

# LICENSING SUB COMMITTEE

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Tuesday, 24 October 2017 at 6.30 p.m.

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

This meeting is open to the public to attend.

**Contact for further enquiries:**

Farhana Zia, Senior Democratic Services Officer  
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Website: <http://www.towerhamlets.gov.uk/committee>

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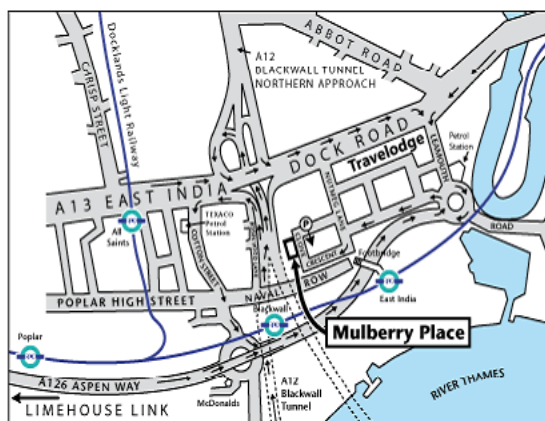
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**APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

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

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

**2. RULES OF PROCEDURE (Pages 11 - 20)**

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

**3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 28)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 23<sup>rd</sup> August 2017.

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Variation of premises licence application - Agah, 43 Commercial Street, London E1 6BD</b>	<b>29 - 118</b>	

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety

Representations by:

- Licensing Authority
- Metropolitan Police
- Environmental Protection – Noise
- Local Resident(s)

<b>4 .2 Application for a Premises Licence for (Tops Pizza), 3 West India Dock Road, London E14 8EZ</b>	<b>119 - 186</b>	
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Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

**4 .3 Application for a Premises Licence for Twisted LDN, 12 Batty Street, London E1 1RH 187 - 274**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Metropolitan Police
- Environmental Protection – Noise
- Local Resident(s)

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

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

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# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Further advice**

For further advice please contact:-

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

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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## TOWER HAMLETS



### LICENSING COMMITTEE

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

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

## **1. Interpretation**

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

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

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

## **3. Procedure**

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



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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

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

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

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

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

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

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

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

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

**(8) Queries on reports.**

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

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

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

## LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 23 AUGUST 2017

COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, 5 CLOVE CRESCENT,  
LONDON E14 2BG.

#### Members Present:

Councillor Peter Golds (Chair)  
Councillor Shah Alam  
Councillor Candida Ronald

#### Officers Present:

Mohshin Ali	–	(Senior Licensing Officer)
Nicola Cadzow	–	(Environmental Health Officer)
Kathy Driver	–	(Principal Licensing Officer)
Gurwinder Kaur Olive	–	(Senior Lawyer, Legal Services)
Simmi Yesmin	–	(Senior Committee Officer)

Representing applicants	Item Number	Role
James Wheale	3.1	Applicant
Kenan Kera	3.2	Licensing Agent
Azmal Hussain	3.3	Supporting Review Application

Representing objectors	Item Number	Role
Charles Curran	3.1	Resident
David Knight	3.1	Resident
David Spurring	3.1	Resident
PC Mark Perry	3.2	Metropolitan Police
David Dadds	3.3	Legal Representative
Md Foez Ahmed	3.3	Licensee

#### Apologies

None

#### 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

#### 2. RULES OF PROCEDURE

The rules of procedure were noted.

### **3. ITEMS FOR CONSIDERATION**

#### **3.1 Licensing Act 2003: Application for a Time Limited Premises Licence for Nomadic Community Gardens, Fleet Street Hill, E1 5ES**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed an application for a Time Limited premises licence for Normadic Community Gardens, Fleet Street Hill, London E1 5ES. It was noted that objections had been received on behalf of local residents.

At the request of the Chair, Mr James Wheale, applicant explained that it was a non-profit organisation and was using permission from land owner to use the gardens to host events, workshops and exhibit art work. He explained that in order to sustain the gardens there was a need to generate income and therefore had applied for a limited sale of alcohol, with a series of regulated entertainment to have a wider opportunity to use the gardens. It was noted that a number of universal activates would be introduced to help generate income to help keep operating the gardens.

Members then heard from Mr Charles Curran, Mr David Knight and Mr David Spurring, local residents who expressed similar concerns about graffiti on walls, noise nuisance, lack of management and security and the fact that it was a residential area. It was also noted that there had been an increase in anti-social behaviour since the gardens had been operating. Concerns were also raised about the sale of alcohol and how this would be managed and the fact that if a licence was granted then in actual fact the Normadic Gardens would be sponsored by loud and disruptive parties causing distress to local residents.

In response to questions from Members the following was noted;

- That noise was monitored on Sundays to ensure that it was at a level that had been agreed by Environmental Health.
- That there was only one speaker where recorded and live music would be amplified from.
- That the speaker was not pointed towards a direction where it would cause a rebound.
- That residents had contacted the Police who advised them to contact the out of hours noise team.
- That the Tower Hamlets Out of Hours Noise Team were called on a regular basis by local residents.
- Universal activities included street art, portrait drawings, educational event, Sunday Camp Fire club which was popular and had grown in the numbers attending.
- That music levels were set according to number of attendees.
- That it was the third summer these gardens had been operating and if there had been so many complaints it was questioned why Environmental Health had not complained.

- That there was no record of statutory complaints having been made.
- That the condition set out on 8.2 of the report was not enforceable.
- That the organisation has had successful TEN applications, where regulated entertainment and sale of alcohol had been granted.
- That the applicant only attended the venue once a week on a Monday.
- Mr Wheale stated that he was aware of how to maintain a safe and happy environment.

All parties were asked to make final submissions, residents echoed how poorly managed the venue was and that all events were extremely loud and caused anti-social behaviour. Mr Wheale assured Members that conditions would be adhered to if the licence was granted. He stated that there was never loud music, the level was set according to the number of attendees.

Members retired at 7.30pm to consider the application and reconvened at 8.15pm.

### The Licensing Objectives

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

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

### Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and listened to the verbal representations made by the applicant and all objectors present at the meeting with particular regard to the licensing objectives of crime and disorder, prevention of public nuisance and public safety.

The Sub Committee expressed serious concerns over public safety due to a lack of a management structure and believed that the applicant was unable to demonstrate how he would manage and control the number of patrons frequenting the gardens where licensable activities would take place. There were also a number of other concerns which Members noted;

- That there was little indication as to who would be working in gardens and in what capacity as they were referred to as volunteers by the applicant. It was unclear as to what experience they had and what training they would receive in order to sell alcohol responsibly.
- There was no evidence of a strict noise policy in place and how noise would be measured.

- That it is was an open site with three entry and exit points.
- The ad hoc nature of camp fire events with no procedures in place to monitor the number of visitors that attend and the level at which music is played.
- That the applicant was only at the site on Mondays and not present during the weekend which was the busiest time.
- That there had not been an opportunity to hear from the DPS

Whilst Members noted the conditions offered by the applicant members were not satisfied on how the condition relating to employing SIA door staff for events with over 100 persons would be met. As there was no evidence of how this would be monitored or controlled and questioned how practical it was to arrange for an SIA door staff to be present prior to knowing who would be attending. As the applicant during his submissions was unclear on how many people visit the gardens.

Members noted that no formal objections had been raised by Responsible Authorities in respect of public nuisance however Members gave due weight to the representations made by local residents and accepted that public nuisance did occur.

### **Decision**

Members were not satisfied that sufficient evidence was provided by the applicant to alleviate the concerns raised and there were no additional conditions which Members felt that could be imposed to promote the licensing objectives.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a Time Limited Premises Licence for Nomadic Community Gardens, Fleet Street Hill, London, E1 5ES be **REFUSED**.

### **3.2 Licensing Act 2003: Application for a variation of a premises licence for Efes, 1 Whitechapel Road, E1 6TY**

Members listened to an application made by PC Mark Perry, Metropolitan Police who advised Members that a good compromise had been reached amongst all parties. It was noted that the cumulative impact zone was there to protect the community however each application must be considered on its own merit. In this case there was no crime and disorder associated with the premises and therefore no negative impact would be caused. It was also noted that there had been no complaints or enforcement actions against the premises and the new hours proposed did fall in line with other establishments in the local area. Therefore the agreed hours and conditions were noted and agreed by Members.

### The Licensing Objectives

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

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

### Consideration

Each application must be considered on its own merit. The Sub Committee noted that the applicant's representative and the objectors had agreed to amended hours and conditions prior to the consideration of the application. Members briefly heard from all interested parties and agreed to grant the application. Members believed that the amended hours and conditions agreed would help promote the licensing objectives.

### Decision

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a Variation of a Premises Licence for Efes, 1 Whitechapel Road, London, E1 6TY be **AGREED** subject to the following conditions;

#### **Hours for supply of alcohol (on sales only)**

- Sunday to Wednesday from 10:00 hours to 00:00 hours (midnight)
- Thursday to Saturday from 10:00 hours to 00:30 hours (the following day)

#### **Hours for Late Night Refreshments**

- Sunday to Wednesday from 23:00 hours to 00:00 hours (midnight)
- Thursday to Saturday from 23:00 hours to 01:00 hours (the following day)

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

- Sunday to Wednesday from 10:00 hours to 00:30 hours (the following day)

- Thursday to Saturday from 10:00 hours to 01:30 hours (the following day)

### Conditions

1. The premises will operate a Challenge 25 scheme. Signage to this effect will be displayed on entrance. Passports, driving licence and proof of age cards bearing the PASS hologram will be accepted.
2. The DPS will undertake routine monitoring of the refusals register and record that this is being done.
3. All staff that makes sales of alcohol will receive regular training (induction and refresher)
4. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
5. No drinking will be allowed outside.
6. Suitable signage will be displayed at point of exit advising customers to leave the premises quietly.
7. Deliveries will only be made within normal working hours

### 3.3 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, E1 6QL

The Sub Committee listened to an application made by Mr David Dadds, Licensee's Legal Representative who suggested that the application for Review no longer required a hearing as the applicant had withdrawn the application. Therefore any representations made to support the review should

be dismissed as there was no application to consider. He stated that this must be the case as there was no application produced in the Agenda Pack. Ms Kathy Driver confirmed that she had withdrawn her representations and not the application itself.

Members sought legal clarification and were advised by Mrs Gurwinder Olive, Senior Licensing Lawyer, that under Section 5(2) of the Licensing Act, an Authority seised of a review application must have a hearing if any representations from interested parties remain and in this case it did even where the representations from the party triggering the review were withdrawn. She advised Members that in light of what Ms Driver had said it must be accepted that there was a live application for consideration. However it was accepted that the review application was not included in the report/agenda pack therefore Members would not be able to proceed with the hearing as it did not comply with the Hearing Regulations.

### **Decision**

It was resolved that the matter be adjourned.

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

The meeting ended at 9.25 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

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# Agenda Item 4.1

Committee : <b>Licensing Sub-Committee</b>	Date 24/1017	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health and Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a variation of a premises licence for (Agah Turkish Restaurant), 43 Commercial Street, London E1 6BD</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant:	<b>Lop Lop Ltd</b>
Name and	<b>Agah Turkish Restaurant</b>
Address of Premises:	<b>43 Commercial Street London E1 6BD</b>
Licence sought:	<b>Licensing Act 2003 – variation of a premises licence</b> <ul style="list-style-type: none"><li>• <b>Extending the times of the existing licensable activities</b></li><li>• <b>Adding off sale of alcohol</b></li><li>• <b>Removal/amendment of conditions</b></li></ul>
Representations:	<b>Met Police Environmental Health Noise Team Licensing Authority (Responsible Authority) Resident</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Mohshin Ali  
020 7364 5498

## **Background**

- 2.2 This is an application for a variation of a premises licence for (Agah Turkish Restaurant), 43 Commercial Street, London E1 6BD.
- 2.3 A copy of the existing licence (including the existing plans) is enclosed as **Appendix 1**. This licence was granted following the Licensing Sub-Committee hearing of 30<sup>th</sup> May 2017.
- 2.4 The timings of the existing licence are detailed below for information only:-

### **The sale by retail of alcohol (on sales only)**

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

### **The Provision of Late Night Refreshment - indoors**

- (Monday to Thursday – None)
- Friday and Saturday from 23:00hrs to 00:30hrs the following day
- (Sunday – None)

### **The Provision of Regulated Entertainment - Indoors**

(in the form of Recorded Music )

- 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

(Anything of a Similar Description to Live Music, Record Music or Performances of Dance)

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

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

- Monday to Thursday from 07:00hrs to 23:30hrs
- Friday and Saturday from 07:00hrs to 01:00hrs the following day
- Sunday from 07:00hrs to 23:30hrs

- 2.5 A copy of the variation application is enclosed as **Appendix 2**.

- 2.6 The applicant has described the nature of the variation as follows:

*“The premises trades as a restaurant on two floor, ground floor and lower ground floor. Alcohol is served to customers taking, a table meal, or waiting for a table, (for a table meal).*

- *The entertainment applied for will take place on the lower ground floor.*
- *The application also includes the facility for outside tables and chairs to allow customers to enjoy food and drink outside weather permitting, and has been applied for on two sides of the premises.*

- *This is the reason that off sales have been added to the application, to allow drinks to be consumed off the premises from the original licensable area.*
- *The outside seating on Commercial Street will measure the length of the premises to the front door, and likewise on Wentworth Street, from the front door to the end of the premises on Wentworth Street.*
- *The seating will protrude by 3 metres from the premises onto the highway”.*

2.7 In addition, the applicant wishes to remove the following condition:  
*Conditions attached following the Licensing subcommittee hearing of 30<sup>th</sup> May 2017:*

Condition 2:

*“No drinks must be allowed to be taken outside the premises under any circumstances”*

2.8 The applicant also wishes to amend the following condition:

Condition 6

*“The premises will operate a Challenge 21 policy and all those who look under 21 years of age will be asked for proof of age. There will be Challenge 21 signs at the bar”*

Amendment: *“Challenge 21”* to be replace with *“Challenge 25”*.

2.9 The times that have been applied for as follows:

The Supply of Alcohol (on and off sales)

- Monday to Sunday from 12:00hrs to 02:00hrs the following day

The Provision of Late Night Refreshment (indoors and outdoors)

- Monday to Sunday from 23:00hrs to 01:00hrs the following day

The Provision of Regulated Entertainment (Indoors) in the form of Live Music, Record Music, Performances of Dance and anything of a similar description

- Monday to Sunday from 12:00hrs to 01:00hrs the following day

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

- Monday to Sunday from 12:00hrs to 02:30hrs the following day

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

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

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

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

#### 4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1<sup>st</sup> November 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in March 2015.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

#### 5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 5.7 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.

- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Met Police (**Appendix 6**)
  - Environmental Health Noise Team (**Appendix 7**)
  - Licensing Authority (Responsible Authority) (**Appendix 8**)
  - Resident (**Appendix 9**)
- 5.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise
  - Trading Standards
  - Child Protection
  - Public Health
  - Home Secretary (Home Office Immigration Enforcement)
- 5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 5.11 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.
- 5.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

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

- 6.1 *All current conditions to remain on the licence except condition 2, and the alteration to condition 6.*

- 6.2 *The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal*
- 6.3 *Two SIA staff to be employed from 8pm until closing Friday and Saturday*
- 6.4 *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) *A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.*
  - b) *The correct time and date will be generated onto both the recording and the real time image screen.*
  - c) *The system will comply with other essential legislation and all signs as required will be clearly displayed.*
  - d) *The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.*
  - e) *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*
  - f) *A camera to be placed outside the entrance and on entry*
  - g) *If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.*
  - h) *The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.*
  - i) *There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.*
- 6.5 *An incident book will be kept at the premises which will record all refusals of the sale of alcohol, all disorder and crimes that occur either in*

*the premises or involve the premises' customers or any other incident of note. The book 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.*

- 6.6 *The premises will operate a Challenge 25 policy and all those who look under 25 years of age will be asked for proof of age. There will be Challenge 25 signs at the bar. If the customer is unable to provide identification then no sale shall be made. Any staff member who may be under the age of 18 must call a senior staff member to take over the sale and complete the transaction.*
- 6.7 *If it is known that a customer intends to purchase alcohol to provide to minors then that sale will be refused. All refused sales will be recorded in a refusals book, which will be made available for inspection by Police or Licensing Officers of the council on request.*
- 6.8 *The premises will clearly display operational hours*
- 6.9 *Staff will be trained on Licensing and Health and Safety legislation. Training will be an ongoing part of staff development and will be fully documented*
- 6.10 *The premises will have a clear evacuation procedure in case of a fire*
- 6.11 *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Patrons will be moved on from outside of the premises*
- 6.12 *The premises will clear bins only during permitted hours and no waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 23:00 hours and 08:00 hours the following day, so as not to disturb the neighbourhood*
- 6.13 *The premises shall not cause any noise pollution so as not to disturb the neighbourhood*
- 6.14 *Adult supervision at all times for young children.*
- 6.15 *All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.*

## **7.0 Conditions in consultation with the responsible authorities/other persons**

- 7.1 None

## 8.0 Licensing Officer Comments

8.1 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.

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

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions.” 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).

- 8.3 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.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 8.6 The Government has advised that “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)
- 8.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.8 In **Appendices 10 - 16** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations.

