

LICENSING SUB COMMITTEE

Tuesday, 29 January 2019 at 2.30 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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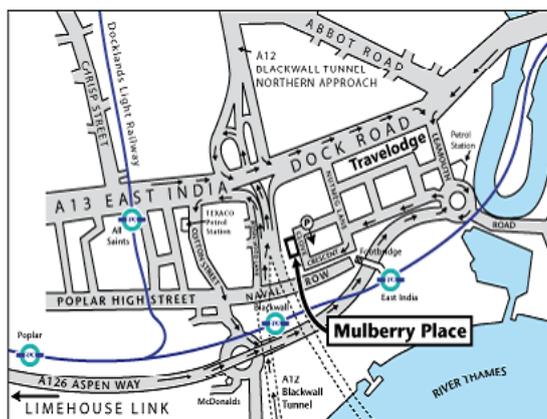
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APOLOGIES FOR ABSENCE

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 - 44)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 13th, 22nd & 27th November 2019.

4. ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1 Application for a New Premises Licence for Shell, Old Ford, 445-453 Wick Lane, London E3 2TB	45 - 138	Bow East

Licensing Objectives:

- Public Nuisance

Representations by:

- Environmental Health
- Ward Councillor
- Local Resident(s)

**4 .2 Application for a Review of a Premises Licence at
Cost Price, 41 Brick Lane, London, E1 6PU**

139 - 230

**Spitalfields
&
Banglatown**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Metropolitan Police
- Trading Standards
- Immigration Authority

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

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

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 13 NOVEMBER 2018

**C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Eve McQuillan (Chair)

Councillor Shad Chowdhury

Councillor Victoria Obaze

Officers Present:

Kathy Driver

– (Principal Licensing Officer)

Vivienne Walker

– (Senior Prosecution Lawyer)

Simmi Yesmin

– (Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Mr Sushanta Das	4.1	Applicant

Representing objectors	Item Number	Role
Mr Matthew Piper	4.1	Resident
Mr David Gadd	4.1	Resident
Mr Barra Little	4.1	Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Shad Choudhury, declared a personal interest on agenda item 4.1, Application for a New Premises Licence for Venue 82, 82a Commercial Street, London E1 6LY on the basis that as a Ward Councillor for Spitalfields and Banglatown, he had received correspondence from, both the applicant

and objectors. However he confirmed that he had made no contact/communication with either of the parties in relation to the application.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 25th September and 2nd October 2018 were agreed as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Venue 82, 82A Commercial Street, London E1 6LY

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Venue 82, 82a Commercial Street, London E1 6LY. It was noted that objections had been received on behalf of local residents and Resident Associations.

At the request of the Chair, Mr Sushanta Das Gupta, Applicant, referred to his supporting statement produced in the supplemental agenda and explained that he was applying for a premise licence for the sale of alcohol which would only be ancillary to a meal and he was confident that he had everything in place to maintain and promote the four licensing objectives.

He stated that representations from local residents, was prejudice and that they were under the assumption that he was linked to previous owner from 2012. He confirmed that he was not connected to the previous owner in anyway and the previous owner had no involvement in the business. Mr Das Gupta highlighted his qualifications and experiences to date and explained how he would maintain and uphold the licensing objectives.

He asked residents/objectors to suggest conditions that would help alleviate their concerns and welcomed any suggestions that may help ease their concerns. Mr Das Gupta referred to the supplemental agenda which included a water bill that confirmed that he had been occupying the premises since 2017.

He continued to explain that the premises would be a booking only restaurant and not open to the general public to attend. It was noted that the Responsible Authorities had not objected to the licence and in consultation with the Applicant had agreed to conditions.

He explained that he had four letters of support from renowned groups of the community and asked Members to note these in the supplemental agenda. Lastly Mr Das Gupta confirmed that he had no connection with the previous owners.

Members then heard from local residents, Mr Matthew Piper, Mr David Gadd and Mr Barra Little, who expressed and shared similar concerns regarding the granting of the application. It was noted that in 2012 when this premises were last licenced it caused a huge amount of problems in the local area, anti-social behaviour, drug dealing and public nuisance etc. As a result of a review of the licence triggered by the Police and residents, the premises licence was revoked. It was acknowledged that since the revocation of the licence there has been a drop in ASB in the area and there was a real fear that if this application was granted then problems would return.

It was noted that although the Applicant had stated that there was no connection with the previous owner, the previous owner was still the freeholder/landlord and the landline phone number that is advertised for Venue 82 is the same one as a premises (Bengal Cuisine) that is owned by the previous owner from 2012 and therefore residents believed that it was likely that the Applicant had links with the previous owner. It was noted that the premise itself was very small with one exit which was used as an exit and entrance. Residents also highlighted the negative impact on the area and the effects of the premises being within the Cumulative Impact Zone Policy. It was noted that the policy needs to be strictly adhered to.

Residents believed that the business would clearly be alcohol led and there were no conditions that would help promote the licensing objectives, and urged Members to reject the application.

