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

will display challenge 25 sign.
will check and accept only photo ID
will keep log book at all times.
Training provided to all staff.

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

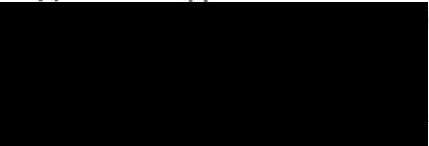
CHECKLIST:

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

Part 4 – Signatures (please read guidance note 10)

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

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If  please state in what capacity.

Signature

Date

21.10.2016

Capacity

Director

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature

Date

21.11.2016

Capacity

Director

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

Post town

Post code

Telephone number (if any)

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

Appendix 3

Andrew Heron

From: [REDACTED]
Sent: 09 January 2017 09:06
To: Licensing [REDACTED]
Cc: Nicola Cadzow
Subject: Sakana Sushi 43a Commercial St ref M/097314

Dear Licensing

Please note our agreement. I will now withdraw my objection.

Alcohol Hours

Monday - Thursday: 1130 - 2300: closing 2330

Friday - Saturday: 1130- 2330: closing midnight

No off sales

LNR

Friday - Saturday: 2300 -2330

Conditions

1 .CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority,

(Can one camera be placed o/s the entrance and on entry,)

2. Use of incident /refusal book.

3. No drinks to be consumed outside the premises

54 No more than 4 smokers to be outside at one time

From: Nicola Cadzow [REDACTED]
Sent: 09 January 2017 08:55
To: Licensing
Cc: Cruickshank Alan D - HT; Perry MARK J - [REDACTED]
Subject: FW: Sakana Sushi 43a Commercial St ref M/097314

Dear Licensing,

Following agreement to the conditions as set by Alan, and the amendment to the opening hours (see email trail below), I have no objection the Premise License application for Sakana Sushi 43a Commercial Street, ref M/097314.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

From: Sakana Sushi [REDACTED]
Sent: 07 January 2017 16:17
To: Nicola Cadzow
Subject: RE: 43a Commercial St ref M/097314

Dear sir/madam
Thanks very much for withdraw your objection.
Obviously I am agree your proposed conditions.
Thanks again
Yours sincerely
Shibli alam

On Fri, Jan 6, 2017 at 1:55 PM +0000, "Nicola Cadzow" [REDACTED] > wrote:

Dear Alam,

Whilst there is no regulated entertainment applied for, I was concerned over the late hours with Patrons entering and leaving the premises causing Public Nuisance. However, as you have agreed with the hours proposed by Alan, I

have no objections to you Premise License Application, following your agreement to Alan's conditions, for me in particularly points 3 & 4.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Noise Pollution Team
Environmental Protection
London Borough of Tower Hamlets

From: [REDACTED]
Sent: 06 January 2017 13:10
To: [REDACTED] [k](#)
Cc: Nicola Cadzow
Subject: 43a Commercial St

Dear Mr Alam

Thank you for agreeing the hours. I will withdraw my objection if you also agree to the following which I outlined in my representation.

1. No off sales

Conditions

1 .CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

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(Can one camera be placed o/s the entrance and on entry,)

2. Use of incident /refusal book.

3. No drinks to be consumed outside the premises

54 No more than 4 smokers to be outside at one time

Best wishes

Alan

From: Sakana Sushi [REDACTED]
Sent: 06 January 2017 12:53
To: Cruickshank Alan D - HT
Subject: Re: 43a Commercial St

Dear sir/ madam

For your kind information I am writing to you that about two weeks ago when we talk over telephone then I agreed your proposed time table. After that I informed (your proposed time table) principal offer of licence and administrative offer of licence by email .
But it was my out of knowledge that I have to give confirmation mail to you, I am sorry for that.

Now I am confirming you ,your proposed opening closing time table below:

Sun -Thu 11.30 - 23.00 : closing 23.30

Fri - Sat 11.30 - 23.30 :

Closing Midnight

So it is my cordial request if you kindly reconsider consider my application it will be highly appreciated. Thanks

Yours sincerely
Shibli alam

On Fri, Jan 6, 2017 at 10:33 AM +0000, [REDACTED]

[REDACTED] wrote:

Dear Licensing

Please find my objection to the above premises licence application.

Regards

Alan Cruickshank PC 189HT

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Appendix 4

Andrew Heron

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Cc: [REDACTED]
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Obviously I am agree your proposed conditions.
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Kind regards

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To: [REDACTED]
Cc: Nicola Cadzow
Subject: 43a Commercial St

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Conditions

1 .CCTV

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(Can one camera be placed o/s the entrance and on entry,)

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Best wishes

Alan

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Fri - Sat 11.30 - 23.30 :

Closing Midnight

So it is my cordial request if you kindly reconsider consider my application it will be highly appreciated. Thanks

Yours sincerely
Shibli alam

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Dear Licensing

Please find my objection to the above premises licence application.