## 9.0 **Legal Comments**

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

## 10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

## 11.0 Appendices

<b>Appendix 1</b>	A copy of the existing licence and plan
<b>Appendix 2</b>	A copy of the variation application
<b>Appendix 3</b>	Maps showing vicinity of venue
<b>Appendix 4</b>	Details of nearest licensed venues
<b>Appendix 5</b>	Relevant, vexatious and frivolous representations
<b>Appendix 6</b>	Representation of Police Licensing
<b>Appendix 7</b>	Representation of Environmental Health Noise Team
<b>Appendix 8</b>	Representation of Licensing Authority
<b>Appendix 9</b>	Representation of resident
<b>Appendix 10</b>	Licensing Officer comments on noise whilst the premises is in use
<b>Appendix 11</b>	Licensing Officer comments on access and egress problems
<b>Appendix 12</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 13</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 14</b>	Planning
<b>Appendix 15</b>	Licensing Policy relating to hours of trading
<b>Appendix 16</b>	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

# Appendix 1

**(Agah Turkish Restaurant)**

43 Commercial Street  
London  
E1 6BD

**Licensable Activities authorised by the licence**

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

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

**Signed by**

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

**Date: 30<sup>th</sup> August 2016**

- 30<sup>th</sup> May 2017, licence amended by full variation



**Part A - Format of premises licence**

Premises licence number

21966

**Part 1 - Premises details**

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

**(Agah Turkish Restaurant)**  
43 Commercial Street

**Post town**  
London

**Post code**  
E1 6BD

**Telephone number**



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

Not applicable

**Licensable activities authorised by the licence**

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

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

**The sale by retail of alcohol (on sales only)**

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

**The Provision of Late Night Refreshment - indoors**

- (Monday to Thursday – None)
- Friday and Saturday from 23:00hrs to 00:30hrs the following day
- (Sunday – None)

**The Provision of Regulated Entertainment - Indoors**

(in the form of Recorded Music )

- 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

(Anything of a Similar Description to Live Music, Record Music or Performances of Dance)

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

**The opening hours of the premises**

- Monday to Thursday from 07:00hrs to 23:30hrs
- Friday and Saturday from 07:00hrs to 01:00hrs the following day
- Sunday from 07:00hrs to 23:30hrs

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

On sales only

## **Part 2**

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

Lop Lop Limited  
43 Commercial Street  
London  
E1 6BD

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

Registered Company Number: 09374933

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

Ritesh Viswanatha Panicker

[REDACTED]  
[REDACTED]  
[REDACTED]

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

**Licence Number:** [REDACTED]  
**Issuing Authority:** [REDACTED]

## Annex 1 - Mandatory conditions

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.



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

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority. This does not apply to premises within paragraph. 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or in respect of premises in relation to- any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and

Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

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

None

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

Conditions attached following the Licensing subcommittee hearing of 30<sup>th</sup> May 2017

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal
2. No drinks must be allowed to be taken outside the premises under any circumstances
3. Two SIA staff to be employed from 8pm until closing Friday and Saturday
4. 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. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
  - b. The system will comply with other essential legislation and all signs as required will be clearly displayed.
  - c. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
  - d. 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
  - e. A camera to be placed outside the entrance and on entry
5. An incident book will be kept at the premises which will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises' customers or any other incident of note. The book 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.

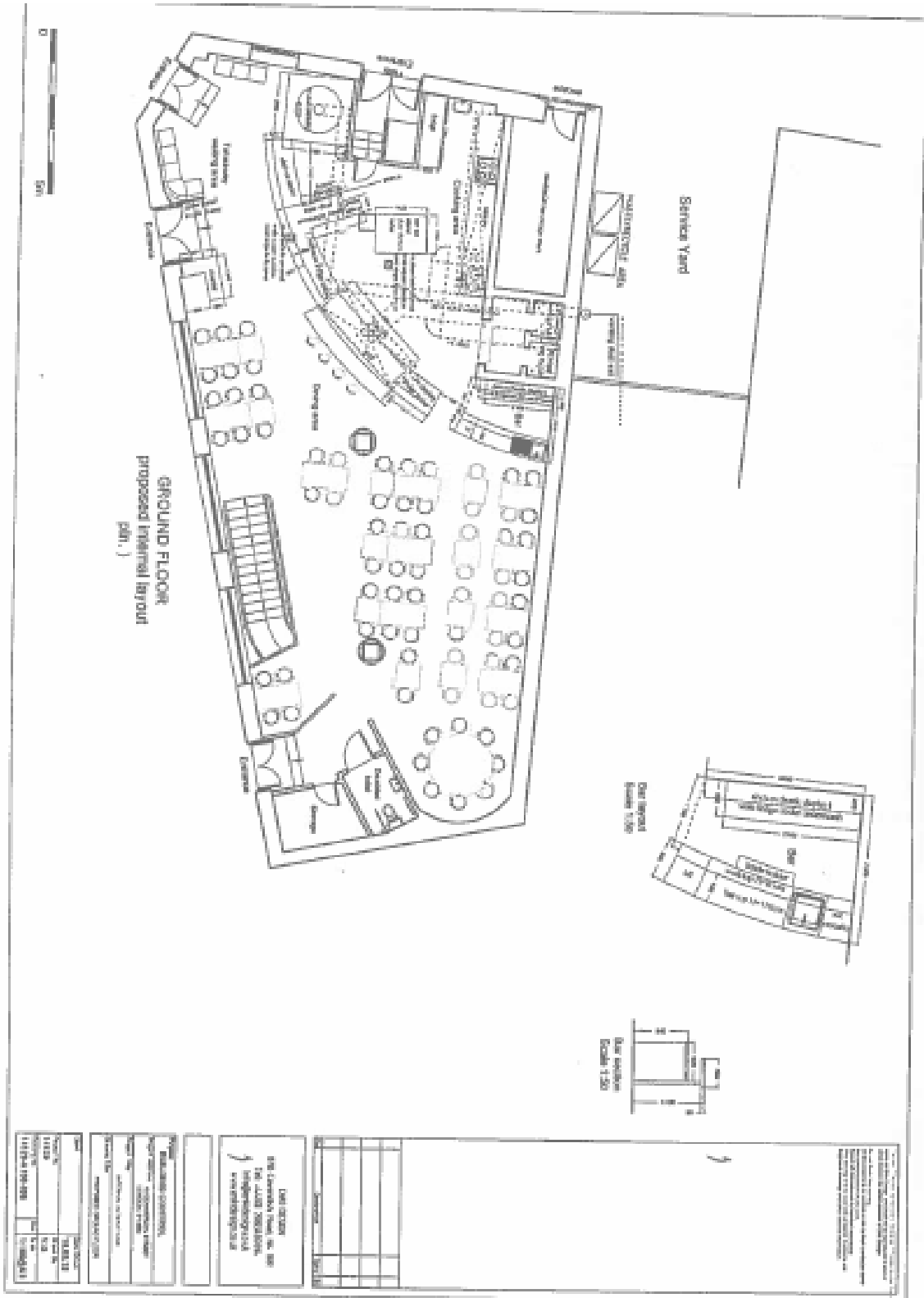
6. The premises will operate a Challenge 21 policy and all those who look under 21 years of age will be asked for proof of age. There will be Challenge 21 signs at the bar
7. The premises will clearly display operational hours
8. Staff will be trained on Licensing and Health and Safety legislation. Training will be an ongoing part of staff development and will be fully documented
9. The premises will have a clear evacuation procedure in case of a fire
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Patrons will be moved on from outside of the premises
11. The premises will clear bins only during permitted hours and no waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 23:00 hours and 08:00 hours the following day, so as not to disturb the neighbourhood
12. The premises shall not cause any noise pollution so as not to disturb the neighbourhood
13. Adult supervision at all times for young children.

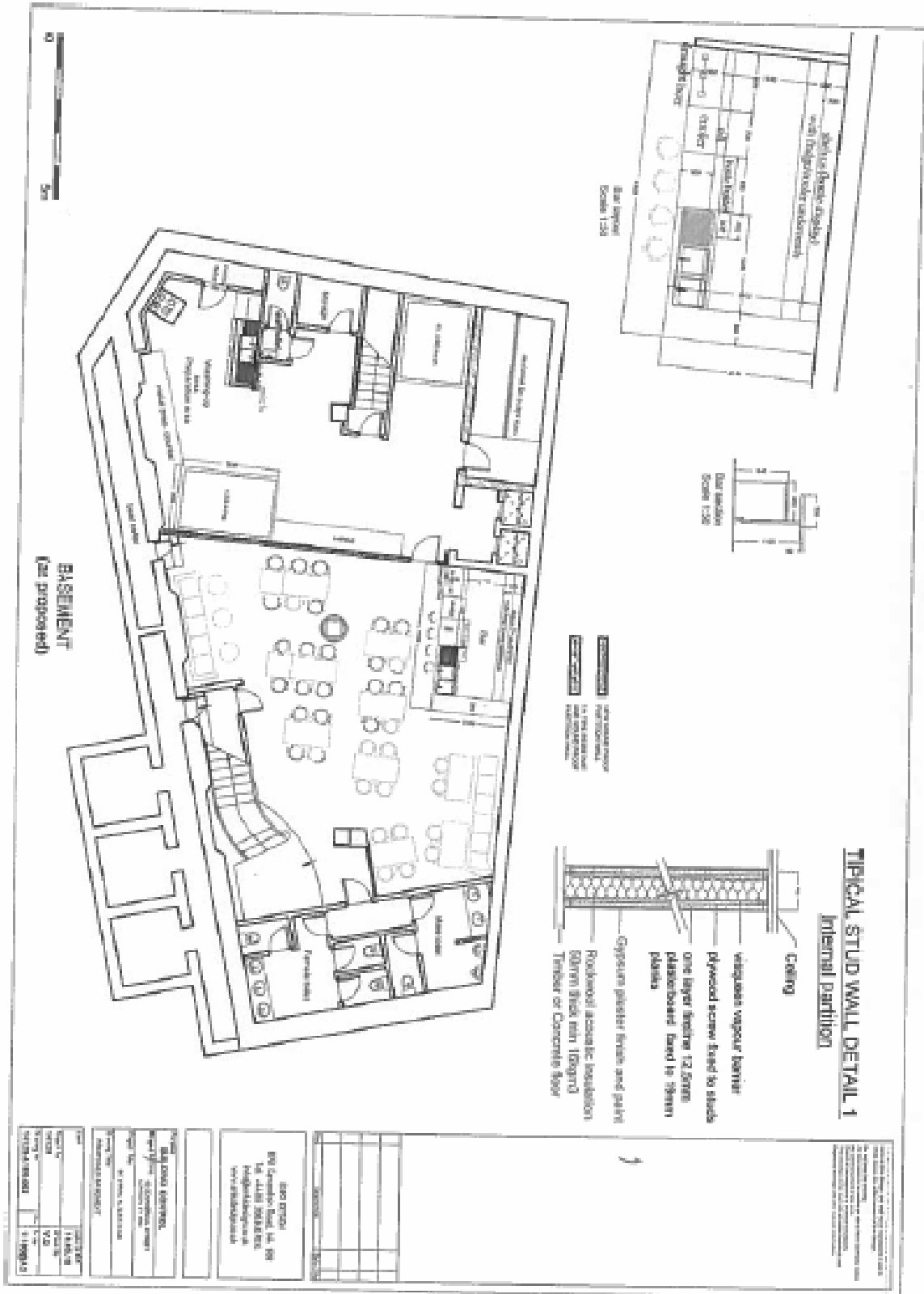
#### **Annex 4 - Plans**

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

16<sup>th</sup> February 2017:

- Ground Floor (*Plan no 14129 - A100 - 095, dated 18.05.15*)
- Basement (*Plan no 14129 - A100 - 002, dated 18.05.15*)







**Part B - Premises licence summary**

**Premises licence number**

21966

**Premises details**

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

**(Agah Turkish Restaurant)**  
43 Commercial Street

**Post town**

London

**Post code**

E1 6BD

**Telephone number**



Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

**The sale by retail of alcohol (on sales only)**

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

**The Provision of Late Night Refreshment - indoors**

- (Monday to Thursday – None)
- Friday and Saturday from 23:00hrs to 00:30hrs
- (Sunday – None)

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

- 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

(Anything of a Similar Description to Live Music, Record Music or Performances of Dance)

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

The opening hours of the premises

- Monday to Thursday from 07:00hrs to 23:30hrs
- Friday and Saturday from 07:00hrs to 01:00hrs
- Sunday from 07:00hrs to 23:30hrs

Name, (registered) address of holder of premises licence

Lop Lop Limited  
43 Commercial Street  
London  
E1 6BD

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

On sales only

Registered company number

09374933

Name of designated premises supervisor

Ritesh Viswanatha Panicker

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

Adult supervision at all times for young children



# Appendix 2

\* required information

**Section 1 of 18**

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Zahid vary	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	Lop	
* Family name	Lop Ltd	
* E-mail	[REDACTED]	
Main telephone number	[REDACTED]	Include country code.
Other telephone number	[REDACTED]	

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	09374933	
Business name	Lop Lop Ltd	If the applicant's business is registered, use its registered name.
VAT number	-      None	Put "none" if the applicant is not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

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

A private individual acting as an agent

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

Continued from previous page...

**Section 2 of 18**

**APPLICATION DETAILS**

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

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

\* Premises Licence Number

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

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Premises Contact Details**

Telephone number   
Non-domestic rateable value of premises (£)

**Section 3 of 18**

**VARIATION**

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
 Yes     No

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

Continued from previous page...

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

#### Describe Briefly The Nature Of The Proposed Variation

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

The premises trades as a restaurant on two floor, ground floor and lower ground floor. Alcohol is served to customers taking a table meal, or waiting for a table, (for a table meal). The entertainment applied for will take place on the lower ground floor. The application also includes the facility for outside tables and chairs to allow customers to enjoy food and drink outside weather permitting, and has been applied for on two sides of the premises. This is the reason that off sales have been added to the application, to allow drinks to be consumed off the premises from the original licensable area. The outside seating on Commercial Street will measure the length of the premises to the front door, and likewise on Wentworth Street, from the front door to the end of the premises on Wentworth Street. The seating will protrude by 3 metres from the premises onto the highway.

#### Section 4 of 18

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

- Yes  No

#### Section 5 of 18

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

- Yes  No

#### Section 6 of 18

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

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

- Yes  No

#### Section 7 of 18

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

## Section 8 of 18

## PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

 Yes No

## Standard Days And Timings

## MONDAY

Start End Start End 

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

## TUESDAY

Start End Start End 

## WEDNESDAY

Start End Start End 

## THURSDAY

Start End Start End 

## FRIDAY

Start End Start End 

## SATURDAY

Start End Start End 

## SUNDAY

Start End Start End 

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

 Indoors Outdoors Both

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

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

The permission is to allow the performance of traditional music on occasion, as required. This may be both acoustic and amplified

Continued from previous page...

State any seasonal variations for the performance of live music

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

n/a

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

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

n/a

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

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

Yes                       No

**Standard Days And Timings**

MONDAY

Start

Start

End

End

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

TUESDAY

Start

Start

End

End

WEDNESDAY

Start

Start

End

End

THURSDAY

Start

Start

End

End

Continued from previous page...

FRIDAY

Start 12:00

End 01:00

Start

End

SATURDAY

Start 12:00

End 01:00

Start

End

SUNDAY

Start 12:00

End 01:00

Start

End

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

Indoors  Outdoors  Both

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

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

In the main this will be background music, but maybe via DJ in the lower ground floor area should the lower floor be hired out for private events.

State any seasonal variations for playing recorded music.

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

n/a

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

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

n/a

## Section 10 of 18

### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

Yes  No

Standard Days And Timings



Continued from previous page...

MONDAY

Start 12:00

End 01:00

Start

End

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

TUESDAY

Start 12:00

End 01:00

Start

End

WEDNESDAY

Start 12:00

End 01:00

Start

End

THURSDAY

Start 12:00

End 01:00

Start

End

FRIDAY

Start 12:00

End 01:00

Start

End

SATURDAY

Start 12:00

End 01:00

Start

End

SUNDAY

Start 12:00

End 01:00

Start

End

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

Indoors       Outdoors       Both

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

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

This is to permit the premises to host traditional dancing performances on request for organised functions

State any seasonal variations for the performance of dance.

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

n/a

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

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

n/a

**Section 11 of 18**

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

[See guidance on regulated entertainment](#)

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

Yes       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Provide a description of the type of entertainment that will be provided.

To cater for any similar entertainment not already covered by the licence.

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

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

This activity currently exists on the licence. It is purely to extend the hours in keeping with the other hours extensions.

State any seasonal variations for entertainment.

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

n/a

Non-standard timings. Where the premises will be used for entertainment at different times from those listed above, list below.

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

n/a

## Section 12 of 18

### PROVISION OF LATE NIGHT REFRESHMENT

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

Yes       No

### Standard Days And Timings

Continued from previous page...

MONDAY

Start 23:00

End 02:00

Start

End

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

TUESDAY

Start 23:00

End 02:00

Start

End

WEDNESDAY

Start 23:00

End 02:00

Start

End

THURSDAY

Start 23:00

End 02:00

Start

End

FRIDAY

Start 23:00

End 02:00

Start

End

SATURDAY

Start 23:00

End 02:00

Start

End

SUNDAY

Start 23:00

End 02:00

Start

End

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

- Indoors       Outdoors       Both

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

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

To allow the premises to continue to serve table meals to the extended hour applied for.

State any seasonal variations.

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

n/a

Continued from previous page...

