

LICENSING SUB COMMITTEE

Tuesday, 5 June 2018 at 5.30 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:

Simmi Yesmin, Senior Democratic Services Officer
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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 - 54)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 20th March, 4th April, 11th April & 24th April 2018.

4. ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1 Application for a New Premises Licence for Yumcha 137 Brick Lane, London E1 6SB	55 - 128	Weavers

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

4 .2 Application for a New Premises Licence for Chao Zhang, 62 Wentworth Street, London E1 7AL	129 - 186	Spitalfields & Banglatown
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Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

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

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

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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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 20 MARCH 2018

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

Members Present:

Councillor Candida Ronald (Chair)

Councillor Khaled Uddin Ahmed (Member)

Councillor Md. Maium Miah (Member)

Officers Present:

Mohshin Ali	Senior Licensing Officer
PC Mark Perry	Metropolitan Police
PC Thomas Ratican	Metropolitan Police
David Wong	Legal Services

Farhana Zia	Senior Committee Officer
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1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. ITEMS FOR CONSIDERATION

**3.1 Application to Review the Premises Licence for Paradise Cottage, 477
Bethnal Green Road, London, E2 9QH**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report detailing the application for review of the premises known as Paradise Cottage, 477 Bethnal Green Road, London E2 9QH. Mr Ali stated the review was instigated by one of the responsible Authorities, the Metropolitan Police and was supported by the Council's Environmental Noise Protection Team.

He referred Members to supporting evidence appended at Appendix 1 and stated that the premise licence at appendix 2, appeared a bit messy as it was

a converted licence from the 1964 Licensing Act, under grandfather rights in 2005.

Mr Ali stated the current Designated Premises Supervisor (DPS) had been appointed in November 2017 and Appendix 9 listed the visits of the Environmental Noise Protection Team.

The Applicant, PC Mark Perry was invited by the Sub-Committee to present his case and explain why a review of the licence was sought. PC Perry said the report at Pages 31 to 36, documented the grave nature of the incident which took place on the 28th October 2017. He said it was a shocking and disturbing incident and whilst the Premises Licence Holder denies knowledge of the party and the potential risk to under aged girls, it is clear the licence holder, the lessee and the designated premises supervisor, allowed the premises to be used for this type of parties.

Prior to October, the Metropolitan Police did not have any concerns regarding the premises, which is a takeaway Kebab shop and restaurant. The premises came to the attention of the Tower Hamlets Police Licensing Team when the MET's Sexual Exploitation Team contacted them. An undercover surveillance operation was undertaken to gather evidence as there was a real risk to under aged girls, who potentially could have been plied with drugs and alcohol before older males had sexual intercourse with them. This was averted due to the operation undertaken by the Police.

PC Mark Perry referred to Page 41 and the poster which appeared in the window of the premises, advertising a Halloween party designed to attract a young crowd. The premises are not a nightclub yet the poster asks party goers to dress "Smart and Sexy". PC Perry said the Child Sexual Exploitation Team and himself spoke to the Mr Erkan Dogan and Mr Haci Mustafa Unlu and explained they could not sell alcohol past midnight and that they needed a DPS in place for licensable activity. PC Perry said they were careful not to give too much away, as they did not want the planned party to be moved to another venue.

PC Perry said the when he was at the venue a temporary wall to separate the counter of the premises from the area where the party was going to take place was being erected. PC Perry stated he was concerned about this structure as it could easily fall and collapse and was a fire hazard.

The Premises Licence Holder, Ms Sibel Dogan did not make contact with the Responsible Authorities to obtain a Temporary Events Notice (TEN) or have a clue about how to run her premises. It is clear from the evidence presented on page 59, they continued to ignore the advice given to them and held other parties, which they claim were private parties that resulted in noise complaints to the Environmental Noise Protection Team. What is alarming is the entry for 27th November which states "Officers also smelt cannabis emanating from the venue".

These premises are operating and behaving like a club and held a party where potentially under aged girls could have come to harm. It is for this

reason that the Metropolitan Police believe the premises Management and the licence holder cannot be trusted, in particular to holding a late night refreshment licence and licence for the sale of alcohol. Throughout this time, the Premises Licence Holder did not make contact with the Police and continued to hold parties regardless of the warnings issued.

In the circumstances the Police are seeking the revocation of the licence. However, should the Sub-Committee be minded to allow the objectors to continue operating, it should place conditions that they should install CCTV and keep an incident log book.

Mr Michael Dunn, representing the Environmental Noise Protection Team added that they had visited on five different occasions, albeit the second and third incidents mentioned in the police application for review were on the same night. However warning letters issued to the proprietors were ignored.

After the submissions of the applicant, the objector's Counsel, Mr Steven Woolf representing the Premises Licence Holder, Ms Sibel Dogan, Mr Erkan Dogan – the lessee and Mr Mustafa Unlu was invited to present his clients response to the evidence put forward by the Police.

Mr Woolf stated that this was a somewhat difficult objection to make but his clients wholly condemn the heinous allegations detailed in the Police officer's report. With respect to the Officer, the sole evidence provided cannot substantiate that child sexual exploitation was taking place. The poster on page 41 makes a somewhat nebulous reference to "sexy" and this is just an innocent reference. Nothing suggests Child sexual exploitation of children was the intention of the party and no children under the age of 18 were at the premises.

Mr Woolf said he would have sympathy with the Officer if there was evidence to support the assertion that an "Ugg party" was taking place and officers from the Child Exploitation team were present for the hearing. Fundamentally the way in which the review had been bought was on circumstantial suspicion as there was no UGG party taking place at the premises.

Mr Woolf said it was important to have realism here. The Licence for the premises had been in place for many years and the Police were attempting to revoke this on the basis of this alleged party. On the balance of probability, this argument is flawed because the licensing objectives had not been broken. The event on the 28th October did not take place. Mr Woolf continued stating that he could not ignore the fair observation made on page 32 that the DPS was not in place. However there was confusion in relation to the DPS and this was rectified on the 3rd November 2017 when the DPS was changed.

Mr Woolf continued stating the current premises licence allowed for private parties and the incidents referred to on page 59, with points 2 and 3 being one incident and the one on the 2nd December gives the impression that the party continued into the small hours. However that was certainly not the case.

Mr Woolf invited Members to consider the events in isolation and the long history of the premises which are a family run restaurant business that has been in the family for more than 30 years. He said his clients are better informed and now know that private parties at the venue must be managed better and entry and egress strictly adhered to, in order to ensure noise did not escape outside.

Mr Woolf said the Environmental Health Officers comment of the smell of cannabis is extremely difficult to substantiate and answer. There was no clear evidence of drugs being smoked on the premises. There was no evidence that the Premises Licence Holder had committed any offences relating to drugs. The Premises Licence Holder does not condone the selling and use of drugs and will do what is required to prevent this, but it is not her responsibility if people decide to smoke cannabis or other drugs.

In relation to the licensing objectives listed on page 30, it is clear the alleged breach of objective 1 – the prevention of crime and disorder is based on circumstantial evidence as no evidence to support the Police's assertion was found.

With regard to objectives 2 and 3, public safety and the prevention of public nuisance, there are isolated incidents from which the Premises Licence Holder has learnt a very valuable lesson. Turning to objective 4, the protection of children from harm, again it is clear this is based on circumstantial evidence and cannot be substantiated through the evidence presented. Therefore the application to revoke the premises licence should be dismissed.

The incidents referred to are from last year and there have been no further incidents for nearly three months. The DPS is now in place and the Premises Licence Holder has vowed to uphold the licensing objectives and operate the premises as a kebab takeaway and restaurant with no private parties to be held on the premises. The threat to the premises licence has been a wake up call.

No communication has taken place between the Premises Licence Holder and the responsible authorities is because there has been no repeat of noise complaints against the premises. On page 36, the application for review suggests the hours be reduced to the framework hours of the premises licence is not to be revoked. However this would not be convenient to the business. CCTV is already in place and an incident record book will be provided on request to the responsible authorities.

Mr Woolf stated that if the Sub-Committee was of the view that the Premises Licence Holder was actively participating in the type of parties described, there is no evidence to support this allegation and it is a weak assertion to make.

Members of the Sub-Committee asked the following questions:

- The Police were asked , with reference to Page 31, paragraph 1, was there concrete evidence that the party was an UGG party?

It is a very difficult area but on the intelligence the CSE team had, a decision was made to undertake surveillance with the ultimate goal of protection young children from harm. The witness statement of Sergeant Penney, last sentence states that "without intervention there was a real and serious risk."

The poster was designed to attract a young crowd and 20 year old males were stood outside the venue at the start of the party. The Police strongly believe that the party was about to happen and young girls were in danger. The Members should ask themselves, why would people go to a Kebab shop for a Halloween party? It is the opinion of the Sergeant and Inspector that the way in which the party was run was not sound and children were at risk of harm.

The management claim they had no idea of the nature of the party and take no responsibility for the smoking of cannabis. However in any event they are not a club and cannot operate as one.

- The Objector was asked if she agreed that she should have applied for a TEN when holding parties?
Yes, with hindsight that would have been a good idea but you must draw a distinction between a 'crowd' for which a TEN is required and a private party. The parties referred to on page 59 were private parties as opposed to the Halloween party, for which a TEN should have been applied for.
- The objector was asked what had the business done to address the Police allegations?
No action is required to address the allegations as the alleged incidents are in the past and the Premises Licence Holder as decided not to stage any parties or similar events in future and to operate only as a restaurant.
- It was pointed out to the objector that this did not answer the question. As a responsible business owner the Premises Licence Holder had duties and responsibilities to uphold and these are serious allegations. *The Premises Licence Holder acknowledges these are serious incidents and is conscious the business cannot be used as a club when in fact it is a restaurant. Therefore Ms Dogan has made a business decision that the holding of parties and similar events at the premises will end and the responsible authorities will not hear of any further complaint against the premises. Mr Unlu has been appointed as the DPS and Ms Dogan has no desire to find herself on the wrong side of the Police or Environmental Health.*
- The objector was asked to clarify the management structure of the business?
Ms Sibel Dogan is the Premises Licence Holder. Mr Erkan Dogan – her brother is the lessee and is responsible for the day to day running of the business and Mr Unlu is the DPS.

