

LICENSING SUB COMMITTEE

Tuesday, 16 October 2018 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
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E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

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Public Information

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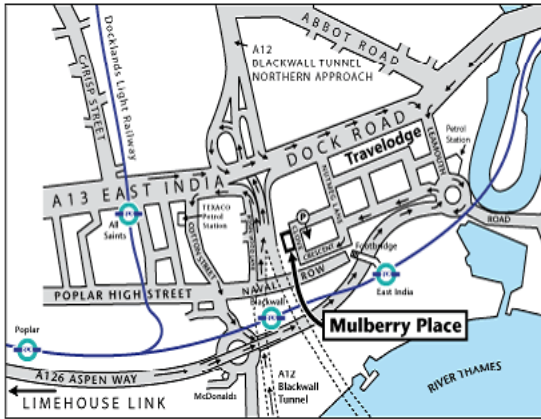
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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 11 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 54)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 31st July, 30th August and 18th September 2018.

		PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION			
4.1	Application for Variation of a Premises Licence for Pizza Union, 25 Sandy's Row, London E1 7HW	55 - 116	Spitalfields & Banglatown

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety

Representations by:

- Local Resident(s)

**4 .2 Application to Review the Premises Licence for
Tanim Superstore, 542 Commercial Road, London E1
0HY**

117 - 230

Shadwell

Licensing Objectives:

- Crime & Disorder
- Prevention of Children from harm

Representations by:

- Licensing Authority
- Metropolitan Police
- Public Health

**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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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				
Public Seating				Chair
Public Seating				Legal Officer
Public Seating		Applicants Benches		Committee Officer
Public Seating				
				Licensing Officer

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 31 JULY 2018

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

Members Present:

Councillor Dan Tomlinson (Chair)

Councillor Shah Ameen

Councillor Zenith Rahman

Officers Present:

Mohshin Ali	– (Senior Licensing Officer)
Kathy Driver	– (Principal Licensing Officer)
Vivienne Walker	– (Senior Prosecution Lawyer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Anthony Edwards	3.1	Legal Representative
Ahsan Ali	3.1	Applicant
Davin Veres	3.1	Applicant
Lana Tricker	3.2	Applicant
Beth Gallagher	3.2	Applicant

Representing objectors	Item Number	Role
Ali Azad	3.1	Local Resident
Hussain Ahmed	3.1	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 INS (formerly Shaad/Sheraz Restaurant), 13 Brick Lane, London E1 6PU

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premises licence for INS, 13 Brick Lane, London E1 6PU. It was noted that objections had been received from local residents and on behalf of the Local Authority.

At the request of the Chair, Mr Anthony Edwards, Legal Representative on behalf of the Applicants explained that the Applicants had good knowledge and experience of trading in the Brick Lane area. It was noted that the Applicant also had another premise in the local area, The Verge, which was fully compliant and had not had any complaints since it's been operating. Mr Edwards further explained that this premise would be much more of a food led venue envisaging food to be 40% of the turnover. He then referred to a supporting letter from East End Tours, which highlighted the benefits of this premises if a licence was to be granted.

Mr Edwards asked Members to note the conditions proposed on the operating schedule which had been updated to include the proposed conditions from the Environmental Health Noise Team. Mr Edwards stated that the concerns raised by residents were speculative and not specific to the premises. He explained that there would be no regulated entertainment, they would be selling premium food, there would be no off sales, and sanitation facilities available for customers and did not anticipate any queuing outside the premise as bookings would be made in advance. It was also noted that there would be a dedicated taxi service and a condition to limit the number of smokers. Mr Edwards stated that there were hotel rooms directly above the premises and therefore it would not be in their interest to cause any nuisance inside or outside the premises.

The implications of the Cumulative Impact Zone (CIZ) was noted and it was explained why they did not feel that by granting this application there would be a negative impact on the area. Mr Edwards referred to the CIZ map which detailed the crime hotspot areas and explained that the premises was not placed in the area of concern.

At the request of the Chair, Ms Kathy Driver, Licensing Officer representing the Licensing Authority explained that this premises was within the CIZ, she explained that although the premises were proposing to offer food at all times there is no volunteered condition offering alcohol only ancillary to food and hence the premises is more likely to turn into a drinking establishment.

It was noted that the premises was previously a restaurant and previously not had a condition that alcohol was ancillary to food, however there were

concerns what would happen after 11pm as there was a chance this could operate as a bar. Ms Driver welcomed the conditions offered by the Applicants but concerns above remained and therefore the Applicant had not been able to meet the rebuttable presumption.

Members then heard from local residents Mr Ali Azad and Mr Hussain Ahmed who both expressed similar concerns of anti-social behaviour, crime and disorder and public nuisance in the area, with particular regard to the ASB that can be fuelled by alcohol consumption. There was also reference to the likelihood of an increase in public urination, defecation and vomiting if a licence was to be granted.

In response to questions the following was noted;

- That the premise would be a gastropub, food led and after 11pm there would be a bar menu.
- That alcohol would be an integral part of the business.
- There were 10 rooms directly above the premises which operated as a hotel so it would be in the Applicants interest to limit any public nuisance.
- There would be 50 covers at the premises
- There would be a dedicated taxi service available for customers, cars would park right outside the premises to collect customers.
- That the operating schedule consisted of conditions that addressed the concerns raised by residents.
- There were adequate toilet facilities within the premises and therefore there wouldn't be a need for the customers of INS to urinate outside.
- That large groups of men wouldn't be allowed on the premises and they would not sell to intoxicated persons.
- That the role of SIA staff would be to help customers leave the area safely and quietly.
- That there were no objections from the Police or Environmental Health.

In summation Ms Kathy driver highlighted the fact that the premises was within the CIZ, and there were serious concerns from residents in terms of public nuisance and crime and disorder.

Mr Edwards concluded by stating that the Police have a responsibility to object and they hadn't as all concerns had been addressed. He explained that the premises would enhance the area by bringing in tourists into the area to experience the real East End of London.

Members adjourned the meeting at 7.45pm for deliberations and reconvened at 8.25pm.

The Licensing Objectives

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

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

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

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation from both the applicant and his representative and the Licensing Authority and resident 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 Licensing Authority and resident objectors regarding the impact of the premises on the Cumulative Impact Zone. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and noted objectors' concerns about increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the cumulative impact zone.

The Sub Committee noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions agreed with responsible authorities and the conditions offered in

the operating schedule. However, the Sub Committee heard no evidence that rebutted the presumption of the CIZ. Members acknowledged that the applicant had explained how they would manage the noise from the music etc. but unable to demonstrate how they would manage the noise from crowds leaving the premises.

The Sub-Committee was concerned about the close proximity of the venue to residential properties and the impact this would have on residents when potentially groups of people would be attending and leaving the venue at one time and noted that although the dispersal policy covered the people leaving the premises there was not sufficient measures in place for when they are out of the venue and spilling into residential streets who would then be leaving to go into the area which already experiences a high volume of crime and disorder, public nuisance and anti-social behaviour.

The potential increased footfall arising from any grant of the application in this instance requires a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele and potential alcohol fuelled disorder arising there from. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that requirement.

Members were not satisfied that an establishment of this type notwithstanding the conditions offered would not have a negative impact on the Cumulative Impact Zone. Therefore the Sub Committee 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 INS, 13 Brick Lane, London E1 6PU be **REFUSED**

3.2 Application for a New Premises Licence for (Redchurch Town House) 56 Redchurch Street, London E2 7DP

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Redchurch Town House, 56 Redchurch Street, London E2 7DP. It was noted that objections had been received from the Local Authority.

At the request of the Chair Ms Lana Tricker, Licensing Representative on behalf of the Applicant explained that the Applicant was seeking a new licence to replace two existing licences at the premises which would be surrendered if the application was to be granted. It was noted that the premises was located

in the CIZ. She explained that no residents had objected to this application and nor had the Police or Environmental Health. She explained that it was a £9 million scheme, for an exclusive hotel and lounge area. It was noted that there was currently 16 rooms which would be increased to 37 rooms with a 24 hour service. Rooms were premium priced and therefore not likely to generate nuisance. It was further noted that the ground floor would be operating as a lounge and would be open to the public. The lounge would be operating under the Cecconi's brand which has three other late night venues which have no concerns.

Ms Tricker stressed the fact that if this application was to be granted they would not be adding to the CIZ, as they would be surrendering two existing licences currently at the premises and the new licence would be combined into the one sole licence with modernised conditions and there would be no off sales. It was noted that the current licence for Lounge Lover had 175 covers and the new restaurant/lounge would have 110 covers and therefore a reduction in capacity. It was also noted that it was food led, heavily staffed and would have a pre-booking system operating. Ms Tricker stated that there would be no activity on the streets and smokers would be limited to 15 people at any one time. Those frequenting the hotel would be private members so the members would be known to the management. She concluded that there had been no representation from the Police, Environmental Heath or local residents.

Members then heard from Ms Kathy Driver who referred to the representation contained in the agenda pack on pages 255-256 and explained that the Lounge Lover licence had a condition that alcohol was ancillary to a meal and also this application had an increase in the hours to 1am.

She explained that they had no problem with the 24 hour hotel service. However the ground floor venue would be open to the public and therefore there is a likelihood that there would be an increase in footfall and attracting more people into the area that could cause public nuisance. It was noted that there was no specific smoking conditions and no designated area for smoking, the only area possible for smokers to smoke at was directly on the street.

In response to questions the following was noted;

- That none of the other Cecconi's venues had designated smoking areas
- That the Applicant was aware of the ASB in the local area and would have staff monitoring this.
- That no open containers would be allowed outside the premises.
- The outside area would be kept clean and staff would patrol and monitor the area on a regular basis.
- The reception desk would be manned at all times.
- In house security would be present at the venue and assess and appoint door staff when necessary.
- That there would be no vertical drinking after 11am.

- That the Applicants were expecting less people and less impact and therefore no increase in customers.

In summation Ms Driver stated that a licence until 1am, 7 days a week, with an increase to 37 hotel rooms would have an impact on the area.

Ms Tricker explained that the Applicant had a history of experience, and there were currently no concerns with the existing licences at the premises.

Members adjourned the meeting at 9.00pm for deliberations and reconvened at 9.40pm.

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:

The Prevention of Crime and Disorder;
Public Safety;
Prevention of Public Nuisance; and
The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation from both the applicant and her representative and the Licensing Authority with particular regard to the two licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

Members welcomed the efforts made by the Applicant by offering conditions in their operating schedule and accepting the condition regarding noise nuisance by the Licensing Authority. Members were of the view that a condition that alcohol served after 23:00 hours must be ancillary to food and no vertical drinking after 23:00 hours gave them the assurance that the premises would not be used as a vertical drinking establishment. Members were also satisfied that a modification of the hours on the license would also relieve the concerns of public nuisance and avoid any future disturbances.

Members believed that restricting the use of the smoking area outside the premises to seven people at any one time would also help with noise control.

Members reached a decision and the decision was unanimous. Members granted the application in part subject to a reduction in hours during the weekdays and imposed conditions which would help promote the licensing objectives and not cause a negative impact on the Cumulative Impact Zone.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New of the Premises Licence for Redchurch Town House, 56 Redchurch Street, London E2 7DP be **GRANTED in part** with conditions.

The licence is granted in part subject to the surrendering of the following two premises licences;

- Redchurch Studios, 58-60 Redchurch Studios, London E2 7DP (Premise Licence No. 20188)
- Lounge Lover, 25 Whitby Street, London E1 6JU (Premise Licence No. 20096)

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

Sunday to Thursday, from 08:00 hours to 00:00 hours (midnight)
Friday and Saturday, from 08:00 hours to 01:00 hours (the following day)

For residents and bona fide guests: Monday to Sunday from 00:00 hours to 00:00 hours (24 hours a day)

The provision of late night refreshment - Indoors

Sunday to Thursday, from 23:00 hours to 00:30 hours (the following day)
Friday and Saturday, from 23:00 hours to 01:30 hours the following day

For residents (in rooms): Monday to Sunday from 23:00 hours to 05:00 hours the following day

The provision of regulated entertainment - Indoors -Films,

Sunday to Thursday, from 08:00 hours to 00:00 hours (midnight)
Friday and Saturday, from 08:00 hours to 01:00 hours (the following day)

For residents (in rooms): Monday to Sunday from 00:00 hours to 00:00 hours (24 hours a day)

Live Music and Recorded Music

Sunday to Thursday, from 08:00 hours to 00:00 hours (midnight)
Friday and Saturday, from 08:00 hours to 01:00 hours (the following day)

The opening hours of the premises

Monday to Sunday, from 00:00 hours to 00:00 hours the following day

Non-standard timings

The premises may remain open for the above licensable activities from the terminal hour on New Year's Eve to the commencement time on New Year's Day.

Conditions

- 1.1 Alcohol served after 23:00 hours must be ancillary to food.
- 1.2 No more than seven smokers to be allowed to smoke outside the premise at any one time.
- 1.3 No vertical drinking after 23:00 hours.
- 1.4 The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
 - A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
 - The system will comply with other essential legislation and all signs as required will be clearly displayed.
 - The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- 1.5 There shall be a designated member of staff who can download the images and present them on request by a police officer or other responsible authority with minimum delay.
- 1.6 Notices shall be prominently displayed at ground floor exits requesting public to respect the local residents and leave the premises and area quietly.
- 1.7 Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 1.8 No music or amplified sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
- 1.9 Any person permitted to temporarily leave and then re-enter the premises, eg. to smoke, shall not be permitted to take drinks or glass containers with them
- 1.10 The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

- 1.11 Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 1.12 Waiter/waitress service shall be available throughout the premises at all times it is open to members of the public
- 1.13 A noise limiter shall be fitted (on the ground floor) to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses.
 - The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder.
 - The limiter shall not be altered without prior agreement with the Environmental Health Service.
 - No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
 - No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- 1.14 Staff will monitor the patrons using any smoking area and ensure that they remain within the curtilage of the premises at all times.
- 1.15 The venue is to provide information on local taxi firms and transport links to patrons leaving the venue.
- 1.16 A direct telephone for number for the manager at the premises shall be publicly available, and displayed at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity upon request.
- 1.17 Alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at any time without restrictions. A list of residents shall be kept at reception and available for inspection by the Responsible Authorities.
- 1.18 Rooms occupied by unaccompanied children shall have alcohol removed from the mini bar facilities and alcohol shall not be available for purchase with any room service provision
- 1.19 An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- all crimes reported to the venue
- all ejections of patrons
- any complaints received concerning crime and disorder
- any incidents of disorder
- all seizures of drugs or offensive weapons
- any faults in the CCTV system, searching equipment or scanning equipment
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service.

- 1.20 The reception desk on the ground floor shall be staffed at all times the premises are in operation.
- 1.21 All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 1.22 The exhibition of film shall be ancillary to other licensable activities throughout the premises.
- 1.23 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification such as a driving licence, passport or proof of age card with the PASS Hologram.
- 1.24 No licensable activities shall take place at the premises until premises licences 20188 and 20096 have been surrendered.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required an extension for decision deadlines.

The meeting ended at 10.00 p.m.

Chair, Councillor Dan Tomlinson
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON THURSDAY, 30 AUGUST 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Sabina Akhtar (Chair)

Councillor Shah Ameen

Councillor Ehtasham Haque

Officers Present:

Kathy Driver	–	(Principal Licensing Officer)
Corinne Holland	–	(Licensing Officer)
David Wong	–	(Legal Services)
Kevin Maple	–	Consumer Services Officer
PC Mark Perry	–	Metropolitan Police
Farhana Zia	–	Senior Committee Services Officer

Representing applicants	Item Number	Role
Mr Anthony Edwards	3.1	Solicitor
Mr Oliul Kobir	3.1	Applicant
Mr Graham Hopkins	3.2	Applicants Representative
Mr Mohammed Taufiq Alahi	3.2	Applicant

Representing objectors	Item Number	Role
Ms Karen Chiu	3.1	Local Resident
Mr Simon Epstein	3.1	Local Resident
Mr Barry Callaghan	3.1	Local Resident
Kathy Driver	3.2	Licensing Officer
Kevin Maple	3.2	Consumer Services Officer
PC Mark Perry	3.2	Metropolitan Police
Ms Charlotte Boden	3.2	Local Resident

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared by members.

Councillor Sabina Akhtar stated she had visited the premises in relation to the first application as a customer, but she did not know personally those who run the business.

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 Late Night Refreshment Licence for Cookies and Cream, Unit 5 The Chronos Building, 9-25 Mile End Road, London, E1 4TP

At the request of the Chair, Ms Corinne Holland, Licensing Officer introduced the report, which detailed the application for a Late Night Refreshment licence for Cookies and Cream, Unit 5, The Chronos Building, 9-25 Mile End Road, London E1 4TP. It was noted that objections had been received on behalf of local residents. The application was seeking a licence to serve hot food after 23:00 hours.

At the request of the Chair, Mr Anthony Edwards, Applicants solicitor briefly explained that the business had been trading for the last nine years selling ice-creams, cakes and hot-drinks, waffles and crepes. It was applying for a licence to sell hot food – waffles and crepes, drinks beyond 23:00 hours, for an extra half an hour weekdays and hour and half on Fridays and Saturdays. Mr Edwards stated the applicant was not seeking a sale of alcohol licence.

Mr Edwards stated that in so far as the objections were concerned, Members ought to disregard the planning document produced in the second supplemental agenda, pages 21-24 as the application was for a late night refreshment licence; and the licensing process is separate from planning. He said the objections in regard to noise and air conditioning whilst valid in their own right, were checked by the Local Authority and it was found that they were not above the Local Authority noise limits. Mr Edwards made reference to the photograph on page 27 of the second supplemental agenda and stated this showed the bin area of Subways rather than of his client's premises and therefore should also be disregarded. Mr Edwards proposed a number of modifications to the conditions proposed as being consistent with the operating schedule on pages 22 and 23 of the agenda, in order to tighten these up and to reassure the local residents as to the Applicants willingness to support the licensing objectives.

At the request of the Chair, Members also heard from the Objectors present – Ms Karen Chiu, Mr Simon Epstein and Mr Barry Callaghan. Ms Chiu explained that the residents of The Chronos Building had recently set up a

Whatsapp group and had begun to collectively catalogue incidents of noise nuisance and complaints. She said the main issue had been the back door which was being kept wedged open. She said the alarm which should have sounded in the event of that door being open had been disabled and residents therefore experienced noise nuisance day and night. She said later opening hours would only exacerbate the noise nuisance experienced.

Mr Callaghan said the photograph on page 27 of the supplement agenda was taken to show the overflow of bins and he had personally witnessed staff from Cookies and Cream disposing of rubbish in the bins of the neighbouring restaurant. Mr Callaghan said the Chronos Buildings were originally designed as office space, with flats above them but had been converted into restaurants and therefore this was not ideal.

Mr Simon Epstein stated he had made complaints to the Noise Team and whilst he did not live directly above the restaurant, he is on the second floor, the noise emanating from the restaurant was loud. He said staff communicated by shouting rather than talking and with the back door wedged open the noise, vermin infestation and bins overflowing were regular annoyances.