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

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

n/a

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

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

- Yes                       No

**Standard Days And Timings**

MONDAY

Start   
Start

End   
End

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

TUESDAY

Start   
Start

End   
End

WEDNESDAY

Start   
Start

End   
End

THURSDAY

Start   
Start

End   
End

FRIDAY

Start   
Start

End   
End

SATURDAY

Start   
Start

End   
End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises     Off the premises     Both

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

State any seasonal variations.

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

n/a

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

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

n/a

#### Section 14 of 18

##### ADULT ENTERTAINMENT

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

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

N/A

#### Section 15 of 18

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

###### Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start 12:00

End 02:30

Start

End

WEDNESDAY

Start 12:00

End 02:30

Start

End

THURSDAY

Start 12:00

End 02:30

Start

End

FRIDAY

Start 12:00

End 02:30

Start

End

SATURDAY

Start 12:00

End 02:30

Start

End

SUNDAY

Start 12:00

End 02:30

Start

End

State any seasonal variations.

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

N/A

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

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

N/A

*Continued from previous page...*

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

Condition 2. remove the condition that states no drinks may be taken outside the premises under any circumstance.  
Condition 6. remove the condition stating a challenge 21 policy will be operated, and replace this with a challenge 25 policy.

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

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

## Section 16 of 18

### LICENSING OBJECTIVES

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

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

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

All current conditions to remain on the licence except condition 2, and the alteration to condition 6.  
All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

b) The prevention of crime and disorder

CCTV is in use at the premises, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.

The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority

The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.

All alcohol will only be available to purchase whilst seated at the tables provided, to those customers waiting for a table. The DPS will keep an up to date DPS Authorisation sheet which will show the list of staff members who have been given the authority to sell alcohol on the premises.



*Continued from previous page...*

c) Public safety

Current conditions apply

d) The prevention of public nuisance

Current conditions apply

e) The protection of children from harm

Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram). Anyone who appears to be under the age of 25 is challenged to provide ID. If the customer is unable to provide identification then no sale is made. No ID no sale. Challenge 25 POS will be on display in the store. Any staff member who may be under the age of 18 must call a senior staff member to take over the sale and complete the transaction. If it is known that a customer intends to purchase alcohol to provide to minors then that sale will be refused. All refused sales will be recorded in a refusals book, which will be made available for inspection by Police or Licensing Officers of the council on request.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

450.00

### 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.

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?"

Continued from previous page...

* Full name	<input type="text" value="Stewart Gibson"/>
* Capacity	<input type="text" value="Licence Agent"/>
* Date	<input type="text" value="27"/> / <input type="text" value="07"/> / <input type="text" value="2017"/> dd mm yyyy

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

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

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

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

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

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Zahid vary"/>
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](#) Next >

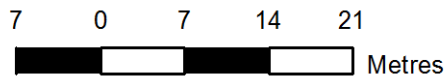
# Appendix 3



# 43 Commercial Street



Scale 1:769



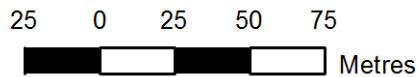
Produced by London Borough of Tower Hamlets on 11/04/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



# 43 Commercial Street



Scale 1:3074



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# Appendix 4



**Application for (Agah Turkish Restaurant), 43 Commercial Street, London E1 6BD**

Name and address	Licensable activities and hours	Opening hours
<b>(Sakana Sushi)</b> Unit E 43a Commercial Street London E1 6BD	The sale by retail of alcohol (On sales only) Sunday to Thursday from 11:30 hours to 22:30 hours  Friday and Saturday from 11:30 hours to 23:00 hours	Sunday to Thursday from 11:30 hours to 23:00 hours  Friday and Saturday 11:30 hours to 23:30 hours
<b>(Som Saa)</b> 43a Commercial Street London E1 6BD	<b>The sale by retail of alcohol (On sales only):</b> <ul style="list-style-type: none"> <li>• Monday to Thursday from 10:00 hours to 23:30 hours</li> <li>• Friday and Saturday from 10:00 hours to midnight</li> <li>• Sunday from 12:00 hours to 22:30 hours</li> </ul> <b>Late Night Refreshment: (Indoors only)</b> <ul style="list-style-type: none"> <li>• Monday to Thursday until 23:30 hours</li> <li>• Friday and Saturday until midnight</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Thursday from 10:00 hours to 23:30 hours</li> <li>• Friday and Saturday from 10:00 hours to midnight</li> <li>• Sunday from 12:00 hours to 22:30 hours</li> </ul>
<b>(Zengi)</b> 44 Commercial Street London E1 6LT	<b>Sale of alcohol</b> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11:00 hours to 23:30 hours</li> </ul> <b>Provision of late night refreshment – Indoor and outdoor</b> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 23:00 hours to 23:30 hours</li> </ul> <b>Provision of regulated Entertainment - Indoor</b> <u>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</u> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11:00 hours to 23:30 hours</li> </ul> <u>Licensable activities non-standard timings:</u> <ul style="list-style-type: none"> <li>▪ New Year's Eve, from 11:00 hours to 01:30 hours the following day</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11:00 hours to 00:00 hours (midnight)</li> </ul> <u>Non-standard timings:</u> <ul style="list-style-type: none"> <li>▪ New Year's Eve, from 11:00 hours to 02:00 hours the following day</li> </ul>
<b>Culpeper</b> 40-42 Commercial Street London E1 6LP	<i>Supply of Alcohol (On and off sales) 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)</i> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 07:00hrs to 00:00hrs (midnight)</li> <li>▪ Thursday to Saturday, from 07:00hrs to 03:00hrs</li> <li>▪ Sunday, from 10:00hrs to 23:00hrs</li> </ul> <b>Live music</b> <ul style="list-style-type: none"> <li>▪ Monday to Saturday, from 07:00hrs to 23:30hrs</li> <li>▪ Sunday, from 10:00hrs to 23:00hrs</li> </ul> <b>Late Night Refreshment</b> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 23:00hrs to 00:30hrs</li> <li>▪ Thursday to Saturday, from 23:00hrs to 04:00hrs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 07:00hrs to 00:30hrs</li> <li>▪ Thursday to Saturday, from 07:00hrs to 04:00hrs</li> <li>▪ Sunday, from 10:00 hours to 23:30hrs</li> </ul> <u>Non-standard timings</u> <ul style="list-style-type: none"> <li>▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 04:00hrs</li> <li>▪ Bank Holiday Mondays, from 07:00hrs to 01:30hrs</li> <li>▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 04:00hrs</li> <li>▪ New Year's Eve, from</li> </ul>

**Application for (Agah Turkish Restaurant), 43 Commercial Street, London E1 6BD**

	<ul style="list-style-type: none"> <li>▪ Sunday, from 23:00hrs to 23:30hrs</li> </ul> <p><b><u>Non-standard timings</u></b></p> <p><b>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)</b></p> <ul style="list-style-type: none"> <li>▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 03:00hrs</li> <li>▪ Bank Holiday Mondays, from 07:00hrs to 01:00hrs</li> <li>▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 03:00hrs</li> <li>▪ New Year's Eve, from 07:00hrs to 03:00hrs 2<sup>nd</sup> January</li> </ul> <p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>▪ Sundays immediately preceding a bank holiday, from 23:00hrs to 04:00hrs</li> <li>▪ Bank Holiday Mondays, from 23:00hrs to 01:30hrs</li> <li>▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 23:00hrs to 04:00hrs</li> <li>▪ New Year's Eve, from 23:00hrs to 04:00hrs 2<sup>nd</sup> January</li> </ul>	<p>07:00hrs to 03:00hrs 2<sup>nd</sup> January</p>
<p><b>(Toto's Pasta and Pizzeria)</b> Ground Floor and Basement Storage Area 65 Commercial Street London E1 6BD</p>	<p><i>Supply of Alcohol (On sales)</i></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 11:00 hours to 22:30 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 11:00 hours to 23:00 hours</li> </ul>
<p><b>(Crisis)</b> <b>64 Commercial Street</b> <b>London</b> <b>E1 6LT</b></p>	<p><u>The Supply of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> <li>• Monday to Thursday from 16:00hrs to 23:00hrs</li> <li>• Friday from 16:00hrs to 23:30hrs</li> <li>• Saturday from 10:00hrs to 23:30hrs</li> <li>• Sunday from 10:00hrs to 22:00hrs</li> </ul> <p><u>The Provision of Late Night Refreshment (indoors)</u></p> <ul style="list-style-type: none"> <li>• Friday and Saturday from 23:00hrs to 23:30hrs</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Thursday from 08:00hrs to 23:30hrs</li> <li>• Friday from 08:00hrs to 00:00hrs (midnight)</li> <li>• Saturday from 10:00hrs to 00:00hrs (midnight)</li> <li>• Sunday from 10:00hrs to 22:30hrs</li> </ul>
<p><b>(Hotbox)</b> 46 - 48 Commercial Street London <b>E1 6LT</b></p>	<p><b>Sale by retail of alcohol (On sales only)</b></p> <ul style="list-style-type: none"> <li>• Monday to Wednesday, from 11:00 hours to 23:30 hours</li> <li>• Thursday to Saturday, from 11:00 hours to 00:30 hours</li> <li>• Sunday, from 11:00 hours to 22:30 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Wednesday, from 11:00 hours to 00:00 hours</li> <li>• Thursday to Saturday, from 11:00 hours to 01:00 hours</li> <li>• Sunday, from 11:00 hours</li> </ul>

**Application for (Agah Turkish Restaurant), 43 Commercial Street, London E1 6BD**

	<p><b>The provision of late night refreshment - Indoors</b></p> <ul style="list-style-type: none"> <li>Monday to Wednesday, from 23:00 hours to 23:30 hours</li> <li>Thursday to Saturday, from 23:00 hours to 00:30 hours</li> </ul> <p><b>The provision of regulated entertainment - Indoors</b> <u>(Live Music)</u></p> <ul style="list-style-type: none"> <li>Monday to Wednesday, from 23:00 hours to 23:30 hours</li> <li>Thursday to Saturday, from 23:00 hours to 00:30 hours</li> </ul> <p><u>(Recorded Music)</u></p> <ul style="list-style-type: none"> <li>Monday to Wednesday, from 11:00 hours to 23:30 hours</li> <li>Thursday to Saturday, from 11:00 hours to 00:30 hours</li> <li>Sunday, from 11:00 hours to 22:30 hours</li> </ul> <p><u>Provision of anything of a similar description to Live Music, Recorded Music or Performance of Dance</u></p> <ul style="list-style-type: none"> <li>Monday to Wednesday, from 11:00 hours to 23:30 hours</li> <li>Thursday to Saturday, from 11:00 hours to 00:30 hours</li> <li>Sunday, from 11:00 hours to 22:30 hours</li> </ul> <p><b><u>Non-standard timings</u></b></p> <ul style="list-style-type: none"> <li>To extend the times for all the licensable activities from the end of the permitted hours on New Years' Eve to 03:00 hours on New Year's Day.</li> </ul>	<p>to 23:00 hours</p> <p><b><u>Non-standard timings</u></b></p> <ul style="list-style-type: none"> <li>To extend the times for all the licensable activities from the end of the permitted hours on New Years' Eve to 03:30 hours on New Year's Day.</li> </ul>										
<p><b>(Absurd Bird)</b> <b>54 Commercial Street</b> <b>London</b> <b>E1 6LT</b></p>	<p><u>The sale by retail of alcohol (on sales only):</u></p> <ul style="list-style-type: none"> <li>Sunday to Wednesday from 11:00hrs to 23:00hrs</li> <li>Thursday to Saturday from 11:00hrs to 00:00hrs (midnight)</li> </ul> <p><u>The provision of late night refreshment (both indoors and outdoors):</u></p> <ul style="list-style-type: none"> <li>Thursday to Saturday from 23:00hrs to 00:00hrs (midnight)</li> </ul>	<ul style="list-style-type: none"> <li>Sunday to Wednesday from 09:00hrs to 23:30hrs</li> <li>Thursday to Saturday from 09:00hrs to 00:30hrs (the following day)</li> </ul>										
<p><b>(Poppy Hana)</b> <b>57 Commercial Street, London</b> <b>E1 6BD</b></p>	<p>Sale of alcohol (On and off sales) Monday to Sunday 11:00 hours to 23:00 hours</p>	<p>Monday to Sunday 11:00 hours to 23:30 hours</p>										
<p><b>(YUU Kitchen Ltd)</b> <b>31-35 Commercial Street</b> <b>London</b> <b>E1 6DH</b></p>	<p>The supply by retail of alcohol (The supply by retail of alcohol)</p> <ul style="list-style-type: none"> <li>Monday – Thursday 12:00 – 23:00</li> <li>Friday – Saturday 12:00 – 23:30</li> <li>Sunday 12:00 - 22:30</li> </ul> <p>The provision of late night refreshment (indoors)</p> <ul style="list-style-type: none"> <li>Friday – Saturday 23:00 -23:30</li> </ul>	<table border="0"> <tr> <td>Monday – Thursday</td> <td>12:00 – 23:30</td> </tr> <tr> <td>Friday - -Saturday</td> <td>12:00 – 00:00</td> </tr> <tr> <td>Sunday</td> <td>12:00 - 23:00</td> </tr> <tr> <td>Christmas Eve</td> <td>12:00 – 01:00</td> </tr> <tr> <td>New Year's Eve</td> <td>12:00 - 02:00</td> </tr> </table>	Monday – Thursday	12:00 – 23:30	Friday - -Saturday	12:00 – 00:00	Sunday	12:00 - 23:00	Christmas Eve	12:00 – 01:00	New Year's Eve	12:00 - 02:00
Monday – Thursday	12:00 – 23:30											
Friday - -Saturday	12:00 – 00:00											
Sunday	12:00 - 23:00											
Christmas Eve	12:00 – 01:00											
New Year's Eve	12:00 - 02:00											

**Application for (Agah Turkish Restaurant), 43 Commercial Street, London E1 6BD**

	<p>On Christmas Eve supply by retail of alcohol and provision of late night refreshment to 00:30</p> <p>On New Year's Eve supply by retail of alcohol and provision of late night refreshment to 01:30)</p> <p>Monday – Thursday      12:00 – 23:00          Friday – Saturday      12:00 – 23:30          Sunday                      12:00 - 22:30</p> <p>The provision of late night refreshment (indoors)          Friday – Saturday      23:00 -23:30</p> <p>On Christmas Eve supply by retail of alcohol and provision of late night refreshment to 00:30</p> <p>On New Year's Eve supply by retail of alcohol and provision of late night refreshment to 01:30</p>	
<p><b>(Spitalfields Superstore)</b>          59 Commercial Street          London          E1 6BD</p>	<p><u>The sale by retail of alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 08:00 hours to 23:30 hours</li> <li>• Friday and Saturday, from 08:00 hours to midnight</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 08:00 hours to midnight</li> </ul>
<p><b>(Lupita)</b>          Ground Floor and Basement          60 - 62          Commercial Street          London          E1 6LT</p>	<p align="center"><b><u>Ground Floor and Basement Floor</u></b></p> <p><b>The sale by retail of alcohol</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday, from 10:00 hours to 23:30 hours</li> <li>• Friday and Saturday, from 10:00 hours to midnight</li> <li>• Sunday, from 12:00 hours to 23:30 hours</li> </ul> <p><b>The provision of late night refreshment</b></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 23:00 hours to 23:30 hours</li> <li>• Friday and Saturday, from 23:00 hours to midnight</li> </ul> <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> <li>• Bank Holidays until midnight</li> </ul> <p align="center"><b><u>Extension of hours for Basement only</u></b></p> <p><b>The sale by retail of alcohol</b></p> <ul style="list-style-type: none"> <li>• Thursday to Saturday, from 10:00 hours to 01:00 hours the following days</li> </ul> <p><b>The provision of late night refreshment</b>          Thursday to Saturday, from 23:00 hours to 01:00 hours the following days</p>	<p align="center"><b><u>Ground Floor and Basement Floor</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday, from 08:00 hours to midnight</li> <li>• Friday and Saturday, from 08:00 hours to 00:30 hours</li> <li>• Sunday, from 12:00 hours to midnight.</li> </ul> <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> <li>• Bank Holidays until midnight</li> </ul> <p align="center"><b><u>Extension of hours for Basement only</u></b></p> <ul style="list-style-type: none"> <li>• Thursday to Saturday, from 10:00 hours to 01:00 hours the following days</li> </ul>
<p><b>71 Commercial Street</b>  <b>London</b>  <b>E1 6BD</b></p>	<p><b>Late Night Refreshment (starts at 23:00 hrs)</b>          Thursday: 23:00 hours until midnight          Friday and Saturday: 23:00 hours until 01:00 hours the following day</p>	<p>Thursday: 09:00 hours until midnight          Friday and Saturday: 09:00 hours until 01:00 hours the following day</p>

# Appendix 5

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

Relevant, vexatious and frivolous representations

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

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

# Appendix 6





**METROPOLITAN  
POLICE**

**TOTAL POLICING**

Territorial Policing

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  
E1 4UA

Telephone: [REDACTED]

Facsimile:

Email:

[REDACTED]

[www.met.police.uk](http://www.met.police.uk)

Your ref:

Our ref:

4th September 2017

Dear Mr Lewis

**Application to vary a premises licence  
Agah, 43 Commercial St, E1 68D**

I write with reference to 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**

It would like to remind the committee that the applicant applied to amend his license to have later hours at the end of May beginning of June this year, less than 3 months ago. At that hearing the licensing committee correctly in the Police's opinion decided not to grant the variation as requested. At the meeting the applicant was advised to operate with the premises current hours so that the relevant authorities could judge how the premises was being run. A year is a

suitable amount of time to see if there were any incidents of crime and disorder and to make sure the licensing objectives were being upheld.