- The objector was asked to describe the layout of the premises?
The premises are on Bethnal Green Road and the entrance to the shop is from the street. As you enter, the counter is on the right and beyond that is the bar. The premise's opens out to the seating area and there is a family section for those customers who require privacy. Beyond that, there is a small room and then a small area that leads to the kitchen. There is an exit to the side street.
- The objector was asked what is the capacity of the premises?
50 people maximum, 30 for the seating area.
- The objector was asked when holding private parties, how many people are permitted?
A maximum of 25 people.
- The objector was referred to the poster advertising the Halloween Party. A copy of which accompanied the application for review. The poster stated that the party was between 9:00 p.m. and 4:00 a.m. The objector was asked who was to manage this party?
The premises were hired out to a promoter who said no more than 30 people were to attend.
- The objector was asked in relation to the private parties, who from the management team was present?
The DPS was present at all times.
- The objector was asked what type of risk assessment was undertaken in relation to such events?
The premises is compliant with health and safety and we have evacuation procedures in place. Smoke and Carbon Monoxide detectors are in place.
- It was pointed out to the objector that there had been a history of noise nuisance. What steps have been taken to address this?
There will be a complete stop to parties. The main speakers will be removed to reduce the noise level and the business will operate as a restaurant only.
- The Police were asked if there had been further complaints against this business?
No further complaints since the 2nd and 3rd December 2017 incidents have been reported or recorded.

Mr Wong asked Mr Woolf to clarify the following point for the Sub-Committee:

Mr Woolf had stated that there was no clear evidence of matters mentioned in the application for review, and what evidence did Mr Woolf consider should have substantiated what was alleged? Mr Woolf clarified that by lack of clear evidence, he meant evidence was hearsay. Mr Wong asked if Mr Woolf was aware that hearsay evidence is not debarred from Licensing Sub-Committee

hearings. Mr Woolf said he was, but it was a matter of who much weight was put on matters where there was no clear evidence. Mr Woolf said that the reference to cannabis was based on hearsay as there is no clear evidence that it was drugs the Officer had smelt, and Ms Cadzow who was the author of the email setting out such things was not present to be questioned on this.

Both the Applicant and the Objector were given an opportunity to sum up their arguments before the Members adjourned at 8:55 p.m. to deliberate and reconvened at 9:35 p.m.

The Licensing Objectives

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

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

Consideration

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

The Sub-Committee were concerned about the lack of understanding of the Licencing Objectives by the Premises Licence Holder and her associates.

The Sub-Committee were concerned about the serious allegations made and that no attempt had been made by the Objector to talk to the Responsible Licensing Authorities, namely the Police, Environmental Noise Protection Team and the Council's Licensing Team.

The Sub-Committee were concerned that a premise's had planned to hold an event without a licence and were concerned about the pattern of incidence of noise nuisance.

The Sub-Committee noted that the Objector failed to offer any conditions to give the Sub-Committee confidence that the Premises Licence Holder will uphold the licensing objectives.

Therefore, in view of the above the Sub-Committee were not satisfied that the Objectors had successfully demonstrated that she had rebutted the

presumption against the review of the licence and the Responsible Authorities' application for the revocation of the premises licence.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application to review the licence of the premises at Paradise Cottage, 477 Bethnal Green Road, London E2 9QH be **REVOKED** to **EXCLUDE** from the scope of the licence.

- The sale by retail of alcohol; and
- The provision of regulated entertainment (recorded music only)

3.2 Application for a variation of a premises licence for (Museum Service Station), 319 - 337 Cambridge Heath Road, London E2 9LH

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report detailing the application for Museum Service Station, 319-337 Cambridge Heath Road, London E2 9LH. It was noted that objections had been received from the Metropolitan Police.

Mr Ali stated the Applicant was seeking to extend the hours of opening as well as the time for the sale of Alcohol. He referred Members to points 2.4 and 2.7 of the report which summarised the application and Appendix 1 and 2, which showed the existing licence and the application to vary.

Mr Chris Mitchener, the Applicant's representative addressed the Sub-Committee and stated his client was seeking a variation in line with operating a 24 hour premises. He said the location of the premises was on a busy arterial road with various businesses, shops and restaurants and if a radius line was to be drawn on a map, the catchment of the petrol station would be halved due to its location and the railway line. He referred Members to pages 131 and 133 and said whilst he understood the concerns of the Police, no other responsible authority was objecting to the application nor indeed were any members of the public.

Mr Mitchener stated the Police UK website, which shows crime statistics for the UK, showed there had been a 10% decrease from last year's figures and a 7.5% drop from the previous year, in the catchment area of the petrol station, for anti-social behaviour.

He said his clients Sectorsure No 10 Ltd, had acquired the site in December 2017 and operating Petrol Stations was a normal part of their business. He said no crime and disorder incidents or public nuisance issues had occurred, other than one incident relating to the theft of oil on the premises.

In respect of the drug and alcohol rehabilitation centre located at Edward Gibbons House, Mr Mitchener stated whilst it was right for care to be provided

in the community, the location of the petrol station was not detrimental to the care and welfare of those with substance abuse issues. He said people needed to abide by the rules and the issue should be policed with consent. He said his client was willing to work with the Provider and Commissioner of Edward Gibbon House to refuse alcohol to known addicts.

Mr Mitchener referred to the Council Licensing Policy and case law of *Thwaites –v- Wirral Borough Magistrates Court (2008)* and quoted “drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act.” and “in some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the Police.”

Mr Mitchener said he had been liaising with the Police and had agreed conditions, should the Sub-Committee be minded to grant the application. Mr Mitchener went further and said in spite of the lack of evidence that the Petrol Station will become a hub for crime and disorder, his client was also prepared to offer up a condition to close between 2:00 a.m. and 6:00 a.m. for the sale of alcohol. He continued that a nightclub which was located 300 metres away was open until 4:00 a.m. and licensed to sell alcohol. His client was a small retailer of Petrol Stations and the sale of alcohol would be undertaken responsibly. Staff had been trained on the sale of alcohol and had undertaken a written test. Field Managers would monitor progress of the Petrol Station and would provide a written audit on the status of the Petrol Station to his client, Sectorsure No 10 Ltd.

The objector, PC Mark Perry presented the concerns of the Metropolitan Police and said the Applicants were a reputable company. However the location of the Petrol Station meant it was in a crime hotspot. It was close to Cambridge Heath Road railway station, where a considerable number of street drinkers congregate. PC Perry referred Members to page 126 of the agenda and the list of other licensed premises in the area. He said the majority of licensees’ closed by midnight and if the Petrol Station was granted a 24 hour licence, the concern was it would become a magnet to those addicted to alcohol.

He drew attention to PC Hanlon’s statement on page 132 and referred Members to the third paragraph from the bottom of the page quoting “Residents raised concerns regarding the Anti-social behaviour in this location. We have regular calls from repeat callers who inform us that the issues are daily after 17:00 hours.” As the Neighbourhood Police Officer, PC Hanlon’s local knowledge does carry weight and any 24-hour business selling alcohol will attract street drinkers, who sometimes beg aggressively at the railway station and on the street, and as such the Metropolitan Police think that granting the application is a risk too far.

This concern was also shared by the Council’s Adult Social Care Directorate, in their letter on page 133, as any 24 hour sale of alcohol will have a harmful and negative impact on the people they are trying to help. PC Perry referred to the conditions provisionally agreed with the Applicant should the Sub-Committee be minded to grant the application. However in the first instance

the Police were objecting to the application on the evidence before the Sub-Committee.

Members of the Sub-Committee asked the following questions:

- The Police were asked why the sale of alcohol after 5:00 p.m. would exacerbate anti-social behaviour.
Street drinkers need ready access to alcohol, so whereas the other premises close by midnight, in this instance they will seek the Petrol Station for their need, if it is allowed to sell alcohol 24 hours.
- The Applicant was asked what sort of Late Night Refreshments are to be sold?
It is mainly hot drinks – tea/coffee and a little food.
- The Applicant was asked why they need to sell alcohol for 24 hours.
There is a demand for it, and it could be people travelling through the area. People are entitled to purchase it.
- The Police were asked whether there was evidence that the Petrol Station is contributing to Anti-social behaviour?
Not at present, but if it is granted a 24 hours licence it will become a magnet for street drinkers.
- The Police were asked where were the nearest premises that operate 24 hours.
Shops in Cambridge Heath Road and Bethnal Green are open until 11:00 p.m. or midnight, e.g. Offee & Toffee and then there are nightclubs – Metropolis and Redon. No other premises' is open for 24 hours in the vicinity.
- The Police were asked whether there are any off-licences close to Edward Gibbon House and where do the drinkers go now?
The hostel closes at 2:00 a.m. Drinkers will go to the nearest premises to purchase alcohol but because most businesses close by 11:00 p.m. the drinkers access to alcohol is limited.
- The Applicant was asked how many members of staff are on duty late at night.
Usually one member Mon to Wed; possibly two on busier nights Thurs to Sun.
- The Applicant was asked how do customers access the kiosk when they want to purchase petrol or alcohol.
The door is locked at 11:00 p.m. and thereafter any customer is allowed in, on the discretion of the Cashier. This is normal practice for most Petrol Stations. The Cashier will make a judgement call as to whether a customer should be allowed in taking into account considerations such as if the Cashier knows the person.

Both the Applicant and the Objector were given an opportunity to sum up their arguments before the Members adjourned the meeting at 7:20 p.m. to deliberate and reconvened at 7:45 p.m.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation from both the applicant and his representative and the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm and public safety.

The Sub-Committee noted that currently there appears to be no anti-social behaviour associated with the Museum Service Station. However the proposed opening hours are significantly longer than other premises for off-sales in the area. If the application were to be granted as it stands, it would be the only licenced premises in the vicinity open for 24 hours, so there is a risk that anti-social behaviour shifts to this location.

The Sub-Committee felt the extended hours, on the balance of probability, despite the negotiated conditions offered by the applicant in discussions with the Police, would not prevent public nuisance and crime and disorder.

The Sub-Committee were concerned about the safety of staff who would be working alone in the late hours and could be put at risk.

Therefore the Sub-Committee were not satisfied that the Applicant had successfully demonstrated that they had rebutted the presumption against granting a variation of premises licence for the premises situated at 319-337 Cambridge Heath Road or that it would not undermine any of the four licensing objectives.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for the variation of the premises licence for Museum Service Station, 319-337 Cambridge Heath Road, London E2 9LH be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub-Committee Members agreed to extended the deadlines for the following applications to a date to be fixed:

- Alchemist, Unit 10 Crispin Street, London E1 6HQ
- Bean & Wheat, 13 Artillery passage, London E1 7LJ
- Travelodge, London City, 20 Middlesex Street, London E1
- Food & Wine, Mini Market, Unit 13, 71 Ben Johnson Road, London E1 4SA
- Super Kebab, 240 Cambridge Heath Road, London E2 9DA

The meeting ended at 9.42 p.m.

Chair,
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON WEDNESDAY, 4 APRIL 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor Shah Alam (Member)

Councillor Andrew Cregan (Member)

Officers Present:

Corinne Holland

Licensing Officer

Vivienne Walker

Senior Prosecution Lawyer

Farhana Zia

Senior Committee Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. ITEMS FOR CONSIDERATION**3.1 Licensing Act 2003 Application for a Premises Licence for Di-Stefano
Coffee Shop, 28 Hackney Road, London E2 7PA**

This application was withdrawn by the applicant.