In response to questions from Members the following was noted:

1. The Applicant stated a mechanism for the back door had been ordered and that this would be fixed immediately.
2. That the cleaning rota for the outside space would be carried out three times a week.
3. That more of an effort would be made to communicate with the residents, so any complaints raised can be resolved amicably.
4. To the residents, it was explained that having an enforceable licence would be more advantageous than no licence being in place.

In summing up, Mr Edwards reiterated the proposed amendments he was putting forward and stated that the granting of the application would mean his client could provide late night refreshment to customers beyond 23:00 hours. He said this would only be an extra half an hour on Sundays to Thursdays and an extra one and half hours on Fridays and Saturdays. He said that having a licence would also be beneficial to the local residents.

The objectors stated their concern about the licence only being enforceable from 23:00 hours onwards but appreciated that a licence would be better than no licence. They also said that the Applicant must do more to reduce noise as well as keep the outside area clean and tidy.

Members adjourned the meeting at 19:34 hours for deliberations and reconvened at 20:29 hours.

The Licensing Objectives

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

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

Consideration

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

In reaching their decision, Members noted the application was for providing Late Night Refreshments from 23:00 to 23:30 hours Sunday to Thursday and 23:00 to 00:30 hours Friday and Saturday. Members of the Sub-Committee heard from the Applicants Solicitor Mr Anthony Edwards who stated the premises had been trading for nine years selling ice-creams, cakes and hot-drinks, waffles and crepes. It was applying for a licence to sell hot food – waffles and crepes, drinks beyond 23:00 hours, for an extra half an hour weekdays and hour and half on Fridays and Saturdays. Mr Edwards stated the applicant was not seeking a sale of alcohol licence. Mr Edwards referred to the conditions stated in the operating schedule and said that in view of the objections raised by local residents, the applicant was willing to tighten up the conditions therein so to ensure noise emanating from the premises did not disturb the neighbours. He said the closing mechanism for the back door would be fixed and the outside area for bins would be kept clean and tidy, with three collections of rubbish per week.

The Members also considered the objections of Ms Karen Chiu, Mr Simon Epstein and Mr Barry Callaghan. Members had great empathy with the objectors and heard how noise, vermin infestation and the back door of the premises, which is kept open, contributed to their sleep deprivation and noise nuisance. Mr Epstein stated he had made two complaints in relation of noise to the Noise Team.

Upon considering the application, Members agreed the applicant had adequately demonstrated how he would address the licensing objectives of protection of children from harm and crime and disorder, but felt the Applicant could do more to address the licensing objective of preventing public nuisance by reducing the impact of and minimising the chances of noise nuisance. Members considered that this could be achieved through a means for

residents to communicate concerns to the business owner, as part of the robust raft of conditions to support the Licensing objectives.

Members reached a unanimous decision. Members agreed to grant the application with conditions added to the operating schedule as stated below.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Late Night Refreshment Licence for Cookies and Cream, Unit 5, The Chronos Building, 9-25 Mile End Road, London E1 4TP be **GRANTED** with the conditions consistent with the operating schedule, as modified by the Applicants representative plus the conditions agreed with Environmental Protection and the Police, as set out below:

Recorded Music (indoors only)

- Sunday – Thursday 12:00 – 23:30 hours
- Friday - Saturday 12:00 – 00:30 hours

Late Night Refreshments (indoors only)

- Sunday – Thursday 23:00 – 23:30 hours
- Friday - Saturday 23:00 – 00:30 hours

Hours premises are open to the public:

- Sunday – Thursday 12:00 – 00:00 hours (midnight)
- Friday – Saturday 12:00 – 01:00 hours

Conditions consistent with Operating Schedule (amendments shown in italics)

1. Ensure staff are familiar with the licensing objectives and adhere to them at all times.
2. Clear and legible notice will be placed outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
3. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
4. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
5. Drinks will only be served in plastic bottle and paper cups.
6. Persons appearing drunk or under the influence of illegal substances will not be permitted into the premises.
7. Maintain an incident log of any criminal activity or attempted criminal activity within or within the immediate vicinity of the premises.
8. A log book or recording system will be kept in the premises for recording inspections made including those required by legislation, and information compiled to comply with any public safety condition attached to the premises license. The logbook shall be kept available

and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

9. Prominent, clear and legible notices will be displayed at exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
10. Deliveries to the premises will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby resident and nor after 7:00 pm
11. Staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents. No more than one member of staff to have access to the back of the premises at any one time.
12. Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
13. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
14. Noise or vibration will not emanate from the premises such as to cause unreasonably disturbance to neighbours. The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties and before 11pm.
15. Provision of mechanical ventilation and air conditioning system will not allow noise breakout from the premises or cause a nuisance by its operation.
16. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid. This will help prevent litter being blown around.
17. Children below the age of 16 will be excluded from the premises between the hours of 23:00 to 04:00.
18. The rear door to the premises shall be kept closed (except for access) after 11pm
19. The rear area shall be kept clear with a daily cleaning schedule.

Conditions Agreed/Requested by Responsible Authority

Agreed with Environmental Protection

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
3. The premises license holder shall ensure that noise or vibration is not audible at the nearest noise sensitive premises.

Agreed with Police

4. 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.

5. 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). While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.
6. An incident book is to be kept to record all incidents of crime and incidents like refusal of entry to the premises, asking people to leave etc.

In addition to the above, Members imposed the following conditions in light of the residents' representations that:

1. The back door to the premises is immediately fixed and remains shut other than for the purpose of entry and egress.
2. To ensure the cleaning of the outside area at the rear of the premises is done regularly and that area is kept clean and tidy; and
3. The premises owners/management have a means of clear communication through a publically visible noticeboard or website for the residents to be able to make contact and raise issues.

3.2 Licensing Act 2003 Application for Variation of a Premises Licence for Angel Convenience, 23 Roman Road, London E2 0HU

At the request of the Chair, Ms Corinne Holland, Licensing Officer introduced the report, which detailed the application for a variation of a premises licence for Angel Convenience, 23 Roman Road, London E2 0HU. It was noted that objections had been received on behalf of the Licensing Authority, Trading Standards, the Metropolitan Police and local residents.

The Sub-Committee heard from Mr Graham Hopkins, the Applicant's Licensing Representative who firstly put forward amendments to the proposed opening times announcing a reduction of one hour to the proposed times as stipulated on page 108 of the agenda. Mr Hopkins stated the application before the Sub-Committee was in view of the Late Night Levy introduced earlier in the year as well as for the viability of the business. Referring to the objections from the Police at Appendix 7, Mr Hopkins stated that the requirement was for the CCTV to be operational and his clients CCTV was operational, albeit that the Applicant was unable to download the images from the system onto a USB stick. He said his client was unfamiliar with the equipment which had recently been upgraded with a new hard drive. Mr Hopkins stated he had viewed the footage from which it is clear the young person ran into the shop. However, the young person was not known to the Applicant or staff of the convenience store and was thrown out. Mr Hopkins stated the young person in question is barred from the premises and the back door is now closed.

Mr Hopkins made reference to the twenty two enforcement visits made by the Trading Standards team as documented on pages 161 and 162 of the agenda pack. He said that of those visits over five years, only four complaints had been made. Mr Hopkins said his client accepted the non-compliance of 21st May 2014 and 4th July 2015, but disputed the non-compliance of 9th October 2013 and 15th May 2018. With respect to the 9th October 2013 non-compliance, the Applicant stated the two open packets of cigarettes found behind the counter belonged to staff members and single cigarettes were not being sold to under-age young people. With regard to the 15th May 2018, the sale of alcohol was inadvertently sold, as the clock was behind the cashier rather than in front. Mr Hopkins said he had advised the Applicant Mr Alahi to move the clock onto the wall in front so the cashier had a clear view of the time. Mr Hopkins said that of the twenty two visits, seventeen were compliant.

Regarding the representations made by residents, Mr Hopkins said no photographic evidence had been provided and there had been no complaints to the Local Authority or responsible authorities. Mr Hopkins said his client Mr Alahi totally refuted the allegation of drug selling and/or drug use. The Applicant had taken remedial action and has installed a CCTV camera outside the shop as well as displayed a phone number in the shop window, for residents to contact should they need to.

Mr Hopkins stated that should the Sub-Committee be minded to grant the application, a set of amended conditions were being proposed.

At the request of the Chair, the Sub-Committee heard from the objectors. Ms Kathy Driver, Licensing Officer, PC Mark Perry for the Metropolitan Police, Mr Kevin Maple for Trading Standards and Ms Charlotte Boden on behalf of Tracy Barbe for Globe Town residents.

Ms Driver referred Members to the non-compliance of 15th May 2018 page 162 and the incidents referred to in Appendix 9 at page 166 – those of 5th May 2018 and 19th January 2013. Ms Driver pointed out to the Sub-Committee that the non-compliances were not a minute or five minutes past the hour but a total of forty one minutes on the 5th May 2018 and twenty minutes on the 19th January 2013. On the 9th June 2018, the officer conducting the test purchase was allowed to walk into the shop and pick up a bottle of alcohol before being told a sale could not take place. Ms Driver said the Applicant did not keep the alcohol covered at all times after hours and was selling to known customers. As recently as to the 17th August 2018, complaints from residents were being received.

Mr Maple explained that it was a common defence to state the cigarettes belonged to staff when in actual fact single cigarettes are being sold to young people. He said the chargers that were seized on the 21st May 2014 were unsafe and if sold to potential customers could have caught fire or exploded without warning. Mr Maple said the 'inadvertent' sale of the 15th May 2018 was a sale which took place after the permitted hours. Further test purchases undertaken by a Police Cadet resulted in the positive sale of cigarettes on the 8th April 2017. Mr Maple stated a test purchase in August 2017 was aborted

with the cashier stating "I cannot give you cigarettes, you're not a regular and are not on the list."

PC Mark Perry stated the evidence from the Trading Standards made it clear there was no managerial control at the premises, with a total disregard for the legal requirement for selling alcohol and tobacco. He said they had undermined the licensing objectives. PC Perry referred Members to page 158 of the agenda and the incident which took place on the 4th June 2018. He said despite the incident taking place outside the shop, no effort was made by the Applicant or staff to report the anti-social behaviour or indeed help the victim. PC Perry stated it was clear groups of young people, known to the Applicant hung around outside the shop. PC Perry stated this was further supported by the resident's evidence on page 173, second paragraph. He said this was a flagrant breach of the licence and was having a negative impact on the community.

This view was further endorsed by Ms Boden on behalf of the residents of Globe Town. She said the anti-social behaviour was having a negative impact and she did not think the premises should be permitted to open later in the night, when there were other providers in the area such as Tesco which was two minutes away.

In response to questions from members the following was noted:

- That it was a common defence to state cigarettes belonged to staff rather than admit they were being sold as single cigarette sales to under-age young people.
- That stating the CCTV was operational does not satisfy the condition to provide CCTV footage when asked for by the Police. To provide the evidence two months after the incident is unacceptable.
- The Applicant was asked if he thought it was acceptable to sell alcohol and cigarettes to under-age young people, to which he responded that it was harmful.
- The Applicant was asked how he could be trusted to adhere to the licensing conditions in view of the breaches evidenced. The Applicant stated he was better informed of the licensing conditions and would adhere to these.

The Applicants representative did not make any further remarks. PC Perry on behalf of the objectors stated that the Sub-Committee should satisfy themselves if the Applicant could be trusted to abide to the licensing conditions in light of the evidence before them.

Members adjourned the meeting at 21:21 hours for deliberations and reconvened at 21:56 hours.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing

Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licencing objectives:

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

Consideration

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

In reaching their decision, Members noted the previous breaches of conditions, the selling of alcohol after the permitted hours, the sale of cigarettes to under-age children and the premises staying open beyond its licenced hours, as documented by the evidence provided by the Responsible Authorities. In particular Members were concerned about the incident which took place on the 4th June 2018, outside the premises as set out on pages 158 and 159 of the agenda report. In that regard, Members were concerned about the Applicants slow response in providing CCTV evidence to the police and the lack of concern about seeking to prevent anti-social behaviour outside the premises.

Whilst the Sub-Committee appreciated the Applicants desire to extend the licensable hours for the business, and noted his reassurances that he would comply with the licencing conditions and objectives, Members had no confidence that if the additional hours sought were granted, the Applicant would not again fail to comply with the conditions of the premises licence and uphold the licensing objectives. Members considered that on the balance of probabilities, the concerns raised by both the Responsible Authorities and residents in their evidence showed the Applicant could not be trusted to keep to the existing licensed hours, nor to comply with the conditions of the existing premises licence if this current application were to be granted.

Members were not satisfied that the Applicant had shown he could be trusted to uphold the licensing objectives of the prevention of crime and disorder, the protection of children from harm and the prevention of public nuisance from the evidence of the Police, Trading Standards and the Licensing Authority in both their oral representations in the meeting and in their written representations of residents in the agenda report.

In reaching their decision, Members applied the civil burden of proof on the balance of probabilities.

Members reached a unanimous decision to refuse the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a variation of a Premises Licence for Angel Convenience, 23 Roman Road, London E2 0HU be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
The Royal College of Pathologist, 6 Alie St, London E1 8QT	27/09 2.30pm	14/08
Mailinda, 62 Mellish Street, London, E14 8NS	27/09 2.30pm	17/08
The Victoria, 110 Grove Road, London, E3 5TH	02/10 6.30pm	23/08
Urban Baristas, 138 Wapping High St, London E1W 3PA	02/10 6.30pm	28/08
Pizza Union, 25 Sandy Row, London, E1 7HW	16/10 6.30pm	12/09
East Gifting Outfit Ltd 10 Tomlins Grove London E3 4NX	16/10 6.30pm	21/09
Kays Local, 209 Roman Road, London E2 0QY	30/10 6.30pm	27/09
Tanim Superstore, 542 Commercial Rd, London E1 0HY	30/10 6.30pm	01/10
Cost Price 41 Brick Lane London E1	13/11 6.30pm	13/10

The meeting ended at 10.00 p.m.

Chair, Councillor Sabina Akhtar
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 18 SEPTEMBER 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed

Councillor Zenith Rahman

Officers Present:

Mohshin Ali	–	(Senior Licensing Officer)
Nicola Cadzow	–	(Environmental Health Officer)
Corinne Holland	–	(Licensing Officer)
Vivienne Walker	–	(Senior Prosecution Lawyer)
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Richard Wormald	4.1	(Legal Representative)
Steven Finch	4.1	(Applicant)
Wayne Lloyd	4.2	(Applicant)
John Sharp	4.2	(Local Resident)
Perry Miller	4.2	(Local Resident)
Emma Lloyd	4.2	(Local Resident)

Representing objectors	Item Number	Role
Ren Patel	4.2	(The Lighthouse)
Kishan Bhatt	4.2	(Local Resident)
Jean Paul Minet	4.2	(Local Resident)
William Harbridge	4.2	(Local Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The unrestricted minutes of the Licensing Sub Committee meetings held on 19th June, 10th July and 24th July 2018 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Boxcar Brewery, 1 Gales Gardens, London E2 6JY

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Boxcar Brewery, 1 Gales Gardens, Birkbeck Street, London E2 6JY. It was noted that there was one objection from a local resident on the grounds of public nuisance. It was also noted that the hours had been reduced in consultation with Environmental Health.

At the request of the Chair Mr Richard Wormald, Legal Representative on behalf of the Applicant explained that the premises was an unused and unlicensed railway arches which was a fair distance away from residential properties, it building had thick walls and therefore there were no concerns of noise breakout.

Mr Wormald gave a brief background of the Applicant's history, experiences and achievements over the years especially in the licence trade. It was noted that the Applicant had a chain of five venues trading as Vagabond Wines providing high end and premium beers and wines and has not had any complaints from these venues.

It was noted that the premises would be divided into two sections, one part would be the brewery and the other would be used as a bar selling craft and exclusive beers, selling at high end prices and therefore discouraging street drinkers. It was noted that an experience manager would be managing the premises, there would be no live music only low background music. Members were asked to note the proposed conditions which were listed on page 91 of the agenda.

The objector was not present at the meeting therefore Members noted and considered the written objections.

In response to questions the following was noted;

- That the applicant was happy to add a condition not to sell off sales in opened containers.
- That there was no parking facilities available on the premises site.
- That they would be happy to offer a dedicated number for management if there were any complaints/concerns from residents.
- That they would also look to employ local people once opened.

Members adjourned the meeting at 7.10pm for deliberations and reconvened at 7.15pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four 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 representation from the Applicant and his Legal Representative and noted the written objections made by the local resident, whom was not present at the meeting.

Members welcomed the efforts made by the Applicant by offering conditions and accepting a reduction in hours in line with the Council's Framework hours and in consultation with the Responsible Authority.

Members noted the concerns raised about noise emanating from the premises, therefore Members believed that the conditions such as loudspeakers shall not be located in the entrance lobby or outside the premise building and that all windows and external doors shall be kept closed after 22:00 hours would help prevent this and alleviate some of those concerns. Members were also satisfied that a modification of the hours on the license would also relieve the concerns of the local resident and avoid any future disturbances.

Members believed that restricting the use of the smoking area outside the premises to ten people at any one time would also help with noise control.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Boxcar Brewery, 1 Gales Garden, London E2 6JYbe **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Sunday to Wednesday from 11:00 hrs to 23:00 hrs.

Thursday to Saturday from 11:00 hrs to 23:30 hrs

The Provision of Late Night Refreshments (indoors)

Thursday to Saturday from 23:00 hrs to 23:30 hrs

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

Sunday to Wednesday from 11:00 hrs to 23:00 hrs.

Thursday to Saturday from 11:00 hrs to 23:30 hrs

Non-standard timings for all of the above

Until midnight on Sundays immediately before a Bank Holiday.

From end of permitted hours on New Years Eve to the start of the permitted hours on New Years Day.

Hours premises is open to the public

Sunday to Wednesday from 11:00 hrs to 23:30 hrs.

Thursday to Saturday from 11:00 hrs to 00:00 hrs (midnight)

Until 00:30 hrs on Sundays immediately before a Bank Holiday.

From end of permitted hours on New Years Eve to the start of the permitted hours on New Years Day.

Conditions

1. Off sales shall not be sold as open containers.
2. SIA supervisors shall be employed at the premises based on an operational risk assessment.
3. 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.

4. CCTV camera system covering both internal and external to the premises is to be installed.
5. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a police officer or any officer of any other Responsible Authority.
6. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any faults in the CCTV system;
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
8. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
9. Refuse, including bottles are to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises.
10. No drinks to be taken outside after 22:00hrs (including external area).
11. No noise from regulated entertainment shall be audible at any affected façade at a level that causes a public nuisance.
12. No more than 10 smokers allowed to smoke in the external areas after 22:00hrs.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
15. All windows and external doors shall be kept closed after 22:00hrs, except for the immediate access & egress of persons

4.2 Application to Review the Premises Licence for The Lighthouse, 421 Wick Lane, London E3 2NG

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a review of the premises licence for The Lighthouse, 421 Wick Lane, London E3 2NG. It was noted that representations had been received in support of the review and one representation against the review.

At the request of the Chair, Nicola Cadzow, Environmental Health Officer, stated that she was not objecting or supporting the review but wanted to give noise comments in her capacity as an Environmental Health Officer. She explained that they had received complaints from resident previously but had no evidence to support public nuisance. However since the review, a visit was made in response to a complaint and a statutory noise nuisance was witnessed which then followed a noise abatement notice being served on the Premises Licence Holder, this was referred to in supplemental agenda 1.