In response to questions from Members the following was noted;

- That it would be a booking only restaurant, where bookings would need to be made in advance.
- That the applicant was willing to provide a detailed business model.
- That the applicant through his supporting documents highlighted the fact that the premises were outside the density of the crime area.
- The hours applied for were within the Council's framework hours.
- That there were nine other licensed premises in close proximity to Venue 82.
- That alcohol would be ancillary to a meal and there would be no vertical drinking.
- The current seating capacity at the premises was for 45 people and previously it was for 60 people.
- That alcohol would be served with full meals only.
- That the premise has not been in use since 2012.
- That contact details of management would be made available to residents if the application was to be granted.
- Previous experiences of the applicant were noted (manager of a licensed premises and was also a Designated Premises Supervisor in a pub – all in Tower Hamlets).
- That the applicant would adhere to all the fire safety measures that have been highlighted by the Fire Authority subject to the application being granted.

- That there was no access for wheelchair users to the basement/proposed dining area.
- That alcohol would not be served on the ground floor where there was an open seating area.
- That two SIA door staff would be at the entrance to supervise customers coming in and outside out the premises.
- That having a booking only system would mean the applicant would have more control over who is coming the venue.
- The residents believed that the applicant had links to the previous owner.
- That the residents felt a café, estate agent, art gallery would be suited for this particular venue.
- That the premises were directly opposite the church, previously customers have been seen vomiting, urinating, defecating in close proximity to the venue and the Church.
- That residents believed, that there were no conditions, appropriate for the venue.
- That there would also be party bookings, where the venue could be booked for special occasions.
- The applicant was unable to explain how he would enforce a condition to allow no vertical drinking if bookings were for 6 hours etc.
- In comparison to other licensed venues in the area, residents believed other venues were different as, conditions were strictly adhered to, staff managed customers outside, management were experienced and there were strong business models in place.
- That the applicant did not accept a condition to remove the outdoor seating area from the ground floor as he felt this would not be sustainable for the business.
- That SIA door staff would help enforce conditions for no vertical drinking.
- That an average spend at the premises would be £40 per person.

In summing up, Mr Piper explained that the premises was small, difficulty in of access, needed to be managed by someone strong and experienced who has a grip of the business. He said that the Applicant appeared to be confused, about the capacity of the venue, whether it was party venue or booking only restaurant, and was clear that it was any attempt to get licence. Mr Piper also stated that the applicant failed to address the impact on the CIZ and demonstrate a rebuttable presumption, therefore he urged Members to refuse the application.

Mr Das Gupta explained that the application was clear and robust, and urged Members to grant the application. He said that the objectors were prejudiced and were raising concerns about what happened in 2012. He said that there were nine other licenced premises in the area. He concluded that there would be conditions in place to address and promote the licensing objectives.

Members retired for deliberation at 7.35pm with the Legal Services Officer and Democratic Services Officer and an observer from Legal Services.

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 both the Applicant and the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm and public safety.

The Sub-Committee 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 representations from objectors at the meeting 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 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 willingness to accept suggestions/conditions from residents and the Sub Committee. However, the Sub Committee heard no evidence that rebutted the presumption of the Cumulative Impact Zone.

The Sub Committee noted that the Applicant was unable to demonstrate how he or his staff would manage crowds outside the premises on the ground floor and how he would manage no vertical drinking during private parties/bookings. It was further noted that there was one stairway and entrance for both access and egress and there were not sufficient measures in place for crowd management for when customers would be leaving the venue and spilling into the streets.

The Sub-Committee noted that the premises would be importing a number of people into area for private booking events 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.

The Applicant failed to demonstrate how he would manage the premises and his staff and how he would enforce conditions on a premise licence if it was to be granted and not to add to the cumulative impact already being experienced in the area.

The Sub Committee was therefore not satisfied with the application and were of the view that the Applicant had failed to successfully demonstrate that they had rebutted the presumption against granting a premises licence for a premises situated in a Cumulative Impact Zone, in that it was considered the Applicant failed to demonstrate that their application for a premises licence would not undermine any of the four licensing objectives in particular the prevention of public nuisance and public safety.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Venue 82, 82a Commercial Street, London E1 6LY, be **REFUSED**

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 9.00 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON THURSDAY, 22 NOVEMBER 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)
 Councillor Ehtasham Haque
 Councillor Mohammed Ahabab Hossain

Officers Present:

Agnes Adrien	– (Head of Litigation, Legal Services)
Nicola Cadzow	– (Environmental Health Officer)
Damian Doherty	– (Environmental Health Enforcement Officer)
Corinne Holland	– (Licensing Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing applicants

	Item Number	Role
Mr Matt Lewin	3.1	(Legal Representative)
Mr Mohammed Aziz	3.1	(Applicant)
Mr Ali Haydar Kayhan	3.3	(Applicant)
Ms Lyja Satir	3.3	(Applicant's Friend)

Representing objectors

	Item Number	Role
PC Mark Perry	3.1, 3.2, 3.3	(Metropolitan Police)
Nazir Ali	3.2	(Trading Standards)
Nicola Cadzow	3.1, 3.3	(Environmental Health Officer)
Damian Doherty	3.1, 3.2	(Environmental Health Enforcement Officer)

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. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Yummy Pizza, 57 Burdett Road, London, E3 4TN

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Yummy Pizza, 57 Burdett Road, London E3 4TN. It was noted that objections had been received from the Licensing Authority, Police, Environmental Health and a local resident.