Applying for extended hours after only a couple of months does not give the Police and other relevant authorities sufficient time to make a reasoned decision with regards to his premises. Therefore we say that this application is premature, that the arguments used for the last application still stand, and therefore we object to this application.

LBTH has adopted a Saturation Policy / Cumulative Impact Policy which includes Commercial St. This policy was adopted due to the concerns about the number of licensed premises and late night eateries in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; *unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.*

Although there continues to be an increase in licensed premises, there has been a consensual approach with all responsible authorities in limiting the hours in the CIZ

The applicant should be aware of the saturation policy and the late hours applied for do not reflect the concerns that have led to the implementation of a CIZ. One of the main reasons for the introduction of the CIZ was to combat the expansion of late night venues. One more late night opening venue will only compound the problems in this area.

This will be one of the longest opening hours in the area and will be a destination for many people, many of whom will clearly be under the influence of alcohol. By

requesting such late hours it will result in people staying longer within the CIZ, with the potential for ASB and violence.

By remaining open until 2am, it will attract a number of people who are already under the influence of alcohol. Has the staff experience in dealing with drunken individuals. People leaving at this late hour at the very least can cause ASB or noise issues.

The availability of alcohol into the early hours of the morning has a greater risk of violence occurring.

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

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 very little reference to the local area or the cumulative impact zone in the application.

I would ask the committee to reject the application, if however the committee were minded to extend the hours I would ask that the following condition is added to the license:

- 1) Sale of alcohol is only for customers who are ordering / or who have ordered a substantial hot meal.

Otherwise, in light of the present hours and the fact that the restaurant is in the CIZ, I ask the committee to refuse the application.

Pc Mark Perry 748HT  
Police Licensing Officer

# Appendix 7

**Place Directorate  
Public Realm**

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

Head of Service **David Tolley**

John Onslow House  
1 Ewart Place  
London E3 5EQ

Date: 4<sup>th</sup> September 2017

Enquiries: Nicola Cadzow

Tel: [REDACTED]

Fax: [REDACTED]

Our Ref: **M/102447**

Dear Licensing,

Having considered the application for Agah Turkish Restaurant 43 Commercial Street for a Variation of Premises License 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, and consideration has to be given to the fact the Premise is in the Cumulative Impact Zone.

It must be noted that the Council's framework hours (i.e. when premises are open) are:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The applicant's exist hours are as follows:

- **Monday to Thursday: Sale of Alcohol (on sales only), Regulated Entertainment (Recorded Music) 1200 hours to 2300 hours; and**
- **Friday & Saturday: Sale of Alcohol (on sales only) 1200 hours to 00:30 hours, Regulated Entertainment (Recorded Music) 1200 hours until 23:30 hours**
- **Sunday: Sale by Retail of Alcohol 12:00 hours to 23:00, Regulated Entertainment (Recorded Music ) 1200 hours to 22:00 hours.**

The applicant is proposing the hours as follows:

**Regulated Entertainment:**

- To include provision of Live Music until 0100 hours 7 days a week
- Increase the Provision of Recorded Music Until 0100 hours seven days a week thus increasing the hours Monday to Thursday by two hours, and Sundays by three hours.
- Include the Provision of Performance of Dance until 0100 hours 7 days a week
- Including Anything of Similar Description until 0100 hours seven days a week, therefore including Monday to Thursday and increasing the hours for Friday to Sunday by three hours.

**Supply of Alcohol (on and off sales)**

- Including Off Sales seven days a week until 0200 hours
- On Sales seven days a week until 0200 hours, thus increasing the hours on Monday to Thursday by 3 hours, Friday and Saturday by 1 and a half hours and Sunday by 3 hours.

**Late Night refreshment:**

- Increase hours until 0200 hours seven days a week, thereby including Sunday to Thursday and increasing the hours for Friday and Saturday by one and a half hours.

**The Applicant is proposing premise opening times until 02:30 hours seven days a week, thereby increasing the opening times as follows:**

- Monday to Thursday by three hours
- Friday and Saturday by an hour and a half
- Sunday by three hours

**Noise Sensitive premises:** residential and commercial premises in close proximity to 43 Commercial Street London E1 6BD

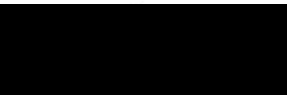
In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to "public nuisance" for the following reasons:-

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

**CONCLUSION**

Environmental Protection does not support the application for Agah Turkish Restaurant 43 Commercial Street, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Yours faithfully,



N J Cadzow  
Environmental Health Technical Officer, Pollution Team

# Appendix 8



**Place Directorate  
Public Realm**

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

Tower Hamlets Licensing

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

04/09/17

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

My reference: P/LIC/102447

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

Dear Sir / Madam,

**Licensing Act 2003  
Re: Agah Turkish & Anotolian Restaurant, London, E1 6BD**

The Licensing Authority has received an application for a Premises Licence variation to increase their licensable activities and opening times.

This application is to extend the licensing hours to:

**Sale of Alcohol: (on and to add off sales)**

Sunday - Thursday 23.00 – 02.00 hours

Friday – Saturday 00.30 – 02.00 hours

**Provision of Late Night Refreshment**

Sunday – Thursday 23.00 – 02.00 hours

Friday – Saturday 00.30 – 0200 hours

**Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description to Live Music, Record Music or Performances of Dance (Indoors):**

Monday – Sunday 12.00 – 01.00 hours

**Opening Hours:**

Sunday to Thursday 23.30 – 02.30 hours

Friday – Saturday 01.00 – 2.30 hours

These premises previously applied for a variation to their Premises Licence for extended licensable hours in February 2017. This was heard

by the licensing sub committee on 30<sup>th</sup> May 2017 after representations were received by the Police, Environmental Protection, The Licensing Authority and a resident association. The hours granted at this sub committee were the following:

**Opening Hours**

*Monday to Thursday from 07:00 to 23:30*

*Friday to Saturday from 07.00 to 01.00*

*Sunday from 07.00 to 23.30*

**Sale of alcohol (on sales only and ancillary to sit down meal)**

*Monday to Thursday from 12:00 to 23:00 (no change)*

*Friday to Saturday from 12.00 to 12.30am*

*Sunday from 12.00 to 23.00*

**Late night refreshment (indoors)**

*Friday to Saturday from 23.00 to 12.30am*

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

*Monday to Thursday from 12:00 to 23:00*

*Friday and Saturday from 12:00 to 23:30*

*Sunday from 12:00 to 22:00*

**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 12.00 noon to 22.00*

Although there have been no complaints made to the Licensing Authority since the extension in licensing hours on 30<sup>th</sup> May 2017 the Licensing Authority feel that a three month period is insufficient time to determine if there will be an impact on the licensing objectives. This premise is also in the Cumulative Impact Zone.

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

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

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also

recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

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

The Licensing Authority is therefore making representation against this application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CIZ. There is nothing within this application which offers any supporting evidence that the increased hours applied for will not add to the cumulative impact already being experienced in the area.

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

The Local Authority does not object to the off sales of alcohol for the outside seating area thereby removing condition 2 from the premises Licence. The following condition should be added:

*Off sales are permitted only for customers seated in the outside seating area partaking in a substantial table meal. No other off sales allowed.*

The Licensing Authority also does not have any objection to the changing of condition 6 from Challenge 21 to Challenge 25 and bringing the regulated entertainment permitted hours into line with the hours granted for other licensable activities.

Yours sincerely,



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

# Appendix 9

## Mohshin Ali

---

**From:** Jon Shapiro [REDACTED] >  
**Sent:** 04 September 2017 15:42  
**To:** Licensing  
**Cc:** Mark Perry; Selina Mifsud  
**Subject:** Licensing Application by "Agah Turkish & Anatolian Restaurant", 43 Commercial Street, E1 6BD

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

Dear Sir or Madam,

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

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

as the premises is within the Brick Lane "Cumulative Impact Zone" (CIZ) and they are asking to add "Off-Sales" to their existing on-sales Restaurant Licence. Adding "Off-Sales" is totally unnecessary for their existing restaurant operation and would merely "fuel" local alcohol drinkers and potentially lead to an increase in the level of ASB in the area.

This area has always been stated by our Borough Police Commanders to be the "number one policing problem in Tower Hamlets". Until and unless this area ceases to be such a policing problem I believe that no such "Off-Sales" licence should be granted to 43 Commercial Street.

The Brick Lane area is plagued by ASB and hospital admissions to A&E, and I believe that the Licensing Committee should be assisting the Police and other authorities in reducing any and all encouragement to provide "Off-Sales" to drinkers in this area which is within the CIZ.

Given that the LBTH Town Centre Strategy for Brick Lane is to make Brick Lane "more family friendly", and for all the reasons quoted above I strongly request that this Licensing Application should **be wholly rejected**.

Yours faithfully,  
Jon Shapiro.

Resident at:

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

# Appendix 10

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Police Powers

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

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

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



# Appendix 11

## Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

# Appendix 12

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

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

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

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

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

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

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 13

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

### General Advice

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

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

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

### Licensing Policy

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

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

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

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



## Cumulative Impact

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

## Police Powers

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

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

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

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

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

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

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

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

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

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

# Appendix 14

## **Planning**

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

# Appendix 16

## Licensing Policy

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

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



Figure One

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

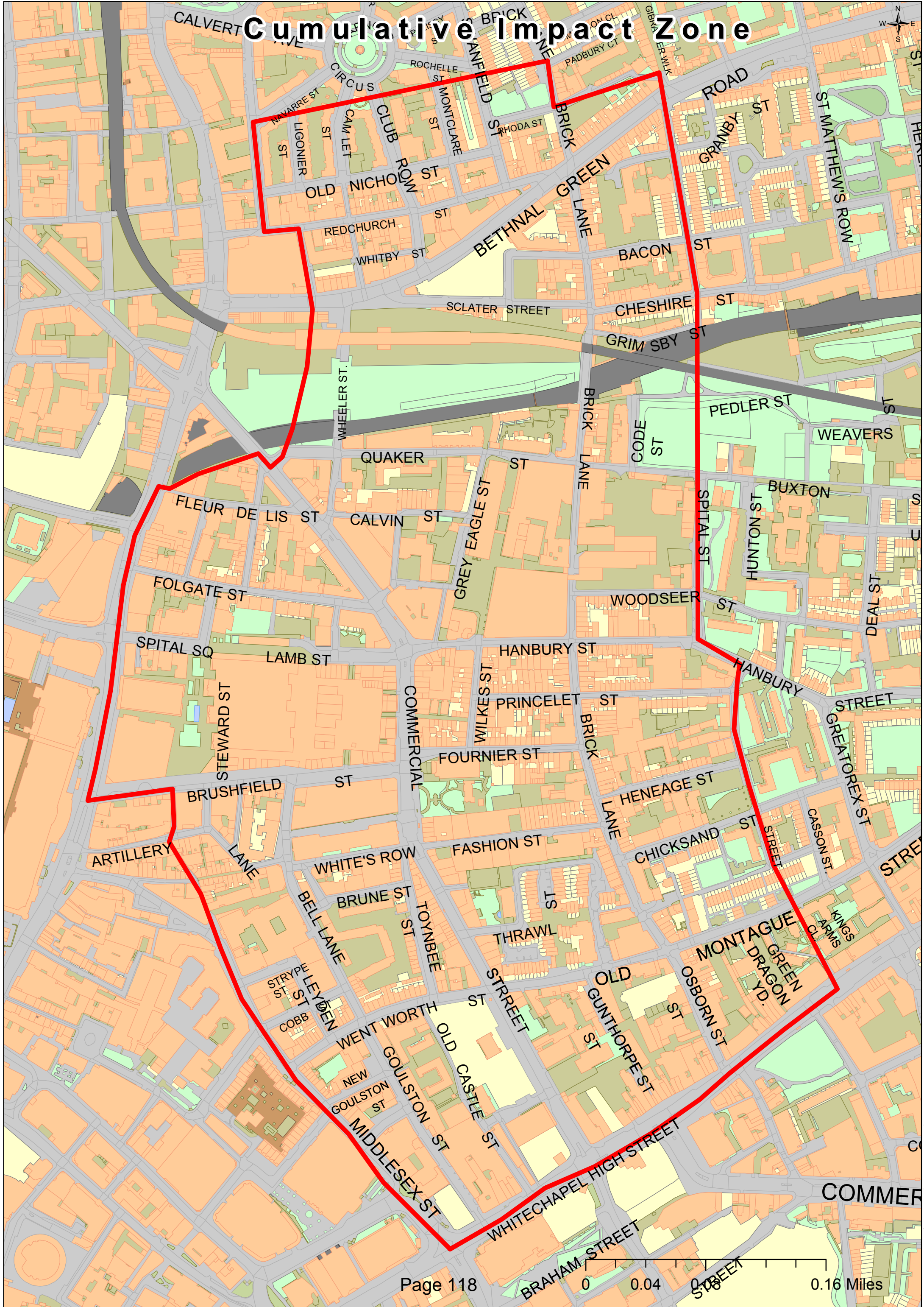
The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



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



# Cumulative Impact Zone





# Agenda Item 4.2

Committee : <b>Licensing Sub-Committee</b>	Date 24/10/17	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Tops Pizza), 3 West India Dock Road, London E14 8EZ</b>  Ward affected: <b>Poplar</b>
--	---

## 1.0 Summary

Applicant: **Mohammed Aziz**

Name and **Tops Pizza**

Address of Premises: **3 West India Dock Road  
London  
E14 8EZ**

Licence sought: **Licensing Act 2003 – premises licence**  
• **The provision of late night refreshment**

Representations: **Residents (petition)**

## 2.0 Recommendations

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

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

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

### 3.0 **Background**

3.1 This is an application for a premises licence for (Tops Pizza), 3 West India Dock Road, London E14 8EZ.

3.2 The applicant has described the premises as follows:  
*“A franchise take away (Tops Pizza), which is adjacent to parade of shops, facing a main road”.*

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

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

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

- Monday to Thursday, from 23:00 hrs to 02:00 hrs the following day
- Friday and Saturday, from 23:00 hrs to 03:00 hrs the following day
- Sunday, from 23:00 hrs to 00:00 hrs (midnight)

#### Non-standard timings:

- Vaisaki, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Day, New Year’s Eve and New Years Day, from 23:00 hrs to 03:00 hrs the following day

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

- Monday to Thursday, from 23:00 hrs to 02:00 hrs the following day
- Friday and Saturday, from 23:00 hrs to 03:00 hrs the following day
- Sunday, from 23:00 hrs to 00:00 hrs (midnight)

#### Non-standard timings:

- Vaisaki, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Day, New Year’s Eve and New Years Day, from 23:00 hrs to 03:00 hrs the following day

3.5 Members may wish to note that late night refreshment are proposed to continue until the premises closes to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met. The problem of course is that if sales continue until the last minute the premises cannot be emptied on time. Members may want to consider a break between the end of the licensable activities and the time the premises closes to the public.

3.6 Following consultation with the Met Police Licensing the applicant has agreed the following timings:

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

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

- 3.7 It should be noted that for Sunday, the applicant has applied until midnight (not 01:00 hours as agreed with the ).
- 3.8 The applicant may wish to clarify what time the premises will be open to the public in light of the amended hours.

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

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.
- 4.4 Details of 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 1<sup>st</sup> November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2017.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

#### **6.0 Representations**

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations (petition) have been made by local residents. Please see **Appendix 6** for the petition.
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Public Health
  - Home Secretary (Home Office Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 6.11 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

#### **7.0 Conditions consistent with Operating Schedule**

- 7.1 *Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority.*
- 7.2 *Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.*
- 7.3 *Drivers shall wait inside the premises between deliveries/for deliveries.*
- 7.4 *Home deliveries shall only be carried out by in-house employees of the business*
- 7.5 *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer.*
- a) *All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.*
  - b) *The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.*
  - c) *All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.*
  - d) *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.*

- 7.6 *Notice to customers regarding consideration shall be displayed at the entrance and exit*
- 7.7 *Staff who arrive in the morning or depart late at night will be asked not to cause disturbance to nearby residents.*
- 7.8 *No rubbish will be moved, removed or placed outside between the hours of 23:00 and 08:00*
- 7.9 *An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police.*
- 7.10 *Order is received over the phone by a person who sounds like they may be under 16 years old, staff member will ask to speak to a parent or responsible adult.*

## **8.0 Conditions in consultation with the Responsible Authorities**

- 8.1 Met Police Licensing and Environmental Health Noise have agreed reduced times with the applicant (Please see **Appendix 7**).

## **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. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

### **9.2 Guidance issued under section 182 of the Licensing Act 2003**

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).



- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
  - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
  - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
  - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
  - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
  - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
  - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 8 - 13** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 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

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Other licensed venues in the area
<b>Appendix 5</b>	Section 182 Guidance by the Home Office
<b>Appendix 6</b>	Representations (petition by residents)
<b>Appendix 7</b>	Conditions agreed with Police and Environmental Health Noise
<b>Appendix 8</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 9</b>	Licensing Officer comments on access/egress Problems
<b>Appendix 10</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 11</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 12</b>	Planning
<b>Appendix 13</b>	Licensing Policy relating to hours of trading

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# Appendix 1

**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 Mohammed Aziz [REDACTED]

*(Insert name(s) of applicant)*

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			
Tops Pizza			
3 West India Dock Road			
<b>Post town</b>	London	<b>Postcode</b>	E14 8EZ
<b>Telephone number at premises (if any)</b>			
<b>Non-domestic rateable value of premises</b>		£9500	

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as Please tick as appropriate

- |   |  |
|---|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="padding-left: 20px;">i as a limited company/limited liability partnership</p> <p style="padding-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="padding-left: 20px;">iii as an unincorporated association or</p> <p style="padding-left: 20px;">iv other (for example a statutory corporation)</p> <p>c) a recognised club</p> <p>d) a charity</p> | <p><input checked="" type="checkbox"/> please complete section (A)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |
|---|--|

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  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 (by ticking yes to one box below):

- 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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Aziz			First names Mohammed		
[REDACTED]			I am 18 years old <input checked="" type="checkbox"/> Please tick yes		
Nationality British					
Current residential address if different from premises address		[REDACTED]			
Post town		[REDACTED]		Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
-----------------------------	------------------------------	-------------------------------	-----------------------------	--------------------------------	--

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

**(B) OTHER APPLICANTS**

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

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

**Part 3 Operating Schedule**



When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)  
**A franchise take away (Tops Pizza), which is adjacent to parade of shops, facing a main road.**

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

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

**A**

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

**B**

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

C

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

**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Both</b> <input type="checkbox"/>			
Mon						
Tue			<b>Please give further details here</b> (please read guidance note 4)			
Wed						
Thur			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)			
Fri						
Sat			<b>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</b> (please read guidance note 6)			
Sun						

**F**

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



**G**

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

## H

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

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4) Please Note:		
Mon	23:00	02:00			
Tue	23:00	02:00			
Wed	23:00	02:00			
			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5) Vaisakhi, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Eve, Christmas Day, New Years Eve, New Years Day 23:00 - 03:00		
Thur	23:00	02:00			
Fri	23:00	03:00			
			<b>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</b> (please read guidance note 6)		
Sat	23:00	03:00			
Sun	23:00	00:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Mon								
Tue								
Wed								
Thur						<b>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</b> (please read guidance note 6)		
Fri								
Sat								
Sun								

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name	
Date of birth	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

□□□□

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**  
None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5) Vaisakhi, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Eve, Christmas Day, New Years Eve, New Years Day 11:00 - 03:00
Day	Start	Finish	
Mon	11:00	02:00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Tue	11:00	02:00	
Wed	11:00	02:00	
Thur	11:00	02:00	
Fri	11:00	03:0	
Sat	11:00	03:00	
Sun	11:00	00:00	

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

It will be ensured that all four licensing objectives will be promoted as detailed in each section below:

- Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority.
- Part A (the full Premises Licence) either the original or a certified copy should be retained at the premises for production to an authorised person.
- Part B (the summary of the Premises Licence) should be prominently displayed at the venue where it can be easily read by anyone wishing to do so. Please note that both pages of the summary should be visible
- Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.
- Drivers shall wait inside the premises between deliveries/for deliveries.
- A notice shall be displayed by the front door stating the restaurant opening hours.
- Home deliveries shall only be carried out by in-house employees of the business
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

**b) The prevention of crime and disorder**

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
- Joining neighbourhood schemes and liaising with the local police.
- Prominent signage indicating the permitted hours for the late night refreshment shall be displayed so as to be visible before entering the premises.
- Adequate lighting provided inside and outside the premises.
- Abide by the law

**c) Public safety**

- To comply with all current, fire and health and safety legislation as required by the law.
- Health and safety risk assessments to be carried out regularly
- All employees will receive training on health and safety & food safety
- Staff to be trained in fire evacuation procedures
- Installation of appropriate and adequate safety equipment

**d) The prevention of public nuisance**

- Notice to customers regarding consideration shall be displayed at the entrance and exit
- Deliveries of goods will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby businesses and residents. Staff who arrive in the morning or depart late at night will be asked not to cause disturbance to nearby residents.
- Depositing of waste will be at times that minimise any nuisance to nearby neighbours.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No rubbish will be moved, removed or placed outside between the hours of 23:00 and 08:00.
- Monitor anti-social behaviour through CCTV.
- Dps contact details shall be clearly displayed for the public living with the vicinity
- An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police

**e) The protection of children from harm**

Order is received over the phone by a person who sounds like they may be under 16 years old, staff member will ask to speak to a parent or responsible adult.

**Checklist:**

**Please tick to indicate agreement**

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

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

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

**Part 4 – Signatures (please read guidance note 11)**

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


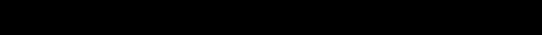
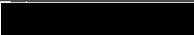

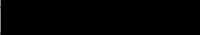
<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK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



Signature	
Date	31/07/2017
Capacity	Agent

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Hilda Cameron			
			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

#### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which

Signature	[REDACTED]
Date	31/07/2017
Capacity	Agent

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

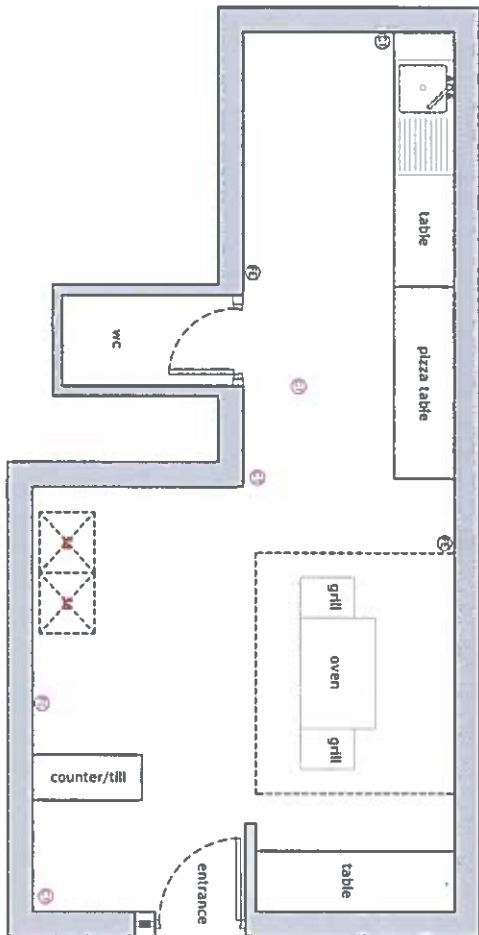
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)	
Hilda Cameron	
[REDACTED]	
Post town	[REDACTED]
Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	
[REDACTED]	

#### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which

# Appendix 2



KEY

- ① Smoke detector
- ② Fire Extinguisher
- ③ Fire Exit
- ④ CCTV
- ⑤ Emergency Light
- ⑥ Access
- ⑦ Heat detector

ALARM SYSTEM TO MONITOR OR SIMILAR FITTED  
 SHUTTER PROVIDED  
 CCTV MONITOR FOR MIN. 31 DAYS



Drawings to be worked on site  
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Site Address:  
 3, West Indus Dock Road,  
 London,  
 E14 8EZ

Title:  
 Existing Ground Floor Plan

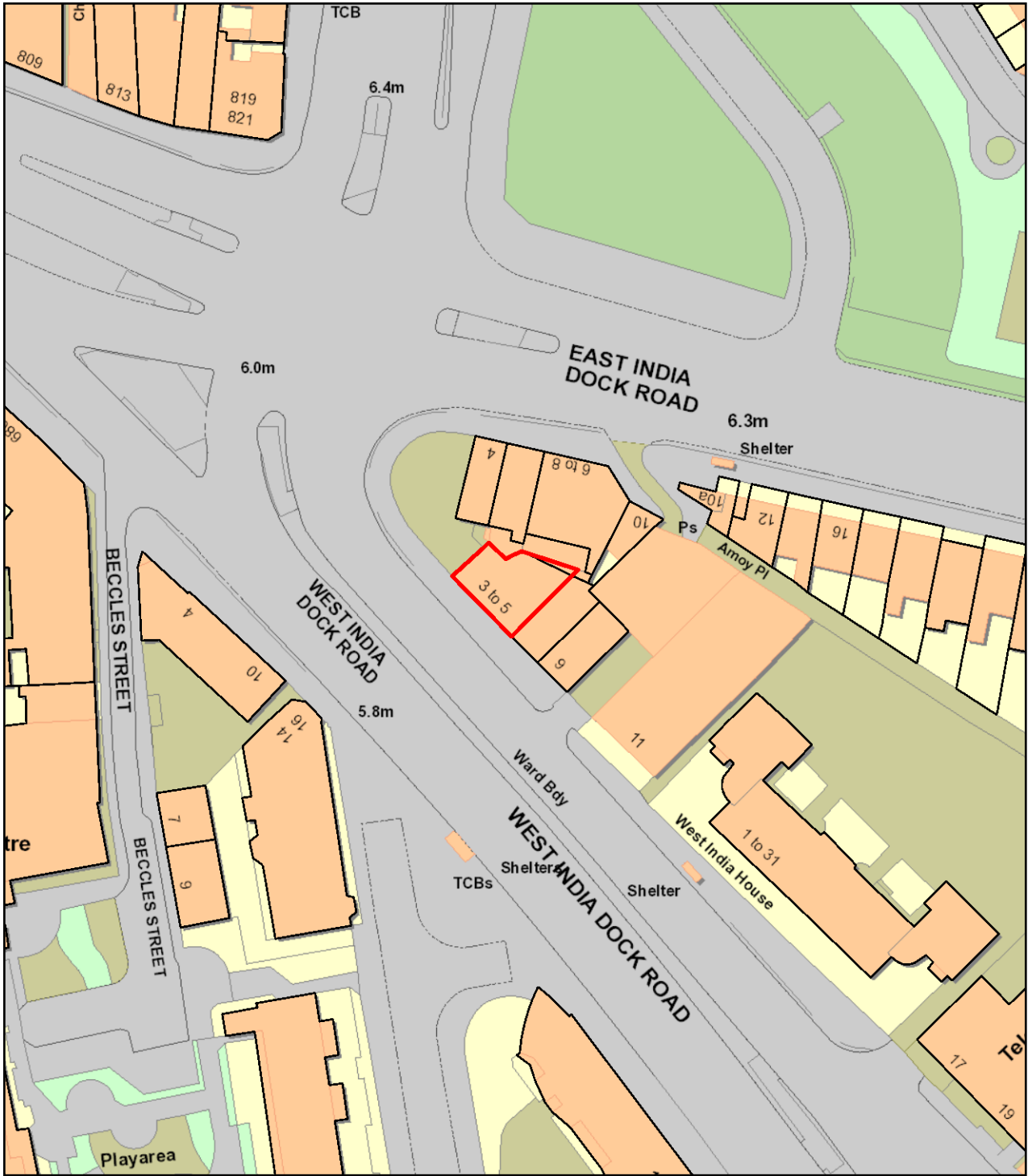
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Paper Size: A3

Drawn By: VP  
 Job Ref: 17106  
 Date: July 2017  
 Drawing No. PL - 01

Rev Date Comments

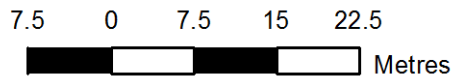
# Appendix 3



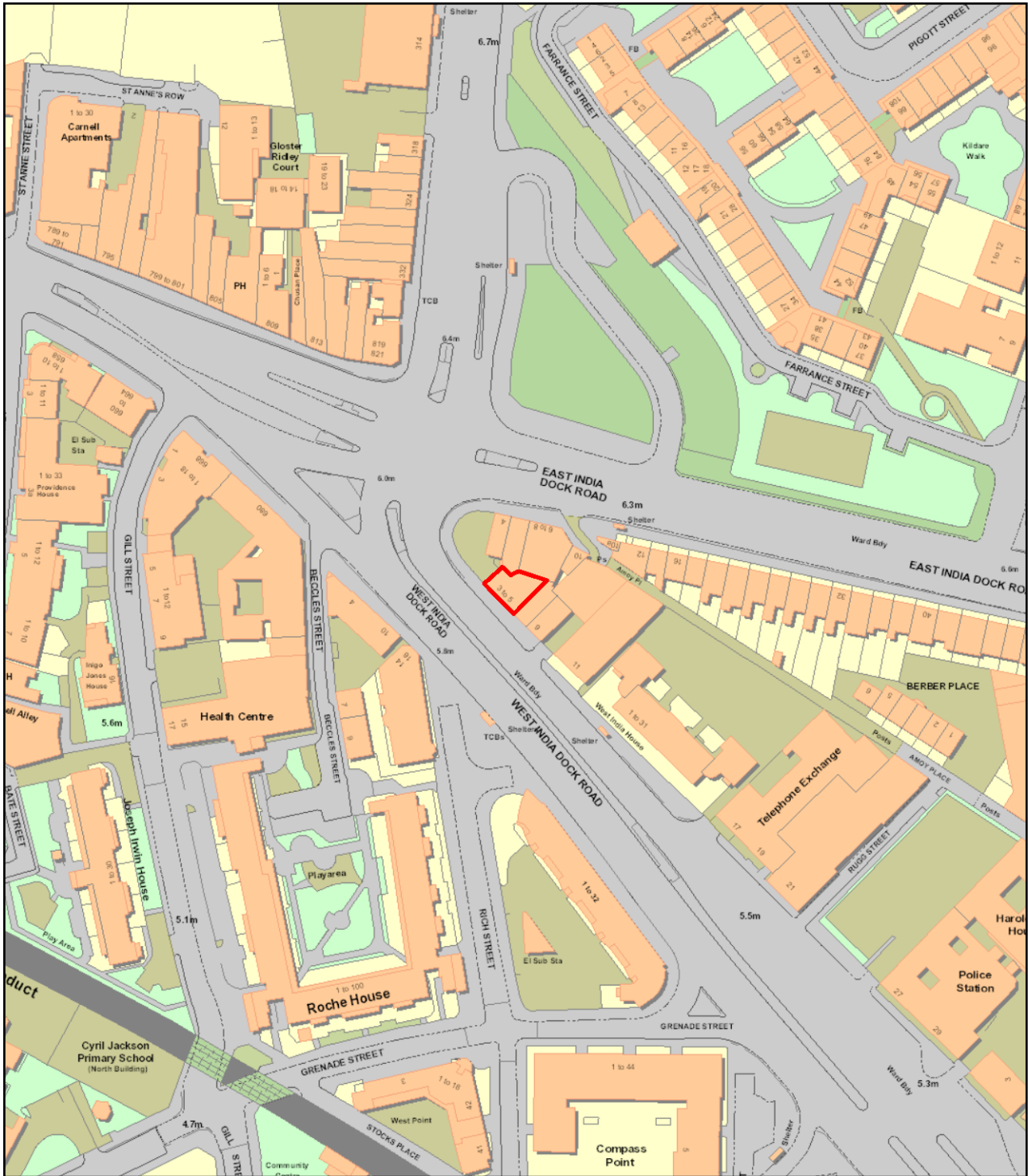
### 3 West India Dock Road



Scale 1:836



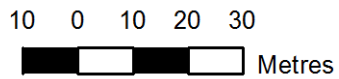
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## 3 West India Dock Road



Scale 1:1673



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# Appendix 4



### Tops Pizza, 3 West India Dock Road

Name and address	Licensable activities and hours	Opening hours
<b>(Dominos Pizza)</b> <b>Units 2-8 West</b> <b>India Dock Road</b> <b>London</b> <b>E14 8H</b>	The provision of late night refreshment Monday to Sunday 23:00 hours – 05:00 Shop counter to close at 02:00 hours. Home deliveries only from 02:00 hrs – 05:00 hrs (Will not trade Christmas Day).	Monday to Sunday 07:00 – 02:00 (Will not trade Christmas Day).
<b>VSE Wines</b> <b>45 West India Dock</b> <b>Road</b> <b>London</b> <b>E14 8HW</b>	<b>The sale by retail of alcohol: (Off sales only)</b> <ul style="list-style-type: none"> <li>• Monday to Sunday from 08:30 hrs to 23:00 hrs</li> </ul>	Monday to Sunday from 08:30 hrs to 23:00 hrs
<b>(Tale of India)</b> <b>53 West India Dock</b> <b>Road</b> <b>London</b> <b>E14</b>	Alcohol may be sold or supplied (On and off sales ) (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).  <i>For conditions relating to times for restaurants and residential                      properties see Mandatory Conditions</i>	There are no restrictions on the hours during which this premises is open to the public
<b>(Limehouse Kebab)</b> <b>4 East India Dock</b> <b>Road</b> <b>London</b> <b>E14 6JJ</b>	<b>Late Night Refreshment:</b> Sunday, Monday, Tuesday and Wednesday until 02:00 hours the following days Thursday until 03:00 hours the following day Friday and Saturday until 04:00 hours the following days	Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 02:30 hours the following days Thursday from 12:00 hours to 03:30 hours the following day Friday and Saturday from 12:00 hours to 04:30 hours the following days

**Tops Pizza, 3 West India Dock Road**

<p><b>(Wings Buffet)</b>  <b>6-8 East India Dock Road</b>  <b>Poplar</b>  <b>London</b>  <b>E14 6JJ</b></p>	<p>The times the licence authorises the carrying out of licensable activities (On sales only)  <b>Alcohol may be sold or supplied:</b></p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.  (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm  (3) On Christmas Day: 12 noon to 11:30pm;  (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;  (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.  (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;  (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;  (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;  (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;</p> <p>Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.</p> <p>See Mandatory Conditions for details of restrictions.</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
---	---	--