At the request of the Chair, Wayne Lloyd, local resident and Applicant of the review, briefly explained that he was not trying to be unreasonable but wanted to enjoy his property, his home, he explained that on occasions he has had to leave his house during weekends, go to friends houses or hotels as its been impossible to escape the noise. He also stated that he regularly witnessed customers of The Lighthouse urinating and vomiting on the streets and by cars and causing general public nuisance. He concluded that this was causing a negative impact on his life, his neighbours and the area as a whole.

Members then heard from John Sharp, Perry Miller and Emma Lloyd who expressed similar concerns of noise nuisance and public nuisance specifically linked to the premises. It was noted that attempts to contact the owner had been made but as a result they have been subject to abuse and intimidating behaviour. There was also reference to blocking off a public road for a party the venue was hosting without any authority, affecting residents from driving/walking through. It was noted that these changes had started from the beginning of this year 2018 with excessive late night parties and people drinking and congregating on the streets causing nuisance.

Members then heard from Mr Kishan Bhatt, local resident against the review, he explained that he lived directly above the premise and had been for the past 2 years and has lived in the area since 2000. He explained that throughout his stay he had only been woken up by excessive noise the once, this was brought to Mr Ren Patel's attention who addressed this immediately and since then, noise has never been a problem. He said that it was a community pub, he went there regularly and had never witnessed any anti-social behaviour or underage drinking.

Mr Ren Patel, Designated Premises Supervisor stated briefly that he was not an unreasonable man, disputed the accusations that had been made by the residents. He said that the premises had sound proofing, had drapes to stop noise breakout. It was noted that security staff were also employed to move customers away from the residential homes.

In response to questions the following was noted;

- That the applicant and residents had no concerns of underage sales at the premises.
- That a public road was closed off by Mr Patel without any authorisation from the Council's Highways Team or the Police.
- That the window of one resident was shattered from the inside but there was a loud sound from outside which is believed to have caused the breaking of the glass.
- That Mr Patel did not accept that vandalising of the bus stop was by customers of The Lighthouse as there was another event going on in the club in Autumn St and therefore hard to say who's customers they were.
- That approximately 90-100 guests would attend an event throughout the evening.
- That late night events are usually twice a month.
- That Mr Patel agreed to reduce the current licence hours to the Council's framework hours, on the basis that this whole procedure would end.

Members adjourned the meeting at 8.30pm for deliberations and reconvened at 8.55pm.

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 listened to the representations made by the Applicants, the residents supporting the review as well as the Premises Licence Holder and those against the review application. The Sub Committee also took into consideration the comments from the Environmental Health Officer.

Members were concerned over the number of complaints logged by the Applicant together with those made by other individual residents. Although Members took into account Mr Kishan Bhatt's representation that he suffered no noise nuisance whilst living directly above the premises except once, Members could not disregard the written representations and the video evidence provided by the Applicant which showed incidents of noise nuisance and public nuisance. As well as this, it was noted that Enforcement Officers

had witnessed statutory noise nuisance from the premises and consequently served noise abatement notices.

Members also had serious concerns that on one occasion the premises licence holder had took it upon himself to close off a public road to benefit his patrons without any prior permission from the Highways Team for such a road closure and this to Members demonstrated a blatant disregard to rules and regulations.

In reaching their decision, Members noted the current demographics of the area and noted that the area that was once derelict, was now full of industry, amenities, entertainment venues and most importantly a rapidly growing residential community. Members noted that the objections from local residents covered a wide range of concerns which was evident in demonstrating that there was already public nuisance in the form of noise nuisance.

However, Members welcomed the agreement from the Premises Licence Holder to reduce the current licensable hours to come in line with the Council's Framework hours and believed that this was a way forward to help address the concerns of residents and promote the licensing objectives. Members believed that further conditions restricting the number of patrons smoking outside the premises at any one time and no drinks allowed outside the premises and no off sales would help alleviate the remaining concerns of local residents and also address the issues of public nuisance and noise nuisance emanating from the premises.

Members were satisfied that imposing conditions including altering existing permissions that relate to problems which they considered had been identified were necessary and proportionate to ensure that the licensing objectives are met.

Therefore Members made a decision and the decision was unanimous. Members granted the application in part with a reduction in hours and imposed additional conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the Review application for, The Lighthouse, 421 Wick Lane, London E3 2NG be **GRANTED in part** with conditions.

The premise licence be amended to the following:

Sale of Alcohol (On sales only)

Monday to Thursday from 10:00 hours to 23:00 hours

Friday & Saturday from 10:00 hours to 00:00 hours (midnight)

Sunday from 10:00 hours to 22:30 hours

The Provision of Regulated Entertainment (films, indoor sporting events, recorded music)

Monday to Thursday from 10:00 hours to 23:00 hours

Friday & Saturday from 10:00 hours to 00:00 hours (midnight)

Sunday from 10:00 hours to 22:30 hours

The Provision of Regulated Entertainment (live music)

Friday & Saturday from 18:00 hours to 00:00 hours (midnight)

Sunday from 11:00 hours to 22:30 hours

The Provision for Late Night Refreshments

Friday & Saturday from 23:00 hours to 00:00 hours (midnight)

Non Standard Times

Christmas Eve, St Patricks Day, St George's Day, St Andrew's Day, St David's Day, Diwali Day from 10:00 hours to 02:00 hours (the following day)

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

Hours premises are open to the public:

Monday to Thursday from 10:00 hours to 23:30 hours

Friday & Saturday from 10:00 hours to 00:30 hours (midnight)

Sunday from 10:00 hours to 23:00 hours

Conditions

1. No off sales.
2. No drinks to be taken outside the premises.
3. No more than 10 smokers allowed to smoke outside the premises at any one time.
4. CCTV camera system covering both internal and external to the premises is to be installed.
5. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a police officer or any officer of any other Responsible Authority.
6. At all times when the premises are open, a person who can operate the CCTV system must be present on the premises.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no extensions to decision deadlines.

The meeting ended at 9.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	16 October 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for variation of a Premises Licence for Pizza Union, 25 Sandy's Row, London E1 7HW Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Pizza Union Ltd**
Name and **Pizza Union**
Address of Premises: **25 Sandy's Row**
London
E1 7HW

Licence sought: **Licensing Act 2003**
Variation to Premises Licence (add 'off sales'
for deliveries and telephone/online collection
orders only)

Objectors: **Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for
register

If not supplied, name and telephone
number of holder

File Only

Corinne Holland
020 7364 3986

3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for Pizza Union, 25 Sandy's Row, London, E1 7HW
- 3.2 A copy of the existing licence with plan is enclosed as **Appendix 1**.
- 3.3 The timings of the existing licence are detailed below for information only:-

The Sale of alcohol (on sales only):

- Monday to Saturday 07:00 hours - 23:00 hours
- Sunday 07:00 hours – 22:30 hours

The opening hours of the premises:

- Monday to Saturday 07:00 hours – 23:30 hours
- Sunday 07:00 hours – 23:00 hours

- 3.4 A copy of the variation application is enclosed as **Appendix 2**.
- 3.5 The applicant has described the nature of the variation as follows:

*To add off-sales between Monday to Saturday 07:00 – 23:00 and Sunday 07:00 to 22:30 hours. Off- sales to be for home/business deliveries and telephone/online collection orders only.
To add conditions in relation to the off-sale activity.*

- 3.6 The times for the licensable activities and opening hours have not been varied:

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 Maps showing the vicinity are included as **Appendix 3**.
- 4.3 Nearby Licensed Premises are shown in **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 residents:
- Alex Shute (**Appendix 6**)
 - Juliet McKoen (**Appendix 7**)
 - Jon Shapiro (**Appendix 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

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 whilst leaving the premises
- Public nuisance
- Contrary to the CIZ

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 on existing Premises Licence

1. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail

maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

2. Notices will be displayed requesting customers leave quietly and respect the local residential amenity.
3. A till prompt system for all alcohol will be installed at the premises and used during all transactions.

8.0 Conditions consistent with Operating Schedule

1. Drivers in motor cars or mopeds will be asked not to leave their engines on idle and not to use their horns inappropriately.
2. On delivery, every customer who appears to be under the age of 21 will be required to provide proof of age by way of photographic driving licence, passport, HM Forces card or a form of identification with the PASS hologram. If a person seeking alcohol is unable to produce such identification, to prove that they are 18 or over, then no supply of alcohol will be made to that person.
3. A written record shall be kept of all refusals which will be made available to the Licensing Authority or Police on request.

9.0 Conditions agreed in consultation with the responsible authorities

Conditions agreed with the Licensing Authority –

1. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
2. Alcohol shall only be delivered to a residential or business address and not to a public place.
3. Alcohol shall only be available upon collection if pre-ordered via telephone or online service.

10.0 Licensing Officer Comments

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

10.2 Guidance issued under section 182 of the Licensing Act 2003

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

grant it with appropriate conditions and/or different hours from those requested.” (10.14)

- ❖ It is not acceptable for licensing authorities to simply replicate the wording from an applicant’s operating schedule. A condition should be interpreted in accordance with the applicant’s intention (10.5)
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.11)
- ❖ Mandatory conditions must be imposed (10.25) 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)
- ❖ Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.21).
- ❖ 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)

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

- 10.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 10.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 10.6 The Government has advised that “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.” (2.21)
- 10.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 10.8 In **Appendices 9 – 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.

11.0 Legal Comments

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

12.0 Finance Comments

- 12.1 There are no financial implications in this report.

13.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Maps of the surrounding area
Appendix 4	Nearby licensed premises
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6	Representations of Mr Shute
Appendix 7	Representation of Ms McKoen
Appendix 8	Representations of Mr Shapiro
Appendix 9	Anti-social behaviour when leaving the premises
Appendix 10	S182 Advice on public nuisance
Appendix 11	Licensing Policy advice on public nuisance
Appendix 12	CIZ

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Appendix 1

(Pizza Union)
25 Sandy's Row
London
E1 7HW

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

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

Date: 29th July 2010

Minor Variation: 16th November 2016
Detail change 27/2/17

**Part A - Format of premises licence**

Premises licence number

21842

Part 1 - Premises details**Postal address of premises, or if none, ordnance survey map reference or description****(Pizza Union)**
25 Sandy's Row**Post town**

London

Post code

E1 7HW

Telephone number

020 7247 5116

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Saturday 07:00 hours – 23:00 hours

Sunday 07:00 hours – 22:30 hours

The opening hours of the premises

Monday to Saturday 07:00 hours – 23:30 hours

Sunday 07:00 hours – 23:00 hours

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

On sales only

Part 2

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

Pizza Union Ltd
25 Sandy's Row
(corner of Middlesex Street)
London
E1 7HW
020 7247 5116
[REDACTED]

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

8185139

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

Mr Aaron Gonzalez Leal
[REDACTED]
[REDACTED]

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

Licence No: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

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

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price

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

Annex 2 - Conditions consistent with the operating Schedule

1. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

2. Notices will be displayed requesting customers leave quietly and respect the local residential amenity.
3. A till prompt system for all alcohol will be installed at the premises and used during all transactions.

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

Not applicable

Annex 4 - Plans

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

27th June 2013 – Mezzanine Floor for information
First floor licensed (DWG No: J78_107, Dated 20.06.2013)



Part B - Premises licence summary

Premises licence number

21842

Premises details

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

(Pizza Union)
25 Sandy's Row

Post town

London

Post code

E1 7HW

Telephone number

020 7247 5116

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of alcohol

Monday to Saturday 07:00 hrs – 23:00 hrs
Sunday 07:00 hrs – 22:30 hrs

The opening hours of the premises

Monday to Saturday 07:00 hrs – 23:30 hrs
Sunday 07:00 hrs – 23:00 hrs

Name, (registered) address of holder of premises licence

Pizza Union Ltd
25 Sandy's Row
(corner of Middlesex Street)
London
E1 7HW

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

On sales only

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

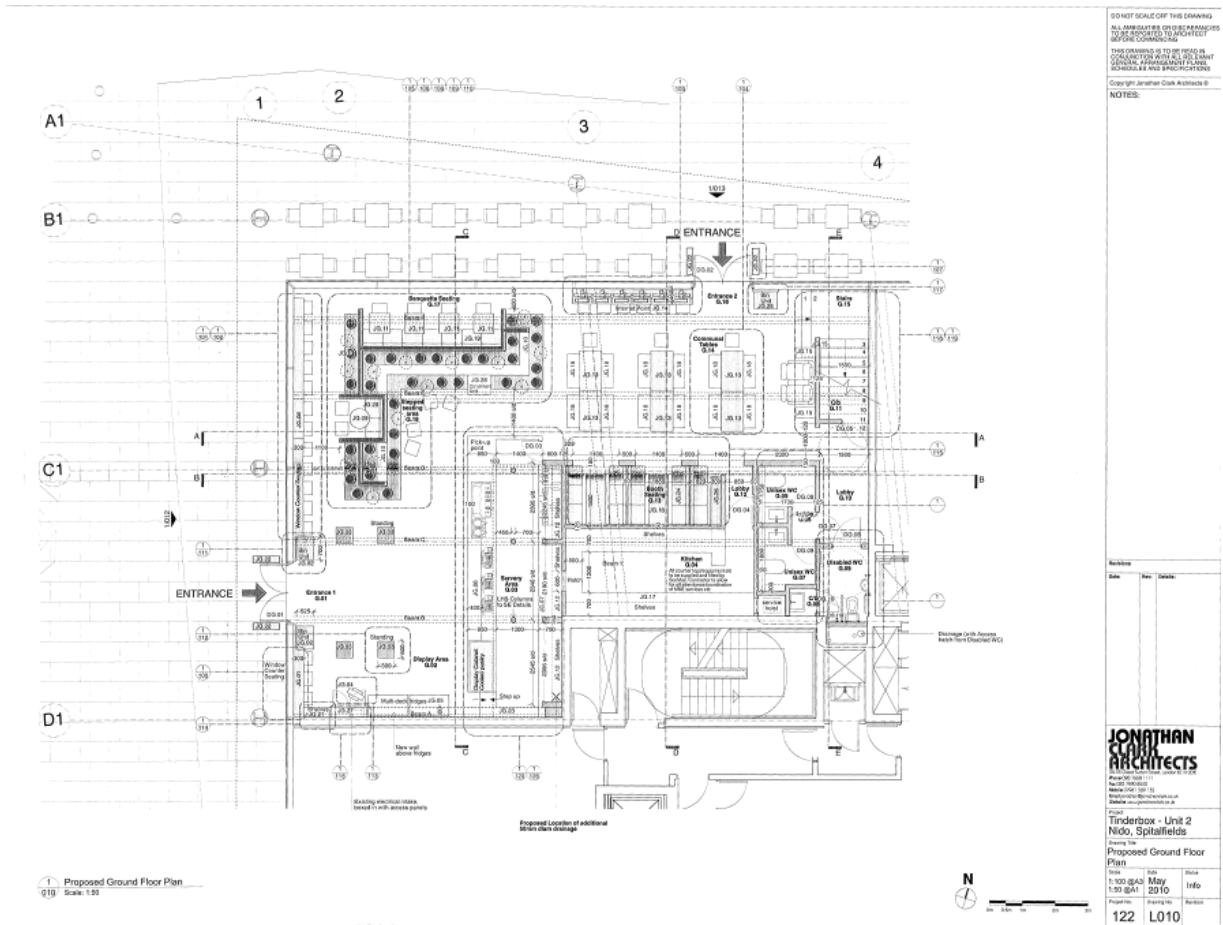
8185139

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

Mr Aaron Gonzalez Leal

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

No restrictions



Appendix 2

London Borough of Tower Hamlets

Application to vary a premises licence 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.

We Pizza Union Ltd

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 21842

Part 1 – Premises Details

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

Pizza Union 25 Sandy's Row			
-------------------------------	--	--	--

Post town	London	Post code	E1 7HW
------------------	--------	------------------	--------

Telephone number at premises (if any)	
----------------------------------------------	--

Non-domestic rateable value of premises	£61,500.00
------------------------------------------------	------------

Part 2 – Applicant details

Daytime contact telephone number	
-----------------------------------------	--

E-mail address (optional)	
----------------------------------	--

Current residential address if different from premises address	
-----------------------------------------------------------------------	--

Post Town	London	Postcode	
------------------	--------	-----------------	--

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

☒

If not, from what date do you want the variation to take effect?

Day	Month	Year

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

To add Alcohol off-sales Monday to Saturday 07:00hrs to 23:00hrs and Sunday 07:00hrs to 22:30hrs. Off-sales to be for home/business deliveries and telephone/online collection orders only.

To add conditions in relation to the off-sale activity

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

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please read guidance note 3)

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)

☐

Sale by retail 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 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)	
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
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 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		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 5)			
Mon						
Tue						
Wed						
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)			
Fri			<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 7)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u>			
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		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 5)			
Wed			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)			
Thur						
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 7)			
Sun						

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon						
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)			
Thur						
Fri						
Sat			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 7)			
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)		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 6)			
Mon	07:00	23:00				
Tue	07:00	23:00				
Wed	07:00	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 7)			
Thur	07:00	23:00				
Fri	07:00	23:00				
Sat	07:00	23:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			
Sun	07:00	22:30				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	07:00	23:30	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 7) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	23:30	
Fri	07:00	23:30	
Sat	07:00	23:30	
Sun	07:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 None

Please tick yes

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

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

We have considered the Cumulative Impact Area and with the additional conditions we are offering we feel the provision of alcohol off-sales will not impact on the licensing objectives.

b) The prevention of crime and disorder

As in box a), d) and e)

c) Public safety

As in box a), d) and e)

d) The prevention of public nuisance

1. Drivers in motor cars or mopeds will be asked not to leave their engines on idle and not to use their horns inappropriately.

e) The protection of children from harm

2. On delivery, every customer who appears to be under the age of 21 will be required to provide proof of age by way of photographic driving licence, passport, HM Forces Card or a form of identification with the PASS hologram. If the person seeking alcohol is unable to produce such identification to prove that they are 18 or over, then no supply of alcohol will be made to that person
3. A written record shall be kept of all refusals which will be made available to the Licensing Authority or Police on request


Please tick yes

- I have made or enclosed payment of the fee or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	18 July 2018
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant please state in what capacity.