**3.2 Application for a Premises Licence for Travelodge London City, 20
Middlesex Street, London E1 7EX**

At the request of the Chair, Ms Corinne Holland Licensing Officer, introduced the report detailing the application for a new premises licence for Travelodge London City, 20 Middlesex Street, London E1 7EX. Ms Holland stated the licence was for the sale of alcohol and late night refreshment for the ground floor café-bar /lounge area of the hotel.

She referred Members to appendices 1, 2 and 3 which detailed the application, the site plan and maps of the vicinity. Objections to the application were appended at appendix 6 and 7, pages 181 and 183. The applicants were seeking a 24 hour licence. Discussions had taken place between the Applicant and the Objectors and further conditions were being offered.

The Applicants representative, Mr Andrew Woods was invited by the Sub-Committee to put forward his case for granting a new licence. Mr Woods explained Travelodge was a well-known brand of hotels and was seeking a licence for a new hotel at the location of 20 Middlesex Street. He said this was a flagship hotel with eight floors, which was due to open in June 2018. The licence was sought for the ground floor café/bar area and was not dissimilar to the layout of other hotels. The lounge area would provide 200 covers but was not designed for entertainment such as television watching or music. It was designed to allow guests to relax and converse and enjoy a drink. As the lounge area was considered to be separate to the bedrooms on the upper levels, the sale of alcohol would be considered as an 'off sale' with the intention guests would be able to take drinks up to their bedrooms. In discussion with the Objector Mr Woods said his clients had made clear that they would not be allowing off sales from the building itself. Mr Woods stated his clients would be willing to accept a condition of no off sales from the hotel building.

Mr Woods continued stating the hotel was a £27m development and would employ 120 members of staff. It was normal procedure to lock the access to the hotel from 11:00 p.m. with guests only gaining access via a key card. This ensured only guests and their bona-fide visitors had access to the building. The hotel would be fully compliant with other standard conditions such as having CCTV and the supplemental agenda provided Members with detail of the type and nature of training undertaken by staff members. Travelodge is an experienced provider of hotels in London and there are no concerns of crime and disorder or public nuisance emanating from hotels managed and run by the company.

The Objector Mr Shaprio was asked to address the Sub-Committee with his objection. Mr Shaprio stated that whilst there was no doubt the company - Travelodge was a reputable operator, his concern related to the saturation of the Brick Lane area. As a member of the Brick Lane ward panel, he regularly witnessed the consequences of alcohol and the resultant public nuisance and crime and disorder. He said his concern that anyone from the street could come and purchase drinks had been satisfied by the Applicant, however it would be preferable if the hotel limited access to the premises from 10:00 p.m. rather than 11:00 p.m. for its guests.

Members of the Sub-Committee asked the following questions:

- To the Licensing Officer, - Is the premises in the Cumulative Impact Zone?

If you refer to the map on page 191, the hotel is on the border of the CIZ – right on the corner. If it were on the other side of the road it would not fall into the CIZ.

- To the Legal Officer, would it be possible to monitor people taking drinks outside of the hotel?
It would be difficult to police. Mr Woods has offered a condition not to sell to non-residents of the hotel.

Mr Woods further added that from experience the hotel lounge area usually empties by 12:00 a.m. – 1:00 a.m. and guests retire to their rooms. Guests could order drinks after this time but the lounge area would have to be cleared by 5:00 a.m. for breakfast to be served.

- To the applicant, what is the house price for wine and beer?
A glass of house wine about £6:00, a bottle significantly more £10:00 plus and draught beer £5:00 and above.
- To the applicant, can you clarify how many bedrooms there will be in the hotel and the maximum capacity of guests?
The hotel has 395 bedrooms spread over the eight floors and maximum guests sleeping at the hotel would be 800.
- To the applicant, is the hotel fully compliant with health and safety procedures and are staff trained in the sale of alcohol.
Yes Travelodge have a comprehensive training programme for its staff and this is documented in the supplement agenda provided. Staff members are trained in relation to the sale of alcohol.

Both the Applicant and the Objector were given an opportunity to sum up their arguments, to which both agreed they would be repeating themselves.

As such the Members adjourned at 6:53 p.m. to deliberate and reconvened at 7:07 p.m.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation from both the applicant and the objectors with particular regard to all four licensing objectives namely, the prevention of

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

In considering the application the Sub-Committee felt the Applicant's request for a new licence did not infringe the licensing objectives outlined above and the condition offered up of no 'off-sale' to non-residents of the hotel was an admirable gesture and condition.

The Sub-Committee were not satisfied the Objector had successfully demonstrated that the sale of alcohol would lead to crime and disorder or public nuisance.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a new licence for Travelodge, London City, 20 Middlesex Street, London E1 7EX be **GRANTED** subject to the conditions specified in points 7.1 to 8.1 (pages 148-149) as agreed:

- 7.1 A colour digital CCTV system will be installed and maintained to the satisfaction of the Police and Licensing Authority. Recordings from the installed CCTV are to be kept for 31 days, these recordings shall be immediately available for inspection and viewing on the premises by Police and/or licensing Authority officers on request.
- 7.2 Hard copy recordings of CCTV footage in a playable format must be provided to Police and/or Licensing Authority Officers within 48 hours of their request.
- 7.3 The premises must ensure the CCTV system is operating and recording 24 hours every day (save for the purpose of maintenance).
- 7.4. The licence holder will ensure all members of staff are trained in the requirements of the Licensing Act and other relevant legislation.
- 7.5. Between the hours of 23:00 and 10:00 hours the sale of alcohol will be restricted to hotel residents and bona fide guests of hotel residents.
- 7.6 After 23:00 hours access to the hotel is restricted to residents with key card.
- 7.7 Notices shall be prominently displayed near all exits from the premises asking patrons to leave quietly with consideration for neighbours.
- 7.8 The emptying of bottles into outside bins will be restricted to the hours of 08:00 hours and 22:30 hours.
- 7.9 Persons under 16 years of age will be accompanied by an adult in the area where licensable activities take place.

8.1 A Challenge 25 proof of age scheme will 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.

In addition to the conditions stated above:

- There shall be no sales to non-residents after 23:00 hours to 10:00 hours the following day.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications which required decision deadline extensions.

The meeting ended at 7.09 p.m.

Chair,
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON WEDNESDAY, 11 APRIL 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Rajib Ahmed

Councillor Suluk Ahmed

Officers Present:

Kathy Driver

– (Principal Licensing Officer)

David Wong

– (Legal Services)

Simmi Yesmin

– (Senior Committee Officer, Democratic Services)

Representing applicants

Minray Kaplan

Item Number

4.1

Role

(Legal Representative)

Erdal Pinar

4.1

(Applicant)

Duncan Craig

4.2

(Legal Representative)

Niyazi Kaya

4.2

(Applicant)

Representing objectors

Margaret Fisher

Item Number

4.1

Role

(Resident)

Zakaria Hussain

4.1

(Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 6th February, 26th February and 6th March 2018 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Food & Wine Mini Market, Unit 13, 71 Ben Johnson Road, London E1 4SA

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Food & Wine Mini Market, Unit 13, 71 Ben Johnson Road, London E1 4SA. It was noted that objections had been received from local residents and a local resident association.

At the request of the Chair Ms Miray Kaplan, Legal Representative on behalf of Mr Erdal Pinar, Applicant, read through his witness statement during which a variation to the application was made to reduce the hours for sale of alcohol to 7am to 11pm. It was noted that there had been no representation from the police or any other Responsible Authorities.

She explained that as result of the objections made the applicant was now reducing the hours for sale of alcohol, agreeing to add conditions to operate the Challenge 25 policy, install CCTV cameras, regularly train staff and work with the Responsible Authorities to promote the licensing objectives.

Members then heard from Ms Margaret Fisher and Mr Zakaria Hussain, local residents who expressed similar concerns over the excessive hours applied for, the likely increase of anti-social behaviour to what was already being experienced in the area. That the premises were situated in a densely populated residential area with no other commercial venues in the direct vicinity and therefore they were of the view that a late night premises licence selling alcohol would attract others to the area late at night who could potentially cause public nuisance.

In response to questions from Members the following was noted;

- That the applicant had further varied the hours on the application for the sale of alcohol to 11am-11pm to help address the concerns of local residents.
- Agreed to not sell plastic cups at the premises
- Concerns that groups of people would be congregating outside the premises causing public nuisance.
- It was confirmed that processes such as enforcement checks, test purchases and reviewing of a licence were in place to check if

operating hours and conditions on a premises licence were being adhered to.

Ms Kaplan highlighted the revised sale of alcohol hours applied for - 11am to 11pm and the opening hours applied for - 7am to 12 midnight. She stated that they would work with responsible authorities to promote the licensing objectives and would accept all the conditions discussed at the meeting.

The objectors stated that they would hope that the hours would be strictly adhered to and that they would be monitoring this.

Members adjourned the meeting at 2.45pm for deliberations and reconvened at 2.55pm.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations made on behalf of the Applicant by his Representative and the objectors present at the meeting.

Members recognised that the area was a residential area and therefore accepted that a late licence could cause potential public nuisance for residents. However Members also welcomed the efforts made by the Applicant to reduce the hours for the sale of alcohol and conditions offered to help address the concerns of local residents by not selling plastic cups, operating the Challenge 25 Policy, installing CCTV cameras, and displaying notices around the premises requesting customers to respect the needs of local residents and to leave the area quietly.

Members believed that the reduction in hours for the sale of alcohol from 07:00 hrs - 00:00 hrs (midnight) (what was applied for) to 11:00hrs - 23:00hrs and having shutters/covers over the alcohol display during the non-sale of alcohol hours would help alleviate the concerns of anti-social behaviour in the area and help promote the licensing objectives

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objective and prevent public nuisance and crime and disorder.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Food & Wine Mini Market, Unit 13, 71 Ben Johnson Road, London E1 4SA be **GRANTED with conditions**.

Sale of Alcohol (off sales)

Monday to Sunday from 11:00 hours to 23:00 hours

Hours premises is open to the public

Monday to Sunday from 07:00 hours to 00:00 hours (midnight)

Conditions

1. No sale of plastic cups.
2. The premises licence holder shall ensure that all staff whose responsibilities include the retail sale of alcohol shall receive training. This training shall be recorded and the records are to be made available on request by the Police or any authorised officer.
3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer at all times whilst the premises are open.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. The premises shall install and maintain a comprehensive CCTV system. The CCTV system shall continually record whilst the premises are open 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 upon request of Police or authorised officer throughout the preceding 31-day period (subject to data protection legislation).

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police Officer or an Authorised Council Officer recent data or footage with the absolute minimum of delay when requested.
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card, such as a driving licence, passport or proof of age card with the PASS hologram.

4.2 Application for a Variation of a Premises Licence for Super Kebab, 240 Cambridge Heath Road, London, E2 9DA

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a variation for Super Kebab, 240 Cambridge Heath Road, London E2 9DA. It was noted that an objection had been received from a local resident.