At the request of the Chair, Mr Matt Lewin, Legal Representative on behalf of the Applicant explained that it was a family run business, run by the Applicant and her husband, that they were a hard working couple, and also owned and managed Tops Pizza in West India Road, which has had a licence for one year now. Mr Lewin explained that there was a misunderstanding over the licence hours at the start, hence the one failed test purchase, since this the Applicant has applied for a licence and has been abiding by the law.

He stated that the Applicant acknowledged that the hours applied for, were too ambitious, and therefore proposed a reduction in the hours to 2am. He also referred Members to page 39 of the agenda and highlighted the conditions consistent with the operating schedule and said that CCTV cameras had already been installed and were in operation, notices were clearly displayed asking customers to leave quietly and respect the needs of local residents and had good lighting in and outside the premises.

Mr Lewin explained that Mr Mohammed Aziz had brought the business following the failed test purchase, there had been five more visits/checks where the premises has been closed and therefore complying with the operational hours. He referred to page 52 of the agenda and drew Members attention to other late night premises in the area. He then referred to the representation from the Police on page 59 and stated that the reported crimes listed around the local area occurred during the framework hours. He said that the Applicants and staff were experienced and with the conditions offered it was believed that they would not add to anti-social behaviour, crime and disorder or public nuisance in the area. It was noted that there were other premises trading for longer hours and there has been no specific complaints regarding the premises.

Members then heard from Damian Doherty, representing the Licensing Authority, he explained that the times applied for go beyond the framework hours and taking into account the location of the premises of which has high

anti-social behaviour levels it is believed the premises would become a hub for youth to hang around and cause anti-social behaviour. It was also noted that an afterhours sale was made at the premises and then said if Members were minded to grant a licence then conditions on page 55 should be considered.

Members also heard from Nicola Cadzow, Environmental Health Officer who stated that the proposed hours were beyond the Councils framework hours and that there would likely be public nuisance due to access and egress to and from the venue, especially due to patrons being in high spirits and there would be a likelihood of disturbance to residents at such noise sensitive hours.

Members lastly heard from PC Mark Perry, Metropolitan Police, he explained that the area already suffered from anti-social behaviour and if the premises were open late at night people would congregate outside and cause public nuisance and disturbance. He then suggested slightly longer hours than framework hours - Sunday to Wednesday 12 midnight and Thursday to Saturday till 1am. He also suggested that if they are successful and can demonstrate they can manage the premises well, then they can reapply for longer hours.

In response to questions the following was noted;

- That it was believed the conditions proposed by the Applicant would help prevent anti-social behaviour at the premises and promote the licensing objections.
- That the Applicant was experienced, and that there had been no complaints or concerns at the premises or with the other licensed premises they managed.
- That the premises overlooked Mile End Park where people often congregate and if these premises are open till late this would attract people to congregate inside/outside the premises and cause disturbance.
- That there were no specific concerns with the current operation of the premises.
- That the Applicants would be happy to accept the conditions proposed by licensing authority on page 55 of the agenda.
- That the hours Police had suggested could help the Applicants gain experience and help develop the business and once this is demonstrated they could then reapply for longer hours.

Members adjourned the meeting at 3.15pm for deliberations and reconvened at 3.30pm.

The Licensing Objectives

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

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

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

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them and considered the representation made by the Applicants Legal Representative at the meeting and also heard from representatives of the Licensing Authority, Metropolitan Police and Environmental Health with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

The Sub Committee welcomed the reduction in the hours offered by the Applicant and heard that the proposed conditions offered would help mitigate the concerns raised by the Responsible Authorities and promote the licensing objectives.

The Sub-Committee noted the representations made by the objectors regarding the impact of the premises on the local area, and the concerns relating to the existing levels of noise nuisance and anti-social behaviour. The Sub-Committee was mainly concerned about the impact of late licensing hours in an area where it would possibly attract a number of people into the area and that granting of the application would mean the premises would be one of two premises in the local vicinity that would be open until 2am. Therefore Members were of the view that the hours proposed by the Police (which was beyond the Council's framework hours) would be appropriate for a new premises licence as it would give them the ability to develop and demonstrate compliance with licensing hours and conditions.

The Sub-Committee were satisfied that the operating schedule together with the conditions and reduced hours set out below would mitigate any further negative impact in the area and address the concerns of public nuisance, particularly in the form of noise nuisance, and crime and disorder.