Signature	
-----------	--

Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Craig Barwell Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349170		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) [REDACTED]			

Notes for Guidance

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

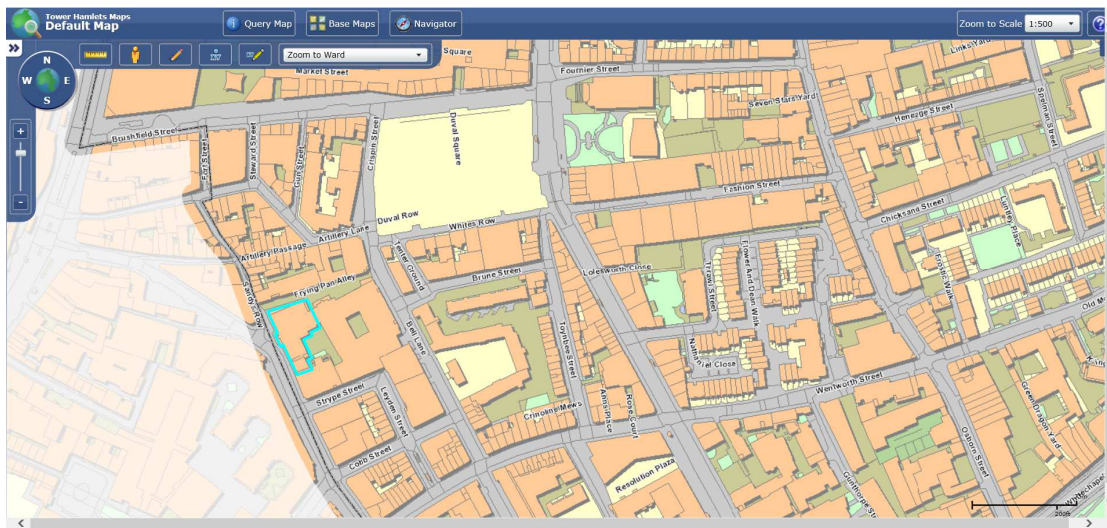
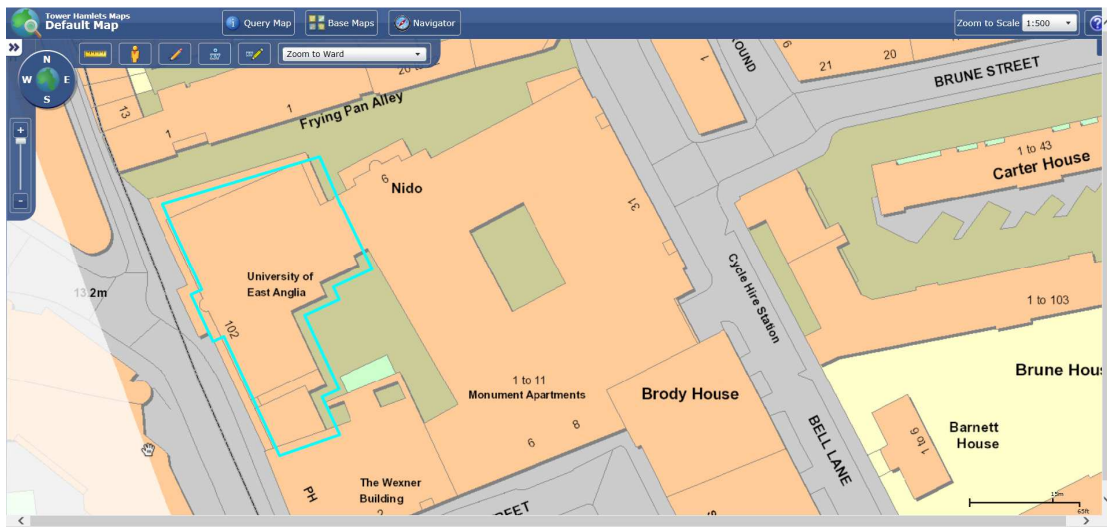
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing 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.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided

- that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate.
Indoors may include a tent.
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Appendix 3

PIZZA UNION 25 SANDYS ROW



Appendix 4

Pizza Union, 25 Sandy's Row

Name and address	Licensable activities and hours	Opening hours
Gulshan Restaurant/La Tagliata 11-13 Sandys Row	<p>Alcohol may be sold or supplied:</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.</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>	There are no restrictions on the hours during which this premises is open to the public
(INTO University of East Anglia London 102 Middlesex Street	<p>Sale of Alcohol</p> <ul style="list-style-type: none"> • Sunday to Friday from 17:00 hours to 00:00 hours (midnight) • Saturday from 17:00 hours to 23:00 hours <p>The Provision of Late Night Refreshments</p> <ul style="list-style-type: none"> • Sunday to Friday from 23:00 hours to 00:00 hours (midnight) <p>The Provision of Regulated Entertainment (Recorded music and provision of facilities for making music)</p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00 hours to 21:00 hours • Friday and Saturday from 12:00 hours to 23:00 hours <p><u>Plays</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 17:00 hours to 21:00 hours • Saturday from 12:00 hours to 21:00 hours <p><u>Films</u></p> <ul style="list-style-type: none"> • Monday to Saturday from 12:00 hours to 21:00 hours <p><u>Live Music</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00 hours to 23:00 hours • Friday from 12:00 hours to 00:00 hours (midnight) • Saturday from 12:00 hours to 23:00 hours 	Monday to Sunday from 12:00 hours to 00:30 hours (the following day)
(Japanese Restaurant) Unit 1, 100 Middlesex Street	<p><u>Sale of alcohol by retail</u></p> <p>Monday to Friday 11:30 hours – 23:00 hours</p> <p>Saturday 12:00 noon – 23:00 hours</p> <p>Sunday 12:00 noon – 22:30 hours</p>	<p>Mon to Fri 11:30 hours – 23:30 hours</p> <p>Saturday 12:00 noon – 23:30 hours</p>

Pizza Union, 25 Sandy's Row

		Sunday 12:00 noon – 23:00 hours
(The Holy Birds/ Tracks & Records) 94 - 98 Middlesex Street	<p><u>Alcohol and Regulated Entertainment</u> (indoor sporting event, live music, performance of dance, facilities for dancing) <u>Live music may be performed in the basement area only.</u></p> <ul style="list-style-type: none"> Monday to Wednesday from 10:00hrs to 00:00hrs (midnight) Thursday and Friday from 10:00 hrs to 01:00hrs (the following day) Saturday from 08:00hrs to 01:00hrs (the following day) Sunday, 07:00hrs to 00:00hrs <p><u>Recorded music</u> Background amplified music ancillary to the sale of alcohol.</p> <ul style="list-style-type: none"> Monday to Wednesday from 10:00hrs to 00:30hrs (the following day) Thursday and Friday from 10:00hrs to 01:30hrs (the following day) Saturday from 08:00hrs to 01:30hrs (the following day) Sunday from 07:00hrs to 00:30hrs (the following day) <p><u>Late Night Refreshment</u></p> <ul style="list-style-type: none"> Monday to Wednesday from 23:00hrs to 00:00hrs (midnight) Thursday to Saturday from 23:00hrs to 01:00hrs (the following day) Sunday from 23:00hrs to 00:00hrs (midnight) 	<p>Monday to Wednesday from 10:00hrs to 00:30hrs (the following day)</p> <p>Thursday and Friday from 10:00hrs to 01:30hrs (the following day)</p> <p>Saturday from 08:00hrs to 01:30hrs (the following day)</p> <p>Sunday from 07:00hrs to 00:30hrs (the following day)</p>
(Thai Buddha) 88-90 Middlesex Street	<p>The times the licence authorises the carrying out of licensable activities</p> <p>Alcohol may be sold or supplied:</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.</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>
	THE OTHER SIDE OF THE ROAD IS THE CITY OF LONDON	

Appendix 5

Section 182 Advice by the Home Office Updated on April 2018

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

Corinne Holland

From: Alex Gordon Shute <[REDACTED]>
Sent: 14 August 2018 18:44
To: Licensing
Subject: Licensing Application by "Pizza Union", 25 Sandys Row, E1 7HW

Dear Sir or Madam,

I would like to request that this Licence Application should be rejected because of the following:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance

The Pizza Union premises are inside the Brick Lane area Cumulative Impact Zone (CIZ) and do not require an 'off sales' licence to trade. An off sales licence would be in obvious breach of the CIZ – which the council and police have agreed is a necessary restriction to avoid excessive ASB and violence in the Spitalfields area, given how much night time drinking and revelry there already is in the area.

Best wishes

Alex Gordon Shute [REDACTED]

Alex Gordon Shute
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 7

Corinne Holland

From: Juliet Mckoen [REDACTED]
Sent: 14 August 2018 21:40
To: Licensing
Subject: PIZZA UNION 25 Sandys Row, E1 7HW

Please refuse this application on the grounds of prevention of public nuisance, crime & disorder and being contrary to the CIZ.

Alcohol fuelled anti social behaviour is a major problem within this area - hence the CIZ.

Allowing a take-away pizza joint to sell drinks would undoubtedly contribute to the problem.

Juliet Mckoen

[REDACTED]

[REDACTED]

Appendix 8

Corinne Holland

From: Jon Shapiro [REDACTED]
Sent: 14 August 2018 16:39
To: Licensing
Subject: Licensing Application by "Pizza Union", 25 Sandys Row, E1 7HW

Dear Sir or Madam,

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

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

as the premises is within the Brick Lane area Cumulative Impact Zone (CIZ) and in my opinion to grant an "off-sales" licence would be in total breach of the CIZ.

The CIZ was introduced 5+ years ago because of the influence alcohol was causing in fuelling cases of ASB and violence in the area. As was the case then, I believe that there are still far too many premises selling "off-sales" alcohol within the CIZ, and any increase in their number would I believe inevitably risk increasing the incidence of ASB and violence. It is for this reason that I think that under any normal circumstances no new licences for "off-sales" should be granted within the CIZ.

I believe "Pizza Union" should **not** be allowed to start selling alcohol "off-sales".

The Brick Lane area absolutely does not need any additional "off-sales" outlets which inevitably could have an impact on fuelling an increase in ASB and violence. This area has always been stated by our Borough Police Commanders to be the "number one policing problem in Tower Hamlets". Until and unless this area ceases to be such a policing problem I believe that additional "Off-Sales" licences should not be granted to any more premises within the CIZ.

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

For the reasons quoted above I believe it would be a breach of the CIZ to allow "Pizza Union" to sell "off-sales" alcohol, and I most strongly request that this Licensing Application should be wholly rejected.

Yours faithfully,
Jon Shapiro.

Resident at:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED])

Appendix 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

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

Updated April 2018

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

Appendix 11

Prevention of Nuisance — Licensing Policy, updated March 2015

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Appendix 12

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.

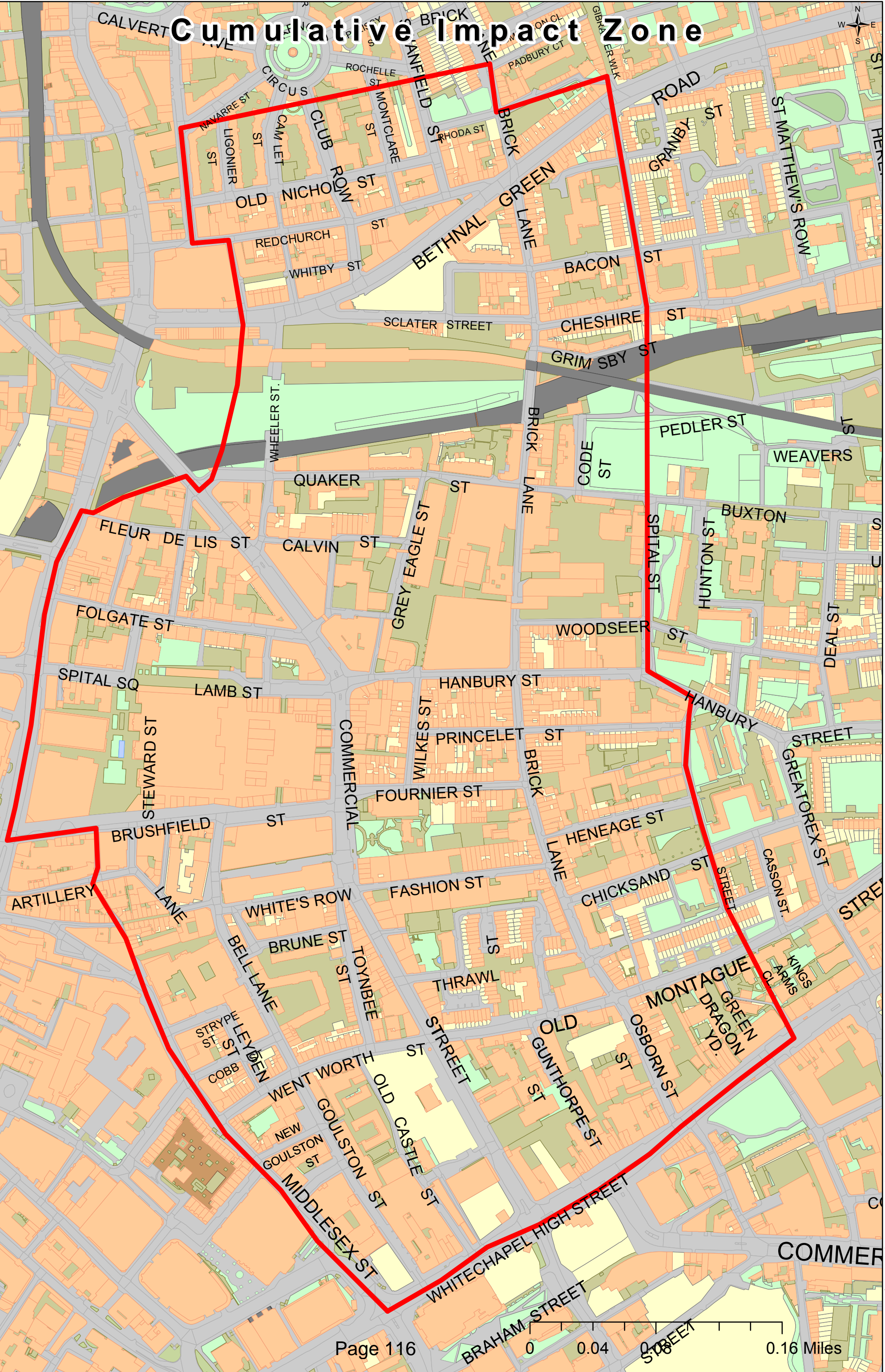
Figure One

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



Agenda Item 4.2

Committee: Licensing Sub-Committee	Date: 16 October 2018	Classification: UNRESTRICTED	Report No.	Agenda Item No.
----------------------------------------------	--------------------------	---------------------------------	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Tanim Superstore, 542 Commercial Road, London E1 0HY Ward affected: Shadwell
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1.0 Summary

Name and Address of premises: **Tanim Superstore**
542 Commercial Road
London E1 0HY

Licence under review: **Licensing Act 2003**
Sale by retail of alcohol

Representations: **Police**
- Licensing Authority
- Public Health

2.0 Recommendations

2.1 That the Licensing Committee considers the application for review and then adjudicates accordingly.

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

020 7364 5171

3.0 Review Application

3.1 This is an application for a review of the premises licence for Tanim Superstore, 542 Commercial Road, London E1 0HY. The review was triggered by the Metropolitan Police.

3.2 A copy of the review application is attached in **Appendix 1**.

3.3 Additional evidence supplied by the Police as part of the review:

Appendix 2 - Additional Evidence

Appendix 3 - Statement from PC Zimolag

Appendix 4 – Statement from PS Deal

Appendix 5 - Statement from PC Osborne

Appendix 6 – Statement from PC Smith

Appendix 7 – Statement from D. Doherty

Appendix 8 – Statement from L. Okomo

4.0 The Premises

4.1 The premises licence was issued on 23rd November 2006. A copy of the current licence is contained in **Appendix 9**.

4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 10**.

5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by: Metropolitan Police.

5.2 The legal representative of the Licensee has submitted response to the review, this is attached in **Appendix 11**.

5.3 The review is further supported by Licensing Authority. Please see **Appendix 12**.

5.4 The review is further supported by Public Health. Please see **Appendix 13**.

5.5 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

5.6 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 14**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised April 2018.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder. **See Appendix 15**.
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 16**.
- 6.6 The Home Office has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 17**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 18**.
- 6.8 The Home Office has issued guidance in relation to Protection of Children from Harm see **Appendix 19**.
- 6.9 The Councils Licensing Policy in relation to the Protection of Children from Harm is shown in **Appendix 20**.
- 6.10 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is

therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”

6.11 Other persons or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Health & Safety & Licensing Manager is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

6.12 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:

- The ground is not relevant to one or more of the licensing objectives
- In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.

7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.

7.3 The procedure for a review can be summarised as follows:

- A review is triggered by a responsible authority or interested party
- Consultation is conducted for 28 full days
- Other responsible authorities or interested parties may join in the review
- Members conduct a hearing
- Members make a determination
- All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

8.1 The Governments advice in relation to reviews is contained in **Appendix 14**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a period
- Revoke the licence completely

8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.

8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.

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

8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

9.0 Legal Comments

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

10.0 Finance Comments

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Additional Evidence from Police
Appendix 3	Statement from PC Zimolag
Appendix 4	Statement from PS Deal
Appendix 5	Statement from PC Osborne
Appendix 6	Statement from PC Smith
Appendix 7	Statement from D. Doherty
Appendix 8	Statement from L. Okomo
Appendix 9	Current Premises Licence
Appendix 10	Maps of the premises and surrounding area
Appendix 11	Premises Licence Holder evidence
Appendix 12	Representations from the Licensing Authority
Appendix 13	Representations from Public Health
Appendix 14	Guidance issued under Section 182 by the Home Office for reviews
Appendix 15	Guidance Issued by the Home Office concerning Crime and Disorder
Appendix 16	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 17	Guidance Issued by the Home Office concerning Public Nuisance
Appendix 18	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance
Appendix 19	Guidance Issued by the Home Office concerning Protection of Children from Harm
Appendix 20	Licensing Policy in relation to the Protection of Children from Harm

Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

**London Borough of Tower Hamlets,
Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY**

**Application for the review of a premises licence or club premises certificate
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 ...Pc Mark Perry 748HT Borough Licensing Officer apply for the review of a
premises licence under section 51 / apply for the review of a club premises certificate
under section 87 of the Licensing Act 2003 for the premises described in Part 1
below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Tanim Superstore (Flash 24 Superstore) 542 Commercial Road	
Post town Tower Hamlets	Post code (if known) E1 0HY

Name of premises licence holder or club holding
club premises certificate (if known)

Mr Rezwan Noor

Number of premises licence or club premises
certificate (if known)

11504

Part 2 - Applicant details

Please tick ☐ yes

I am

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

☐☐☐☐☐

2) a responsible authority (please complete (C) below)

Y

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title ☐

(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

☐

**Current postal
address if different
from premises
address**

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

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

Surname

First names

I am 18 years old or over

Please tick ☐ yes
☐

**Current postal
address if different
from premises
address**

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address:

Pc Mark Perry 748HT
Licensing Officer
Tower Hamlets Police
Bethnal Green Police Station
12 Victoria Park Square

Telephone number (if any)

E-mail (optional) m

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ☐

- | | |
|-----------------------------------------|--------------------------|
| 1) the prevention of crime and disorder | Y |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | Y |
| 4) the protection of children from harm | Y |

Please provide as much information as possible to support the application (please read guidance note 2).

Both the Police and the Council had received intelligence that the premises was involved in selling Nitrous Oxide (NO₂) to people, who were using it to inhale as a drug.

This complaint is attached and marked as additional evidence 1 in the review papers.

It states that the shop is selling Nitrous Oxide to customers who then inhale it. This is causing high levels of anti social behavior for local residents including leading to people being assaulted. People are coming to the shop from different areas to purchase Nitrous Oxide.

The shop has sold to children as young as 14, who had to be taken to hospital as a result of inhaling Nitrous Oxide.

On Friday the 22nd June Police Officers from Tower Hamlets Police and Officers from Tower Hamlets Council conducted an intelligence led visit to Tanim Superstore at 542 Commercial Road.