Regards

Alan Cruickshank PC 189HT

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify

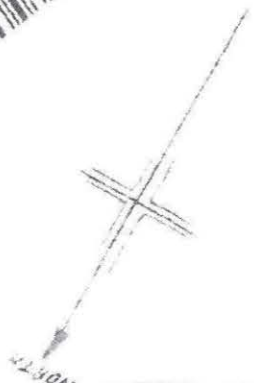
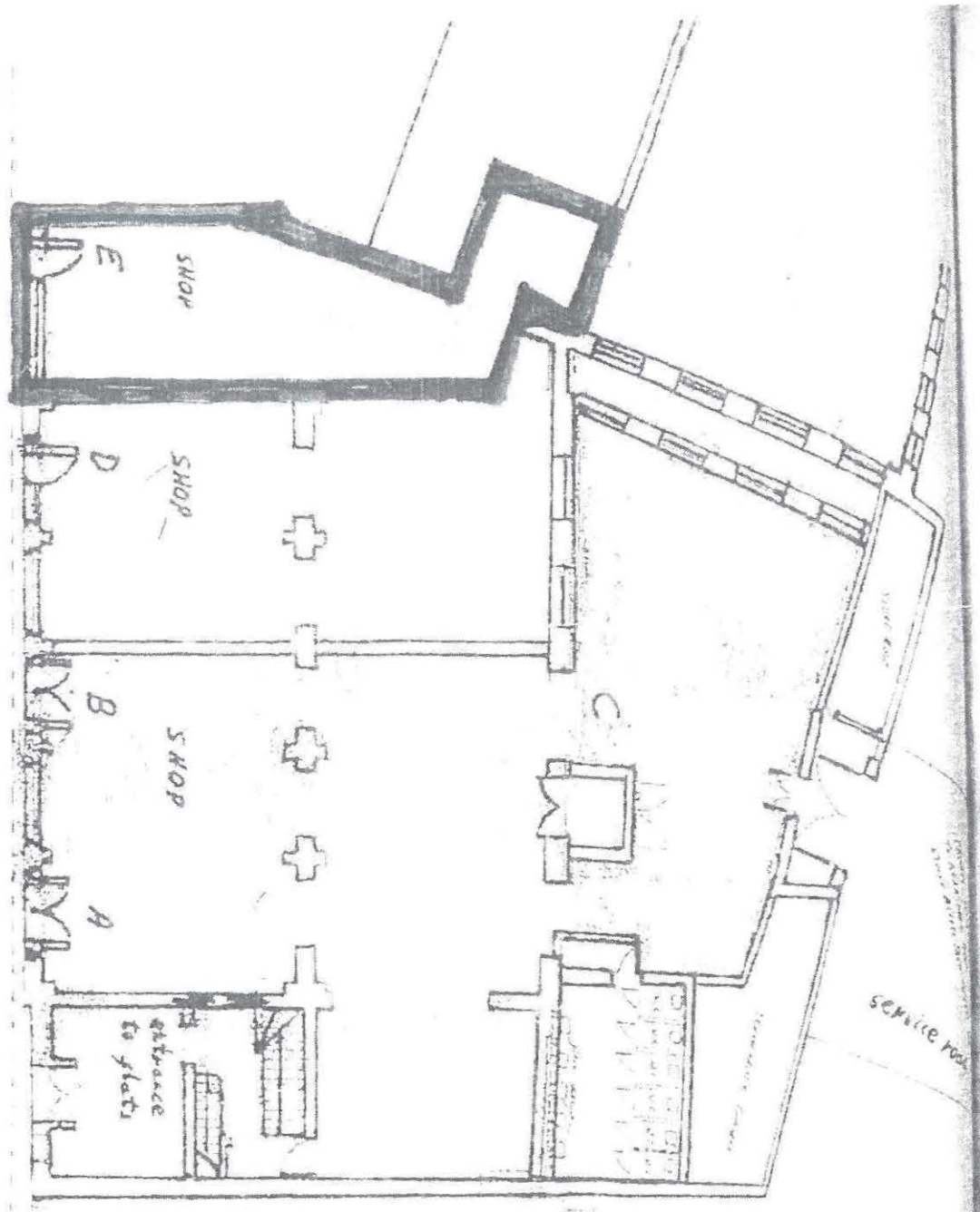
Appendix 5

GROUND FLOOR PLAN
43a COMMERCIAL STREET
LONDON E1 6BD
UNIT E

SCALE 1:200

NOTICE OF INTENT TO APPLY

COMMERCIAL STREET



Handwritten notes:
Party schedule
Attention
Please check

Appendix 6

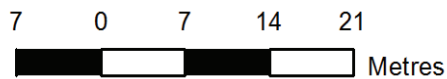


Unit E, 43a Commercial Street

Map 1



Scale 1:769



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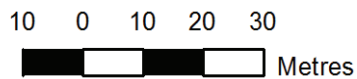


Unit E, 43a Commercial Street

Map 2



Scale 1:1537



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Unit E, 43a Commercial Street

Map 3



Scale 1:3074

25 0 25 50 75



Metres



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Appendix 7

Surrounding Licensed Premises in the Immediate Vicinity

(Som Saa)

43a Commercial Street
London
E1 6BD

The sale by retail of alcohol:

Monday to Thursday from 10:00hrs to 23:30hrs
Friday and Saturday from 10:00hrs to 00:00hrs (midnight)
Sunday from 12:00hrs (midday) to 22:30hrs

Late Night Refreshment: (Indoors only)

Monday to Thursday until 23:30hrs
Friday and Saturday until 00:00hrs (midnight)

The opening hours of the premises

Monday to Thursday from 10:00hrs to 23:30hrs
Friday and Saturday from 10:00hrs to 00:00hrs (midnight)
Sunday from 12:00hrs (midday) to 22:30hrs

(Zengi)

44 Commercial Street
London
E1 6LT

Sale of alcohol

- Monday to Sunday from 11:00hrs to 23:30hrs

Provision of late night refreshment – Indoor and outdoor

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

Provision of regulated Entertainment - Indoor

Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description

- Monday to Sunday from 11:00hrs to 23:30hrs

Licensable activities non-standard timings:

- New Year's Eve from 11:00hrs to 01:30hrs (the following day)

The opening hours of the premises

- Monday to Sunday from 11:00hrs to 00:00hrs (midnight)

Non-standard timings:

- New Year's Eve, from 11:00hrs to 02:00hrs (the following day)
-

(Agah Turkish Restaurant)

43 Commercial Street
London
E1 6BD

The Supply of Alcohol (on sales only)

- Monday to Thursday from 12:00hrs (midday) to 23:00hrs
- Friday and Saturday from 12:00hrs (midday) to 23:30hrs
- Sunday from 12:00hrs (midday) to 22:00hrs

The Provision of Late Night Refreshment (indoors)

- Friday and Saturday from 23:00hrs to 23:30hrs

The Provision of Regulated Entertainment in the form of Recorded Music (Indoors)

- Monday to Thursday from 12:00hrs (midday) to 23:00hrs
- Friday and Saturday from 12:00hrs (midday) to 23:30hrs
- Sunday from 12:00hrs (midday) to 22:00hrs

The Provision of Regulated Entertainment in the form of anything of a Similar Description to Live Music, Record Music or Performances of Dance (Indoors)

- Friday to Sunday from 12:00hrs (midday) to 22:00hrs

The opening hours of the premises

- Monday to Thursday from 12:00hrs (midday) to 23:30hrs
 - Friday and Saturday from 12:00hrs (midday) to 00:00hrs (midnight)
 - Sunday from 12:00hrs (midday) to 22:30hrs
-

Culpeper

40-42 Commercial Street
London
E1 6LP

Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 03:00hrs
- Sunday from 10:00hrs to 23:00hrs