The Sub-Committee therefore granted the application in part with a reduction in the hours applied for and imposed conditions on the licence to support the licensing objectives of prevention of public nuisance and prevention of crime and disorder.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Yummy Pizza, 57 Burdett Road, London E3 4TN be **GRANTED in part with conditions.**

The hours for Provision of Late Night Refreshments

Sunday to Wednesday from 23:00 hours to 00:00 hours (midnight)

Thursday to Saturday from 23:00 hours to 01:00 hours (the following day)

The opening hours of the premises

Sunday to Wednesday from 11:00 hours to 00:00 hours (midnight)

Thursday to Saturday from 11:00 hours to 01:00 hours (the following day)

Conditions

1. No customers seated inside the premises after 23:00 hours
2. Takeaway only after 23:00 hours
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
4. Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate outside the premises.
5. Vehicles used for delivery must switch off their engines when waiting outside of the premises for the collection of food for delivery.
6. Drivers shall wait inside the premises between deliveries/for deliveries.
7. A notice shall be displayed by the front door stating the restaurant opening hours.
8. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
9. No rubbish will be moved, removed or placed outside between the hours of 23:00 hours and 08:00 hours.
10. An incident log shall be kept at the premises and made available on request to an authorised officer or the Police.
11. Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority
12. The premises shall install and maintain a comprehensive CCTV system.

13. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

14. The CCTV system shall record continually while the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with the date and time stamping. Recordings shall be made available immediately upon the request of a Police Officer or an authorised Officer.

3.2 Application for a Review of a Premises Licence at Cost Price, 41 Brick Lane, London, E1 6PU

A request for adjournment was received by the Applicant's solicitors on the day of the meeting, on the basis that the Applicant was unable to attend as he was recovering post-surgery.

Upon receiving evidence, the Sub Committee considered this request and granted the adjournment in order to allow for the Applicant to attend the next meeting date that is set.

Members requested that the application is rescheduled to the earliest available date.

3.3 Application for a Variation of a Premises Licence for Kays Local, 209 Roman Road, London E2 0QY

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, which detailed the application for a variation of the premises licence for Kays Local, 209 Roman Road, London E2 0QY. It was noted that objections had been received from the Police, Environmental Health and a local resident.

At the request of the Chair Ms Lyka Satir, a friend of the Applicant spoke on behalf of the Applicant and explained that the Applicant was seeking an application for longer hours for the sale of alcohol due to customer demand. She said that the Applicant was not aware of the anti-social behaviour in the area, as the Applicant has had no trouble with customers, no problems and no complaints. She said the premises already had a CCTV camera system installed and had 16 cameras altogether. There were two members of staff that were Personal Licence Holders and they always asked for ID when selling alcohol.

Members then heard from PC Mark Perry who referred to his statement in the agenda and made particular reference to a statement from PCSO John Murphy, the dedicated PCSO for Bethnal Green Safer Neighbourhood Team. He highlighted that there were problems in the local area, with youths gathering and congregating. Later hours would attract more people to area and cause more alcohol related anti-social behaviour and public nuisance. PC

Perry also stated that if longer hours were granted then the premises would become a magnet for youths to hang outside and congregate.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, she referred to her statement on page 241 of the agenda and highlighted her concerns of noise breakout from the venue affecting neighbouring residents and the likelihood of disturbance to residential properties during noise sensitive hours and therefore asked Members to refuse the application.

In response to questions the following was noted;

- That there had been no attempt to contact or meet with the Police or any other Responsible Authorities to discuss the application.
- That there were no other premises in the direct vicinity that had a licence for the hours applied for therefore the likelihood it would attract street drinkers, youth to congregate outside and cause anti-social behaviour and public nuisance.

Members adjourned the meeting at 4.10pm for deliberations and reconvened at 4.20pm.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them and considered the representation made by the Applicant's friend at the meeting and also heard from representatives of the Metropolitan Police and Environmental Health with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

Members noted the concerns raised by the Responsible Authorities and the fact that the premises were in an area that suffers from high levels of crime and anti-social behaviour and much of it linked to alcohol. Members also gave weight to the statement from PCSO John Murphy from the Safer Neighbourhood Team for Bethnal Green Ward which gave an insight of the high levels of ASB and public nuisance associated with that particular area.

Members were concerned that the Applicant was not aware of the current anti-social behaviour in the area and also concerned that he had made no attempt to consult with the Police in relation to the application.

The Applicant failed to demonstrate how he would manage the premises and his staff and how he would enforce conditions on a premises licence if it were to be granted and not to add to the negative impact already being experienced in the area. Members were also concerned over the Applicant's lack of the understanding of the licensing objectives.