PS Deal walked inside the store and overheard a conversation between a white female customer and Rahman the current manager of the store. Rahman was passing the female a bag, the female customer said "last time you didn't give me any balloons" Rahman then reached down under the counter and passed the female a bag of balloons.

PS Deal then walked to the door of the shop and asked PC SMITH and PC Zimolag to ask the female what she had just purchased. The female was stopped and she advised officers that she had purchased some nitrous oxide canisters and that she had paid £10 for them. She told officers that she was on her way to a party and that her boyfriend was waiting in a taxi for her. She also stated that she used to buy them

them for 3 boxes for £25 from this shop but they have since put their prices up to £10 £10 per box.

Once inside the shop Police and Council Officers then proceeded into the store. Tower Hamlets Officers went behind the counter to conduct their relevant checks where they found boxes of Nitrous Oxide canisters behind the counter, along with packets of balloons. As Damian Doherty records in his statement they also found a small black bag containing Nitrous Oxide and balloons ready for sale.

There were also 3 full boxes of x25 x24 canisters of Nitrous Oxide behind the counter and a further 19 boxes of x25 x24 Nitrous Oxide canisters downstairs. There was also x12 x24 canisters loose upstairs. In total there were 13488 canisters of Nitrous Oxide that were seized from the premises, with a street value of £5620.

While in Tanim Superstore Pc Zimolag records in his statement that he saw an Asian female pacing up and down in the shop, talking to another female. She left the shop after a short while and returned 5 to 10 minutes later, where she went straight to the counter and was handed £50 she had allegedly just paid for Nitrous Oxide just before Police came into the shop.

Pc Zimolag also states that during the visit they observed several young people come into the store who extremely disappointed because they could not buy Nitrous Oxide canisters.

The investigation into the offense of supplying or offering to supply, a psychoactive substance is continuing.

This is not the first time this premises has come to notice.

On the 8th May 2016 Police received a report from Tower Hamlets THEO's who in a report they stated the following:

I would like to draw your attention towards the issue which THEOs have been dealing with for some time. We are dealing with Alcohol related Anti-Social Behaviour outside 542 Commercial Road. The area is known for group of Street Drinkers who drink alcohol all day long outside Tanim Superstore. They cause alarm and harassed business premises and their customers, the next door shop owners have made a complaint about these drinkers and effect on their business.

On 8th May 2016 we spotted large group of males and females standing outside the betting shop 540 Commercial Road and were drinking from open car of beer. By using our CSAS powers we requested them to surrender their alcohol, they were compliant. Officer Imran Khan spoke to the shop manager O■■■ Rahman of Tanim Super store 542 Commercial Road and informed him about the problem and advise him not sale any liquor to the group outside.

Within two minutes one of the street drinkers from the group went inside the shop, male appeared to be extremely intoxicated but shopkeeper sold him a can of beer.

Ref HTRT00436213

On the 2nd September 2017 plain clothes Police Officers were on duty in Commercial Road for an a period of a couple of hours dealing with a male who had been arrested for a believed unrelated matter.

During that time they observed a high level of activity outside and inside the newsagents Tanim Superstore, 542 Commercial Road. Multiple cars pulled up outside the shop. Groups of people who appeared drunk and high entered the shop. The people in the shop appeared to be using it as a meeting point or a location to purchase drugs. Most people left the shop without any obvious signs of having made an purchases of regular groceries or other items.

There were spent laughing gas cartridges outside. People were hanging around as if

waiting for police to leave. One group left the shop shouting towards uniform police "when are you going they won't even sell to us now".

Ref HTRT00455802

On Monday 18h June 2018, at approximately 7:30pm, an informant spoke to PCSO Speller from Roads and Transport Policing about two shops around the area selling the silver canisters, which contain nitrous oxide.

The two shops have signs on that says 'LEBARA' and one is 542 Commercial Road (Tanim Superstore).

The informant states that these two shops are selling them by the box loads to mostly Asian males about 15-25 years of age. Some times they go down Boulcott Street E1 to use the balloons to inhale this, but recently they are doing it outside the shop or even in there cars as they are driving off.

This is happening most evenings and the trouble starts around the 7pm until 10:00pm Fights are becoming the normal thing as the males who are taking them are starting fights with anyone that is about.

Ref HTRT00466667

The evidence from the joint visit to Tanim Superstore on the 22nd June 2018 is supported by the evidence listed above, from both members of the public and from Police and Local Authority previous dealings with the premises.

This is a premises that contributes to crime and disorder in the area, by selling alcohol to street drinkers who are intoxicated to supplying Psychoactive substances to people to use as a drug, according to information from the public, to people as

young as 14. All of which has led to residents complain about the shop.

This is a premises that not only flouts the Licensing Act and fails it also uphold the Licensing Objectives, in that buy selling Nitrous Oxide to people for them to inhale the premises has become a causal factor in anti social behaviour in the area.

By selling Nitrous Oxide to children it is failing to uphold the licensing objective of protecting children from harm.

By selling alcohol to people who are intoxicated it is also enabling anti-social behaviour in the area.

The actions of the management of this shop have clearly demonstrated that it cannot be trusted to have any alcohol license. We do not believe that any form of additional condition will be effective in dealing with the problems the shop causes as we believe, with good cause that they will simply be ignored.

We therefore ask that the premises license is revoked.

Have you made an application for review relating to this premises before **Please tick ? yes**
N

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to this premises please state what they were and when you made them

No

Please tick ☐ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises
licence holder or club holding the club premises certificate, as appropriate Y

I understand that if I do not comply with the above requirements my application will be rejected Y

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature PC Mark Perry 748HT.....Police Licensing Officer

.....
Date: 6th August 2018

.....
Capacity Police Licensing Officer

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Appendix 2

Complaint Completed on 25/05/2018 16:22**Complaint details**

Your involvement	I am the complainant
Reference	
Subject	Tanim off licence commercial road 542
Complaint details	<p>Hi there. Firstly I have reported this over 5 times. This is my 6th time.</p> <p>The so called shop in mention are selling products which are causing hi anti social behaviour.</p> <p>The products which I am talking about are these so called "laughing gas" which are the small silver capsules. My neighbours son was omitted to hospital a few weeks back because he had a seizure taking these capsules. The mess it always leaves behind is ridiculous. And the seem to sell to all ages, a friend of mine got her to go in there and ask for these silver capsules and he is 14. He got served!!</p> <p>As a resident myself and neighbours in the community are fed up, there is actually people in the community that want to take matters into there own hand and cause damage and possible fights with the owners which i don't agree with but I cannot stop these.</p> <p>I am asking you please can this shop be banned from selling such products which are harming the kids and causing unrest in the community.</p> <p>I have looked into these products and know that they are illigal to sell as of 2017.</p> <p>Can you please look into this shop in question. Tamim supermarket</p> <p>I will also add that many people from different areas come to this shop to buy this product and on one occasion a group of men physically assaulted a man which was walking past the shop, this was told to me buy one of the residents who live behind the shop on the side road.</p>
Previously contacted us about this issue?	Yes
Previous contact details	5 times I have.

Appendix 3

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: Constable HT0212 Artur Zimolag
Age if under 18: Over 18
Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date: 23 Jun 2018

These are my original notes started on Saturday 23/06/2018 at approximately 1735 hours at Bethnal Green police station in the room 3.15. This statement refers to the incident that took place at Tanim Superstore 542 Commercial Road, E1 where an Asian male, who is now known to me as S [REDACTED] RAHMAN with date of birth of [REDACTED], was arrested for possession of psychoactive substances with intent to supply. *fe*

On Friday 22/06/2018 I was on duty in plain clothes in an unmarked police vehicle call sign HT17. I was in the company of PS 63HT DEAL, PC 349HT SMIHT. PS DEAL was the driver and PC SMITH was the operator with me sitting on the rear passenger seat. At approximately 2220 hours we were in the company of two (2) Council Licensing Officers and entered Tanim Superstore, 542 Commercial Road, E1. Council Officers had received information that the shop was supplying Nitrous Oxide canisters with balloons to the members of the public. The shop is narrow with shelves with items for sale on both sides. Opposite the entrance on the far end of the shop there was a counter with the till. When I entered the shop there were several customers inside the store most standing by the counter. I walked down the store and saw Mr RAHMAN and another Asian looking male, who looked older than Mr RAHMAN, behind the counter. I have noticed that Mr RAHMAN was putting what looked like small carton boxes in to black carrier bag. I saw a short Asian female with long black hair standing by the counter and exchanging words with the older Asian male, I could not hear what was said. I also saw from the distance a white female by the counter talking to the both males behind it. I saw Mr RAHMAN passing an item to her and at that moment PS DEAL came up to me and PC SMITH who was standing right by my side and asked us to speak to that white female after she leaves the store and to ask her what she bought. We stopped the female who PS DEAL described about half a minute later just outside the store. We identified ourselves as police officers. The female instead of talking to us right outside the store walked us little further away from the store as if she did not want anyone from the store to see or hear that she was talking to police. She opened the bag she brought out of the shop and said that she bought boxes of nitrous oxide canisters with balloons and that one box cost £10. She also said that it used to be three boxes of nitrous oxide for £25 but they put the price up. PC SMITH and I returned to the shop and PC SMITH relayed this information to PS DEAL. *fe*

I have noticed that the short Asian female with long black hair was pacing up and down the shop talking to another female and after a short while left the shop. She came back about five to ten minutes later and went straight to the counter. She was handed £50 she allegedly paid for the canisters just before we came to the store. *fe*

During the visit several young people came to the store and looked extremely disappointed because they could not buy nitrous oxide canisters. *fe*

Licensing Officers from the council were conducting their checks and I was informed by PS DEAL that Mr RAHMAN will be arrested for possession of psychoactive substances with intent to supply and all the boxes containing canisters will be seized under sec 19 of PACE as evidence. At that moment I called for another *fe*

Signature:

Signature Witnessed by:

Continuation of Statement of: Constable HT0212 Artur Zimolag

unmarked police unit to assist us and about ten (10) minuets later PC 883HT RAHMAN and PC 109HT TAJ arrived on scene. I then helped brining big carton boxes containing smaller boxes with canisters from the basement storage and load them in to our unmarked police vehicles.

I was made aware that PS DEAL arrested Mr RAHMAN for possession of psychoactive substances with intend to supply and after confirming his details he was invited for the voluntary interview on Monday 02/07/2018 at 1200 hours at Bethnal Green Police Station.

All the exhibits were than taken to Bethnal Green police station and stored in room 3.15.

PC 883HT RAHMAN

1H 8T.4NOC 02 HS 6T:6T

PC 21210

Witness Signature:

PC 21210

Signature Witnessed by:

Appendix 4

WITNESS STATEMENT

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

Statement of **PS David DEAL** URN:

01	HT		18
-----------	-----------	--	-----------

Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer p203131**

This statement (consisting of: **5**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

PS68HT
Date:
23.06.18

These are my original notes regarding the incident at Tanim Superstore 542 Commercial Road E1. These notes were started at 1120hrs on the 23.06.2018 and I completed these notes in office 3.15 which is on the third floor at Bethnal Green Police Station, the other person present was PC349HT Smith. The reason for the delay in starting these notes is that the suspect was arrested and de arrested being invited into Bethnal Green Police Station for an interview on the 2nd July at 1200hrs, shortly after finishing at the venue I arrested another person for a different offence which took me to the end of the shift to finish dealing with and have returned to complete this paperwork on the next shift.

On 22.06.2018 I was on duty in plain-clothes in an unmarked police vehicle call, sign HT17, I with other officers and Council Licensing Officers attended 542 Commercial Road regarding information the shop was supplying Nitrus Oxide canisters and balloons to the public. I was in company with PC212HT Zimolag, PC349HT Smith, PC883HT Rahman & PC109HT Taj along with 2 Council Officers Mr Damien Doherty being one of the Licensing Officers.

At approx. 2220hrs on the 22nd June 2018 we attended 542 Commercial Road, I entered the store which was very busy, there were 5 people in the shop, I walked towards the counter and behind it were two Asian males and older male who appeared to be the shop assistant and a younger male who seemed to be the manager or overseer, there was a white female with a lip piercing at the counter talking to the apparent manager he was bagging cartons of Nitrus Oxide into a plastic bag, the white female said "The last ones I bought you didn't give me the balloons", the apparent manager said "Sorry", he immediately bent forward under the counter and picked up a packet of balloons, I now know there are 20 balloons in a packet, he then placed the balloons in the bag with the canisters, I went to the door of the shop and asked my officers who were outside to speak

Signature:

Signature witnessed by:

Continuation of Statement of **David DEAL**

to the IC1 female with the lip piercing who was about to leave and ask her what she had just bought.

I went back towards the counter as the IC1 female walked past me and out of the shop.

The licensing officers approached the counter and I identified myself as a police officer and they identified themselves, the licensing officers went behind the counter and I waited just at the front of the counter. The licensing officers completed some paperwork but it became apparent that the council officers did not have the capability to seize all the canisters, because of this and not wanting to loose evidence I then arrested the apparent manager a male I now know to be Mr S [REDACTED] Rahman, I said "I am arresting you for Possession with intent to supply Psycho active substances" I then cautioned him at 2239hrs to which he made no reply.

There were 3 full boxes of canisters behind the front counter one open box with smaller boxes inside and un the underground store room there were a further 19 un opened boxes.

I seized the exhibits as well as a quantity of packets of balloons from behind the front counter.

Mr Rahman said "The customers sign these, they are for catering use". He then produced some sheets of paper with signatures and some had dates from last year, I seized these items as well.

I said "Sir some of these sheets have dates from October last year and some have no dates, does this mean you have only sold these items in October last year and tonight"?

Mr Rahman did not reply.

I said "Sir it isn't really believable that all of these dated in October last year where needed on one day because all of their catering supply had run out".

All of the items were seized and carried to the front of the shop and then later placed in our vehicles and conveyed to Bethnal Green Police Station where they were sealed in evidence bags.

Mr Rahman's details were confirmed and he was invited into Bethnal Green Police Station regarding the interview about selling the items.

I have sealed and bag all exhibits and list them as below.

13:10 SR 1

Signature

Signature witnessed by:

2003(1)

Continuation of Statement of **David DEAL**

DAD/1 – sealed in evidence bag MPSE53717897 - x1 cardboard box containing 12 boxes of 24 canisters of NO2.

DAD/2A – sealed in evidence bag MPSE53717875 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/2B - sealed in evidence bag MPSE53717874 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/2C - sealed in evidence bag MPSE53717873 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3A - sealed in evidence bag MPSE53717894 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3B - sealed in evidence bag MPSE53717893 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3C - sealed in evidence bag MPSE53717892 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3D - sealed in evidence bag MPSE53717891 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3E - sealed in evidence bag MPSE53717890 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3F - sealed in evidence bag MPSE53717889 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3G - sealed in evidence bag MPSE53717888 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3H - sealed in evidence bag MPSE53717887 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3I - sealed in evidence bag MPSE53717886 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3J - sealed in evidence bag MPSE53717885 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3K - sealed in evidence bag MPSE53717884 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3L - sealed in evidence bag MPSE53717883 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3M - sealed in evidence bag MPSE53717882 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3N - sealed in evidence bag MPSE53717881 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3O- sealed in evidence bag MPSE53717880 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3P - sealed in evidence bag MPSE53717879 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

Signature



witnessed by:

PSBHT

Continuation of Statement of **David DEAL**

DAD/3Q - sealed in evidence bag MPSE53717878 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3R - sealed in evidence bag MPSE53717877 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/3S - sealed in evidence bag MPSE53717876 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

DAD/4 – sealed in evidence bag MPSE53717895 - x10 packs of 20 large balloons

DAD/5 – sealed in evidence bag MPSE53717896 – Tanim store paperwork T+C

In total this is 562 small boxes of canisters that I found out from officers who had spoken to the IC1 female who had left the shop earlier were £10 per box, meaning the seized evidence had a retail value of £5620.00.

Also within the shop I took a picture of 2 large boxes of balloons, I exhibit this picture as DAD/6.



13:10 SA 23
Signature: [Redacted]

PS68HT

Signature witnessed by:

Continuation of Statement of **David DEAL**

I did not seize this item as I did not believe taking the item added any extra evidence.

I also exhibit a picture of the open box of 12 small boxes of canisters as DAD/7 this relates to item DAD/1 in this statement.



Mr Rahman was de arrested and we then left the store.

These notes were completed at 1257hrs on the 23.06.2018.

13

[Redacted signature area]

PS68HT

Signature

Signature witnessed by:

[Redacted signature area]

PS68HT

Witness contact detailsHome address: **Bethnal Green Police Station**Postcode: **E2 9NZ**

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) **Date and place of birth:****Former name:** **Ethnicity Code (16+1):** **Religion/belief:****Dates of witness non-availability** **See MG10****Witness care**

- a) Is the witness willing and likely to attend court?. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs?. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------------------------|----|--------------------------|------------------------------|
| a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| b) I have been given the Victim Personal Statement leaflet | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| e) I consent to my medical record in relation to this matter being disclosed to the defence: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services: | | | | <input type="checkbox"/> | |

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PS 63HT David DEAL 203131** Station: **Bethnal Green**

Time and place statement taken:

Appendix 5

WITNESS STATEMENT

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

Statement of

PC Kate Osborne 875HT

URN:

--	--	--	--

Age if under 18

Over 18.....

(if over 18 insert 'over 18') Occupation:

Police Constable

This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

PC [REDACTED] 875HT

Date:

06/8/2018

Tick if witness evidence is visually recorded ☐

(supply witness details on rear)

My name is PC Kate Osborne 875HT and I am attached to SHADWELL SAFER NEIGHBOURHOOD TEAM, based at CABLE STREET. I have been attached to the SHADWELL team for 2 (two) years.

On Shadwell ward, as well as the surrounding wards, the Safer Neighbourhood Teams receive a larger amount of complaints regarding nitrous oxide use, and especially the litter that results from it. Although not illegal to use, seeing large groups of (typically) young makes use these canisters makes the local residents feel unsafe. This is especially true when they see the young men use them inside vehicles, and drive off, which is very common. They become worried about these young people being dizzy or high and then in charge of a motor vehicle. Although the high from nitrous oxide use is very brief, there was a fatal road accident in Shadwell last year where excessive nitrous oxide use was thought to be a contributory factor to the dangerous driving.

Local Shadwell residents also despair of the litter. I am regularly stopped in the street when on routine patrol and asked what can be done to combat nitrous oxide use and the litter. I can also see myself the large piles of silver canisters that mount up on certain streets when I patrol the area. They are unsightly and sometimes puncture people's tires as they're trying to park. One woman stopped me and told me that she felt uncomfortable having to explain what the piled-up canisters were to her young children, as they are essentially drugs, and she had wanted to delay that conversation until her children were older.

I have received reports from the council and other related organisations that TANIM SUPERSTORE is selling nitrous oxides for recreational use. If this is true, the shop is contributing greatly to antisocial behaviour in the area. Typically many of the young people who use nitrous oxide in this area live with their families, and they are unable to order it online to come to their address as their family would find them. Instead they buy them in local corner shops, such as TANIM SUPERSTORE. The Safer Neighbourhood team supports any action taken against the store to combat anti-social behaviour in the area.