**Tops Pizza, 3 West India Dock Road**

**(Royal Spice)  
815 Commercial  
Road  
London  
E14 7HG**

The times the licence authorises the carrying out of licensable activities (On sales only)

**Alcohol may be sold or supplied:**

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

See Mandatory Conditions for details of restrictions.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

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

**Tops Pizza, 3 West India Dock Road**

<p><b>(Eastern Tandoori)</b>  <b>332 Burdett Road</b>  <b>London</b>  <b>E14 7DL</b></p>	<p>The times the licence authorises the carrying out of licensable activities (On sales only)  <b>Alcohol may be sold or supplied:</b></p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm.  (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm  (3) On Christmas Day: 12 noon to 11:30pm;  (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;  (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.  (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;  (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;  (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;  (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;</p> <p>Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.</p> <p>See Mandatory Conditions for details of restrictions.</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p><b>(V &amp; G Convenience)</b>  <b>326 Burdett Road</b>  <b>London</b>  <b>E14 7DL</b></p>	<p><b>Sale by retail of alcohol (Off sales)</b>  Monday to Thursday, 07.00am to 23.30pm  Friday and Saturday, 07.00am to midnight  Sunday, 07.00am to 22.30pm</p>	<p>Monday to Thursday, 07.00am to 23.30pm  Friday and Saturday, 07.00am to midnight  Sunday, 07.00am to 22.30pm</p>
<p><b>(Welcome Friends)</b>  <b>318 Burdett Road</b>  <b>London</b>  <b>E14 7DL</b></p>	<p><b>The provision of late night refreshment</b>  Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday until midnight</p>	<p>Monday to Friday from 12:00 hours to midnight  Saturday from 17:00 hours to midnight  Sunday from 18:00 hours to midnight</p>

# Appendix 5

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

Relevant, vexatious and frivolous representations

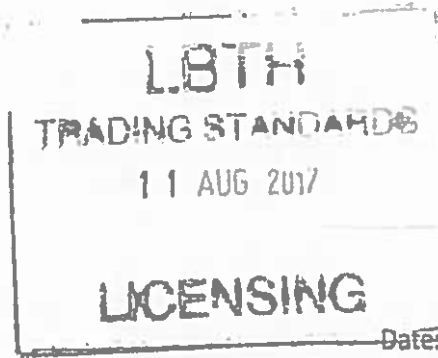
- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would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

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

# Appendix 6



Licensing section  
 Jhon OSlow House  
 1 Edward Place  
 London  
 E3 5EQ



Date: 08/08/2017

Ref: CLC/EHTS/LIC 102410

TO Whom it May Concern

This letter is with regards to the licensing on the premises Tops Pizza, 3 West India Dock Road. We are the tenants living above the property and we really not happy with this as already the shop causes so much disruption as people come into the shop late and shout, some drunk. We cannot go sleep at night nor do we have the guts to complain to them. There's always fighting and shouting and loud talking and this really affects us as people have work in the morning.

Please see the list of tenants below who are not happy with this at all;

Name:	Address	Sign
1) Dilwar Hussain	[Redacted] E14 [Redacted]	[Redacted]
2) Abdul Rahman	[Redacted] E14 [Redacted]	[Redacted]
3) MR. A K Mahmud	[Redacted] E14 [Redacted]	[Redacted]
4) MR. SAYAD - miha	[Redacted] " " " "	[Redacted]
5) MRS - Rumana	[Redacted] " " " "	[Redacted]
6) MR Sayid Ahmed	[Redacted] " " " "	[Redacted]
7) KOMOR. UDDIN	[Redacted] " " " "	[Redacted]
8) SHOJAD. miha	[Redacted] E14 [Redacted]	[Redacted]
9) ABDUL - malik	[Redacted] E14 [Redacted]	[Redacted]
10) MAM ALI	[Redacted] E14 [Redacted]	[Redacted]
11) LITON MIHA	[Redacted] " " " "	[Redacted]
12) GARIBI Torque	[Redacted] " " " "	[Redacted]
13) SHAJJAD ALI	[Redacted] E14 [Redacted]	[Redacted]
14) OMAR. Ali	[Redacted] " " " "	[Redacted]

- 15) ABUDUL-HAMID- [REDACTED]
- 16) HUSSAIN AHMED. [REDACTED]
- 17) MOHAMMED. AZTA [REDACTED]
- 18) M. MOSALA [REDACTED]
- 19) KAHOMOR UDDIN. [REDACTED]
- 20) AMJAD-MEE [REDACTED]
- 21) MOULANA HUSSAIN [REDACTED]
- 22) HANID-ABDULL- [REDACTED]
- 23) VAZIM-LADIV- [REDACTED]

# Appendix 7

## Mohshin Ali

---

**From:** MARK.J.Perry [REDACTED]  
**Sent:** 22 August 2017 14:01  
**To:** azizuddin [REDACTED]; Licensing  
**Subject:** RE: Premises License Application - Tops Pizza, 3 West India Dock Road

Dear Tower hamlets Council,

Please see conditions agreed with Mr Aziz the applicant. Please can the conditions offered in the application be added to the license.

Regards

Mark

PC Mark Perry  
Police Licensing Officer  
Toby Club  
Vawdry Close  
E1 4UA

---

**From:** Mohammed Aziz [REDACTED]  
**Sent:** 22 August 2017 12:46  
**To:** Perry MARK J - HT  
**Subject:** Re: Premises License Application - Tops Pizza, 3 West India Dock Road

Dear PC Mark Perry  
I would like to confirm that I am happy with the following timing and I thank you once again.

Kind regards

Aziz

On 22 Aug 2017, at 11:43, "[MARK.J.Perry](#) [REDACTED]"  
<[MARK.J.Perry](#) [REDACTED]> wrote:

Hi Mr Aziz,

Following our conversation earlier today I can confirm that we have agreed the following hours for Late Night Refreshment:

Sunday to Thursday inclusive: 23:00 - 01:00

Friday and Saturday: 23:00 - 02:00

The conditions you have offered in your application are acceptable.

If you could reply to me to say you agree then I can inform Tower Hamlets Council that we have agreed the license.

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

Regards

Mark

PC Mark Perry  
Police Licensing Officer  
Toby Club  
Vawdry Close  
E1 4UA

**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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# Appendix 8

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Police Powers

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

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

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



# Appendix 9

## Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

# Appendix 10

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

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

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

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

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

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

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 11

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

### General Advice

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

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

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

### Licensing Policy

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

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

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

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



## Cumulative Impact

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

## Police Powers

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

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

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

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

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

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

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

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

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

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

# Appendix 12

## **Planning**

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

# Appendix 13

### **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	24/10/17	<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a Premises Licence for Twisted LDN, 12 Batty Street, London E1 1RH</b>
Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Ward affected: <b>Whitechapel</b>

## 1.0 Summary

Applicant: **Twisted Delivery Ltd**  
Name and Address of Premises: **Twisted LDN**  
**12 Batty Street**  
**E1 1RH**

Licence sought: **Licensing Act 2003**  
**The Sale of Alcohol**  
**Provision of Late Night Refreshment**

Objectors: **Licensing Authority**  
**Environmental Protection**  
**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

**Kathy Driver**  
**020 7364 5171**

### 3.0 **Background**

3.1 This is an application for a new premises licence for Twisted LDN, 12 Batty Street, London E1 1RH.

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

3.3 The applicant has described the application as a delivery and pick up business only selling food advertised via its website. Customers will only be able to pre-order food for delivery or pick up. The premises will not allow for customers to enter, order and wait for food and no provisions will be made for people to eat or drink on site.

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

**Sale of Alcohol (off sales only)**

Monday to Sunday 24 hours

**The Provision of Late Night Refreshment (indoors):**

Monday to Sunday 24 hours

**Hours premises is open to the public:**

Monday to Sunday 24 hours

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

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

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

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

4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**. / There are no licensed venues in this area.

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

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

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

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in 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 5**.

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

6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

See **Appendix 6** - Licensing Authority  
See **Appendix 7** - Environmental Protection Noise  
See **Appendix 8-13** - Local Residents

6.9 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).

- Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Primary Care Trust (Public Health England)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 6.11 The objections cover allegations of
- Anti-social behaviour on the premises
  - Anti social behaviour from patrons leaving the premises
  - Acting as a magnet attracting the young who then engage in anti-social behaviour
  - Drug taking
  - Noise while the premise is in use
  - Disturbance from patrons leaving the premises on foot
  - Disturbance from patrons leaving the premises by car
  - Close proximity to residential properties
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.
- 7.0 Conditions consistent with Operating Schedule**
- 7.1 Customers shall be reminded to provide acceptable form of ID such as Driving licence, Passport or PASS card when placing bookings both online or by phone.
- 7.2 The company's website shall provide links to 'drinkaware' and 'alcohol concern' webpages.

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

7.4 Alcohol will be sold ancillary to a food order.

7.5 Notices shall be prominently displayed at all exits requesting patrons to leave the area quietly.

7.6 A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

7.7 A refusal log shall be maintained by each delivery driver and made available for inspection by Police Officer or Authorised Officer, this log shall include the date, time Name and signature of staff member who refused the sale along with the name address and postcode of the customer.

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

8.1 None

#### 9.0 **Licensing Officer Comments**

9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.

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

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

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is

a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).

- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 14-20** 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

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Other licensed venues in the area
<b>Appendix 5</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 6</b>	Representation from Licensing Authority
<b>Appendix 7</b>	Representation from Environmental Protection Noise
<b>Appendix 8-13</b>	Representations of local residents
<b>Appendix 14</b>	Licensing Officer comments on Anti-Social Behaviour on the premises
<b>Appendix 15</b>	Licensing officer comments on anti-social behaviour patrons leaving the premises
<b>Appendix 16</b>	Licensing officer comments on Access and egress problems
<b>Appendix 17</b>	Licensing officer comments on Noise when the premises is in use
<b>Appendix 18</b>	Licensing officer comments on Acting as a magnet Attracting the Young
<b>Appendix 19</b>	Planning
<b>Appendix 20</b>	Licensing Policy relating to hours of trading.

# Appendix 1

**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 Twisted Delivery Ltd  
*(Insert name(s) of applicant)*

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			
<b>Twisted LDN Ground Floor 12 Batty Street Whitechapel</b>			
<b>Post town</b>	London	<b>Postcode</b>	<b>E1 1RH</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£20,000</b>

**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/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  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) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part I of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  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 (by ticking yes to one box below):

- 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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
<b>Current residential address if different from premises address</b>					
<b>Post town</b>				<b>Postcode</b>	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(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.

<b>Name</b> Twisted Delivery Ltd
<b>Address</b> 6 Batty Street, London, United Kingdom, E1 1RH
<b>Registered number (where applicable)</b> 10862313
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Limited Company
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

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

Located on the ground floor of 12 Batty Street, Twisted LDN is a unique business as it is to be the commercial outlet of the website Twistedfood.co.uk, it intends to operate as a delivery and pickup business only, selling food that is advertised via its website, Facebook and YouTube channels.

Customers will only be able to pre-order food for delivery or pickup. The premises will not allow for customers to enter, order and wait for food and no provisions will be made for people to eat or drink on site.

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

N/A
-----

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

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

**A**

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

**B**

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

C

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

**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					



**F**

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

**G**

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

**H**

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


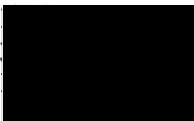

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	00:01	00:00	<b><u>Please give further details here</u></b> (please read guidance note 4)  Food prepared onsite for delivery		
Tue	00:01	00:00			
Wed	00:01	00:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)  None		
Thur	00:01	00:00			
Fri	00:01	00:00	<b><u>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</u></b> (please read guidance note 6)  None		
Sat	00:01	00:00			
Sun	00:01	00:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  None		
Mon	00:01	00:00			
Tue	00:01	00:00			
Wed	00:01	00:00			
Thur	00:01	00:00			
Fri	00:01	00:00			
Sat	00:01	00:00			
Sun	00:01	00:00			
			<b>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</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name Engelbert Gamsreigler	
Date of birth: 	
Address  	
Postcode	
Personal licence number (if known) Application to be submitted to Wandsworth Council	
Issuing licensing authority (if known) Application to be submitted to Wandsworth Council	

K

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

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)	
Day	Start	Finish	None	
Mon	00:01	00:00		
Tue	00:01	00:00		
Wed	00:01	00:00		
Thur	00:01	00:00		<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri	00:01	00:00		
Sat	00:01	00:00		
Sun	00:01	00:00		

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

1. The company website will provide links to the 'drink aware' and 'alcohol concern' webpages
2. Customers will be reminded to provide acceptable ID such as Driving licence, passport or PASS card when placing bookings both online and/or via telephone.
3. The customer's full delivery address and postcode must be obtained for every order placed

**b) The prevention of crime and disorder**

1. CCTV installed shall be, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities.
2. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available immediately on request to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) throughout the preceding 31 day period following any incident.
3. If payment is made online by Debit/Credit Card then the card holder must be present on delivery to show their card used to make payment
4. Alcohol will only be sold ancillary to a food order

**c) Public safety**

1. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.
2. Public areas will be maintained free from obstruction and trip hazards
3. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place by staff.

**d) The prevention of public nuisance**

1. All public spaces in the vicinity of the premises will be kept free from litter to the satisfaction of the council.
2. Notices shall be prominently displayed at all exits requesting patrons to leave the premises quietly.
3. All waste will be properly packaged and presented for collection no earlier than 30 minutes before scheduled collection times.
4. Any plant, air conditioning, ventilation or machinery of a similar nature operated at the premises shall not give rise to public or statutory nuisance.

**e) The protection of children from harm**

1. A challenge 25 policy will be adopted with proportionate and appropriate notice displayed on the company webpage.
2. Age restricted products shall not be left with customers and returned to the premises where no valid ID can be provided on delivery
3. A refusal to serve log shall be maintained by each delivery driver and made available for inspection by a Police Officer or Authorised Officer, this log shall include the Date, Time, Name and signature of the staff member who refused the sale along with the name address and postcode of the customer.
4. The refusal to serve log shall be signed by the DPS of the premises on a weekly basis
5. Staff shall be trained in Licensing Law with regards to children and alcohol, and the procedures that shall be adopted if it is considered that an individual may be under the age of 18

**Checklist:**

**Please tick to indicate agreement**

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


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

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




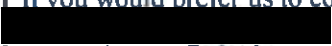
**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	17/8/17
Capacity	Agent

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

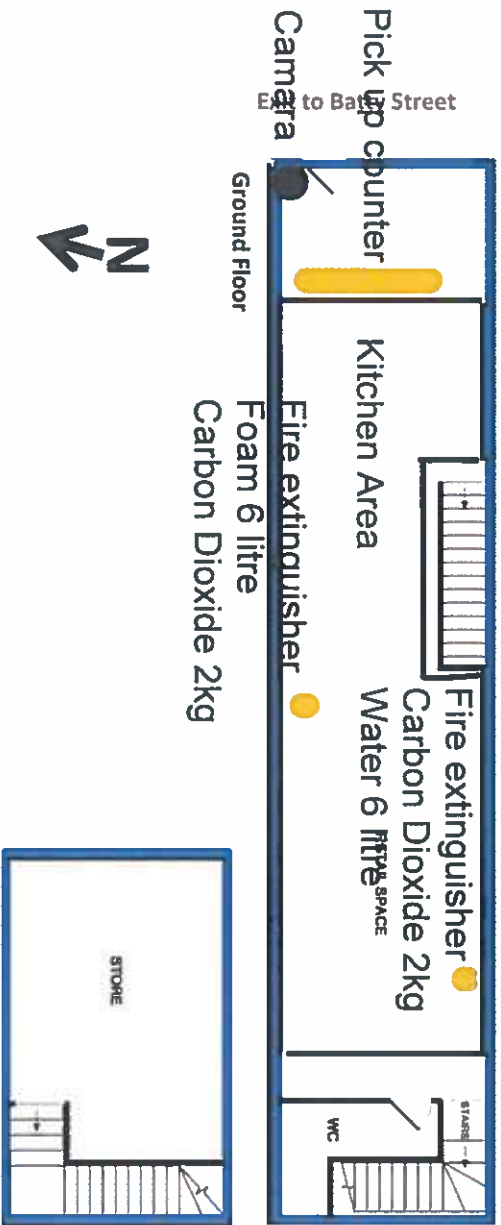
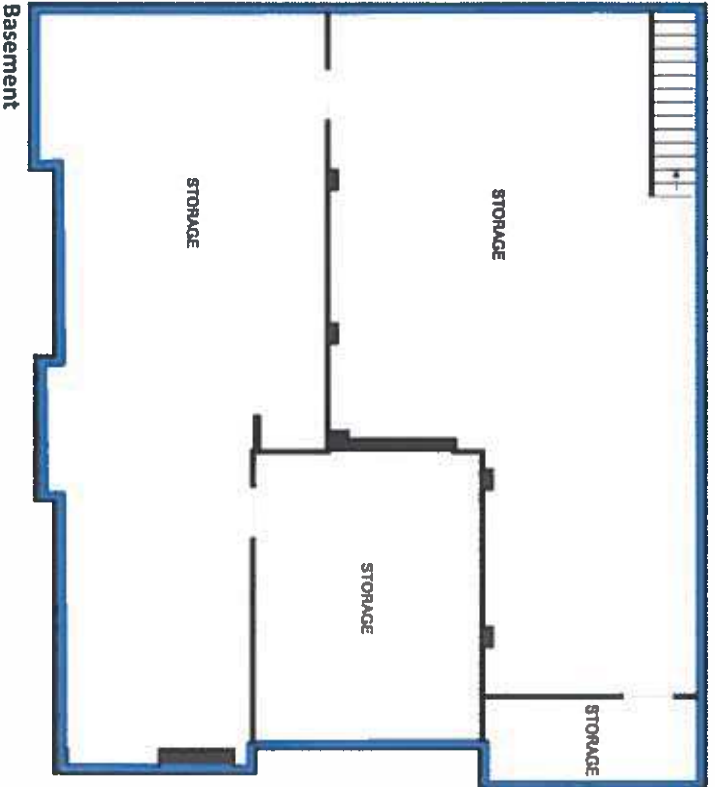
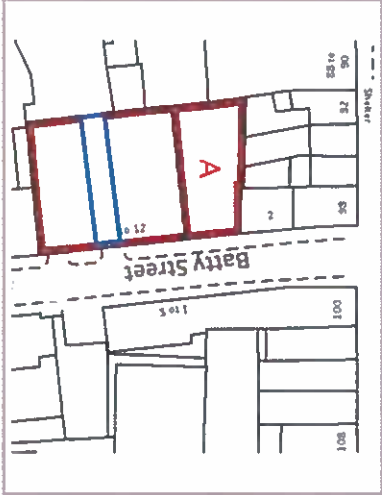
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Mr Guillaume Chipchase A.CiEx CPL Training Ltd Egerton House 2 Tower Road			
Post town	Birkenhead	Postcode	CH41 1FN
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