The Sub Committee was therefore not satisfied with the application and were of the view that the Applicant failed to demonstrate that their application for a variation of a premises licence would not undermine any of the four licensing objectives in particular the prevention of public nuisance and crime and disorder

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a variation of a Premises Licence for Kays Local, 209 Roman Road, London E2 0QY be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 4.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 27 NOVEMBER 2018****MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

Councillor Ehtasham Haque (Chair)

Councillor Faroque Ahmed

Councillor Sabina Akhtar

Officers Present:

Tom Lewis	–	(Team Leader - Licensing Services)
Vivienne Walker	–	(Senior Prosecution Lawyer)
Samantha Neale	–	(Licensing Officer)
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)

Representing applicants

	Item Number	Role
Emma Dring	3.1	(Legal Representative)
Richard Hemingway	3.1	(Solicitor)
Peter Kopik	3.1	(Applicant)

Representing objectors

	Item Number	Role
James Rankin	3.1	(Legal Representative)
Dr Peter Graves	3.1	(Objector)
David Masters	3.1	(Objector)
Trevor Witton	3.1	(Objector)
Nicola Cadzow	3.1	(Environmental Health)

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 Lola Hospitality Ltd 81 Wapping High Street, London, E1W 2YN

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Lola Hospitality Ltd, 81 Wapping High Street, London E1W 2YN. It was noted that objections had been received on behalf of Environmental Health and local residents.

At the request of the Chair, Ms Emma Dring, Legal Representative on behalf of the Applicant gave a brief summary of the Applicant's history and experiences, she explained that Mr Peter Kopik, Applicant, was the landlord for the building and had been for the past 27 years and has had a long standing connection with the area. He had previously been in the hotel industry in Ireland for 15 years, had three hotel developments and was also an architect by profession. It was also noted that he previously owned the restaurant Pasha in Wapping High Street between 1999 -2004 and this restaurant was now closed.

Ms Dring explained that if the application was to be granted then Mr Kopik currently named as the Designated Premises Supervisor on the application would be changed to someone more experienced. She explained that the main concerns raised by objectors were the likely possibility of the premises becoming a late night venue. She explained that it would remain and continue as an Italian restaurant but were looking to make it more premium and upmarket.

It was noted that the restaurant would be food led, and drinks would be served with meals only, no music would be played and alcohol would be for on sales only.

She referred Members to page 53 of the agenda, the layout of the premise and explained that the bar area would be the waiting area for customers sit and wait at before being seated rather than have to queue outside if the restaurant were to be busy. She explained that customers would be seated at the bar area and would not be doing anything different from what was in place before, it was noted that the hours and business model were the same as the previous business at the premises. It also noted that the previous licence has had no reviews or problems in the past and was accepted by residents.

Ms Dring explained that the restaurant would be a vibrant addition to the street/area and there was no reason why there would be any additional concerns. It was noted that there was no intention for the premises to become a late night venue, the later hours had been sought to allow flexibility to finish

meals. She highlighted the fact that objectors raise issues from experiences relating to the previous business, but this in fact was a new business and had new management.

She highlighted the fact that the premise was in central London and some activity is expected and with it being a vibrant restaurant it would enhance the local area. It was noted that there would be a head waiter/maître d' who would monitor the noise outside the premises. That cabs would be called for customers, and suitable signage would be displayed at the premises. She urged Members to grant the application and impose conditions that were appropriate for a restaurant and not a bar.

Members then heard from objectors present at the meeting, Members firstly heard from Mr James Rankin Legal Representative representing residents from The Sanctuary including Mr David Masters who was also present at the meeting. Mr Rankin highlighted that the previous business caused noise nuisance and problems and that operated till 11pm and therefore any later hours would be detrimental to the area. He suggested that as a new application, the Council's framework hours should be agreed. It was noted that one of the main concerns was that they had already experienced what this premises was like to be a restaurant and what the Applicant was applying for now could potentially operate as a bar in the future. Mr Rankin said that they were agreeable to the hours, however suggested conditions such as restricting alcohol to customers having a tabled meal only.

Members also heard from Dr Peter Graves, local residents who expressed concerns about the increase in anti-social behaviour in the area if a licence was granted. He explained that his window overlooks the park and often witnesses customers causing public nuisance, urinating on walls, and congregating in the gazebo area in the park. He stated that Wapping High Street was a residential area and noise can be amplified. Members also heard from Mr Trevor Witton, local resident who explained that noise was a persistent problem in the area, however didn't object to the business as such but highlighted the issues with noise disturbance. He suggested there be suitable and legible signage's around the premises asking customers to leave the area quietly and respect the needs of local residents, smokers to smoke in a designated smoking area, and discourage engine idling from taxis waiting outside for customers etc.

Members also heard from Nicola Cadzow, Environmental Health, she referred to her statement on page 114 of the agenda and explained that the premises was in close proximity to residential properties and explained that there was likely to be a noise breakout from the venue affecting neighbouring residents. However she said that she would be agreeable to the application if the Applicant agreed to the Council's framework hours.

In response to questions the following was noted:

- That Dr Graves original objection was submitted within the consultation period but was omitted from the licensing report due to an error.
- That the Applicant agreed to accept the Councils framework hours.