PC 875HT

Signature:

PC [REDACTED] 875HT

Signature witnessed by:

Appendix 6

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

--	--	--	--

Statement of: Constable HT0349 Stacey Smith

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:



Date: 01 Aug 2018

This statement is being written at the request of PC Mark PERRY from licensing which is the reason for the delay in writing. This statement refers to the day I attended TANIM SUPERSTORE, 542 COMMERCIAL ROAD, E1 0HR at approximately 22:15 hours on FRIDAY the 22/06/2018.

PS DEAL had walked inside the shop whilst I had waited outside and he brought my attention to an IC1 female who was about to leave the shop and he wanted me to ask her what she had bought.

Once the IC1 female had left the shop I approached her, told her I was police officer and asked her what she had purchased from the shop. The female showed me the inside of the bag which contained nitrous oxide canisters and balloons. The female told me that she was on her way to a party and that she paid £10 per box she then got into a waiting taxi that had a male friend sat in the back, both were dressed as if they were going out.

Signature:



Signature Witnessed by:

Appendix 7

RESTRICTED (when complete)**WITNESS STATEMENT**

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

URN

Statement of: **Damian DOHERTY**

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Licensing Enforcement Officer

This statement (consisting of 3 of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:..... Date:.....26/06/2018

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am **Damian DOHERTY** a Licensing Enforcement Officer employed by the London Borough of Tower Hamlets Council. I am duly authorised under the Licensing Act 2003. One of my roles involves conducting late night Enforcement visits and test purchasing on behalf of the Licensing section. On **FRIDAY 22nd JUNE 2018** at 21:45 I was working with my colleague **Lekan OLOMO** (Health and Safety Officer). We met with **PS63 HT DEAL** and planned visits that evening to include **TANIM SUPERSTORE 542 COMMERCIAL ROAD LONDON E1 0HY**. I was aware that this particular Off Licence held a Licence (exhibited as **DD/01**) that allowed the following:

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)
-

Annex 2 - Conditions consistent with the operating Schedule

1. 24 hours internal CCTV operated at the premises. Recordings will be maintained for 31 days and made available to Police if required.
2. Premises to be secured by a full alarm system, with panic button.
3. Proof of age identity cards to be required if there is any doubt of a young person's age.

The Police were operating in Plain clothes and carrying out joint visits with the Council that evening. The rest of **PS DEAL'S** team consisted of **PC212HT ZIMOLAG**, **PC883HT RAHMAN**, **PC 109HT TAJ** and **PC 349HT SMITH**. The reason for visiting this Off Licence was that there were Health and Safety issues with the basement and stairs that my colleague **OLOMO** needed to look at and there were reports that this premises was providing Nitrous Oxide and balloons to customers which may be consumed as a high. At 22:20 we drove and parked up in **BELGRAVE STREET** directly opposite the Off Licence.

The Police entered first to check if Nitrous Oxide was being supplied and I watched from across the road. Once we saw the Police come outside and speak to a female IC1 customer and check what she had purchased I crossed **COMMERCIAL ROAD** with **OLOMO**. **PS DEAL** confirmed that she had purchased Nitrous Oxide (in the form of a box of 24 silver capsules sold as "Master Whip cream chargers") and party balloons. **PS DEAL** said we can then enter and speak to the staff inside. I walked up to the counter and introduced myself to the IC4 male behind the counter showing my Warrant card. I looked to the wall on the left before the counter and saw that the Summary (Part B) was on display with two other pages from the Licence. I asked the elderly IC4 male behind the counter if I could see a copy of the Licence which is a six page document. He looked confused and spoke to another Younger Male who pointed at the wall. I said that this is not the complete Licence and it is an offence under the Licensing Act for failing to produce a copy of the licence. Customers were still coming into the shop and one IC4 customer was quite rude and aggressive and started to film myself and my Police Colleagues with his mobile phone. I suggested to staff that one secures the door whilst we conduct our business. I asked to speak to the Premise Licence Holder/ Designated Premise supervisor Rezwan **NOOR**. The younger IC4 male said he is not here and is coming "later". I asked who was in charge in his absence. He said he was. I then asked to come around the counter as my Colleague **OLOMO** needs to carry out Health and Safety checks. As I went Around the counter I could see several boxes containing Nitrous Oxide /"Master Whip cream chargers" in smaller boxes of 24. There were also packets of balloons present, with one small black bag already containing nitrous oxide and balloons ready for sale. As I looked at the boxes I also saw a makeshift bat that was about metre in length, a hammer and a knife. I showed these to the Police who asked him why he had that there. I spoke to the IC4 male in charge now known to me as **S [REDACTED] RAHMAN** of [REDACTED] (date of birth [REDACTED]). When asked about the Nitrous oxide he said that he is not doing anything wrong as he is selling a catering product, He also showed a disclaimer that he made claiming he made customers sign it to prevent it being used as a high. This disclaimer has the name of the business at the top as **TANIM SUPERSTORE LTD** and **RAHMAN** said he is a director. **OLOMO** carried out his Health and Safety checks and upon entering the basement saw there were several boxes containing more Nitrous Oxide. The Police decided that as the Nitrous oxide was being sold alongside balloons that it was being supplied as a Psychoactive Substance and seized the boxes. They took **RAHMAN's** details and confirmed the details he supplied me above. **OLOMO** also left a Health and Safety record of

[REDACTED] 26/06/18

contact form with his findings on with **RAHMAN**. The Police also asked for copies of CCTV footage which is a condition under Annex 2 (1) of the Licence. *"24 Hours internal CCTV operated at the premises. Recordings will be maintained for 31 days and made available to the Police if required"*. I explained that I believed that **RAHMAN** had undermined the Licensing Objectives namely Crime and disorder, Public Safety and Public Nuisance and cautioned **RAHMAN** also explaining that he was not under arrest, free to leave and free to seek Legal advice and if he understood, to which he replied "I understand." I then explained that I may look to review the Licence at this address. I exhibit a copy of my pocket book notes as Exhibit **DD/02**. I carried out a Companies House check on **TANIM SUPERSTORE LTD** (copy exhibited as **DD/03**) and can confirm that this company was dissolved on 25th April 2017 and its director was listed as A [REDACTED] **RAHMAN** of [REDACTED], [REDACTED]. S [REDACTED] **RAHMAN** wasn't listed as being involved in this company. I can also confirm that A [REDACTED] **RAHMAN** was present at our visit and there was a copy of his personal Licence on display from London Borough of Croydon (numbered 17/0098/LIPERS) and his address associated with that licence is [REDACTED]. The other elderly male present gave his details as O [REDACTED] **RAHMAN** of [REDACTED] [REDACTED] date of birth [REDACTED]. S [REDACTED] **RAHMAN** let me take a copy of his disclaimer which I exhibit as **DD/04**.

Signature: [REDACTED] Date: ... 26/06/2018

Order on conviction ☐ Compensation ☐ Forfeiture / Destruction order ☐ Asset recovery case ☐

(Exclusion / ASBO / Restraining order) Tick box if required

Date of completion... 26/06/2018

Exhibit Number DD/01
Signed
Date 26/06/2018

I identify the exhibit above as that
referred to in the statement signed by me

(Flash 24 Superstore)
542 Commercial Road
London
E1 0HY

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 23rd November 2006

Part A - Format of premises licence

Premises licence number

11504

Part 1 - Premises details

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

(Flash 24 Superstore)
542 Commercial Road

Post town

London

Post code

E1 0HY

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

The opening hours of the premises

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

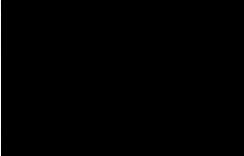
Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off sales

Part 2

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

Mr Rezwan Noor



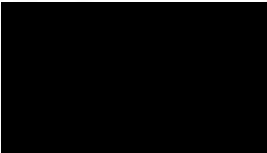
Tel: [REDACTED]

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

N/A

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

Mr Rezwan Noor



Tel: [REDACTED]

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

Personal licence number: 11406

Issuing authority: London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

4.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Times

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)
-

Annex 2 - Conditions consistent with the operating Schedule

1. 24 hours internal CCTV operated at the premises. Recordings will be maintained for 31 days and made available to Police if required.
2. Premises to be secured by a full alarm system, with panic button.
3. Proof of age identity cards to be required if there is any doubt of a young person's age.

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

N/A

Annex 4 - Plans

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

10th October 2006

Part B - Premises licence summary

Premises licence number

11504

Premises details

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

(Flash 24 Superstore)
542 Commercial Road

Post town
London

Post code
E1 0HY

Telephone number
07903 019 251

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

N/a

**Licensable activities authorised
by the licence**

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

The opening hours of the premises

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

Name, (registered) address of holder of premises licence

Mr Rezwan Noor



Tel:



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

Off sales

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

N/A

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

Mr Rezwan Noor

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

No

Exhibit Number

DD/02

Signed

Date

26/06/2018

I identify the exhibit above as that referred to in the statement signed by me

19

22.20 VISIT to TANIM SUPERSTORE
542 COMMERCIAL ROAD
ARXON 24 SET FULL COPY
OF LICENSING. THAT WOULD BE
ABLE TO SHOW ME.
POLICE STOPPED 1C1
FOUNDED TWO THAT
RECALLED CANISZORS
OR "CATALAN CARS"
"MARTON WHIP 24 DON BOX
CANISZORS"

S [REDACTED] S [REDACTED] -

NAM RAHMATU #91

[REDACTED]

DOB [REDACTED]

O [REDACTED] RAHMATU

[REDACTED]

[REDACTED]

OFFENCES UNDER
LICENSING ACT 2008.

SHOWED ME DISCLAIMERS
S. RAHMATU CLAIMS
THAT THEY ARE SELLING
17 FOR "CATALAN"
NITROX OXIDE
CANISZORS HE ALSO
PROVIDES BATHOONS
WITH THE NO2 CANISZORS
THEY ALSO SOW THE
"CREAM WHIPPERS" TO
DISPOSE THE GAS.

* SAID HE IS DIRECTOR
OF TANIM TANIM
SUPERSTORE LTD.

REEMAN MOOR (DPS)

BUT PCN WAS NOT
AVAILABLE. SGT DEAR

SEIZED CANISZORS I ALSO
FOUNDED OUT FOR THE
OFFENSIVE WEAPONS, A
BAT, HAMMER AND KNIFE

SEMIW CONTIN. 20

23:05 CONTINUING 2 UNDERSTAND
I EXPLAIN THAT WE
WILL UNDERSTAND THE
CONSISTENT OBSTACLES
(PUBLIC SAFETY CRIME +
DISORDER AND PUBLIC
NUISANCE) BY SOME- YEA
NUE + BLOODS AND
THAT WE WILL LITIGATE
FACE A REVIEW. ALSO
PRESENT LULAS ABANDON
PLANNING OF [REDACTED]
[REDACTED]

Signed

Date **26/06/2018**

Companies House

I identify the exhibit above as that

BETA This is a trial service — your [feedback \(https://www.research.net/r/chb\)](https://www.research.net/r/chb) referred to in the statement signed by me it.

Search for companies or officers

TANIM SUPERSTORE LIMITED

Company number **09839350**

Registered office address

542 Commercial Road, London, United Kingdom, E1 0HY

Company status

Dissolved

Dissolved on

25 April 2017

Company type

Private limited Company

Incorporated on

23 October 2015

Accounts

First accounts made up to **31 October 2016**

due by **23 July 2017**

Nature of business (SIC)

To be provided on next annual return.

Is there anything wrong with this page?

Companies House

BETA This is a trial service — your [feedback \(https://www.research.net/r/chbeta\)](https://www.research.net/r/chbeta) will help us to improve it.

Search for companies or officers

TANIM SUPERSTORE LIMITED

Company number **09839350**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/09839350/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/09839350/persons-with-significant-control)

Filter officers

☐

Current officers

Apply filter

1 officer / 0 resignations

RAHMAN, A

Correspondence address

Role **Director**

Date of birth

Appointed on **23 October 2015**

Nationality **Portuguese**

Country of residence **United Kingdom**

Occupation **Director**

[Is there anything wrong with this page?](#)

Appendix 8

RESTRICTED (when complete)**WITNESS STATEMENT**

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

URN Statement of: **Lekan Olomo**

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Health and Safety Officer

This statement (consisting of 3 of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date: 25/06/2018

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am **Lekan Olomo** a Health and Safety Officer employed by the London Borough of Tower Hamlets Council within the Licensing and Safety Team. I am duly authorised under the Licensing Act 2003 and one of my roles involves conducting Enforcement visits and test purchasing on behalf of the Licensing g section. One of my roles involves conducting late night Enforcement visits and test purchasing on behalf of the Licensing section and I am an authorised inspector as designated by the Health and Safety at Work, Etc. Act 1974. My duties include carrying out inspections of commercial premises to assess compliance with health and safety legislation as well as investigating complaints, accidents, diseases and dangerous occurrences.

Following a complaint received on 30th April 2018 from [REDACTED] about Health and Safety issues at **TANIM SUPERSTORE 542 COMMERCIAL ROAD LONDON E1 0HY**. On 1st MAY 2018 I called [REDACTED] to get more information but received no response, I left a voice mail requesting a call-back. [REDACTED] called me back on 2nd MAY 2018, he informed me of the issues with the staircase, he stated that parties were held in the basement at the premises every night; he stated he had attended these parties on occasions, he also stated that laughing gas was consumed at these parties. I visited the premises on the 4th MAY 2018 with my colleague Mr Amran **ALI** but did not gain access, as the premises was shut. **ALI** and I returned on the 23rd MAY 2018 but we were unable to gain access, we spoke to neighbouring business who advised me that **TANIM SUPERSTORE** usually opened after 9PM.

On our return to the office I updated my Line Manager Mr Tom **LEWIS**, who informed me

that we will carry out a joint visit with the police during a Dymock Shift.

On **FRIDAY 22nd JUNE 2018** at 21:45 I was working with my colleague Damian **DOHERTY** (Licensing Officer). We met with PS63 HT **DEAL** and planned visits that evening to include **TANIM SUPERSTORE 542 COMMERCIAL ROAD LONDON E1 0HY**.

The Police were operating in Plain clothes and carrying out joint visits with the Council that evening. The rest of PS **DEAL'S** team consisted of PC212HT **ZIMOLAG**, PC883HT **RAHMAN**, PC 109HT **TAJ** and PC 349HT **SMITH**. The reason for visiting this Off Licence the reports of Health and Safety issues and the reports that this premises was providing Nitrous Oxide and balloons to customers which may be consumed as a high raised by the complainant, [REDACTED]. At 22:20 I drove and parked up in **BELGRAVE STREET** directly opposite the Off Licence. The Police entered first and once we saw the Police come outside I crossed the **COMMERCIAL ROAD** with **DOHERTY**. PS **DEAL** stated that we could then enter the premises and speak to the staff inside. We walked up to the counter and introduced ourselves to the male behind the counter showing our Warrant card. Whilst **DOHERTY** dealt with the Licencing issues with the Police, I dealt with the Health and Safety

issues raised. I spoke to S[REDACTED] **RAHMAN** of [REDACTED] [REDACTED] (date of birth [REDACTED]). And asked him to take me to the basement, on entering the basement I saw several boxes containing more Nitrous Oxide, I immediately called **DOHERTY** and PS **DEAL** and informed them of what I found.

The Health and Safety issues noted in the basement included no handrail on staircase leading to the basement, loose electrical wiring noted in basement. I requested **RAHMAN**.

I also noted that there was no running hot water in the premises.

provide me with the following documents no later than **6th JULY 2018:-**

- 1) Electrical condition report for the premises.
- 2) PAT test certificate and schedule for portable electrical appliances used on premises.

I also requested the following issues to be fixed by **13th JULY 2018:-**

- 1) To fit handrails to the staircase leading to and from basement.
- 2) Hot water to fixed, as there was no hot water on premise at time of visit.

I exhibit my record of visit sheet from the night as LOL001

I exhibit photographs taken from the night as LOL002 to LOL015

Signature: [REDACTED]

Date: 25/06/2018

Order on conviction ☐ Compensation ☐ Forfeiture / Destruction order ☐ Asset recovery case ☐

(Exclusion / ASBO / Restraining order) Tick box if required

Date of completion... 25/06/2018

LONDON BOROUGH OF TOWER HAMLETS: HEALTH & SAFETY AT WORK RECORD OF CONTACT

Environmental Commercial Team, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 5008

Fax: 020 7364 6901

07479441692

Recorded on App ☐

Date 02/06/2018

Officer 01/01

Name of Business/
Occupier

House Name

No

Street

Town

Post Code

Tel. No.

Contact / Title

Email

Visit Type

K = Full audit
R = Unitisation
L = S.Req visit
M = Accident Inv
N = Revisit to check
OR = H&S Advisory/Project
S = Other incl sampling

Exhibit Number 101001

Signed [Signature]

Date 25/06/2018

I identify the exhibit above as that referred to in the statement signed by me

A01 ☐ Whole of Premises
A02 ☒ Part of Premises
A04 ☐ Other (catering area only)
A03 ☐ Records

* delete as appropriate

General topic areas

LEKAN.OLOWO@TOWERHAMLETS.GOV.UK

1. Safety Policy	7. Sanitary accomm/wash facilities/drinking water	13. Emergency Precautions
2. Risk Assessment	8. Electrical installation/electrical appliances*	14. Smoke free
3. Accident Reporting	9. Hazardous substances	15. Workplace transport
4. Slips and trips	10. Mechanical/manual handling(msd)	16. Working at height
5. First Aid	11. Storage arrangements	17. Asbestos
6. Heating/lighting/ventilation*	12. Machinery	

General

3R VISIT

YOU ARE TO SEND ME YOUR ELECTRICAL CONDITIONAL REPORT FOR THE WHOLE PREMISES. NO LATER THAN 6TH JUL 18
SEND ME THE TEST CERTIFICATE AND SIGNATURE FOR YOUR PORTABLE ELECTRICAL EQUIPMENT BY 6TH JUL 2018
YOU ARE TO BE HANDY TO THE SITE WORKING LEADING TO THE BASEMENT. NO LATER THAN 13TH JUL 2018
NO HOT WORK FINISHES ON BRICKS. THERE ARE NO FIRE RISKS NO LONGER THAN 18TH JUL 2018

Summary of action to be taken

Informal ☐ Improvement Notice ☒ Prohibition notice ☐ Licensing non-conformities ☐

This report is to inform you of contravening against the Health & Safety at Work etc. Act 1974 and other relevant statutory provisions which should be remedied as soon as possible. You should take steps to ensure that the contraventions do not recur. This report may also give advice and recommendations but only covers the areas discussed at the time of visit. The absence of comment does not indicate compliance with the Health & Safety at Work Act or any Regulations made thereunder. Failure to achieve and maintain satisfactory conditions in your business may result in prosecution.