Live music

- Monday to Saturday from 07:00hrs to 23:30hrs
- Sunday from 10:00hrs to 23:00hrs

Late Night Refreshment

- Monday to Wednesday from 23:00hrs to 00:30hrs

- Thursday to Saturday, from 23:00hrs to 04:00hrs
- Sunday, from 23:00hrs to 23:30hrs

Non-standard timings

Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)

- Sundays immediately preceding a bank holiday, from 07:00hrs to 03:00hrs
- Bank Holiday Mondays, from 07:00hrs to 01:00hrs
- St. Valentine's Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 03:00hrs
- New Year's Eve, from 07:00hrs to 03:00hrs 2nd January

Late Night Refreshment

- Sundays immediately preceding a bank holiday, from 23:00hrs to 04:00hrs
- Bank Holiday Mondays, from 23:00hrs to 01:30hrs
- St. Valentine's Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 23:00hrs to 04:00hrs
- New Year's Eve, from 23:00hrs to 04:00hrs 2nd January

The opening hours of the premises

- Monday to Wednesday, from 07:00hrs to 00:30hrs
- Thursday to Saturday, from 07:00hrs to 04:00hrs
- Sunday, from 10:00 hours to 23:30hrs

Non-standard timings

- Sundays immediately preceding a bank holiday, from 07:00hrs to 04:00hrs
- Bank Holiday Mondays, from 07:00hrs to 01:30hrs
- St. Valentine's Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 04:00hrs
- New Year's Eve, from 07:00hrs to 03:00hrs 2nd January

Appendix 8

Section 182 Advice by the Home Office Updated on March 2015

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 9

Andrew Heron

From: Tony de Jasay [REDACTED]
Sent: 08 January 2017 20:30
To: Licensing
Subject: Sakana Sushi, 43A Commercial Street E1 6BD

Dear Sir

I am writing to object to the above application It is for the attempted transformation of a distinctive food outlet, into yet another supplier of late-night alcoholic refreshment, in the CIZ where such license extensions are subject to a 'presumptive rebuttal'.

Sakana Sushi is a good example of a local hospitality business trying to adapt to the already excessive supply of food and drink in the area, by pushing into an area of unstable and poorly rewarded enterprise. These marginal offerings exploit both the younger consumers who equate excitement with excess, and their staff who work unsocial hours serving and delivering. Despite their hard work and determination, these businesses shift from being overall value-creating to being overall value destructive, because they conflict with the long-term sustainable future of their customers and their host-environments. As soon as degradation of a neighbourhood and its defensive reaction becomes significant, the popular late-night hang-outs for cheap excess, move elsewhere, leaving behind social and physical scars that take years to make good.

My apologies for reviewing these general points. They were fully appreciated by the Council at the time the CIZ was put in place. That policy is incremental to, and on a higher level than, 'normal' licensing policy which looks to conditions on specific licenses to meet licensing objectives. It is a rules-based, overall policy, ensuring that one does not 'lose sight of the wood for the trees'. Repeating what members already know is unfortunately the only way for residents to draw attention to the importance of the CIZ.

Yours faithfully

Anthony de Jasay
[REDACTED]
[REDACTED]

Appendix 10

Andrew Heron

From: Mail Admin
Sent: 13 January 2017 10:43
To: Licensing
Subject: licensing application for sakana sushi 43a commercial street london

Follow Up Flag: Follow up
Flag Status: Completed

From: pat jones [REDACTED]
Sent: 12 January 2017 20:46
To: Licensing
Subject: licensing application for sakana sushi 43a commercial street london

dear sirs i wish to object to this application for alcohol sales unit 1.30 am weekdays and 2am on weekends - these hours are excessive and much more than apply generally; there are well documented problems with anti-social behaviour in this area , including verbal and physical abuse, noise, urination, vomit, defecation,public sex etc all caused by alcohol and these long hours will make the problems worse and the licensing objectives of the prevention of crime and disorder, public nuisance and public safety cannot be met by excessive hours for alcohol provision - i urge you to reject this application - pat jones [REDACTED]

Appendix 11

Andrew Heron

From: Glenn Leeder [REDACTED]
Sent: 08 January 2017 06:31
To: Licensing
Subject: Sakana Sushi, 43a Commercial St

I wish to object to the granting of a late night refreshment licence for Sakana Sushi at 43a Commercial Street.

If this licence is granted, local residents, myself included, will be subjected to additional late night disturbances. The same premises has applied for a liquor licence in the local Brick Lane Cumulative Impact Zone. London Borough of Tower Hamlets has already recognised this area to be saturated with enough liquor licences, so this application should be rejected as well. Late night drinking results in patrons leaving premises and then causing noise disturbances to local residents. They often leave litter and it is very unpleasant when we have vomit and urine left on our doorsteps.

Please respect the local CIZ and reject any liquor licence at Sakana Sushi, 43a Commercial Street. Please consider local residents and reject this late night refreshment licence at the same address. Please do not allow any more off sales of alcohol in the CIZ,

Thank you.

Glenn leeder
[REDACTED]
[REDACTED]

Appendix 12

Andrew Heron

From: Spitalfields Community Group [REDACTED] >
Sent: 03 January 2017 21:03
To: Licensing
Cc: Alan Cruickshank
Subject: application at Sakana Sushi, 43a Commercial St, E1 6BD

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

SCG wishes to OBJECT to the licensing application at Sakana Sushi, 43a Commercial St, E1 6BD for late night refreshment and sale of alcohol.

Spitalfields Community Group was formed in September 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our current survey, conducted to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact on us of the night time economy.

The provision of late-night refreshment clearly encourages excessive drinking and associated nuisance including noise and antisocial behaviour. There is an unfortunate provision in Brick Lane of late night alcohol off-sales which exacerbates this problem, and the misery caused to surrounding residents. There has been a recent upsurge in antisocial behaviour in the residential streets adjacent to Brick Lane, in which visitors loiter causing a disturbance late at night. A particularly unacceptable facet of this is the number of instances of vomit on pavements, in doorways, light-wells providing light to residential basement kitchens and on cars. Excessively late hours for late-night refreshment fuels this disgusting phenomenon. We believe the hours applied for here are clearly excessive and will only exacerbate the problems in the area.