At the request of the Chair, Mr Duncan Craig, Legal Representative on behalf of the applicant explained that the application was to vary their hours on the existing licence for late night refreshments only and confirmed that there was no provision for the sale of alcohol.

Mr Craig stated that they had tried to mediate with the local resident objector but have had no response. It was noted that in order to help address her concerns they had the extractor fan system installed inside the premises which would cause no disturbance to neighbours and help reduce any noise or odour emanating from the premises. Mr Craig also offered a condition to address the concerns raised in relation to refuse outside the premises.

In the absence of the objector, Members noted and considered the written objection. There were no questions from Members.

Members adjourned the meeting at 3.05pm for deliberations and reconvened at 3.10pm.

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 merits and the Chair stated that the Sub Committee in the absence of the objector had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant by his Representative.

Members noted the fact that the premises currently had a premises licence and the application was to vary the hours for late night refreshments only however Members reflected on their local knowledge of the area and its vicinity and felt that such long hours was unacceptable due to the existing issues of anti-social behaviour in the area.

However Members noted the Applicants efforts to mediate with the local resident objector and the conditions offered to help address the concerns of the extractor fan and issues of refuse and litter. Therefore Members decided to grant the application in part by granting slightly reduced hours than what had been applied for.

Members reached a decision and the decision was unanimous. Members granted the application subject to a condition to help prevent public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the Premises Licence for, Super Kebab, 240 Cambridge Heath Road, London E2 9DA be **GRANTED in part with a condition.**

The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hours to 02:00 hours (the following day)
Friday and Saturday from 23:00 hours to 03:00 hours (the following day)

Hours premises is open to the public

Sunday to Thursday from 11:30 hours to 02:00 hours (the following day)
Friday and Saturday from 11:30 hours to 03:00 hours (the following day)

Condition

1. The Premises Licence Holder shall clear the area to the front of the premise of any refuse on a daily basis following the cessation of licensable activities.

4.3 Application for Time Limited Premises Licence for Boishaki Mela Event, Weavers Field, London E2

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a Time Limited Premises for 1st July 2018 for Boishakhi Mela, Weavers Field, London E2. It was noted that an objection had been received from a local resident.

At the request of the Chair, Ms Catherine Boyd, Parks & Events Manager explained that this event had been running over the past years and that this would be the third year, and would mainly be attracting family audiences. It was noted that it was a popular event, well organised with no huge impact on local residents but more of a benefit to the local community.

Ms Boyd stated that were seeking a licence for regulated entertainment only between the hours of 12:00 noon to 20:00 hours. It was noted that the event was scheduled to finish by 19:00 hours and that there would be no provision for the sale of alcohol.

Ms Boyd highlighted that the application had only received one objection from a local resident and that there were no other objections from local residents or any of the responsible authorities.

Members were assured that there would be limited road closures and this would only be between 11.15am to 12 noon while the parade was on show and that the road closure would still permit access for residents. It was also noted that all residents affected by the road closures would be written to.

In the absence of the objector, Members noted and considered the written objection. There were no further questions from 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 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 merits and the Chair stated that the Sub Committee in the absence of the objector had carefully considered the written objections in the agenda and listened to the representations made by the Applicants.

Members noted that the event had been operating for the last few years and noted how well run and organised the event had been. Member also acknowledged the efforts made by the Applicant to ensure that there were minimal disruptions to local residents in the area by minimising road closures, sending out letters to local residents, and having a dedicated resident hotline for any complaints/issues etc.

Members reached a decision and the decision was unanimous. Members granted the application for the provision of regulated entertainment.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a time limited premises licence for, Boishakhi Mela, Weavers Field, London E2 be **GRANTED**.

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

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

Hours premises is open to the public

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

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub-Committee Members agreed to extend the deadlines for the following applications;

Premises	Hearing Date
Alchemist, Unit 10 Crispin Street, London E1 6HQ	05/06
Barge East, Sweet Water Trade Mooring, Hackney Wick	05/06
The London Shuffleboard Club, 28 Redchurch Street, London E2 7DP	19/06
Oval Café, 11-12 The Oval, London E2 9DU	19/06
Genesis Vegan Restm 144-146 Commercial Road, London E1 (KD)	10/07

The meeting ended at 3.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON TUESDAY, 24 APRIL 2018****C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14
2BG****Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor Peter Golds

Councillor Dave Chesterton

Officers Present:

Mohshin Ali

– (Senior Licensing Officer)

David Wong

– (Legal Services)

Simmi Yesmin

– (Senior Committee Officer, Democratic Services)

Representing applicants

Mohammed Choudhury

Item Number

3.2

Role

Legal Representative

Abul Mangur

3.2

Applicant

Representing objectors

PC Mark Perry

Item Number

3.2

Role

Metropolitan Police

Jon Shapiro

3.2

Local Resident

Roger Evans

3.2

Local Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Yumcha 137 Brick Lane, London E1 6SB

This item was deferred to a future meeting date.

3.2 Application for a New Premises Licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG. It was noted that objections had been received from the Metropolitan Police and local residents.

At the request of the Chair, Mr Mohammad Choudhury, Legal Representative on behalf of the Applicant Mr Abul Mangur, explained that following consultation with Environmental Health they had agreed to reduce the hours for the sale of alcohol to Monday-Thursday to 23:30 hours, Friday to Saturday to 00:00 hours (midnight) and Sunday 22:30 hours.

He continued to explain that historically the premises had held a premises licence since 2005, this was then revoked in 2014 following a review by Trading Standards in regards to smuggled goods. It was noted that the applicant was a new owner and had no relations to the previous owner. Mr Choudhury stated that the Police were incorrect in their statement which makes reference that the revocation was due to selling to vulnerable residents on credit as this was incorrect.

Mr Choudhury explained that there were many other licensed premises in the local area and therefore believed that another premises would not have a negative impact as alcohol was readily available in the area. It was noted that the hours had been reduced and the applicant was willing to comply with conditions the Police had proposed on page 135 of the agenda and any other conditions that the Sub Committee felt necessary and proportionate.

At the request of the Chair, PC Mark Perry explained that the premises is situated in a location that is directly between two hostels Hope Town and Dellow Centre for vulnerable residents with alcohol related problems. He explained that there was a real fear that if a licence was granted this would lead to a significantly greater amount of street drinkers in the area and there would be an increase in public nuisance and anti-social behaviour then what is currently experienced in the area.

It was noted that there had been no consultation with the Police regarding this application, the application had not mentioned these hostels close by, nor had the application addressed how the applicant would mitigate anti-social

behaviour etc. with particular reference to the likely impact on these hostels, their residents and the possibility of increased public nuisance and anti-social behaviour from having one additional set of licensed premises in the area.

Members then heard from Mr Jon Shapiro and Mr Roger Evans, local residents who expressed similar concerns about the Cumulative Impact Zone (CIZ), the close proximity to hostels and residents nearby and the likelihood that the premises would become a magnet for ASB, with people congregating outside the premises and causing public nuisance.

In response to questions the following was noted;

- That there was no evidence to suggest that the previous owners had sold alcohol on credit to vulnerable users.
- Members noted the applicant's experience to date.
- That there were other venues in the local area that was selling alcohol.
- That the applicant was happy to abide by any conditions that the Sub Committee felt necessary.
- That the applicant has had no consultation with the Police or local residents, however he had reduced the hours in agreement with Environmental Health.
- That the applicant initially thought that the previous licence was still live and would only need to revive the old licence, but was then advised by Licensing Services that he had to apply for a new licence.
- That the applicant had previously worked in a set of licensed premises for 1 and half years.

In summing up Mr Choudhury stated that the applicant would be happy to contact the residents and responsible authorities, and hostels before operating a licence if it were to be granted. He stated that the applicant was a responsible person and had shown commitment to promoting the licensing objectives by agreeing to conditions and reducing the hours that were initially applied for.

PC Perry on behalf of the objectors stated that the applicant had no grasp of the area, the significance of the CIZ and clearly failed to rebut the presumption against granting any new premises licence in relation to the CIZ. PC Perry therefore urged Members to refuse the application.

Members adjourned the meeting at 2.45pm for deliberations and reconvened at 3.05pm.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation from both the applicant and his representative and the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm and public safety.

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

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

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

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

The Sub-Committee noted the written representations made by objectors and also heard oral representations from the Metropolitan Police and resident objectors regarding the impact of the premises on the Cumulative Impact Zone (CIZ). The Sub-Committee noted objectors' concerns relating to the existing levels of public nuisance and anti-social behaviour in the area; and noted the premise's close proximity to two local hostels for vulnerable persons with alcohol issues.

The Sub Committee noted the applicant's representation that the hours originally applied for had been reduced upon consultation with Environmental Health and the premises licence if granted, would be mitigated by any conditions that would be agreed. However, the Sub Committee was concerned that this in itself did not address how the grant of a premises licence within the CIZ would not add to the cumulative impact of the number, type and density of licensed premises already in the area with regard to prevention of public nuisance and prevention of crime and disorder. The Sub-Committee therefore considered that it had not heard evidence that rebutted the presumption against granting any further premises licence within the CIZ.

The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met the requirement to uphold the licensing objectives in the CIZ.

Members also expressed grave concerns about the absence of any consultation with responsible authorities especially the Police and local residents, which also did not satisfy the Sub-Committee that the applicant understood what was needed to seek to rebut the presumption against granting any further premises licence within the CIZ.

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

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG be **REFUSED**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The Chair extended his vote of thanks to all the Councillors who had served on the Licensing Committee over the past years and to all the officers who have supported the Committee. He gave a special thanks to Councillor Peter Golds, Vice Chair of the Licensing Committee for all his efforts.

Councillor Peter Golds and Councillor Dave Chesterton also gave a vote of thanks to the Chair, Councillor Rajib Ahmed, for all his work as the Chair of the Licensing Committee over the years.

The meeting ended at 3.15 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

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Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	05 June 2018	Unclassified		

Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a Premises Licence for (Yumcha) 137 Brick Lane, London E1 6SB
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Weavers

1.0 Summary

Applicant: **Yumcha Retail Ltd**

Name and **Yumcha**

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

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

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

Representations: **Residents**

2.0 Recommendations

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

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

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

3.0 **Background**

3.1 This is an application for a premises licence for (Yumcha) 137 Brick Lane, London E1 6SB. A copy of the premises licence application form is enclosed as **Appendix 1**.

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

The sale by retail of alcohol (On sales only)

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

The provision of late night refreshment - Indoors

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

The opening hours of the premises

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

4.0 **Location and Nature of the premises**

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

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

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

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

5.0 **Licensing Policy and Government Advice**

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

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

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

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

6.0 **Representations**

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

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

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

- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

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

8.0 Conditions in consultation with the Responsible Authorities

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

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

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

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

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

9.0 Licensing Officer Comments

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

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

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

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).

❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 12 - 18** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

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

Appendix 1

FLARE NO. 106697



LICENSING ACT 2003

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) YUUCHAA RETAIL LTD

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
YUUCHAA 137 BRICK LANE LONDON	LBTH TRADING STANDARDS 15 FEB 2018 LICENSING
Post town <u>LONDON</u>	Post code <u>E1 6SB</u>

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

Non-domestic rateable value of premises £ 39,750

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

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

SECOND INDIVIDUAL APPLICANT (If applicable)

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

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

E-mail address
(optional)

B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	9	03 2018

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

Day	Month	Year

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

N/A

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

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

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

Provision of regulated entertainment (see guidance Note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

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Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (Y) (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	23.00 PM	00.00 AM	Please give further details here (please read guidance note 4) SUPPLY OF HOT DRINKS & FOOD BETWEEN THE HOURS SPECIFIED - CLOSING PREMISES AT MIDNIGHT.	Both	
Tue	23.00 PM	00.00 AM			
Wed	23.00 PM	00.00 AM		State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	
Thur	23.00 PM	00.00 AM		N/A	
Fri	23.00 PM	00.00 AM		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat	23.00 PM	00.00 AM		N/A	
Sun	23.00 PM	00.00 AM		N/A	

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (Y) (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	
Mon	12.00 PM	03.00 AM	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	
Tue	12.00 PM	03.00 AM		N/A	
Wed	12.00 PM	03.00 AM			
Thur	12.00 PM	03.00 AM		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
Fri	12.00 PM	03.00 AM		N/A	
Sat	12.00 PM	03.00 AM			
Sun	12.00 PM	03.00 AM			

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

Name

SCOTT PRIESTNALL

Date of Birth

Address

Postcode

Personal Licence number (if known)

issuing licensing authority (if known)

K

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

N/A

L

Hours premises are open to the public Standard timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08.00AM	00.00AM	N/A
Tue	08.00AM	00.00AM	
Wed	08.00AM	00.00AM	
Thur	08.00AM	00.00AM	
Fri	08.00AM	00.00AM	
Sat	08.00AM	00.00AM	
Sun	08.00AM	00.00AM	N/A

M

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

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

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

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

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

CHECKLIST:

Please tick to indicate agreement

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


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

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

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

Part 4 – Signatures (please read guidance note 11)

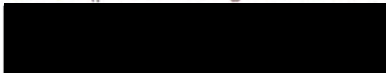
Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12) If signing on behalf of the applicant please state in what capacity.



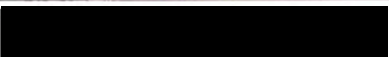
Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	13.02.2018
Capacity	AGENT REPRESENTATIVE

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

Signature	
Date	
Capacity	

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



Post town		Post code	
Telephone number (if any)			

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

[REDACTED]







Appendix 2

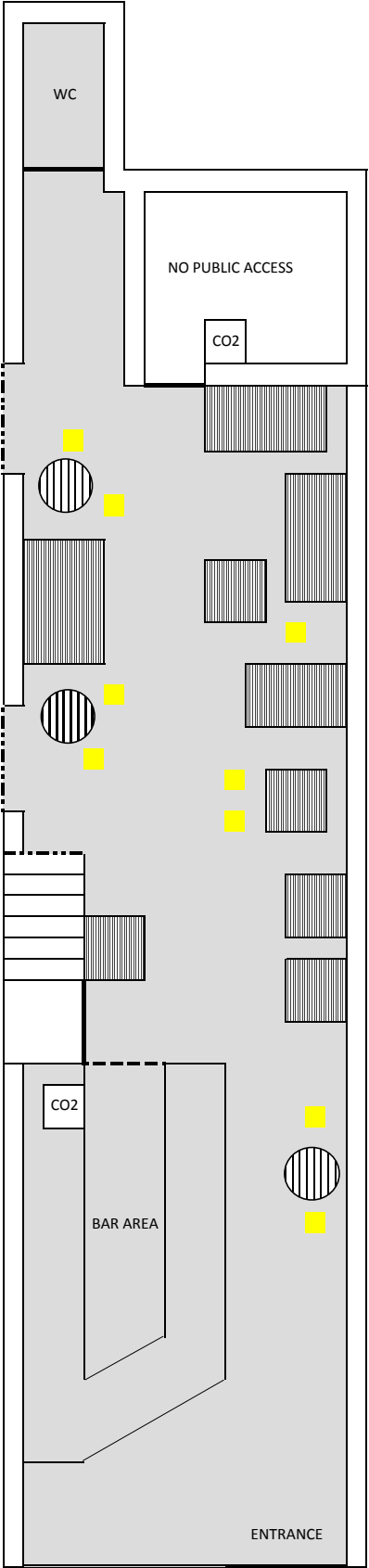
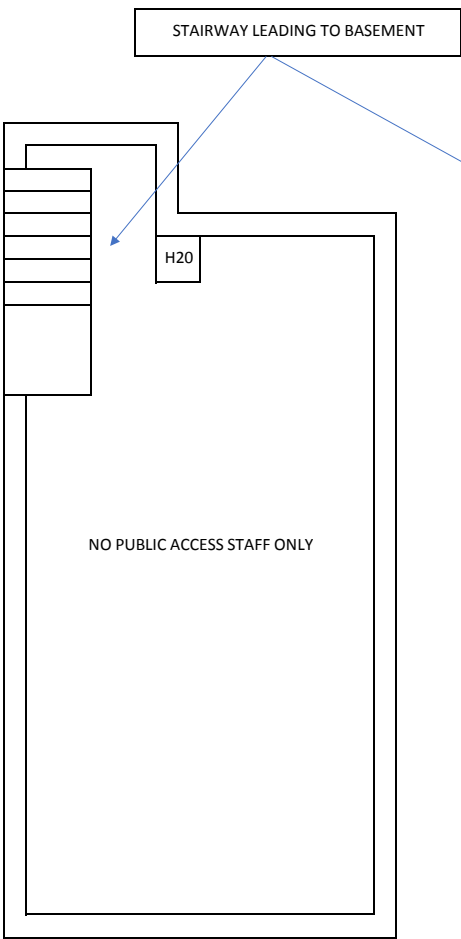
BASEMENT LEVEL PLAN