Signature of Authorised Inspector

*Signature of Proprietor/

Owner/part interviewed
Circle as appropriate

Exhibit Number /A... Q6... U...
Signed
Date 2/66/2018
I identify the exhibit above as that
referred to in the statement signed by me



Exhibit Number L010083
Signed [redacted]
Date 10/25/2018
I identify the exhibit above as that
referred to in the statement signed by m



Exhibit Number 601004
Signed [redacted]
Date 2/25/2016

I identify the exhibit above as that
referred to in the statement signed by me



Exhibit Number 401005
Signed [redacted]
Date 25/05/2018
I identify the exhibit above as that
referred to in the statement signed by me



Exhibit Number 406000
Signed [redacted]
Date 25/5/2014
I identify the exhibit above as that
referred to in the statement signed by me



EXHIBIT NUMBER 1A-B-1, 007
Signed [redacted]
Date 12/06/2018
I identify the exhibit above as that
referred to in the statement signed by me

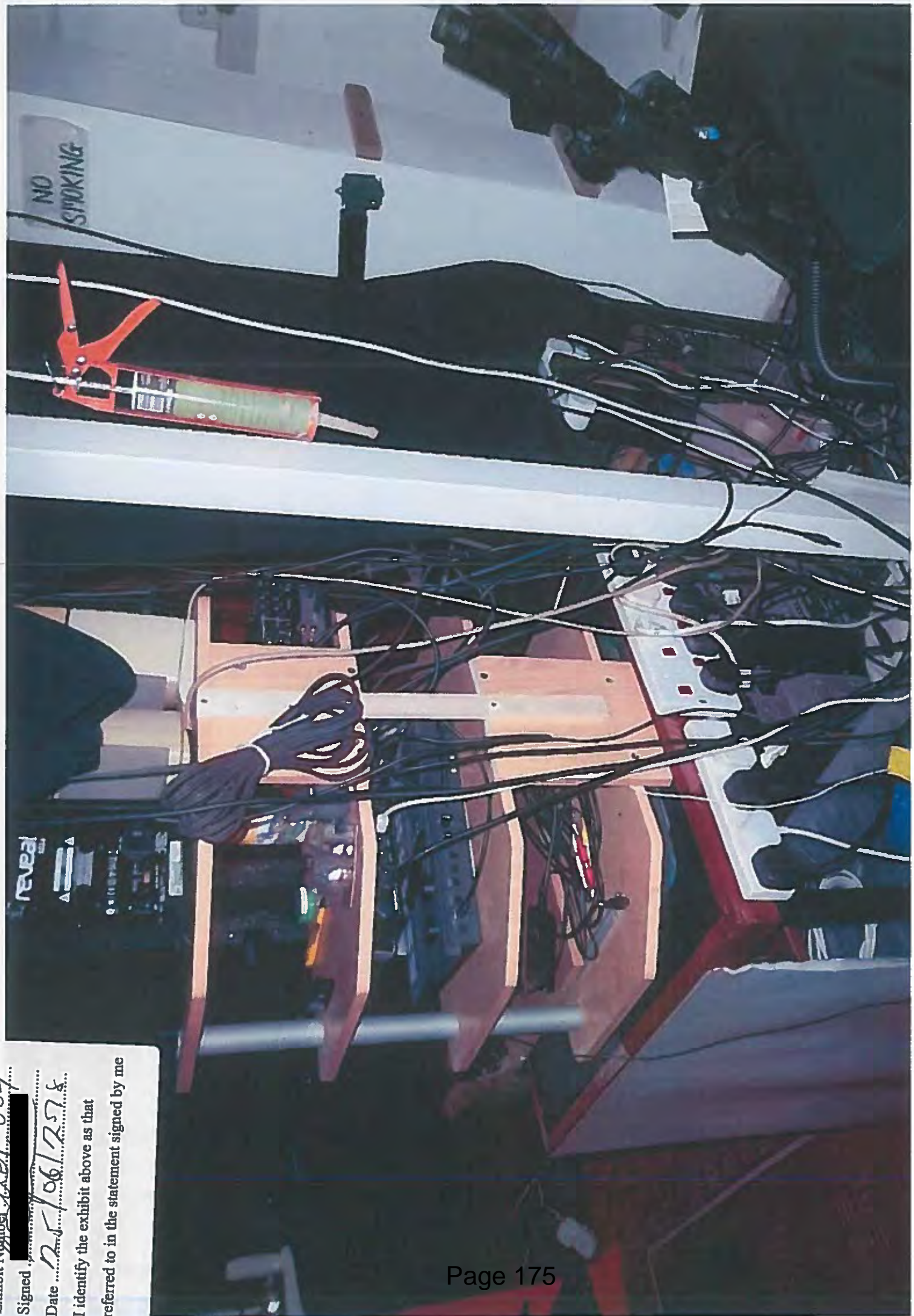


Exhibit Number 44570028
Signed [Redacted]
Date 25/06/2018
I identify the exhibit above as that
referred to in the statement signed by me



Exhibit Number
Signed
Date 25/06/2018
I identify the exhibit above as that
referred to in the statement signed by me



Exhibit Number 406018
Signed [redacted]
Date 25/06/2018
I identify the exhibit above as that
referred to in the statement signed by me

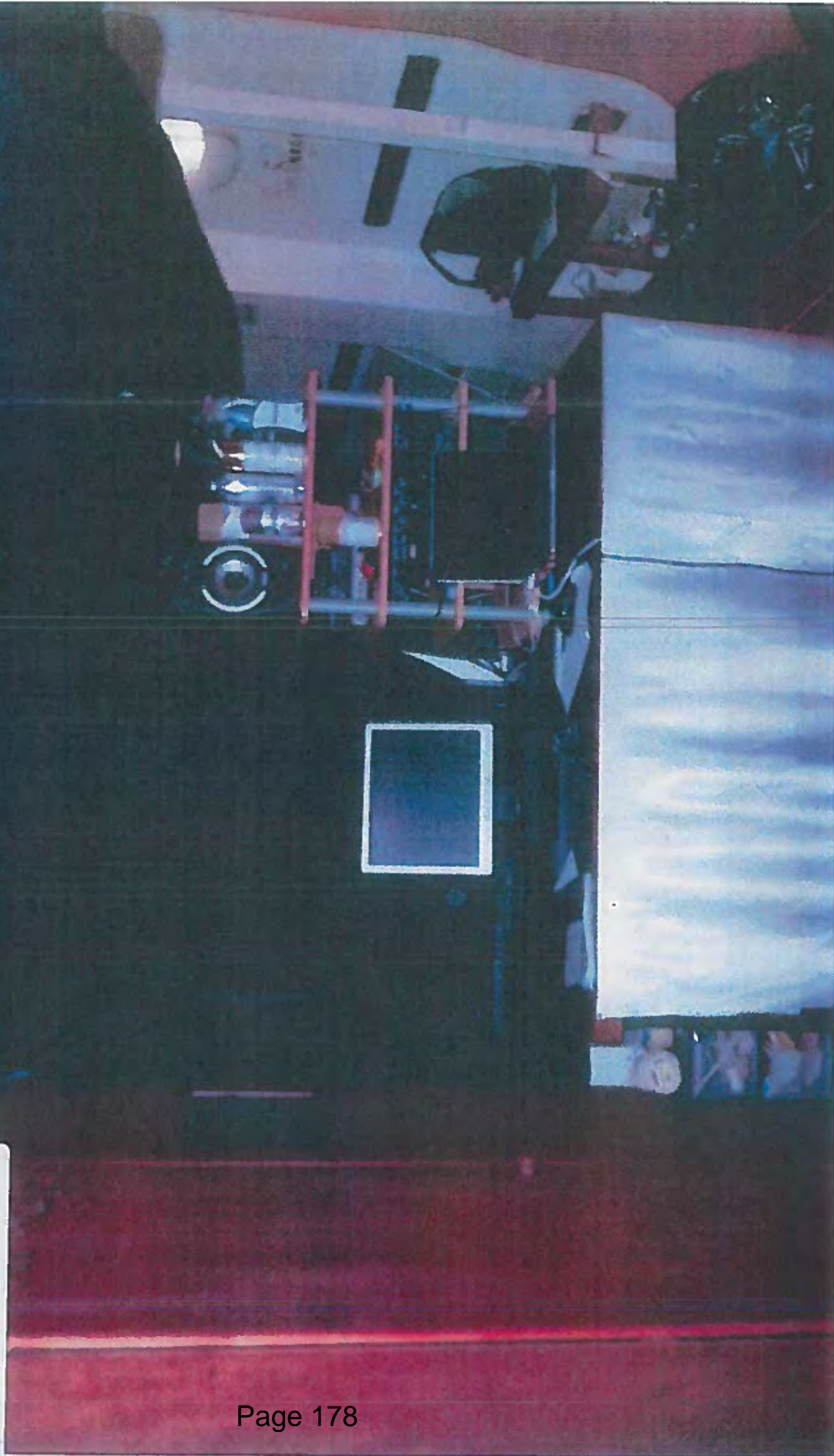


Exhibit Number 001 011

Signed

Date 25/06/2018

I identify the exhibit above as that referred to in the statement signed by me

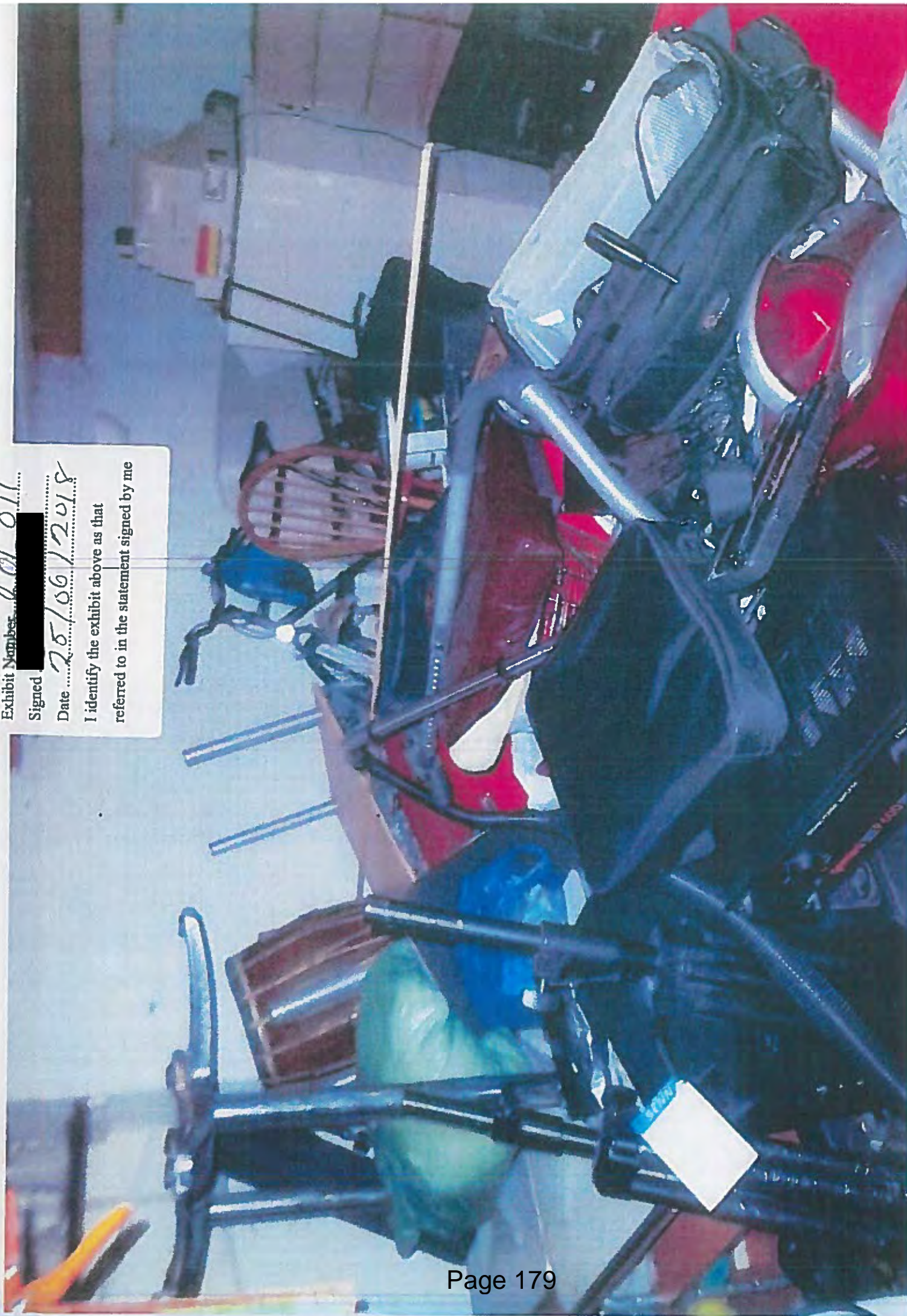


Exhibit Number ... 16-06-012
Signed [Redacted]
Date 25/06/2018
I identify the exhibit above as that referred to in the statement signed by me

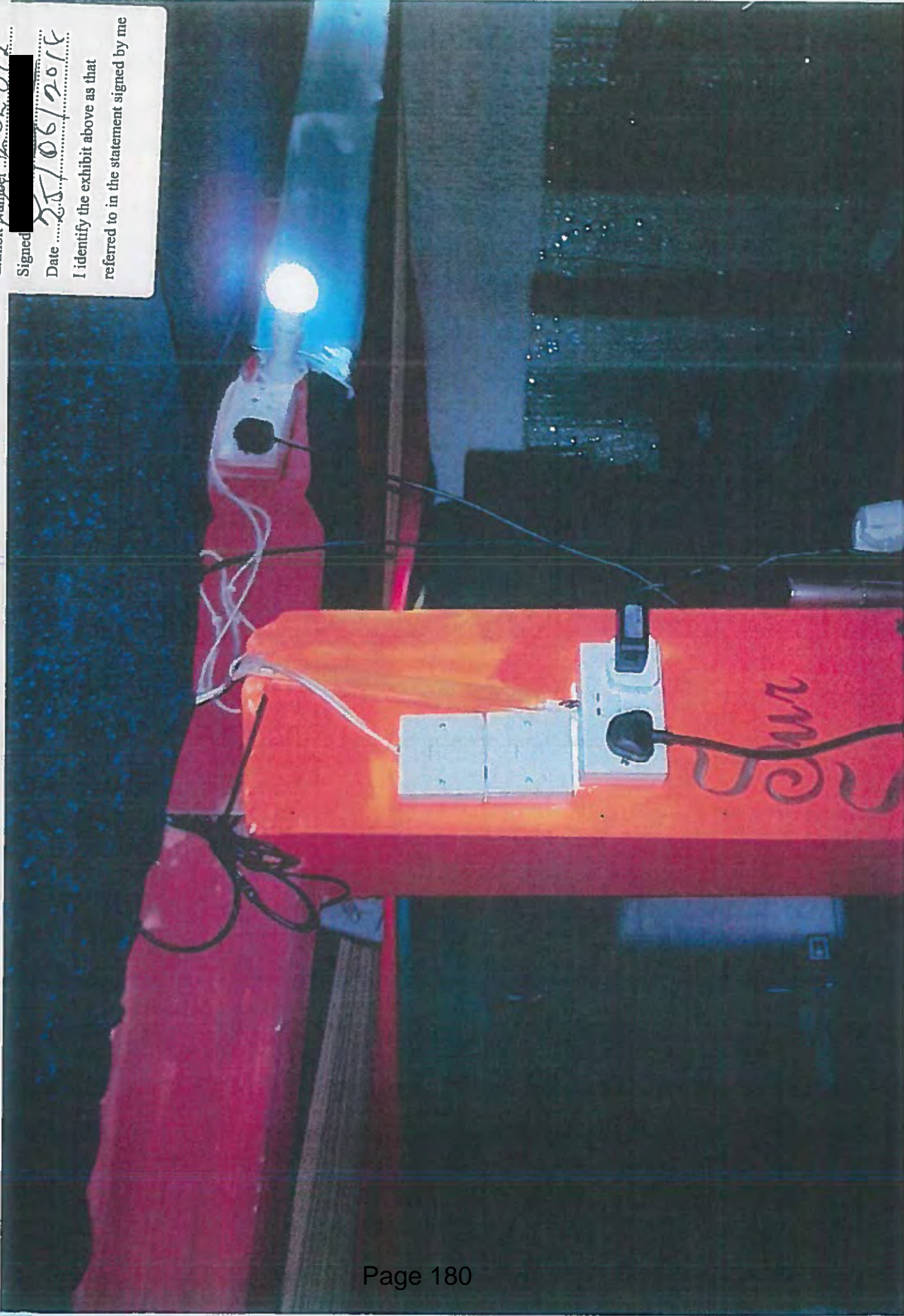


Exhibit Number 006 013
Signed [redacted]
Date 2/5/06 12:07 PM

I identify the exhibit above as that referred to in the statement signed by me

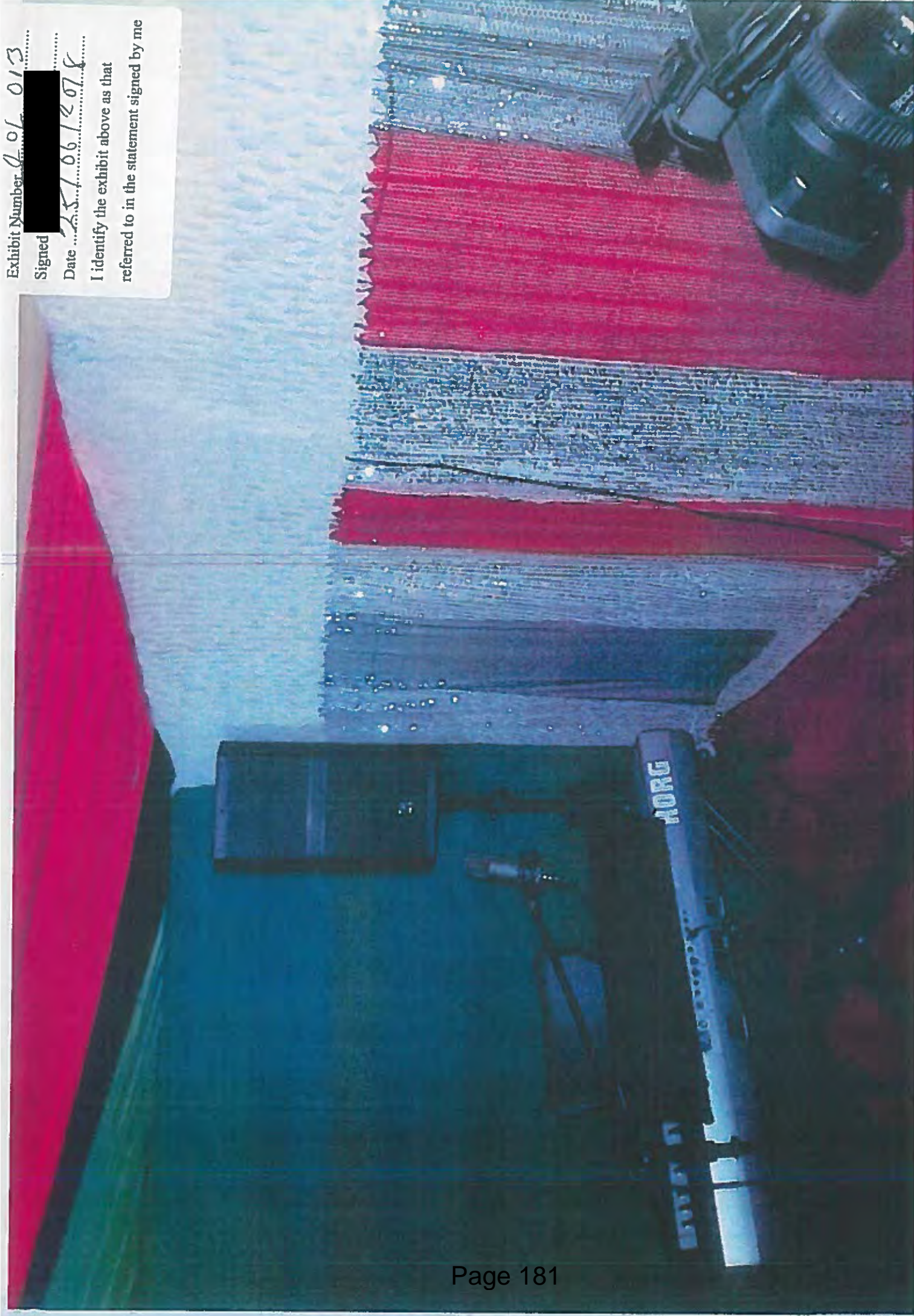


Exhibit Number 606014
Signed [redacted]
Date 2/16/2014
I identify the exhibit above as that referred to in the statement signed by me



Exhibit Number 44-26-212

Signed [REDACTED]

Date 25/06/2018

I identify the exhibit above as that referred to in the statement signed by me



Appendix 9

(Flash 24 Superstore)
542 Commercial Road
London
E1 0HY

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 23rd November 2006



Part A - Format of premises licence

Premises licence number

11504

Part 1 - Premises details

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

(Flash 24 Superstore)
542 Commercial Road

Post town

London

Post code

E1 0HY

Telephone number

██████████

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

The opening hours of the premises

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

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

Off sales

Part 2

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

Mr Rezwan Noor

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

Tel: [REDACTED]

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

N/A

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

Mr Rezwan Noor

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

Tel: [REDACTED]

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

Personal licence number: 11406

Issuing authority: London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

4.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Times

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)
-

Annex 2 - Conditions consistent with the operating Schedule

1. 24 hours internal CCTV operated at the premises. Recordings will be maintained for 31 days and made available to Police if required.
2. Premises to be secured by a full alarm system, with panic button.
3. Proof of age identity cards to be required if there is any doubt of a young person's age.