In addition we have concerns about the granting of a further alcohol licence in an area that is clearly saturated with such licences. The premises lie within the CIZ which was introduced by LBTH in recognition of the scale of the antisocial behaviour problem. The applicant is not clear as to whether he wishes to make off-sales from the premises. These are a particular problem for the area and we strongly oppose the introduction of any further capacity for people drinking in the street late into the night.

For the above reasons SCG objects to the licensing application at Sakana Sushi, 43a Commercial St, E1 6BD.

From and on behalf of Spitalfields Community Group

c/o Selina Mifsud
[REDACTED]

Appendix 13

Andrew Heron

From: Mr Alan Williams [REDACTED]
Sent: 05 January 2017 15:45
To: Licensing
Subject: Sukan Sushi, 43a Commercial Street, E1 6BD

Sukan Sushi, 43a Commercial Street, E1 6BD

Late Night Refreshment (LNR) to 01.30 daily (02.00 Sat eve, 00.00 Sun eve)
Alcohol to 23.30 daily (00.00 Fri/Sat eves)

I wish to object to this application as it stands.

The grounds of my objection are: The most relevant criteria for this neighbourhood are the prevention of crime and disorder, public safety and the prevention of public nuisance.

Also, the applicants have applied for a licence to serve alcohol in the heart of the Cumulative Impact Zone. I am concerned about the proliferation of licences in an area which the Local Authority already recognises as being saturated.

The late night behaviour in these streets is very bad; drunkenness, drugs, and foul behaviour are but three examples. It is not right to add more alcohol to an area already 'saturated' with alcohol and I urge the Committee not to accept the application as it stands.

It is unclear whether Off-Sales are requested or not; but my view is that:
there should be no LNR;
alcohol sales should finish at 22.00; and
no Off-Sales should be allowed.

Many thanks.
Alan Williams

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

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 - 2.7).

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 7 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 (2.14 – 2.20).

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 (2.18/2.20).

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 (13.13).

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

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. (2.19).

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. (2.20)

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 (2.22) 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 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	06:00hrs to 23:30hrs
Friday and Saturday	06:00hrs to 00:00hrs (midnight)
Sunday	06:00hrs to 22:30hrs

(see 12.8 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 applicants 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 12.8 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
- Premises licensed for off sales only

Appendix 18

Appendix 18

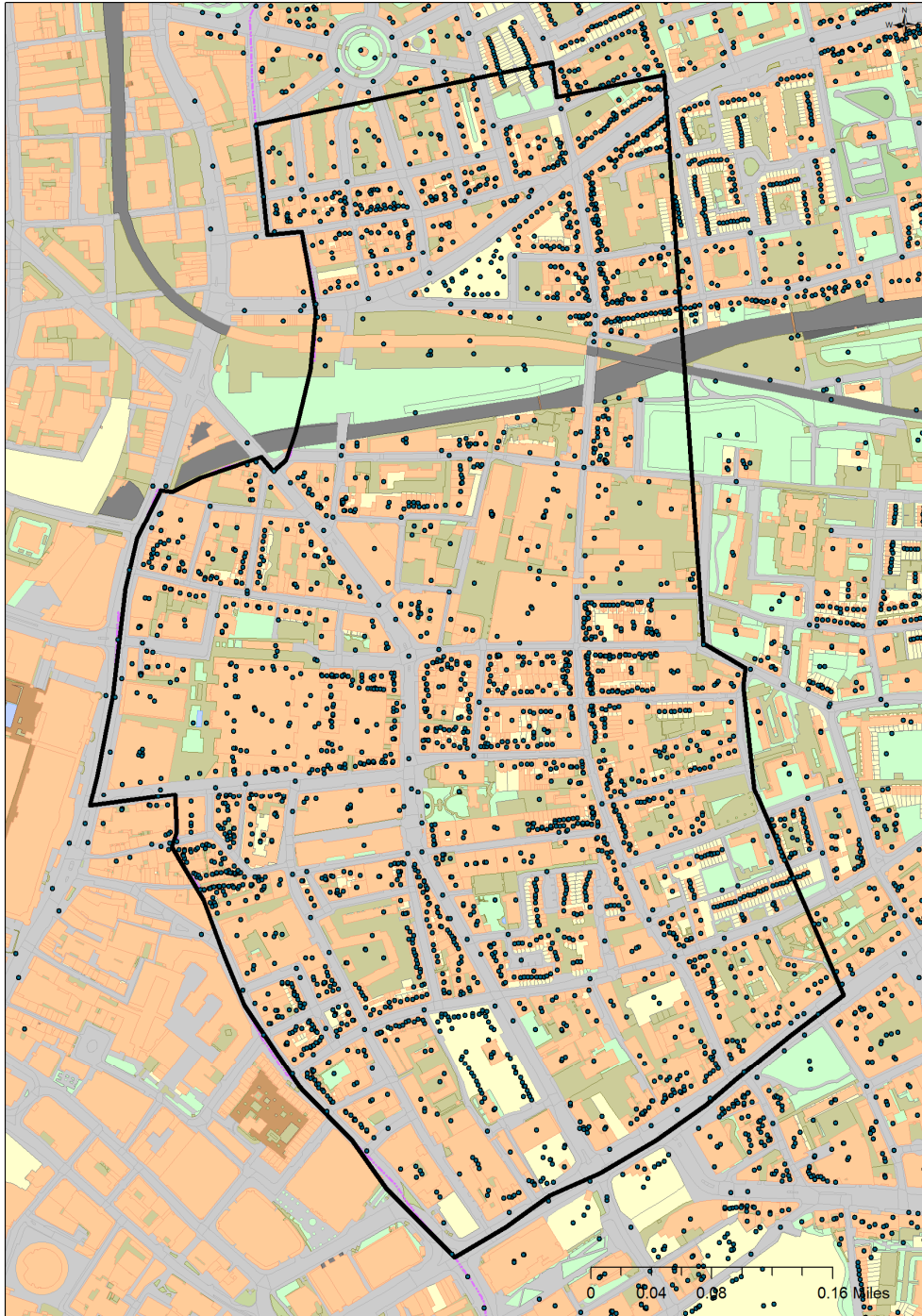
Special Cumulative Impact Policy for the Brick Lane Area

- Section 8 of the LBTH Licensing Policy provides for the Cumulative Impact Policy for the Brick Lane Area.
- 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.
- 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.
- 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.
- 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.
- 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.

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.