- That there was not enough time to consult with the residents after the consultation period had ended.
- That there was no concern or issues with noise escaping from the premises.
- That employing SIA door staff would not be appropriate for a restaurant premises.
- That prominent and legible notice would be displayed around the premises asking customers to respect the needs of local residents and leave the area quietly.
- That the front of house staff/maître d would monitor the outside area for noise/disorder/smokers etc. and this could also form part of their duty.
- That alcohol shall be ancillary to a tabled meal, however the Applicant thought this to be excessive, and proposed this could be imposed for the later licensing hours.

In summation Ms Dring said that the Applicant was agreeable to the Council's framework hours, that they had addressed resident's concerns through the proposed conditions even though the previous business had no conditions and was also agreeable to alcohol being served to customers having tabled meals only and for this to start from the late evening.

Mr Rankin explained that complaints have been made about the premises in the past. He asked Members to note the 21 letters of objections, and urged Members to impose Council's framework hours and conditions.

Members adjourned the meeting at 7.50pm for deliberations and reconvened at 8.20pm.

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:

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 his Legal Representative and heard objections from the Environmental Health Officer, Local Residents and their Legal Representative 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 framework hours as proposed by the Environmental Health Officer. Members were of the view that a condition that alcohol served ancillary to a meal and no vertical drinking gave them and residents the assurance that the premises would not be used as a bar or 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 five 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 the Council's framework hours and imposed conditions which would help promote the licensing objectives and not cause a negative impact on the area.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New of the Premises Licence for Lola Hospitality Ltd, 81Wapping High Street, London E1W 2YN be **GRANTED in part** with conditions.

Sale of Alcohol – (on sales only)

Monday to Thursday, from 10:00 hours to 23:00 hours
Friday and Saturday, from 11:00 hours to 23:30 hours
Sunday, from 12:00 hours to 22:00 hours

The provision of late night refreshment - Indoors

Friday and Saturday, from 23:00 hours to 23:30 hours

The opening hours of the premises

Monday to Thursday, from 10:00 hours to 23:30 hours
Friday and Saturday, from 11:00 hours to 00:00 hours (midnight)
Sunday, from 12:00 hours to 22:30 hours

Conditions

1. There shall be CCTV in operation at the premises and;
 - a) a member of staff who has been nominated in writing and is conversant with the operation of the CCTV system shall be on the premises at alltimes.

- b) If the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.
 - c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - d) Recordings shall be made available immediately upon the request of a Police or Licensing officer throughout the preceding 31-day period.
 - e) The CCTV system shall be maintained according to the current Home Office specification for premises of this type.
 - f) should the equipment become faulty then the Metropolitan Police will be notified by mail and all reasonable efforts made to have any fault rectified within 24 hours.
2. All members of staff who are authorised to sell alcohol shall be properly trained in the legal requirements and restrictions to sell alcohol.
 3. A record shall be maintained and kept at the Premises detailing the name of each member of staff trained; the date training was provided; details of the person who provided the training and an acknowledgment that staff have been so trained.
 4. The record shall be available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.
 5. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 12 months.
 6. A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, 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) any faults in the CCTV repaired within 24hrs
 - f) any refusal of the sale of alcohol
 - g) any visit by a relevant authority or emergency service.
 - h) any lost property found or handed to staff at the premises.
 - i) any other relevant incidents to be recorded.
 7. The forecourt and the pavement immediately outside the Premises shall be kept in a clean condition.

8. External doors shall be fitted with a self-closing device that is maintained in a proper working condition.
9. A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.
10. The Designated Premises Supervisor shall regularly check the refusals record to ensure it is being consistently used by all staff.
11. Posters shall be displayed in prominent positions around the bar area advising customers of the Challenge 25 policy in force at the premises
12. There shall be a minimum of one personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
13. Clearly legible notices shall be displayed at all exits and around the Premises requesting patrons to respect the needs of local residents and to leave the Premises and area quietly;
14. Clearly legible notices shall be prominently displayed at any area used for smoking outside the premises requesting patrons to respect the needs of local residents and to use the area quietly.
15. The supply of alcohol at the premises shall only be to a person seated taking a table meal.
16. No more than five smokers to be allowed to smoke outside the premises at any one time.
17. There shall be no vertical drinking at the premises

3.2 Application for a New Premises Licence for Sketch, 68 Brick Lane, London E1 6RL

The Applicant was not present at the meeting and there had been no contact made with Licensing Services or Democratic Services to notify his/her attendance. The Democratic Services Officer informed Members that a notification letter was sent out 10 working days before the meeting date and the agenda was sent out 5 working days before the meeting. It was noted that two of the objectors were present at the meeting (Environmental Officer and a local resident representative).

In the absence of the Applicant, Members decided to defer consideration of this application in order to give the applicant another opportunity to attend the meeting. It was noted that if they fail to attend the next meeting that is arranged for them, then it is requested that the next Sub Committee considering the application should go ahead in their absence.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

The meeting ended at 8.30 p.m.