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

N/A

Annex 4 - Plans

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

10th October 2006

Part B - Premises licence summary

Premises licence number

11504

Premises details

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

(Flash 24 Superstore)
542 Commercial Road

Post town
London

Post code
E1 0HY

Telephone number
07903 019 251

Where the licence is time limited
the dates

N/a

Licensable activities authorised
by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

The opening hours of the premises

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

Name, (registered) address of holder of premises licence

Mr Rezwan Noor

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Tel:

[REDACTED]

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

Off sales

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

N/A

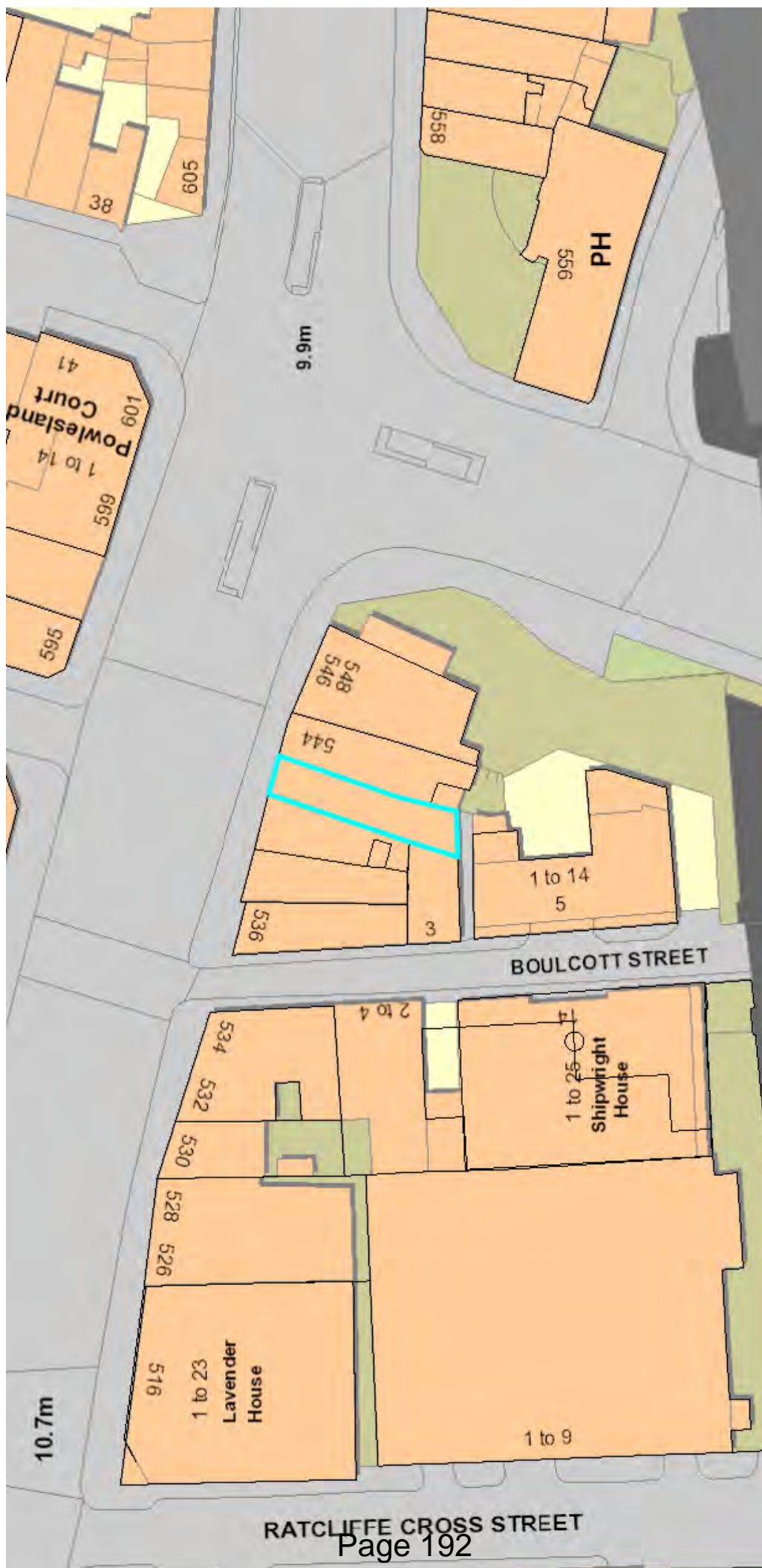
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Rezwan Noor

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

No

Appendix 10





Appendix 11

Kathy Driver

From: Jaspal Singh [REDACTED]
Sent: 03 September 2018 17:10
To: Kathy Driver
Subject: Tanim Supermarket

Dear Ms Driver,

Representations on behalf of Nowshin & Nishad t/a Tanim Superstore

The following representations are made in response to the application made by PC Mark Perry, Licensing Officer, Tower Hamlets Police

It is submitted on behalf of Tanim Superstore that its Premises Alcohol Licence should not be revoked.

These representations will not comment on the ongoing criminal investigation into the sale of Nitrous Oxide Cannisters, save to say it is accepted that the officers attending on 22nd June 2018 found a quantity of Nitrous Oxide Cannisters in the stock room.

Following the seizure of stock and due to the on- going police investigation Tanim Supermarket no longer stock Nitrous Oxide cannisters.

It is not accepted as is asserted in the statement of PC Perry that Nitrous Oxide Cannisters are responsible for anti-social behaviour within the Commercial road area within the vicinity of Tanim Supermarket.

It cannot be said that the supply of Alcohol at Tanim Supermarket is to blame for all alleged anti-social behaviour on the commercial road area. As the THEO referred to in PC Perry's statement asserts there are street drinkers, who drink all day outside the Betting shop.

It is accepted that the Tanim Supermarket's opening hours are from 17:00 to 6am. The reason for this is that in the daytime trading hours there is a large amount of competition from neighbouring shops including the Sainsbury's and Costcutter, both of which are within 100 metres of Tanim Supermarket.

It is submitted that the Tanim supermarket cannot be held responsible for all street drinking within the commercial road area. In any event the complaint, (ref: HTRT00436213) refers to an incident on May 8th 2016. The current manager of Tanim Supermarket, Mr S [REDACTED] Rahman was not the manager of the premises at this time.

With regard to the incident on the 2nd September 2017, (ref: HTRT00455802) there are no statements from officer's and it is of doubt that officer's would have been present for a couple of hours dealing with a male who had been arrested. Once a person is arrested he should be taken to the police station to allow the prompt and effective investigation into whatever offence is alleged. The date of this allegation again is now over a year old.

It is submitted that there is no evidence to support the assertion that there are males inhaling nitrous oxide in their vehicles and or the surrounding streets. There has been evidence of one complaint to police.

PC Perry refers to child of 14 purchasing Nitrous Oxide from Tanim Superstore, who was subsequently hospitalised as a result of inhaling the gas. It appears this information is taken from the report made to the Environmental Health & Trading Standards department on 25th May 2018.

It is submitted on behalf of Tanim Superstore that this is a malicious report and this report has been misquoted. This report refers to a neighbour's son being hospitalised due to a seizure caused by these

capsules, namely Nitrous Oxide. There is no suggestion in the report that these capsules were purchased from Tanim Supermarket.

It appears that this reference to a 14 year old, is confused with the comment within the report that the complainant's friend had asked her son to go in and purchase these silver capsules and he was also served, the complainant has offered no evidence of this apparent test purchase. This allegation is denied.

It is not clear how the complainant is able to identify that purchasers are coming from different areas to buy this product from the shop and or how this is related to Tanim Supermarket or indeed how the fact that customers coming from different areas are contributing to anti-social behaviour in the London Borough of Tower Hamlets.

The assertion that fights are starting outside Tanim Supermarket is not accepted, there is one reference given with no detail to support this assertion. It is not accepted that this is a location where fights are a normal occurrence due to the actions of one retail establishment. It is unfortunate that the London Borough of Tower Hamlets is one of the London Borough's with a high crime rate and this include violent crime. In any event users of Nitrous Oxide are not known for committing acts of violence, the typical user will feel a short-term sense of euphoria or a giggly effect, hence the other name Nitrous Oxide is known as, "laughing gas".

There is not sufficient information provided to the respective authority to justify the revocation of Tanim Supermarket's alcohol licence.

There is not sufficient evidence to say that Tanim Supermarket is responsible for enabling anti-social behaviour in the area. Within a short distance of Tanim Supermarket there are 6 other businesses selling Alcohol for off-sales purposes.

There is not sufficient evidence presented that all anti-social behaviour alleged is caused by alcohol sales at Tanim Supermarket and that it is therefore contributing to crime and disorder in the area.

There have been no complaints to the staff or owner of Tanim Supermarket directly.

It is submitted that in the information provided to the London Borough of Tower Hamlets there is not enough evidence that the Licensing Act has been flouted, save for vague references to incidents not directly linked to these premises.

It is not accepted that the licensing objective of protecting children from harm is not being upheld by Tanim Supermarket.

There is no evidence to show that should the licensing authority consider further conditions on the licence that the same would not be complied with. The manager of Tanim supermarket has complied with requests made by the police. It is submitted that all conditions Tanim supermarket is currently subject to have been complied with, as evidenced by the provision of CCTV upon request as required. Further following the attendance of a health and safety officer, Lekan Olom the 4 issues requiring immediate attention to comply with Health & Safety legislation have been rectified and a compliance certificate issued to Tanim Supermarket.

Please confirm receipt.

I look forward to hearing from you.

Yours sincerely,

Jaspal Singh

HSR Solicitors
[REDACTED]
[REDACTED]
[REDACTED]

DX: 300715 Tower Hamlets

Tel: [REDACTED]

Fax: [REDACTED]

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Appendix 12

Place Directorate Public Realm

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

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

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

31st August 2018

Your reference
My reference: EHTS/LIC/110446/CH

Tel [REDACTED]
Fax [REDACTED]
Enquiries to Corinne.holland
[REDACTED]

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

Review of Premises Licence: (Tanim Super Store), 542 Commercial Road,
London E1 0HY

The Licensing Authority (acting a Responsible Authority) is making a representation in support of the Review brought by the Metropolitan Police for the above premises on the grounds of:

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

This premise currently has the benefit of a 24 hour licence 7 days a week to sell alcohol off the premises.

The licence was granted in November 2006. The Premises Licence Holder and Designated Premises Supervisor is Mr Rezwan Noor and he has been since the licence was granted.

The joint visit documented in the Review to the premises on Friday 22nd June 2018 clearly shows that nitrox oxide is blatantly being sold to customers, many of these are young persons. The fact that the nitrox oxide was being sold together with balloons is obviously a very clear indicator that the management had full knowledge of what they were being used for. The police report shows

that many young persons were turning up to purchase these and disappointed when turned away.

This premise is obviously very well known to locals as to where nitrox oxide can be purchased. The fact that so many canisters were seized from the shop it show that these must be a popular item to be sold otherwise the shop would not hold such a high number in stock.

Nitrox Oxide is known to be harmful and can have serious health risks and it is the responsibility of the retailers not to sell these psychoactive substances for human consumption. It is clear that the staff/management were deliberately selling these for that very reason.

I have looked at the history of the premises registered on the Council's system Civica Authority Protection (APP) and note that the incident of 8th May 2016 is logged on our system.

The Tower Hamlets Enforcement Officers (THEO's) reported that they had been trying to deal for some time the problem of street drinkers causing anti-social behaviour outside 542 Commercial Road which was causing a nuisance to residents and other businesses in the area. On the 8th May 2016 The THEO's noted that there was a group of these street drinkers outside this premises drinking out of beer cans. The THEOs entered Tanim Super Store and asked the shop manager (O████ Rahman) not to serve this group. Within two minutes of this request one of the street drinkers, who appeared intoxicated, went into the shop and was sold a can of beer.

This shows that even when given a direct request in order to help prevent public nuisance the request is immediately ignored by the shop staff/management.

These incidents show that there is a clear and blatant disregard for the law by the management of these premises. I can only assume this shows that the management prefer to enhance business sales and profit over and above upholding the licensing objectives.

The Licensing Authority cannot support this premises benefiting from having a premises licence which permits the sale of alcohol. It is important that we have faith and trust in the Premises Licence Holders to operate a business within the realms of the law. This premise clearly does not therefore I support that police review and the revocation of this licence.

Yours faithfully



Corinne Holland
Licensing Officer
(Acting as a Responsible Authority)

Appendix 13



**London Borough of Tower Hamlets,
Public Health
Mulberry Place
PO BOX 55739
5 Clove Crescent
London
E14 1BY**

**London Borough of Tower Hamlets,
Licensing Section
Mulberry Place
PO BOX 55739
5 Clove Crescent
London
E14 1BY**

31 August 2018

Dear Sirs

**Licensing Review: Tanim Superstore (Flash 24 Superstore) 542 Commercial Road, E10HY, Licensing
Reference Number:11504**

As Director of Public Health for **London Borough of Tower Hamlets** (a responsible authority under the Licensing Act 2003) I wish to make a representation **in support of the review of Tanim Superstore (Flash 24 Superstore) 542 Commercial Road, E10HY in London Borough of Tower Hamlets.**

The representation relates to the following licensing objective(s):

1. The protection of children from harm

Nitrous Oxide is a gas that has known health harms. Furthermore, there is a risk of death as a lack of oxygen can occur when using nitrous oxide. This risk is likely to be greater if the gas is consumed in an enclosed space or if a substantial amount is rapidly used.

Nitrous oxide is depressant-type drug, which means it slows down your brain and your body's responses.

Nitrous oxide can cause dizziness or affect your judgement, which might make you act carelessly or dangerously and put you at risk of hurting yourself, particularly in an unsafe environment.

Unconsciousness or death from lack of oxygen can occur when the available oxygen for breathing is effectively pushed out by the nitrous oxide. The risk is greater if the gas is consumed in an enclosed space or if a plastic bag is used that covers both nose and mouth.

Heavy regular use of nitrous oxide can lead to deficiency of vitamin B12 and to a form of anaemia. The severe B12 deficiency can lead to serious nerve damage in some cases, which causes tingling and numbness in the fingers and toes and other extremities, and even difficulties with walking and pains in affected areas. Regular use may also depress formation of white blood cells.

It can be hard to judge the amount to use safely. If you have too much you can end up fainting, having an accident or much worse.

Severe vitamin B deficiency can develop with heavy, regular use of nitrous oxide. This can cause serious nerve damage, which leads to tingling and numbness in the fingers, toes and other extremities, and even difficulties with walking and pains in the affected areas.

Mixing nitrous oxide with alcohol is especially dangerous as it can increase the risks associated with both substances and can lead to an increased risk of accidents or death.

Psychoactive Substance Misuse Act 2016¹

It is the responsibility of the retailer to not sell psychoactive substances such as Nitrous Oxide in the UK and prevents the supply of these previously unregulated and frequently harmful substances for human consumption.

Retailers should be aware that the offence no longer relate just to the supply to young people but affect supply to people of any age.

The Act states that retailers should pay particular attention to the potential for abuse of nitrous oxide, especially where customers seek to buy in bulk or large volumes.

An offence within the Act is noted when “A person intentionally supplies a substance to another person”.

Conclusion

Based on the evidence summarized in this review and the potential harmful implications of use of Nitrous Oxide, I believe that the premises under review are adding unduly to the impact caused by selling Nitrous Oxide to children - it is failing to uphold the licensing objective of protecting children from harm.

This premises clearly demonstrates an inability to be trusted to run a licence premises and to further protect children from harm, we ask that the premises license is revoked.

Yours sincerely,

Somen Banerjee

Director of Public Health, London Borough of Tower Hamlets

¹ <https://www.gov.uk/government/publications/psychoactive-substances-act-guidance-for-retailers/psychoactive-substances-act-2016-guidance-for-retailers>

Appendix 14

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 15

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

Updated April 2018

Crime and disorder

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

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

Appendix 16

Crime and Disorder — Licensing Policy, updated March 2015

- 6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 2000. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 **Touting** - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
 - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

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

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

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

Smuggled goods

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

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

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

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

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

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

Appendix 17

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

Updated April 2018

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

Appendix 18

Prevention of Nuisance — Licensing Policy, updated March 2015

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Appendix 19

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

Updated April 2018

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Appendix 20

Protection of children from harm – Licensing Policy Updated March 2015

11 Prevention of Harm to Children

- 11.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 11.2 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 11.3 Applicants are recommended to consult with the Area Child Protection Committee or such other body, as the Licensing Authority considers appropriate.
- 11.4 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted.
- 11.5 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present
 - Limitations on ages below 18
 - Limitations or exclusion when certain activities are taking place
 - Requirements for an accompanying adult
 - Full exclusion of people under 18 from
- 11.6 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 11.7 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 11.8 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin.

- 11.9 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm.

12 Access to Cinemas

- 12.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 12.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 12.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

13 Children and Public Entertainment

- 13.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 13.2 Where 11.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
 - No child unless accompanied by an adult to be permitted in the front row of any balcony
 - No standing to be permitted in any part of the auditorium during the Performance
- 13.3 Where children are taking part in any regulated entertainment, and its discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.
- 13.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.