Figure One



Agenda Item 4.2

Committee : Licensing Sub Committee	Date 11th April 2017	Classification Unclassified
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Report of: David Tolley Head of Environmental Health and Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a new premises licence for Shell, 139-149 Whitechapel Road, E Carlton, 238 Bancroft Road, E1 1DT Ward affected: Spitalfields and Banglatown
---	---

1.0 Summary

Applicant: **Shell Oil Products Limited**

Name and Address of Premises: **Shell Whitechapel**
139-149 Whitechapel Road
London
E1 1DT

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

Representations: **Met Police**
Environmental Protection
Resident (on behalf of SPIRE)

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Corinne Holland
020 7364 3986

3.0 **Background**

3.1 This is an application for a new premises licence for (Shell Whitechapel), 139-149 Whitechapel Road, London E1 1DT.

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

3.3 The applicant has applied for the sale of alcohol and late night refreshments:

Sale of alcohol – (off sales only)

- Monday to Sunday 24 hours a day

Hours premises are open to the public:

- Monday to Sunday 24 hours a day

4.0 **Location and Nature of the premises**

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

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

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

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

5.0 **Licensing Policy and Government Advice**

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

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

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

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

6.0 Representations

- 6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authorities:
- Met Police (**Appendix 5**)
 - LBTH Environmental Protection (**Appendix 6**)
 - Resident (**Appendix 7**)
- 6.2 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise
 - Trading Standards
 - Child Protection
 - Public Health
- 6.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.4 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance.
- 6.5 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.
- 6.6 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 (as offered by the Applicant)

- 7.1 A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.
- 7.2 Access to the equipment and recordings will be provided to the Police within 24 hours of the request being made, contact details of the Retailer will be kept on site and made available to the Police for the purpose of obtaining access to the equipment and recordings.
- 7.3 Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.
- 7.4 A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.
- 7.5 An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.
- 7.6 A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.
- 7.7 Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter.

8.0 Conditions in consultation with the responsible authorities/other persons

- 8.1 None

9.0 Licensing Officer Comments

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.7)
- ❖ Also “so long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as they have reason to do so.” When doing so 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)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.6).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment.
- ❖ “The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.11)
- ❖ Mandatory conditions must be imposed (10.38) and censorship avoided (10.17).
- ❖ 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. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.26).

- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.” (2.20)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 8 - 15** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site plan of the venue
Appendix 3	Maps showing vicinity of venue
Appendix 4	Details of nearest licensed venues
Appendix 5	Representations from Police
Appendix 6	Representations from Environmental Protection
Appendix 7	Representation from resident
Appendix 8	Licensing Officer comments on noise whilst the premises is in use
Appendix 9	Licensing Officer comments on access and egress problems
Appendix 10	S182 Advice on public nuisance
Appendix 11	Licensing Officer comments on crime and disorder
Appendix 12	S182 Advice on crime and disorder
Appendix 13	Licensing Officers advice on anti- social behaviour relating to leaving the premises
Appendix 14	Planning
Appendix 15	Licensing Policy relating to hours of trading

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Appendix 1



* required information

Section 1 of 19

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

You must enter a valid e-mail address

* E-mail (agents email)

You must enter a telephone number

Main telephone number (agents telephone number) Include country code.

Other telephone number

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

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

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

Applicant Business

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

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

Registration number

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

Continued from previous page...

VAT number

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

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Continued from previous page...

Legal status

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 19

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

58,500

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 19

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

SHELL UK OIL PRODUCTS LIMITED

Details

Continued from previous page...

Registered number (where applicable)

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

PRIVATE LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

PLEASE SEE PREMISES OVERVIEW WHICH HAS BEEN SENT TO THE LICENSING AUTHORITY BY EMAIL TODAY AS THE GOV.UK WEBSITE DOES NOT ALLOW FOR THE DOCUMENT TO BE UPLOADED.

Continued from previous page...

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

THE PROVISION OF HOT DRINKS AND HEATED 'SNACK' FOODS (E.G PANNINIS, PASTIES AND SAUSAGE ROLLS).

Continued from previous page...

State any seasonal variations

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

NONE.

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

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

NONE.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

NONE.

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

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

NONE.

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

Name

First name

Family name

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 19

ADULT ENTERTAINMENT

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

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

NONE.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

NONE.

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

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

NONE.

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e) **Page 144**

Continued from previous page...

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

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Access to the equipment and recordings will be provided to the Police within 24 hours of the request being made, contact details of the Retailer will be kept on site and made available to the Police for the purpose of obtaining access to the equipment and recordings.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter.

b) The prevention of crime and disorder

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Access to the equipment and recordings will be provided to the Police within 24 hours of the request being made, contact details of the Retailer will be kept on site and made available to the Police for the purpose of obtaining access to the equipment and recordings.

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

c) Public safety

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Access to the equipment and recordings will be provided to the Police within 24 hours of the request being made, contact details of the Retailer will be kept on site and made available to the Police for the purpose of obtaining access to the equipment and recordings.

d) The prevention of public nuisance

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be

Continued from previous page...

undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

e) The protection of children from harm

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter.

Section 19 of 19

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Continued from previous page...

Capacity 50000-59999 = £32,000.00
Capacity 60000-69999 = £40,000.00
Capacity 70000-79999 = £48,000.00
Capacity 80000-89999 = £56,000.00
Capacity 90000 and over = £64,000.00

* Fee amount (£)

DECLARATION

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

The 28 full days consultation period on the public notice on the premises and on the newspaper must state the same

* consultation end date. The advert on the local newspaper must be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority.