# Appendix 2



Location Plan: Scale 1:1250



**Lease Plan**

Mezzanine, Ground & Basement floors  
4-12 Batty Street  
LONDON  
E1 1RH

**1st Class Energy Ltd**



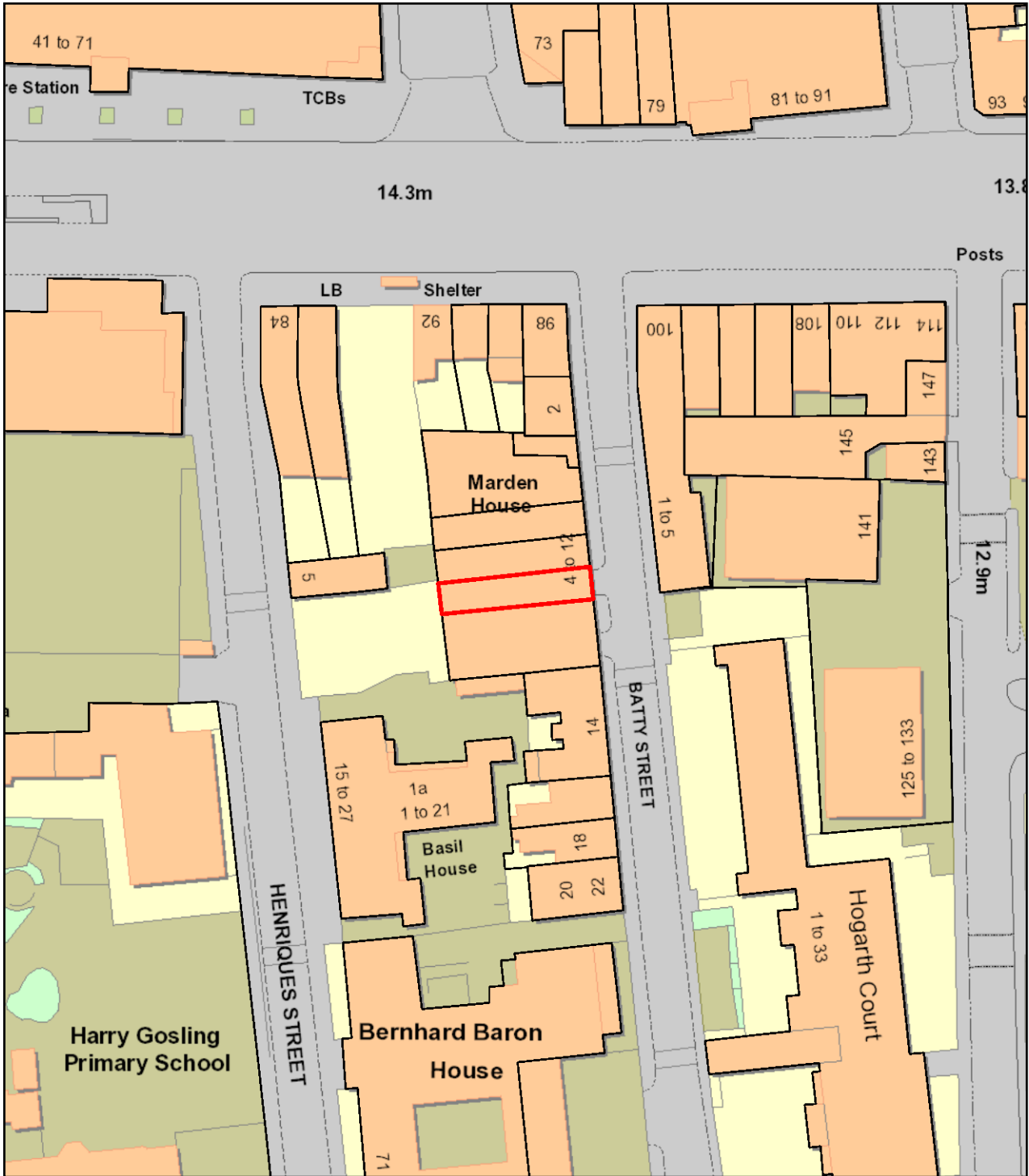
1st Class Energy Ltd  
28 Lords Meadow  
Redbourn  
Herts  
AL3 7BX  
Drawn: Glen Baynes  
T: 01582 793525  
info@1stclassenergy.com  
www.1stclassenergy.co.uk  
© 1st Class Energy Ltd

**Legend**

- 4-12 Batty Street LONDON E1 1RH  
Land Registry Title No. AG1297939
- Demise of leased property 12 Batty Street

Scale 1:200 when printed at A3. Correct parameters must be set when printing.

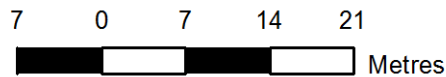
# Appendix 3



## 12 batty Street



Scale 1:769



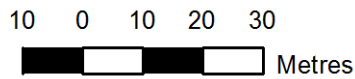
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# 12 batty Street



Scale 1:1537



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# Appendix 4

Licensed premises within immediate vicinity 12 Batty Street

Name and address	Licensable activities and hours	Opening hours
(Mirch Masala) 111-113 Commercial Road London E1 1RD	LNR only : Monday to Sunday from 23:00hrs to 02:00hrs (the following day)	Monday to Sunday from 07:00hrs to 02:00hrs (the following day)
(Shiva One Ltd) 140 Commercial Road London E1 1NL	Alcohol only: Monday to Sunday, from 00:00 hours to 24:00 hours (24 hours)	Monday to Sunday, from 00:00 hours to 24:00 hours (24 hours)
Commercial Confectionery) 141 Commercial Road London E1 1PX	Alcohol Only: Monday to Sunday, from 09:00 hours to 02:00 hours	Monday to Sunday, from 00:00 hours to 24:00 hours
(Shiva News and Off Licence) 143 Commercial Road London E1 1PX	Alcohol only: Monday to Sunday – 7am to 2am	Unrestricted



# Appendix 5

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

Relevant, vexatious and frivolous representations

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

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

# Appendix 6

## Place Directorate Public Realm

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

Email: [REDACTED]

15<sup>th</sup> September 2017

Your reference  
My reference: LIC/102781/MA

Dear Sir/Madam,

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

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

Tel **020 7364 5498**  
Fax **020 7364 0863**  
Enquiries to **Mohshin Ali**

Email [mohshin.ali@towerhamlets.gov.uk](mailto:mohshin.ali@towerhamlets.gov.uk)

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

### Licensing Act 2003

New premises licence application: (Twisted LDN), 12 Batty Street,  
London E1 1RH

The Licensing Authority (Responsible Authority) is making a representation against the above application on the grounds of:

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

The applicant initially applied for the following:

The sale by retail of alcohol (off sales) and Provision of late night refreshment (Indoors)

- Monday to Sunday, from 08:00 hours to 02:00 hours the following day

The applicant had left Section M of the form empty (Describe the steps you intend to take to promote the four licensing objectives). Therefore, the applicant had not shown how the licensing objectives will be upheld during the late hours of operation.

The applicant then submitted another application and this time Section M was filled in and the plan of the premises has also been modified. The application seeks to increase the times as follows:

The sale by retail of alcohol (off sales) and Provision of late night refreshment (Indoors)

- Monday to Sunday, from 00:01 hours to 00:00 hours (24 hours a day)

All applications have to be considered on their own merits; however, the Council has however adopted a set of framework hours as follows:

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

The hours applied for are significantly longer than the framework hours in the Tower Hamlets licensing policy (15.8). The policy states that application to operate outside of the framework hours will be considered on their merit, with regard to:

*a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).*

*b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.*

*c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder **and** the prevention of public nuisance.*

*d) Where the premises have been previously licensed, the past operation of the premises.*

*e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.*

*f) The proximity of the premises to other licensed*

The Home Office guidance (8.33) says:

*Applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.*

If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then I ask the Committee to reject the application in full.

If the Licensing Sub-Committee is minded to grant a licence then I would ask that the hours are reduced closer to the framework hours and to include the following conditions:

1. All ordering shall be done via the website, persons ordering alcohol will be required to declare they are over 18 before an order can be placed;
2. There shall be no direct sale of alcohol or collection of alcohol from the actual premises.
3. There shall be no direct sale of hot food and hot drinks or collection of hot food and hot drinks from the actual premises.
4. A clear and legible sign at the premises stating the operating times and to indicate no provision of alcohol on premises; alcohol and any food products are solely to be sold off premises;
5. No alcohol will be sold or consumed on the premises
6. Alcohol shall only be delivered to people who have ordered it and have produced the appropriate identification to prove they are over 18 years of age.
7. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
8. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.
9. A Challenge 25 policy will be implemented. Trained delivery staff will implement the requirement to see appropriate ID for those people who appear to be under 25;
10. A refusal book will be maintained and records of any refusals to be logged. The refusals book should be available at the premises for inspection upon demand by an authorised officer;
11. No waste bins shall be put outside after 23:00hrs;
12. External doors shall be kept closed unless being used as access and egress to prevent noise;
13. No idling of delivery vehicles outside the premises;

14. Staff shall be instructed to respect the needs of local residents and leave the premises quietly when they arrive and leave after 23:00hrs;

Yours faithfully,



Mohshin Ali  
**Senior Licensing Officer**  
**(Acting as a Responsible Authority)**

**CC:** Applicant's agent: Gui Chipchase 



# Appendix 7

## Kathy Driver

---

**From:** Nicola Cadzow  
**Sent:** 12 September 2017 11:14  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** MAU REPRESENTATION 102781 - New Premise License Application - Twisted LDN 12 Batty Street London E1 1RH

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

Dear Licensing

Although a telephone conversation was undertaken with the Solicitor for the applicant on 11<sup>th</sup> September 2017 regarding the application for Premises License 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, we were unable to come to an agreement on the hours and the proposed hours are well beyond the Council's framework hours.

It must be noted that the Council's framework hours (i.e. when premises are open) are:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The applicant is proposing:

- **Licensable Activities: Late Night Refreshment, Supply of Alcohol 24 hours a day seven days a week**

**Noise Sensitive premises:** residential and commercial premises in close proximity to 12 Batty Street to include residential premises opposite 10 metres away in Batty Street, residential premises above at Marden House and at Hogarth Court 17 metres away,

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, in high spirits, and patron vehicles and delivery vehicles idling outside the premises
- The hours of operation (inclusive of proposals)

## CONCLUSION

Environmental Protection **does not** support the application for 12 Batty Street as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought. However I am will to withdraw my objection if the applicant is willing to reduce operation hours in line with the Council's Framework Hours and a noise condition is applied that No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premises is in operation.

Kind regards

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

# Appendix 8

## Kathy Driver

---

**From:** Abdullah Al-Mahmood [REDACTED]  
**Sent:** 14 September 2017 22:39  
**To:** Planning & Building LBTH; Licensing  
**Subject:** Alcohol licence compliant - Twisted LDN,12 Batty St  
**Attachments:** 20170914\_221450\_209276106454455.mp4

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

To whom it may concern

I write in relation to the Alcohol licence permission for Twisted LDN at 12 Batty St.

I am a resident at [REDACTED] for more than 20 years. Over the years we have seen our street riddled with drug dealing and youth nuisance. Now a commercial unit is planning on selling alcohol on my road and we find this quite disturbing. Hogarth Court houses 31 pensioner homes. We've all already seen how loud and noisy it gets when young boys come and drink alcohol outside our block of flats which occupies 3/4 of the road. The street is constantly running amok of drug users with drug drops occurring quite frequently in the day. Please see the attached video which was taken on the 1st of September 2017 opposite the premises of 12 Batty St demonstrating one such drug drop off.

We do not want a premise on our road now selling Alcohol. It will lead to further nuisance and trouble. People already use our communal gardens to urinate.

One of the commercial units next door to 12 Batty St held a party till 2am in June this year blasting loud music with alcohol being consumed. This lead to the residents on the road filing a complaint with the council and the police being called numerous time. People were urinating on mine and my neighbour's wall and the mess left was horrendous. Please put a stop to this as we the residents are the ones who will have to deal with the additional abuse and have our safety put at risk.

Kind Regards,

Abdullah Al-Mahmood  
[REDACTED]

# Appendix 9

Place Directorate  
Public Realm  
Licensing Section  
John Onslow House  
1, Ewart Place  
London E3 5EQ

Your ref : CLC / EHTS / Lic / 102781



**For the attention of Ms Kathy Driver  
Principal Licensing officer**

11 September 2017  
By email

Dear Ms Driver

**Premises Licence Application by Twisted LDN for No 12 Batty Street (“the premises”)**

I refer to your letter of the 22 August and I would like to set out my formal representations objecting to the grant of this premises licence application. I have lived at [REDACTED] with my family for the last five and a half years.

We think that the grant of this licence will have an adverse impact on and is relevant to at least to two of the licensing objectives, and would not be in accordance with the Council’s current Statement of Licensing Policy. It should be refused for the reasons set out in the remainder of this letter.

**1. Character of Batty Street and the local area**

- 1.1 Other than the five small ground floor retail units at the Commercial Road end and Nos 1- 5 opposite, Batty Street (like most of Whitechapel south of Commercial Road) is very largely residential in character, and many of the residents are families with young children, or are vulnerable and live in sheltered or retirement housing
- 1.2 Batty Street is approximately 125 meters long altogether, and is narrow with mostly residents’ parking along one side of the street. Generally speaking, it is not used as a cut through because there is no direct access to Cable Street and is only used by local traffic.
- 1.3 Many, if not most, of our neighbours are Bengali and the street is roughly mid-way between the East London Mosque and the mosque in Christian Street. Pedestrians seen in the street are often on their way to one or other of the mosques to attend prayers at different times of the day, frequently in family groups. The premises are next door to an Islamic shop.
- 1.4 Because of the ethnic composition of the area there are no licensed premises in any of the adjoining streets or the surrounding area, and the nearest pubs are both are over a quarter of a mile away : the Castle, at 44 Commercial Road with a 3.00 a.m. licence Fridays and

Saturdays, and the Dog and Truck at the far end of Back Church Lane, with an 11 p.m. Licence, except midnight on Fridays.