GROUND LEVEL PLAN

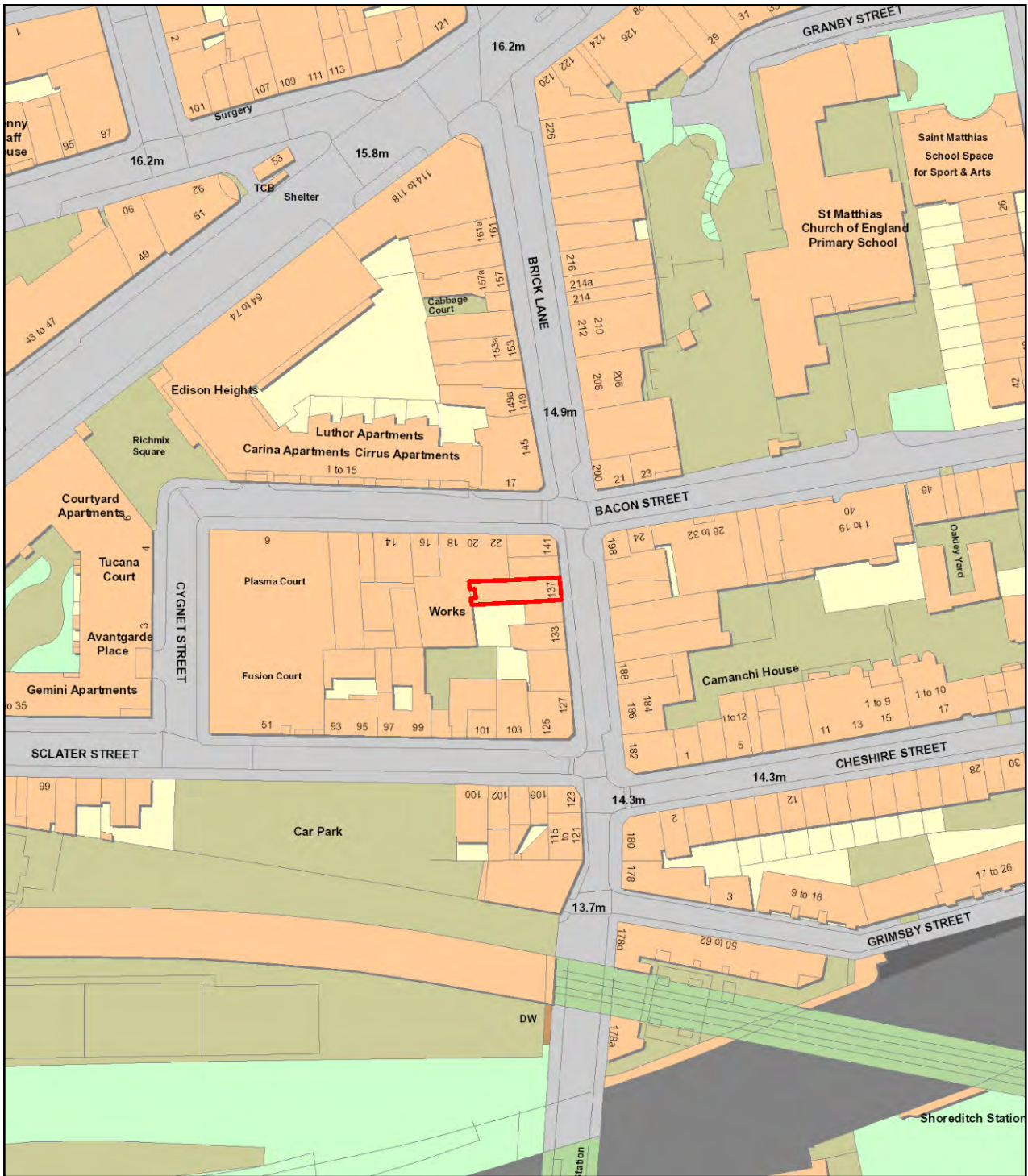
SCALE : 2:100

Key

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



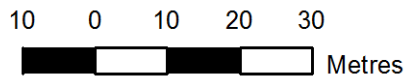
Appendix 3



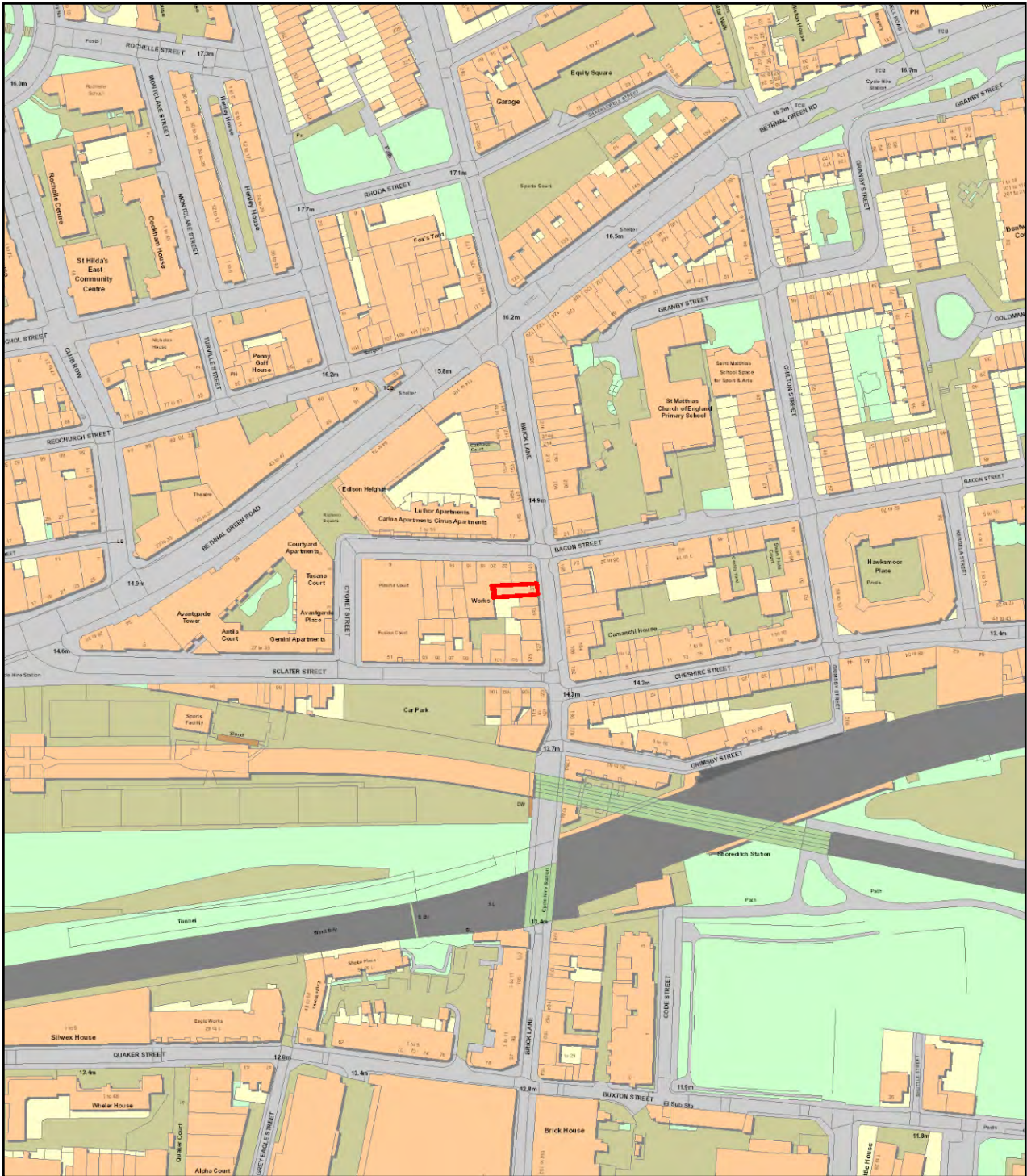
137 Brick Lane



Scale 1:1274



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137 Brick Lane



Scale 1:2547

20 0 20 40 60

Metres



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Appendix 4

Application for (Yumchaa) 137 Brick Lane

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

Application for (Yumchaa) 137 Brick Lane

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

Application for (Yumchaa) 137 Brick Lane

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

Appendix 5

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

Relevant, vexatious and frivolous representations

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

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

Appendix 6

Mohshin Ali

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

Follow Up Flag: Follow up
Flag Status: Completed

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

5th March 2018

Dear Tower Hamlets Licensing

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

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

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

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

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

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

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

**Kind regards
Alison Leahy**

Appendix 7

Mohshin Ali

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

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

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

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

Thank you,

Jago Rackham – [REDACTED]

Lowena Hearn [REDACTED]

[REDACTED]

[REDACTED]

Reference CLC/EHTS/LIC/106697

Appendix 8

Jill Szuscikiewicz

[REDACTED]

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

Your ref: CLC/EHTS/LIC/106697

28 February 2018

Dear Mr Tolley,

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

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

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

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

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

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

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

Yours sincerely,

[REDACTED]

Jill Szuscikiewicz

Appendix 9

Mohshin Ali

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

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

Tom

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

Kind Regards

Mike Kill

Michael Kill
Mobile : [REDACTED]
[REDACTED]

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

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

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

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

Many thanks

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

[REDACTED]

[REDACTED]

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

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

Appendix 10

Mohshin Ali

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

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

Dear Licensing,

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

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

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

Kind regards

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

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

Hi Nicola

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

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

Regards

Mike Kill

Sent from my iPhone

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

Dear Michael,

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

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

Kind regards

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

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

Dear Michael,

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

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

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

Kind regards

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

Appendix 11

Mohshin Ali

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

Yes that's fine

Mike

Sent from my iPhone

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

Dear Mike

Thank you for this.

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

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

Does this sound acceptable.

Kind regards

Corinne Holland - Licensing Officer

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

[REDACTED]
[REDACTED]

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

Hi Corinne

Yes we can agree to this

Regards

Mike

Sent from my iPhone

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

Appendix 12

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 13

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 14

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 15

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 16

Planning

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

Appendix 17

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 18

Licensing Policy

8 Special Cumulative Impact Policy for the Brick Lane Area

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

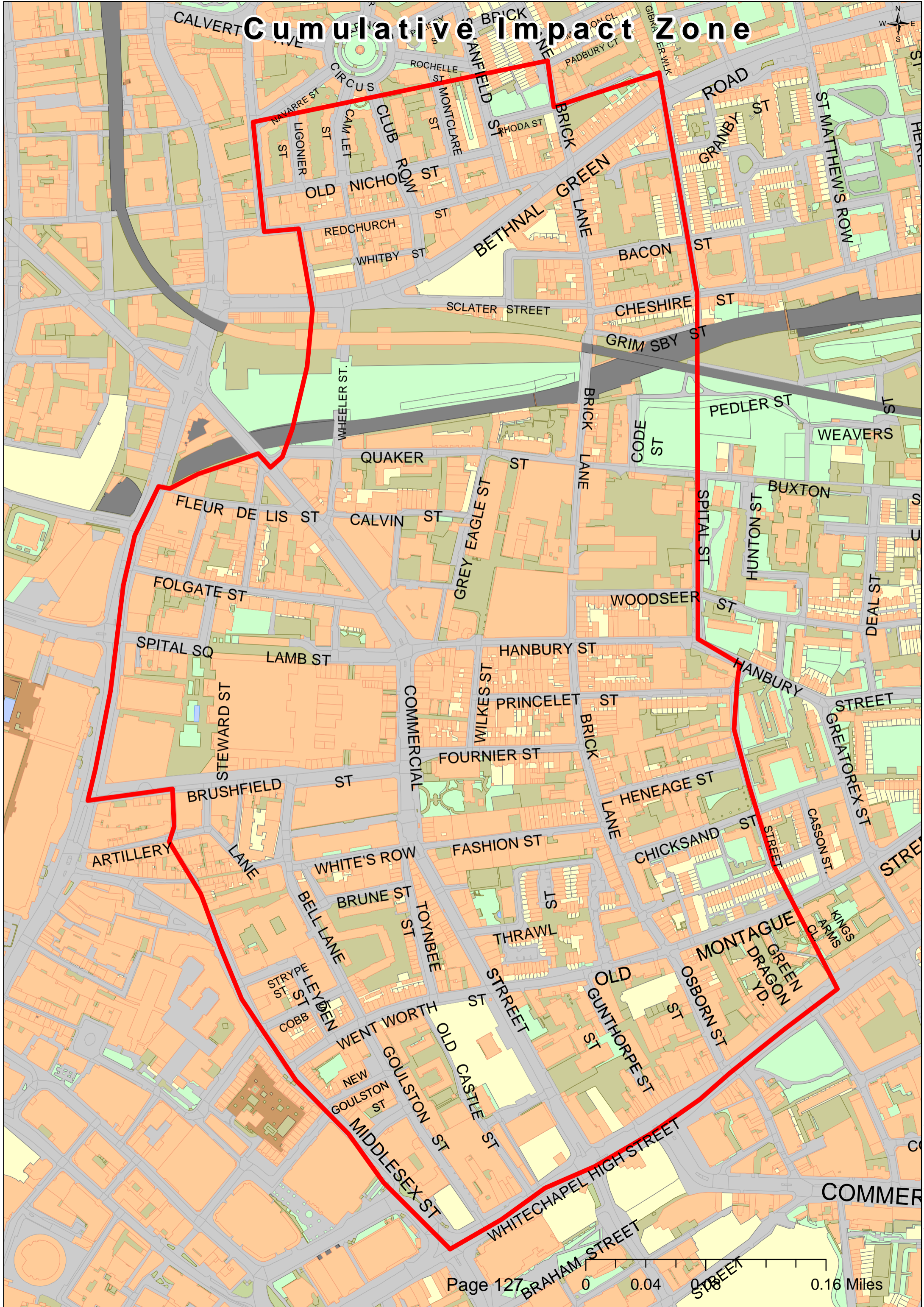
Figure One

The Cumulative Impact Zone in the Brick Lane area

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



Cumulative Impact Zone



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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	05 June 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a New Premises Licence for Chao Zhang, 62 Wentworth Street, London E1 7AL
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant: **Chao Zhang**
Name and
Address of Premises: **62 Wentworth Street**
London E1 7AL

Licence sought: **Licensing Act 2003**
The Sale of Alcohol
Provide Late Night Refreshment
Provide regulated entertainment

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The applicant has described the nature of the variation as:
The sale of alcohol
- 3.4 The hours have been amended since the application to the following:-

Sale of Alcohol (on and off sales)

Monday to Sunday from 11:00 hours to 22:30 hours

Hours premises is open to the public:

Monday to Sunday from 11:00 hours to 23:00 hours

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 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 local residents.

See **Appendix 6**- D. William

See **Appendix 7** – D Tyler

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

- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections cover allegations of
- Anti-social behaviour on the premises
 - Anti social behaviour from patrons leaving the premises
- 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 Open containers shall not be taken from the premises.
- 7.2 A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 7.3 Staff shall undertake regular training and written training records to be kept.