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

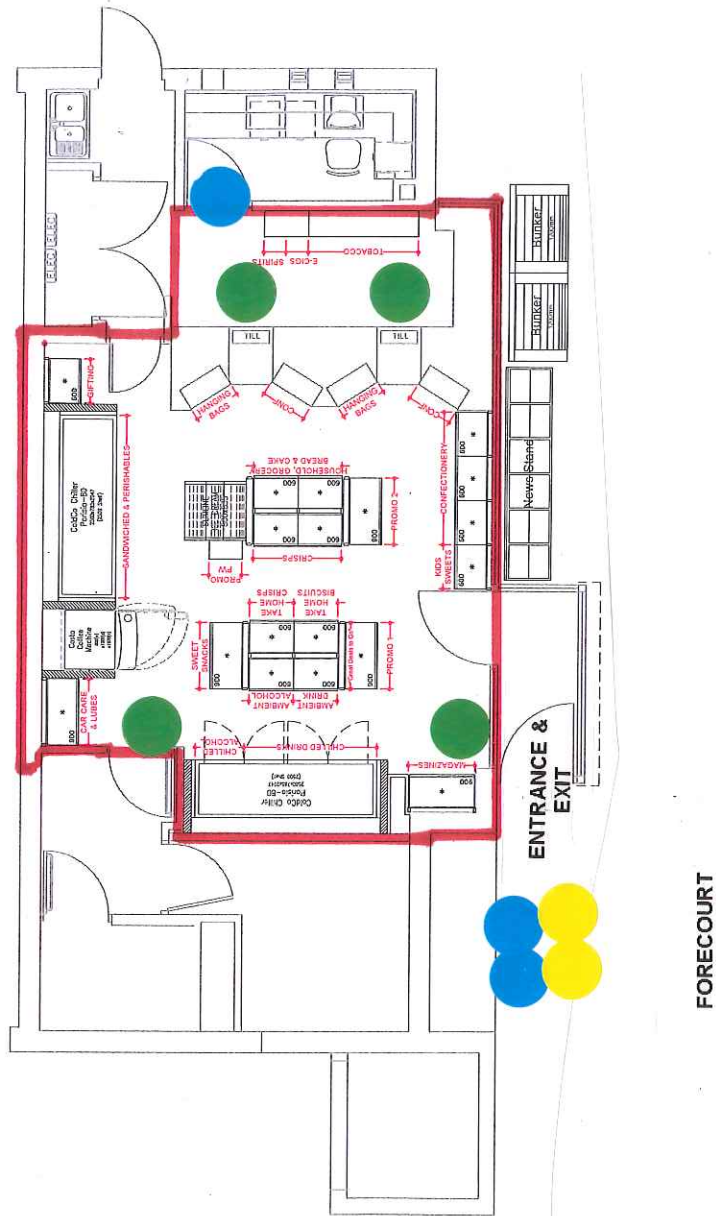
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Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>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

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

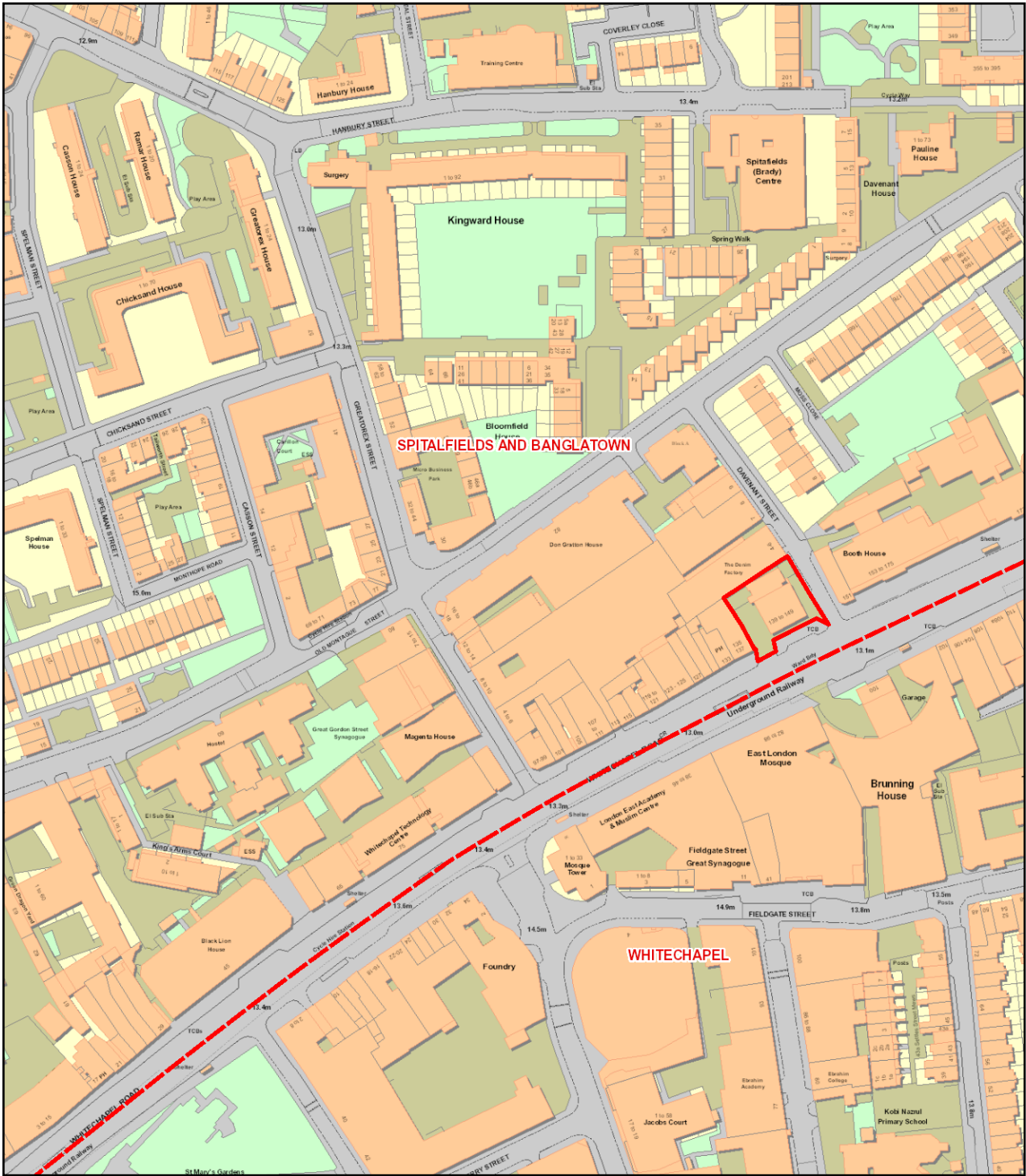
Appendix 2

Key:

- Area licensed for the sale of alcohol for consumption off the premise and Late Night Refreshment.
- Fire extinguisher.
- CCTV.
- Fire Bucket.