**2. Prevention of crime and disorder in vicinity**

- 2.1 Although an almost entirely residential in character, and despite being something of a "back-water", Batty Street is the venue for a considerable amount of drug-dealing and some prostitution which is all the more noticeable in a relatively short and narrow street
- 2.2 Drug dealers and their clients operate openly at all times during the day and at night. They often gather and carry on business on the forecourt belonging to one of the sheltered housing maisonettes immediately opposite the premises, or on the larger forecourts in front of the sheltered housing further down, or wait in cars parked up and down the street. They have more privacy than they would have in Commercial Road or in one of the busier side streets e.g. Christian St or Back Church Lane - which are both much busier and have far more traffic
- 2.3 Until about the beginning of 2016 a club operated from 1-5 Batty Street and had been a source of almost continuous nuisance to local residents ever since we had come to live here at the beginning of 2012. It attracted a lot of customers, and was the centre of drug taking and drug - dealing locally : the smell of cannabis was the first thing you noticed when you turned the corner from Commercial Road, and it was a common site to see customers loitering in the street or sitting in parked cars during the day, but particularly late at night and in the early hours of the morning..
- 2.4 It caused so much nuisance that police raids took place and it was only after formal warnings from the Safer Communities Team at the Council that a closure order would be obtained that the landlord was persuaded to close the premises. I attach copies of the statement dated the 17 December 2015 which I gave to Caroline Watts of the Council on the subject at her request, together with a copy of my email to her of the 5 January 2016 giving details of the drug-dealing..
- 2.5 The noise from the club customers shouting to each other in the street as they walked up and down was very noticeable from our house, as was the traffic at all hours of the night and the noise of slamming of car doors. From time to time there would be assaults, and there would be other disturbances at least once a week. It is hard to say that the area has become much safer since the club closed 18 months ago. In November 2015 a vicious assault took place on my then 17 year old son when he was a very short distance from home which left him with serious injuries and resulted in a substantial award from the Criminal Injuries Compensation Board.
- 2.6 At least the club's customers were not taking alcohol and hot food to consume in the street. Given recent history, and the absence of any outlets for the sale hot food and alcohol in the area any facility with a licence that permits the sale of alcohol and hot food late at night and in the early hours of the morning is bound to act as a magnet for more drug dealing and drunkenness, leading to increased crime of other kinds..
- 2.7. Whatever rules the applicant makes and enforces there will be nothing it will be able to do about any law-breaking outside the premises. Any conditions which attempted to place responsibility in that quarter would be futile, and not in accordance with licensing law which is that licensing conditions are not to be the primary method of controlling anti-social behaviour

**3. Prevention of public nuisance in vicinity**



- 3.1 The application states that the premises are to be the commercial outlet of the website Twistedfood.co.uk, and it intends to operate as a delivery and pick-up site business selling only food that is advertised on its website, Facebook, and YouTube channels. There will be no facilities inside the premises for customers to wait to pick up their orders
- 3.2 It can therefore be expected that many if not most of the orders late at night will be placed by mobile phone, outside the premises or nearby, and that the customers will just wait in the street outside while their food and alcoholic drinks are prepared, making the likelihood of more noise all the greater.
- 3.3 It is also acknowledged that the application is limited to off-sales and the applicant states that there will be no provision for customers to consume anything on the premises. Unfortunately, that makes it all the more likely, if not inevitable, that many customers will consume their food and alcohol in the street, with all the added noise and disturbance this is bound to cause, rather than wait until they get home in the car, or by public transport particularly late at night after the pubs / clubs close,
- 3.4 No matter how strictly the applicant enforces the manner in which customers are served and does its best to manage customer behaviour on the premises, it will be impossible for it to control or manage what they do outside the premises, or the noise they make outside just as it will be for it to prevent law-breaking
- 3.5 It may be said that the premises will cause no more noise and disturbance than an ordinary take-away food outlet, but that would be fallacious. Fast-food and take-away outlets are normally only found in already busy roads, if not high streets, they normally have seating of some kind, and there is therefore much less of a temptation to consume food in the open air. Secondly, outlets of this kind very rarely have any kind of liquor licence and it is the availability and supply of alcohol that sets this application apart and hugely increases the scope for noise and disturbance to residents of this predominantly residential street. Given the shortage of licensed outlets in the area as a whole it is very likely that the premises will become a destination venue, both for locals and visitors.
- 3.6 In addition, if customers do not arrive on foot there will be the noise of delivery mopeds, cars, and other vehicles driving up and down the street, parking, and driving off once the collections are made. The cooked food or ingredients will also have to be delivered - it is assumed that much of the food will be cooked and prepared off-site - and this will add to the amount and noise of the traffic. There will also be the noise of the repeated slamming of car doors and the revving of moped and car engines.
- 3.7 The premises can be seen edged red on the OS plan extract attached. Going north up the street there are in the same building ground floor retail outlets at Nos 4 - 10 Batty St, first floor office above, and two floors of residential apartments above that. There is a retail unit on the ground floor of No 2. Other than the building that housed the former club at No 1-5, the remainder of Batty Street is wholly residential and shown hatched blue on the plan.
- 3.8 Next door to and on the other side of the premises is a large residential building, No 14, called Priestly House, containing six apartments, owned by the Council and occupied by mostly Bengali families with young children and some very old people. We live at No 16, there is a HMO with six or seven occupants at No 18, and four flats at No 20. Then a little over 40 meters from the premises and adjoining No 20 is the very substantial residential apartment building called Bernhard Baron House. At the rear of the premises and to the south lies the equally substantial residential apartment building called Basil House.

- 3.9 The whole of the opposite side of Batty Street from the premises comprises over 30 sheltered or retirement housing units (who are either retired or vulnerable) and a mix of one or three bed apartments, managed by a housing association and called Hogarth Court. In addition to the forecourt belonging to the sheltered housing unit (no 33 Hogarth Court) (see para 2.2 above) immediately opposite the premises, there are two larger forecourts in front of other portions of Hogarth Court around 40 meters down the street, where young men and drug dealers often gather in groups of half a dozen and more, day and night
- 3.10 If the licence is granted serious nuisance and disturbance will be caused to the residents of the whole street because of all the activities that the natural use and operation of the premises will involve, and which are set out above. The forecourt immediately opposite the premises in front of the sheltered housing unit and the two larger forecourt areas would be destined to attract customers and others, as in the past, becoming the source of noise, disturbance, and crime
- 3.11 In these circumstances, whatever the hours obtained, customers are bound to leave their packaging and empty bottles and beer etc. cans in the street, on the forecourts of the sheltered housing and in the front gardens of the maisonettes forming part of Hogarth Court nearest the premises.

4, **The Council's statement of licensing policy ( November 2013)**

- 4.1 The licensing authority has a duty under section 17 of the Crime and Disorder Act 2003 to do everything it reasonably can to prevent crime and disorder (para 6.4 of the statement).
- 4.2 Para 15.6 of the licensing policy document provides that the licensing authority is concerned to ensure that extended licensing hours do not result in alcohol-related antisocial behaviour persisting into the night and the early hours of the morning.
- 4.3 Para 15.7 of the statement makes clear that the framework hours (23.30 Mondays – Thursdays, midnight Fridays and Saturdays, and 23.00 on Sundays) will not automatically be granted. Instead, the licensing authority will pay particular effect on the likely effect on the local neighbourhood of the proposed licensable activities.
- 4.4 (Para 15.8) Where a licence is applied for outside the framework hours the licensing authority will pay particular regard to the location of the premises and the general character of the area (does the area include residential or business premises likely to be adversely affected ?) and the proximity of other licensed premises and the hours of those premises.
- 4.5 Given the character of Batty Street, the surrounding area and the proposed use it is difficult to think of a less appropriate application. I am sending a copy of this letter to Caroline Watts of the Council at her request.

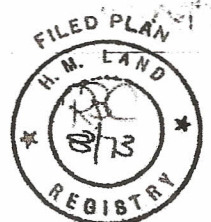
Yours sincerely



**Conor Magill**



H.M. LAND REGISTRY		TITLE NUMBER	
		LN 100402	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID
	GREATER LONDON		TQ 348I
Scale: 1/1250			SECTION
			X
			© Crown copyright 1973
BOROUGH OF TOWER HAMLETS			Old Reference LN VII 67 X





Conor Magill [redacted] >

**Batty St 21.12.152**

Caroline Watts [redacted] >  
[redacted] >

21 December 2015 at 17:45

Dear Mr Magill,

Thank you for discussing ASB issues in Batty Street with me on 17th December.  
As requested please find attached a copy of your original statement and the redacted version which will be used as an impact statement.  
If you have any queries, or wish the statement to be redacted further, please contact me on receipt of this email.

Regards

Caroline Watts  
Case Investigation Officer  
London Borough of Tower Hamlets  
Safer Communities  
[redacted]

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

From: Caroline.Watts@[redacted].uk [redacted].uk]  
Sent: 21 December 2015 16:44  
To: Caroline Watts  
Subject: Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

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WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of *Conor Magill*

Contact details [REDACTED]

Statement taken by: *Caroline Watts*  
Date & time: *17 Dec 15 16:55*

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

Signature: ..... [REDACTED] ..... Date: *17/12/2015*

1) I make this impact statement in support of action by the Metropolitan Police and London Borough of Tower Hamlets, to close a premises and prevent the use and sale of drugs in Batty Street, London E1. *ammm*

2) I wish to make this hearsay statement and understand that my name and details or anything that would identify me will be redacted or blanked out. I am afraid of harassment or reprisals, if I am identified to persons connected to a premises or drug use in Batty Street. *ammm*

*- I am aware of the cannabis location. I think its like a club. You see people ringing the bell + entering.  
It is very loud from people talking - alot of people talking at same time. There is some noise from music. The windows are usually open + there is a strong smell which I recognise as cannabis  
- There are many people coming + going do T-S Batty St  
There are people loitering in*

Batty St. People also hang around in cars.

The noise seems to be like a continuous party.

The drug use or dealing is very blatant - there is no attempt to conceal it.

We believe the drugs are connected to crime & have wondered when the police were going to do something about it.

There is sheltered housing on the street for elderly vulnerable people. It is also on the route to the mosque.

It is disruptive from 6pm onward - any day of the week but worse at weekends occurs upto early hours.

Signature .....



Date

17/12/15



Conor Magill &lt;[REDACTED]&gt;

---

**Batty St 21.12.152**

---

Conor Magill <[REDACTED]>  
To: Caroline Watts <[REDACTED]>

5 January 2016 at 16:25

Dear Ms Watts

Thank you for this.

We have a major problem with drug dealing in this street - on Christmas Eve at around 6:30 p m I went out and 15 yards from our front door and opposite the entrance to the sheltered housing opposite I saw three car loads of young Asian men openly drug dealing

Two of the cars were in the middle of the road

Whenever I have rung 101 the police have done nothing - there are no patrols in the vicinity whether during the day or at night-time and drug dealers operate without any fear of apprehension

Could you let me know what the police and the council will be doing to stop this routine law-breaking ?

Yours sincerely

Conor Magill

Sent from my iPhone

[Quoted text hidden]

> <Scanned from a Xerox Multifunction Device.pdf>

# Appendix 10





1<sup>st</sup> September 2017

REF: CLC/EHTS/LIC/102781

Twisted LDN , 12 Batty Street London E1 1RH

Dear Mr Tolley

I am writing to you in reference to the licensing application reference detailed above.

I am a resident and owner at the address above.

Having read the application I believe that I am correct in understanding that the premise has applied for a 24 hour 7 day a week license to operate a business selling food and drink (including alcohol).

I object to the application on the following grounds:

Batty Street and the surrounding streets are primarily residential streets comprising of social housing, residential homes and flats. There is in addition a school on Henriques street. The residents of Batty Street range from young children to pensioners. I do not think it appropriate to operate a 24 hour delivery and collection business in such an area for a number of reasons.

Noise – a business operating those hours and providing a delivery and collection will inevitably require the services of companies such as Deliveroo, Just Eat, Ubereats, hungry house etc. These services operate using scooters, motorcycles and bicycles. A constant flow of these vehicles in a residential street 24 hours a day will inevitably generate noise pollution disrupting the residents.

In addition I note the application makes no provision for people to enter the site which means that delivery drivers and/or customers picking up will remain on the street waiting for their orders. This is already evident at other establishments that provide delivery services where drivers wait outside for their deliveries, engines running, talking even shouting from time to time. This is not acceptable on a residential street.

Traffic – a delivery and collection service brings with it an increase in traffic and with it a risk of accident. There are a lot of children in this area. We already suffer with high powered cars driving the narrow backstreets at high speed. Scooter delivery riders , in my opinion, also ride too fast and take unnecessary risks. This is inappropriate at anytime even more so on a residential street.

Parking – Batty street parking is already at a premium and currently only restricted during the week. It is already, even with these restrictions, very difficult to find a parking space on the street. With a delivery service operating from the street this will be put under even more pressure.

Litter – Batty Street already suffers with litter from parked cars dumping refuse into the street after consuming takeaways, gas canisters etc. In addition the local businesses generate rubbish that is not always correctly bagged and blocks the pavement etc. A food delivery business will inevitably generate additional refuse and with customers picking up food from the premises this will exacerbate the problem.

We have on a number of occasions involved the safer neighbourhood team to resolve cases of antisocial behaviour and have had to deal with drug dealing on our street. I believe that the introduction of this license to Batty Street risks the good work done by the council to improve the street.

On these grounds i strongly object to the application and urge the council to reject the application for a license.

Yours Sincerely

A black rectangular redaction box covering the signature of Tim Parsons.

Tim Parsons

# Appendix 11

## Kathy Driver

---

**From:** Catherine Payne [REDACTED]  
**Sent:** 05 September 2017 22:13  
**To:** Licensing  
**Subject:** Objections to licensing application - Twisted LDN ref: CLC/EHTS/LIC/102781

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

Dear Sir/Madam,

Regarding application: CLC/EHTS/LIC/102781

I am writing to you to profess my objections to the proposed licensing application for a 24 hour take away food and alcohol premises (Twisted LDN) at the ground floor of 12 Batty Street. Having read the application, the proposition of increased foot and vehicular traffic to Batty Street is not in keeping with the residential street and granting this licence is in direct conflict with the prevention of public nuisance and disorder. There are existing issues with anti social behaviour on the street, both the Metropolitan Police and Tower Hamlets Community Safety Service have received reports of anti-social behaviour and drug use, and providing alcohol and food 24 hours a day will only exasperate this problem by increasing the volume of people who frequent the street at anti social hours. Particularly as there is no seating available at the business, patrons will spill immediately onto the street where they are likely to linger and cause a nuisance. This is also undeniably going to cause litter on the street as people will not be able to eat in the premises and therefore leave their litter at the premises, and especially over night patrons will drop litter on the street. Further, as this is a residential street the presence of delivery vehicles (such as mopeds) at all hours of the night is going to cause a significant disturbance to residents, which includes children and the elderly.

I feel there is obviously a much better site for this business, which would be away from residential properties.

Thank you for your time.

Kind regards,

Catherine Payne

[REDACTED]  
[REDACTED]  
[REDACTED]

# Appendix 12

## Kathy Driver

---

**From:** Abul Sorwar [REDACTED]  
**Sent:** 31 July 2017 14:30  
**To:** Licensing  
**Subject:** Ref: 12 Batty Street E1 1RH - Residents Against Alcohol Licence Permit

To Whom it may concern,

I am writing on behalf of the 33 residents residing at Hogarth Court (Sheltered Accommodation ) in regards to the proposed licence of the sale of alcohol at the premises of 12 Batty St E1 1RH. The residents have informed me they are against this proposal and want to express their concerns.

The residents are totally against the idea as currently there is frequent ASB issues on the street and this shop will only further increase drunken behaviour. In addition the ongoing issues are hard to tackle as elderly vulnerable residents feel very insecure and this will only promote this. The residents would like to express their opinions and the opposing of this permit is taken into consideration and hope this will not be granted.

If you would like to speak to the resident the main contact for them will be Mr Faruk Miah [REDACTED]  
[REDACTED]

Regards,

**Abul Sorwar** | [REDACTED]

[REDACTED]



[REDACTED]



# Appendix 13

## Kathy Driver

---

**From:** Sophie Wigg [REDACTED]  
**Sent:** 06 September 2017 08:44  
**To:** Licensing  
**Subject:** Dispute in proposal for 12 Batty Street E1  
**Attachments:** image1.JPG; ATT00001.txt

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

Hi

Regarding the below letter I have received regarding 12 Batty Street E1. I am disputing the proposal for Twisted LDN to operate as a delivery and pickup business. The reason for my dispute is that there will be increased noise levels and traffic on the street from Twisted LDN's transport vehicles and customers collecting their food, on our quiet residential street, 24 hours a day, 7 days a week.

Having lived on Batty Street for 2 years, it is a quiet residential street with young professionals, families with young children and the elderly occupying it. From knowledge of having the odd take-away delivered to the house, usually by mopeds who are extremely noisy, this suggests to me that as Twisted LDN will be delivering, the noise levels are going to increase, especially if mopeds are used, which are the main method of food delivery transportation and are also noisier than most cars. This will also increase the amount of traffic along the street again increasing noise levels at all times of the day and night. It may also attract groups of delivery drivers who huddle outside their pick up points, which I have noticed on the main roads, again increasing noise levels through talking, laughing etc. Given that the proposal is for delivery/collection 24/7, 7 days a week and the noise and traffic implications, this will have a huge effect on those residents that live only a few doors away (myself) and importantly our sleep.

If Batty Street was a Main Street (for example Commercial Road) then I would understand this proposal. Given that Batty Street is a quiet residential street it is ludicrous that they want to operate these services on it, which will have a negative impact on residents lives.

Please acknowledge receipt of this email.

Many thanks  
Sophie Wigg



## Kathy Driver

---

**From:** Sophie Wigg [REDACTED]  
**Sent:** 07 September 2017 12:26  
**To:** Kathy Driver  
**Subject:** Re: 12 Batty Street

Hi Kathy,

Thank you for your reply. I am a resident of [REDACTED]. Please do remove all of my personal details from all web pages.

Many thanks  
Sophie Wigg

On 7 Sep 2017, at 11:56 am, Kathy Driver <[Kathy.Driver@towerhamlets.gov.uk](mailto:Kathy.Driver@towerhamlets.gov.uk)> wrote:

Thank you for your email, I write to acknowledge your representation to the above application. However I must advise in order to accept your representation you must provide details of your address. Any documents that are placed on the web pages will have your personal contact details redacted, however I must point out that the applicants are entitled to see your full unredacted representation.

*Kathy Driver*  
*Principal Licensing Officer*

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

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

**Tel: 020 7364 5171**  
**Fax: 020 7364 0863**  
**Hotline: 0207 364 5008**

# Appendix 14

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

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

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

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

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

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

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 15

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

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

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

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

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

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

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

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

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

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

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



# Appendix 16

## Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

# Appendix 17

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Police Powers

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

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

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

# Appendix 18

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

### General Advice

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

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

### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate (in relation to the behaviour of patrons who have left the premises) but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” **(See Section 4.10 and 4.11 of the Licensing Policy).**

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Sections 5.2 of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).** In particular Members may wish to consider (this list is not exhaustive):

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

### Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 6 of the Licensing Policy).**

### Police Powers



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

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

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

### Other Legislation

#### Crime and Disorder Act 1998

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

#### Anti-Social Behaviour Act 2003

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

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

# Appendix 19

## **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 20

### **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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