8.0 Conditions Agreed with Metropolitan Police

- 8.1 A CCTV system to be put in place, the cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the premises specified by the Police.
The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request (subject to data protection legislation).
- 8.2 While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

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

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 (10.25) 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.” (10.39) 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 8-12** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6-7	Representations of local residents
Appendix 8	Licensing Officer comments on Anti-Social Behaviour on the premises
Appendix 9	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 10	Planning
Appendix 11	Licensing Policy relating to hours of trading.
Appendix 12	Cumulative Impact Policy

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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 Chao Zhang
(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 62 Wentworth Street London E1 7AL formerly known as Unit E, Ground Floor, Cityscape, Holland Estate, London E1			
Post town	London	Postcode	E1 7AL

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£67,000.00

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 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 Zhang			First names Chao		
Date of birth [REDACTED]		I am 18 years old <input checked="" type="checkbox"/>		Please tick yes	
Nationality British					
Current residential address if different from premises address		7 Avenue Crescent London W3 8ES			
Post town	London			Postcode	W3 8ES
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

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 residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	02	2018

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)
62 Wentworth Street London E1 7AL formerly known as Unit E, Ground Floor, Cityscape, Holland Estate, London E1
This was a redevelopment of an estate, which saw 6 commercial units being created. A new Chinese Restaurant serving alcohol is being planned, and new lease to be granted.

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)			<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"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
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

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

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			<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)
Thur			
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

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

I

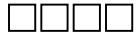
Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) N/A					
Mon	11:00	23:00						
Tue	11:00	23:00						
Wed	11:00	23:00						
Thur	11:00	23:00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) N/A		
Fri	11:00	23:00						
Sat	11:00	23:00						
Sun	11:00	23:00						

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 Chao Zhang	
Date of birth 23 December 1974	
Address 7 Avenue Crescent London W3 8ES	
Postcode	W3 8ES
Personal licence number (if known) 3399	
Issuing licensing authority (if known) Ealing 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).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	N/A
Mon	11:00	23:00	
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:00	
Sat	11:00	23:00	
Sun	11:00	23:00	
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 (please read guidance note 6)			
N/A			

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

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

An incident book will be used to record incidents that would impact on the Licensing objectives.
Customers will be prevented from leaving the premises with open containers.
The premises will be complying with Challenge 25 age verification policy in relation to alcohol sales.
There will be display advertising the Challenge 25 policy.
The staff will be trained regularly on the four licensing objectives and written training records will be kept.
There will be CCTV installed on the premises and staff informed the number of cameras and how long the images will be stored for.
Notice will be on display to notify customers that the area outside the premises was an Alcohol Exclusion Zone.
Part A and B of the premises licence will be on display.
Section 57 notice will be placed in the premises.
An authorisation list of who had been authorised by a personal licence holder to sell alcohol will be stored on the premises.

b) The prevention of crime and disorder

nothing beyond existing health and safety/fire safety etc requirements and above.

c) Public safety

In addition to the existing health and safety/fire safety etc requirements and above.
Ensure food safety management system is in place, and procedures will be in place to ensure that food is safely stored, prepared, cooked, served and sold.
Staff training - responsible persons will provide training to staff to reasonable standard in order to safely prepare and handle food.
Ensure there are no issues of cross contamination and poor temperature controls which could compromise food safety.
Customers will be provided with information on food allergens.

d) The prevention of public nuisance

nothing beyond existing health and safety/fire safety etc requirements and above.

e) The protection of children from harm

nothing beyond existing health and safety/fire safety etc requirements and above.

Checklist:

Please tick to indicate agreement

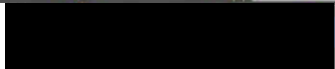
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, 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.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	31/01/18
Capacity	APPLICANT

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

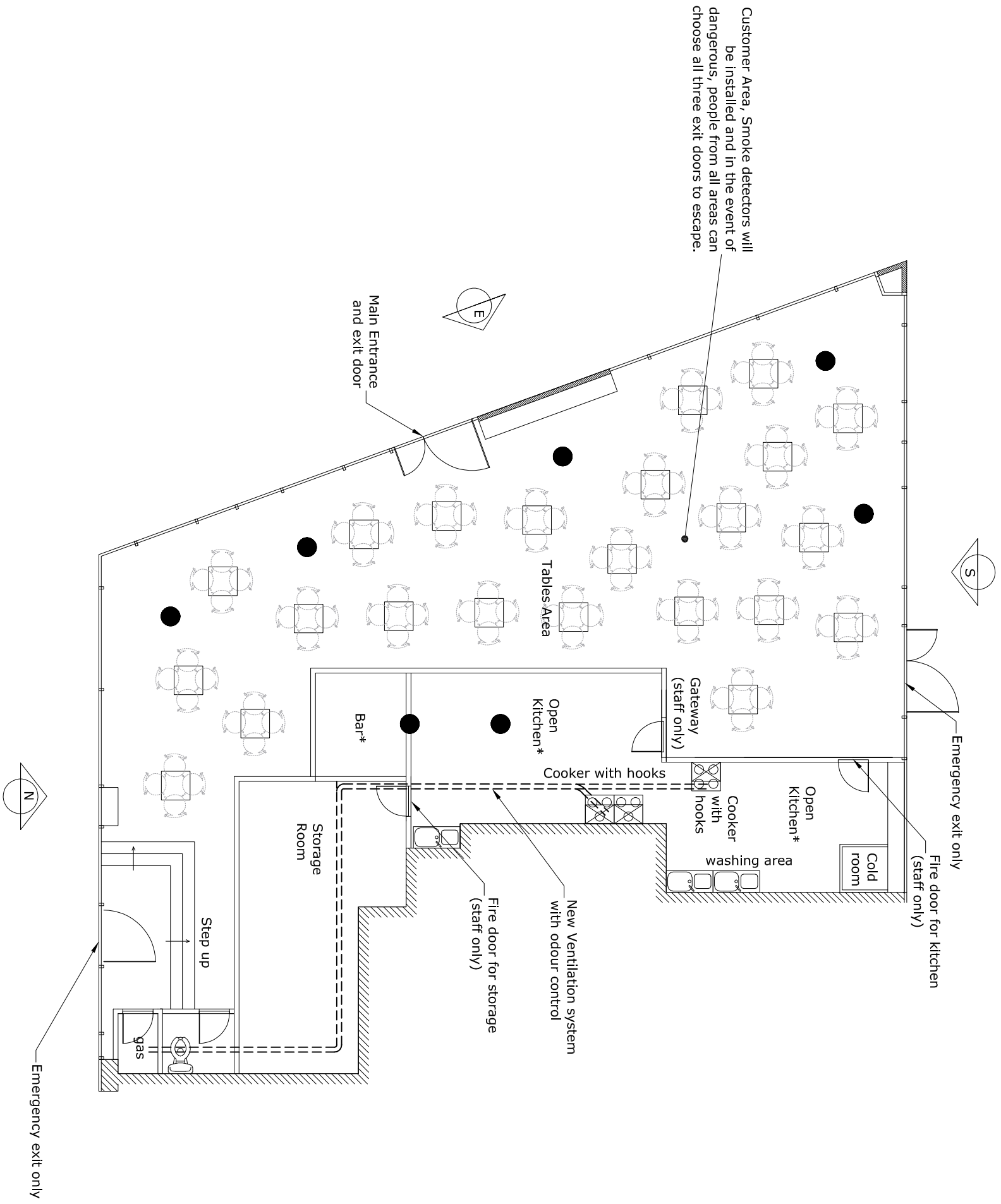
Signature	
Date	
Capacity	

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

Appendix 2



Customer Area, Smoke detectors will be installed and in the event of dangerous, people from all areas can choose all three exit doors to escape.

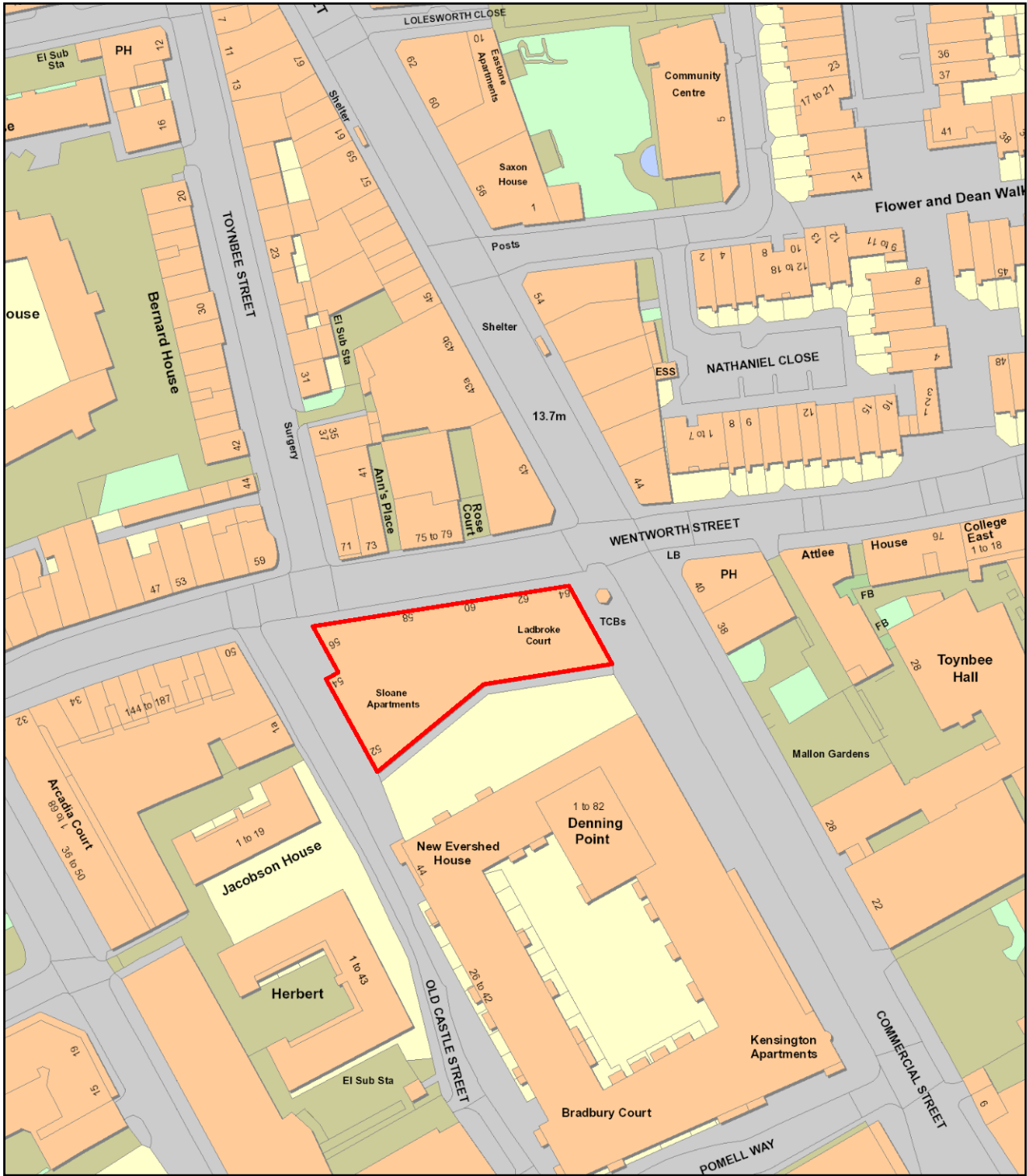
*Note: Bar and kitchen area is for staff only. In this area, appropriate fire alarm will be installed. Smoke detractors will be also installed. Staffs in kitchen and bars can exit via gateway door or the kitchen door to escape in emergency event.