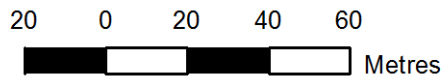
Appendix 3



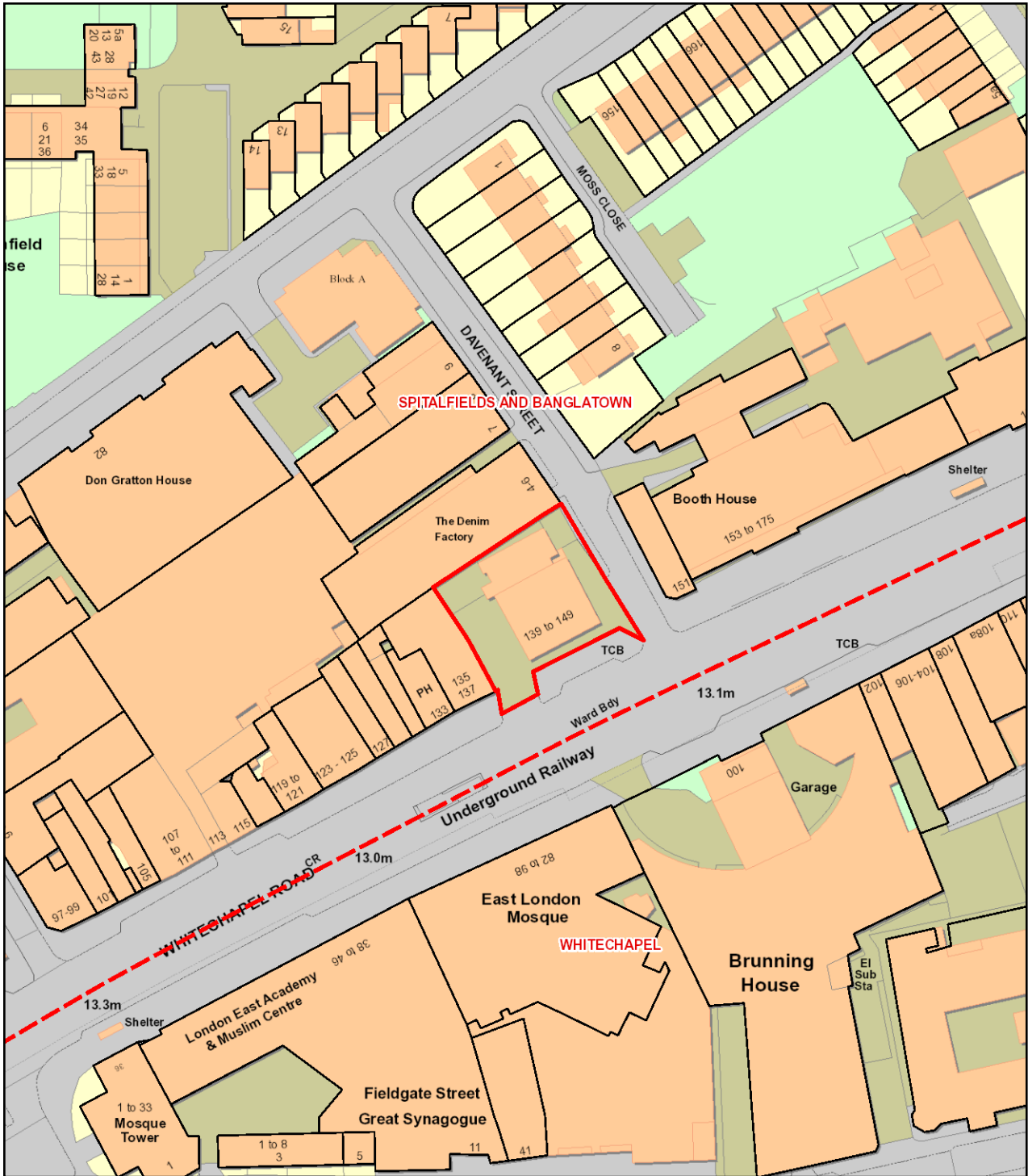
Shell 139-149 Whitechael Rd



Scale 1:2270



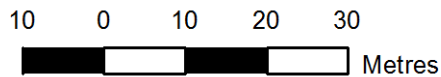
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Shell 139-149 Whitechael Rd



Scale 1:1135



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Appendix 4

Name and address	Licensable Hours	Opening Hours
<p>(Perfect Fried Chicken) 110 Whitechapel Road London E1 1JE</p>	<p>The provision of late night refreshment Sunday to Thursday, from 23:00 hours to 00:30 hours the following days</p> <p>Friday and Saturday from 23:00 hours to 01:30 hours the following days</p>	<p>The opening hours of the premises</p> <p>Sunday to Thursday from 12:00 hours to 00:30 hours the following days</p> <p>Friday and Saturday from 12:00 hours to 01:30 hours the following days</p>
<p>(Indo) 133 Whitechapel Road London E1 1DT</p>	<p>Alcohol and Regulated Entertainment (recorded music) Sunday to Thursday, 10:00 hrs to 01:00 hrs Friday and Saturday, 10:00 hrs to 03:00 hrs</p> <p>Live music Monday to Thursday, 19:00 hrs to 23:00 hrs Friday to Sunday, 12:00 hrs to 01:00 hrs</p> <p>Late Night Refreshment Sunday to Thursday, 23:00 hrs to 01:30 hrs Friday and Saturday, 23:00 hrs to 03:30 hrs</p> <p><u>Non-standard times</u> Christmas Eve, New Years Eve St George's Day and St Patrick's Day until 03:00 hrs the following day.</p>	<p>The opening hours of the premises</p> <p>Sunday to Thursday, 11:00 hrs to 01:30 hrs</p> <p>Friday and Saturday, 11:00 hrs to 03:30 hrs</p>

Appendix 5

Corinne Holland

From: [REDACTED]@met.pnn.police.uk
Sent: 01 March 2017 12:34
To: Licensing; Nicola Cadzow
Cc: [REDACTED]
Subject: Shell, 139-149 Whitechapel Road, E1

Dear Licensing

I wish to register that I will be opposing this new premises licence application, as it will undermine the crime and disorder and public nuisance objectives.

I have had no reply from the applicant since I sent an email on the 20th February 2017, requesting that they reconsider the hours on the application.

There is a hostel nearby where some of the residents suffer from long term alcohol dependency. By requesting a 24hr licence I do not believe they have considered the effect on nearby residential properties and the potential for ASB / violence.