Chair, Councillor Ehtasham Haque
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	29 January 2019	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application for a New Premises Licence for Shell Old Ford, 445-453 Wick Lane, London E3 2TB Ward affected: Bow East
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1.0 Summary

Applicant: **Shell UK Oil Products Ltd**
Name and **Shell Old Ford**
Address of Premises: **445-453 Wick Lane,**
London E3 2TB

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

Objectors: **Environmental Protection**
Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

3.1 This is an application for a new premises licence for Shell. 445-453 Wick Lane, London E3 2TB

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

3.3 The hours that have been reduced since the application in consultation with the Police:-

Sale of Alcohol (off sales):

Monday to Sunday 06:00 hours to 01:00 hours

Late Night Refreshment:

Monday to Sunday from 23:00 hours to 05:00 hours

Hours premises is open to the public:

Monday to Sunday 24 hours a day.

4.0 **Location and Nature of the premises**

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

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

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

4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018.

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

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 Following agreement with Police on a reduction in hours, a letter was sent by the Licensing Authority on behalf of the applicant to advise those that have made representation to the new agreed hours. All of which replied to advise they wish to continue with their objection. A copy of the letter has been provided in **Appendix 6**.
- 6.9 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- | | |
|--------------------------|--------------------------|
| Environmental Protection | - See Appendix 7 |
| Cllr R Blake | - See Appendix 8 |
| M Dover | - See Appendix 9 |
| E Lloyd | - See Appendix 10 |
| W Lloyd | - See Appendix 11 |
| S Rybkowski | - See Appendix 12 |

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

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust (Public Health England)
- Home office Immigration Enforcement

6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

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

6.12 The objections cover allegations of

- Anti social behaviour from patrons leaving the premises
- Acting as a magnet attracting the young who then engage in anti-social behaviour
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Close proximity to residential properties

6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

7.1 A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise

- 7.2 is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.
- 7.3 Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a Responsible Authority.
- 7.4 A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request.
- 7.5 An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request.
- 7.6 A Challenge 25 policy will be operated at the premise. Acceptable forms of identification are a passport, photo-card driving licence and PASS accredited identification card.
- 7.7 Spirits (with the exception of spirit mixers and premixed spirit drinks) will be located behind the counter.
- 7.8 The Premises Licence holder shall be permitted to display bulk stacks, wine towers and chilled promotional offerings throughout the store that may not necessarily be shown on the plan. The locations may be subject to change but will be contained within the red lined licensable area shown on the plan attached to the Premises Licence. The display of bulk stacks will not be located where they may impact on the ability of customers to use exits or escape routes without impediment.
- 8.0 Conditions Agreed with Police**
- 8.1 Between the hours of 23.00 and 06.00 each day the site will operate a closed door policy with all service taking place through the night pay hatch.
- 8.2 Lager and Cider with an ABV in excess of 6.5% will not be sold with the exception of any premium or handcrafted products.
- 9.0 Licensing Officer Comments**
- 9.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's

Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

9.2 Guidance issued under section 182 of the Licensing Act 2003

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

- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
 - ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 13-18** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6	Mediation Letter
Appendix 7	Representation of Environmental Protection
Appendix 8	Representation of Cllr Blake
Appendix 9	Representation of Mr. Dover
Appendix 10	Representation of Ms Lloyd
Appendix 11	Representation of Mr. Lloyd
Appendix 12	Representation of S Rybkowski
Appendix 13	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 14	Licensing officer comments on Access and egress problems
Appendix 15	Licensing officer comments on Noise when the premises is in use
Appendix 16	Licensing officer comments on Acting as a magnet Attracting the Young
Appendix 17	Planning
Appendix 18	Licensing Policy relating to hours of trading.

Appendix 1

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

You must enter a valid e-mail address

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

Applying as an individual

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No Note: completing the Applicant Business section is optional in this form.

Registration number

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

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

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

PRIVATE LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

Convenience Store Overview.

This is a well-established convenience store on a petrol forecourt which is currently undergoing a refurbishment and extension. Following these works alcohol will be introduced as part of the grocery range and subject to the Premises Licence being granted.

Continued from previous page...

The site trades under Shell UK Oil Products Limited and is operated by Vijay Balasingam.

The Convenience Store.

The convenience store has a retail area of approximately 1100 sq ft. The purpose built store has been designed to serve both the local community along with passing trade. The convenience store will operate 24 hours per day, seven days per week under the company's own format. The store will stock an extended range of fresh foods and dairy produce, groceries and other domestic products and will also offer 'express' lunch facilities. In addition dry fuel products such as BBQ charcoal/ kindling/logs will be available. Off sales are a standard and expected feature of the convenience store service.

Security.

The internal and external digital CCTV system will benefit from a recorder and recordings can be made available to Police and other enforcement agencies as needed.

The Operation.

The convenience store will be operated by the Manager assisted by a team of full and part time staff. The Designated Premises Supervisor, is trained and certified through an accredited scheme and is responsible for training all staff and keeping complete training records. The Challenge 25 trading initiative will be used supported by the refusals system with records kept in the Refusals Log.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Continued from previous page...

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- Indoors Outdoors Both

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

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

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

State any seasonal variations

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

NONE

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

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

NONE

Continued from previous page...