Proposed Floor Plan
Scale: 1:100 @A3



Site location : 62 Wentworth Street, London, E1 7AL

Appendix 3



62 wentworth Street



Scale 1:1274

10 0 10 20 30

 Metres



Produced by London Borough of Tower Hamlets on 16/05/2018. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

Appendix 4

Premises name and address	Licensable Activities and Hours	Opening Hours
<p>(Hungry Donkey) 56 Wentworth Street</p>	<p>Sale by retail of alcohol (On sale) Monday to Thursday from 11:00hrs to 23:00hrs Friday and Saturday from 11:00hrs to 23:30hrs Sunday from 11:00hrs to 22:00hrs</p> <p>sale by retail of alcohol (Off sale) Monday to Saturday from 11:00hrs to 23:00hrs Sunday from 11:00hrs to 22:00hrs</p> <p>Recorded Music Monday to Thursday from 11:00hrs to 23:00hrs Friday and Saturday from 11:00hrs to 23:30hrs Sunday from 11:00hrs to 22:00hrs</p> <p>Provision of late night refreshment Monday to Thursday from 23:00hrs to 23:30hrs Friday and Saturday from 23:00hrs to 00:00hrs (midnight)</p>	<p>Monday to Thursday from 07:30hrs to 23.30hrs Friday and Saturday from 07.30hrs to 00:00hrs (midnight) Sunday from 07:30hrs to 22:30hrs</p>
<p>(Chicago Rib Shack) Retail Unit D City Scape Wentworth Street</p>	<p>On sale of alcohol: Monday to Thursday 09:00 hrs to 23:00 hrs Friday and Saturday 09:00 hrs to 23:30 hrs Sunday 09:00hrs to 22:00 hrs</p> <p>Provision of late night refreshment: Monday to Thursday until 23.30 hrs Friday and Saturday until midnight</p>	<p>Monday to Thursday 06:00 hrs to 23:30 hrs Friday and Saturday 06:00 hrs to midnight Sunday 06:00 hrs to 22:30 hrs</p>
<p>Culpeper 40-42 Commercial Street London E1 6LP</p>	<p>Supply of Alcohol and Regulated Entertainment Monday to Wednesday, from 07:00hrs to 00:00 midnight Thursday to Saturday, from 07:00hrs to 03:00hrs Sunday, from 10:00hrs to 23:00hrs</p> <p>Live music Monday to Saturday, from 07:00hrs to 23:30hrs Sunday, from 10:00hrs to 23:00hrs</p> <p>Late Night Refreshment Monday to Wednesday, from 23:00hrs to 00:30hrs Thursday to Saturday, from 23:00hrs to 04:00hrs Sunday, from 23:00hrs to 23:30hrs</p> <p>Non-standard timings All Licensable Activities Sundays immediately preceding a bank holiday, from 07:00hrs to 03:00hrs Bank Holiday Mondays, from 07:00hrs to 01:00hrs St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 03:00hrs New Year's Eve, from 07:00hrs to 03:00hrs 2nd January</p>	<p>Monday to Wednesday, from 07:00hrs to 00:30hrs Thursday to Saturday, from 07:00hrs to 04:00hrs Sunday, from 10:00hrs to 23:30hrs</p> <p>Non-standard timings Sundays immediately preceding a bank holiday, from 07:00hrs to 04:00hrs Bank Holiday Mondays, from 07:00hrs to 01:30hrs St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 04:00hrs</p> <p>New Year's Eve, from 07:00hrs to 03:00hrs 2nd January</p>

<p>Culpeper 40-42 Commercial Street London E1 6LP</p>	<p>Late Night Refreshment Sundays immediately preceding a bank holiday, from 23:00hrs to 04:00hrs Bank Holiday Mondays, from 23:00hrs to 01:30hrs St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 23:00hrs to 04:00hrs New Year's Eve, from 23:00hrs to 04:00hrs 2nd January</p>	
<p>(Agah Turkish Restaurant) 43 Commercial Street London E1 6BD</p>	<p>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</p> <p>The Provision of Late Night Refreshment - indoors Friday and Saturday from 23:00hrs to 00:30hrs the following day</p> <p>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</p>	<p>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</p>
<p>(Som Saa) 43a Commercial Street London E1 6BD</p>	<p>The sale by retail of alcohol: Monday to Thursday from 10:00 hours to 23:30 hours Friday and Saturday from 10:00 hours to midnight Sunday from 12:00 hours to 22:30 hours Late Night Refreshment (Indoors only) Monday to Thursday until 23:30 hours Friday and Saturday until midnight</p>	<p>Monday to Thursday from 10:00 hours to 23:30 hours Friday and Saturday from 10:00 hours to midnight Sunday from 12:00 hours to 22:30 hours</p>
<p>(Sakana Sushi) Unit E 43a Commercial Street London E1 6BD</p>	<p>Sunday to Thursday from 11:30 hrs to 22:30 hrs Friday and Saturday from 11:30 hrs to 23:00 hrs</p>	<p>Sunday to Thursday from 11:30 hrs to 23:00 hrs Friday and Saturday 11:30 hrs to 23:30 hrs</p>

Appendix 5

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

Relevant, vexatious and frivolous representations

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

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

Appendix 6

Kathy Driver

From: Dick Tyler [REDACTED]
Sent: 23 February 2018 15:12
To: Licensing
Subject: Objection to licensing application for "Chao Zhang", 62 Wentworth Street, E1

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing Department,

I wish to object to the licensing application for "**Chao Zhang**", 62 Wentworth Street, E1 7AL on the grounds of the prevention of public nuisance, public safety and the prevention of crime and disorder.

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

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

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

The application is for both on and "**off-sales**" until 23.00 hours seven days a week. If the Licensing Committee grants a licence at all, it should conform to the above criteria.

Yours sincerely,

Dick Tyler
[REDACTED]

Dick Tyler
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 7

Corinne Holland

From: Mail Admin
Sent: 01 March 2018 09:16
To: Licensing
Subject: FW: "Chao Zhang", 62 Wentworth Street, E1 7AL

[REDACTED]

From: Alan Williams [REDACTED]
Sent: 28 February 2018 17:58
To: Licensing
Subject: "Chao Zhang", 62 Wentworth Street, E1 7AL

Dear Licensing Committee

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

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

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

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

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

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

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

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

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

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

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

Alan Williams

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

Alan Williams

[Redacted]
[Redacted]
[Redacted]

[Redacted]

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

Appendix 8

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 9

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 10

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 11

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

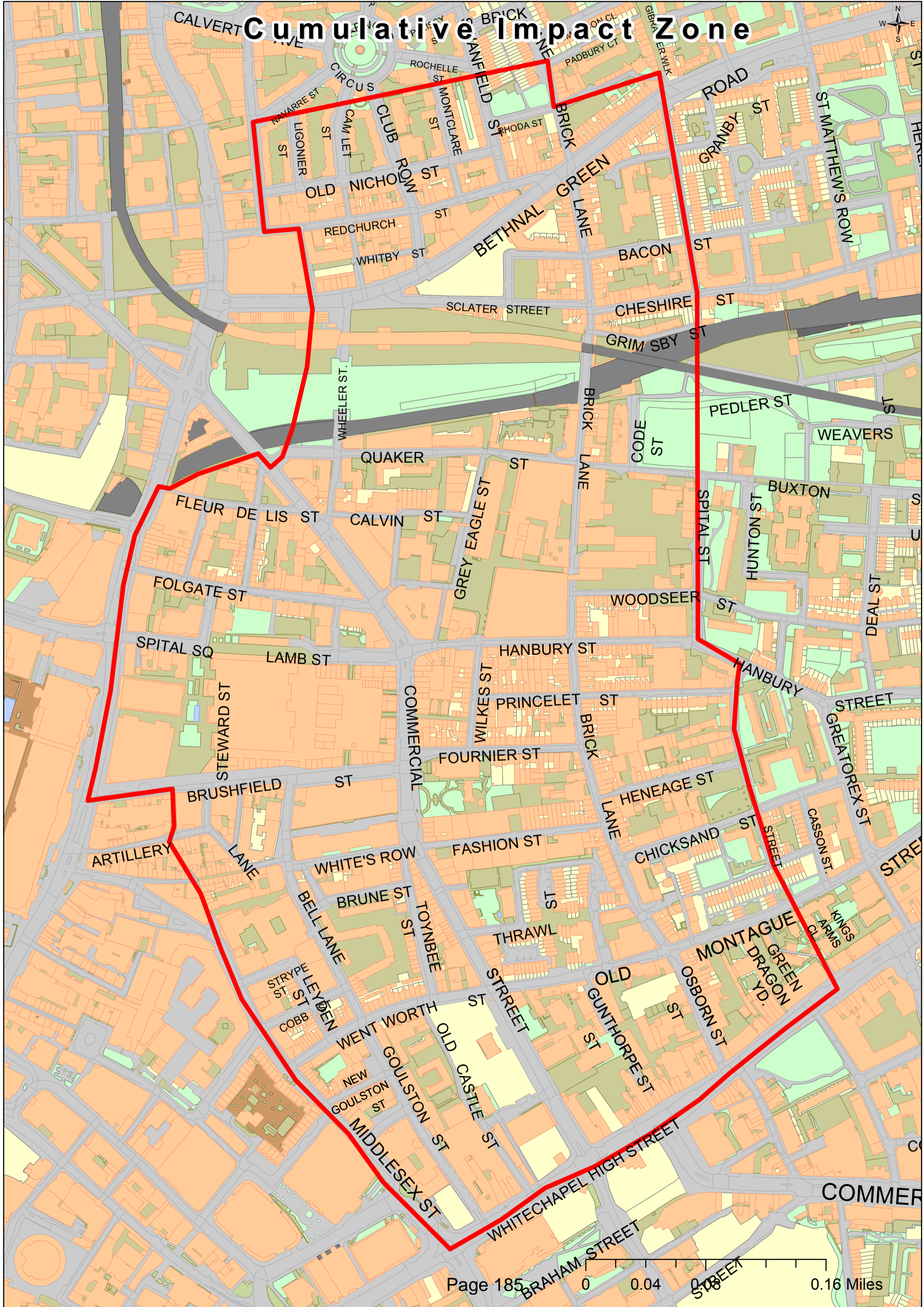
Appendix 12

Licensing Policy

8 Special Cumulative Impact Policy for the Brick Lane Area

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

Cumulative Impact Zone



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