I am away from the office for a number of weeks. I will expand on my objection on my return

Regards

Alan Cruickshank PC 189HT

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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

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

Tom Lewis
LBTH Licensing
Toby Club
Vawdrey Close
E1 4UA

HT - Tower Hamlets Borough
HH - Limehouse Police Station
Licensing Office
Toby Club Sno
Vawdrey Close
Cleveland Way Mile End
E1 4UA

Telephone: [REDACTED]
Facsimile:
Email: [REDACTED]@met.pnn.police
.uk
www.met.police.uk

Your ref:
Our ref:

2 March 2017

Dear Mr Lewis

Application for a premises licence

Shell Whitechapel, 139-149 Whitechapel Road, E1 1DT

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

The prevention of crime and disorder

The prevention of public nuisance

This petrol station is situated near the Cumulative Impact Zone for Tower Hamlets.

The applicant has applied for the 24hr sale of alcohol and what is essentially the 24hr sale of hot food.

Applications to sell alcohol for 24hrs will always be scrutinised carefully and whilst every application has to be considered on its own merits, Tower Hamlets Police Licensing Unit can only see the potential for increased crime and disorder and public nuisance.

Of great concern is that there are a number of nearby hostels where a large number of the residents suffer from long term alcohol problems. Will the petrol station staff have enough experience to deal with these individuals and have the resilience to refuse a sale to people who are clearly intoxicated.

By opening for 24hrs for the sale of alcohol and food it will attract people who will already be under the influence of alcohol looking for one last drink. Add the availability of hot food, it will encourage people to loiter in the streets. Although it's a busy street, there are still residential properties nearby.

Violence can often occur from small incidents often as a result of people confronting one another after consuming too much alcohol

I will ask the local SNT to provide a statement.

Even if this is outside the Cumulative Impact Zone, paragraph 8.33 of the Sec 182 Guidance states "...and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. The applicant has failed to do this as there is nothing in the application that explains how the staff will deal with intoxicated individuals or those who have alcohol dependency.

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" . As above, the applicant has failed to demonstrate he understands the potential problems.

As for the proposed CCTV condition, it is not acceptable to state that the recordings "will be provided to the Police within 24 hours of the request being made..."

Officers spend a great deal of time at venues trying to obtain CCTV images and often have to attend on a number of occasions to obtain the evidence.

If serious offences occur it is important that officers can use the evidence in interviews with the suspect. (please see CCTV condition below)

I ask the committee to refuse the application.

If the committee are to grant a licence I ask them to consider the following

Alcohol sales : 1100 - 2300

No LNR

Conditions

1. Two SIA staff to be employed from 2000 until closing
2. CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

(Can cameras be placed outside the entrance, on entry and on the forecourt)

3. This premise will not sell any beer, lager or cider that exceeds the strength of 5.6% abv or higher." (as there are a number of nearby hostels I think this condition is more suitable)

Or

1. The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.

Alan Cruickshank PC 189HT

Appendix 6

Corinne Holland

From: Mohshin Ali on behalf of Licensing
Sent: 07 March 2017 13:00
To: Corinne Holland
Subject: FW: REPRESENTATION MAU 098524 - Shell Whitechapel 139-149 Whitechapel Road

From: Nicola Cadzow
Sent: 07 March 2017 10:55
To: Licensing
Cc: [REDACTED]@met.police.uk; [REDACTED]met.police.uk; [REDACTED]ockett.uk.com'
Subject: REPRESENTATION MAU 098524 - Shell Whitechapel 139-149 Whitechapel Road

Dear Licensing,

As a Noise Officer I am regarding the application for Premises License for Shell Whitechapel 139-149 Whitechapel Road, and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are well beyond the Council's framework hours.

The applicant is proposing:

- **late night refreshment until 05:00 hours seven days a week.**
- **Supply of Alcohol 24 Hours a day**

With Premises opening 24 Hours a day, seven days a week.

Noise Sensitive premises: residential and commercial premises in close proximity to 139-149 Whitechapel Road being at 19 metres away at Booth House, Davenant Street at 24 metres away and at the rear of the Shell Garage.

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

- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; which is only likely to increase with 24 sale of alcohol and late night refreshment
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for 139-149 Whitechapel Road as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm - Environmental Health and Trading Standards
[REDACTED]

Appendix 7

Corinne Holland

From: Mohshin Ali on behalf of Licensing
Sent: 14 March 2017 14:32
To: Corinne Holland
Subject: FW: licence application at 139-149 Whitechapel Rd, E1 1DT

Follow Up Flag: Follow up
Flag Status: Flagged

From: SPIRE [REDACTED]
Sent: 14 March 2017 13:15
To: Licensing
Subject: licence application at 139-149 Whitechapel Rd, E1 1DT

Dear Sir/Madam,

On behalf of SPIRE I would like to object to the above licence application. SPIRE is an umbrella organisation with representatives from most of the residents' groups in Spitalfields, set up to tackle anti-social behaviour in the area.

Our experience shows that much of this ASB is fuelled by alcohol consumption, and especially late-night off-sales of alcohol. The people buying such drinks often consume them on the public highway, sitting in door-wells of residential properties while they do so. This causes a noise disturbance for those who live in those properties. The noise caused by drunk visitors to our area regularly disturbs the sleep of local residents. In addition, due to the lack of public toilet provision in the area, drinking on the street inevitably leads to urination (and worse) on properties which is both unpleasant and unhygienic. There is a similar problem caused by alcohol-induced vomiting. Finally there is also a clear link between such drinking and minor acts of vandalism.

The premises is very close to the Brick Lane CIZ, and area in which such problems are well recognised. Granting this licence would inevitably lead to an increase in these problems, both inside the CIZ and further afield.

We therefore ask that you reject this application.

Jon Shapiro, Chair SPIRE
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 8

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 8.1 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 12.11)**.

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 8.2 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 2 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. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and 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 (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) 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 (2.38).

Other Legislation

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

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

Appendix 9

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. (2.19).

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. (2.20)

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 (2.22) 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 10

Public nuisance - S182 Updated March 2015

- 2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

Appendix 11

Crime and Disorder – Licensing Policy, updated March 2015

- 6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 2003. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
 - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

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

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

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

Smuggled goods

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

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

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable

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

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

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

Appendix 12

Crime and disorder - S182 Updated March 2015

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

Appendix 13

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 7 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 (2.14 – 2.20).

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 (2.18/2.20).

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 (13.13).

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 14

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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 15

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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