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

NONE

Continued from previous page...

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

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

NONE

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

Name

First name

Family name

Date of birth

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

Continued from previous page...

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

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

NONE

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

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

NONE

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

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

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

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

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

The Premises Licence holder shall be permitted to display bulk stacks, wine towers and chilled promotional offerings throughout the store that may not necessarily be shown on the plan. The locations may be subject to change but will be contained within the red lined licensable area shown on the plan attached to the Premises Licence. The display of bulk stacks will not be located where they may impact on the ability of customers to use exits or escape routes without

Continued from previous page...

impediment.

b) The prevention of crime and disorder

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

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

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

c) Public safety

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

d) The prevention of public nuisance

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

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

e) The protection of children from harm

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

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

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

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

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

Continued from previous page...

* Fee amount (£)

DECLARATION

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

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

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

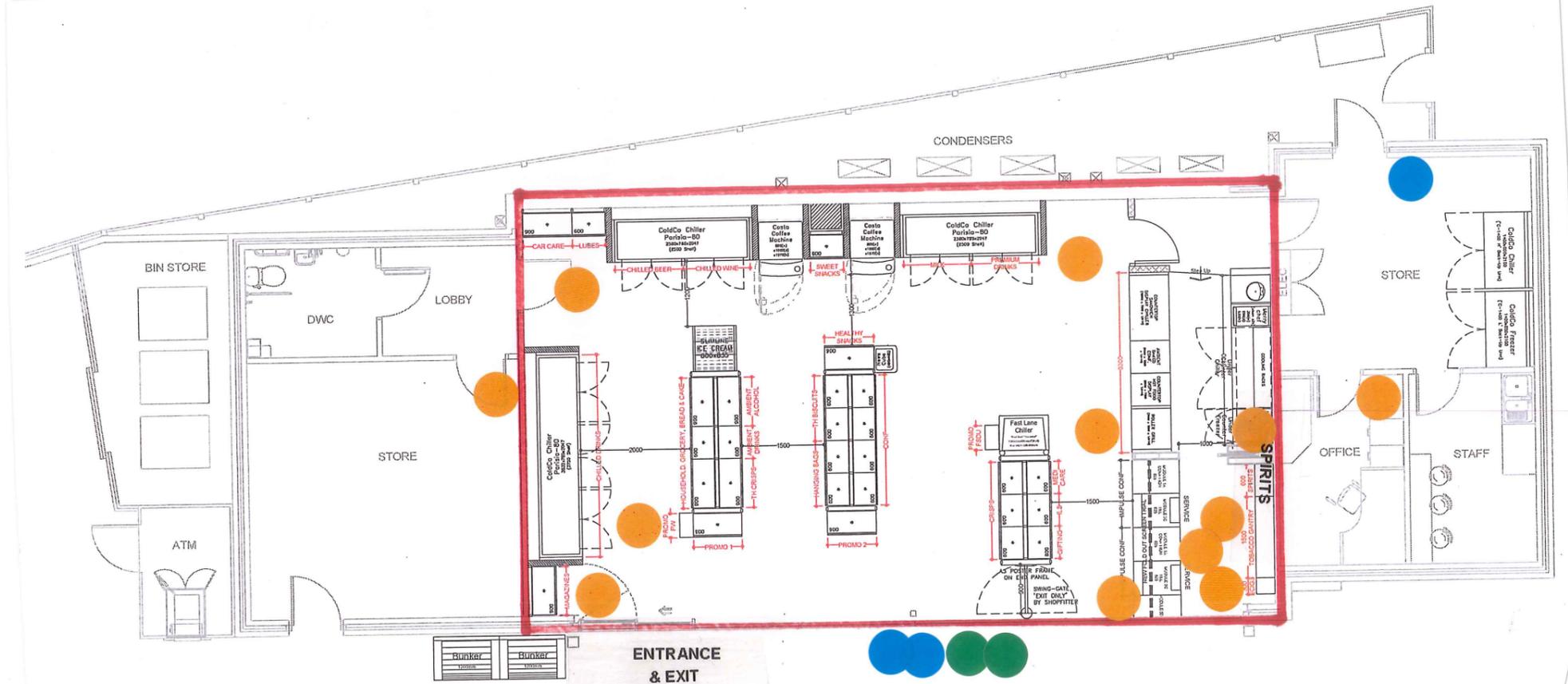
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

OFFICE USE ONLY

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

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Appendix 2



Key:	
	- CCTV camera.
	- Fire extinguisher.
	- Fire bucket.
	- Area to be licensed for sale of alcohol for consumption off the premises and late night refreshment (LNR).

Appendix 3

house

Shelter

439

441

451
453

445

455

DYE HOUSE LANE

1a

8 to 17

Builders Yard

Wo

15m





Appendix 4

Licensed Premises Near 443-445 Wick Lane, London E3

<p>The Lighthouse 421 Wick Lane London E3 2NG</p>	<p><u>Sale by retail of alcohol (on sales)</u> Monday to Thursday, from 10:00 hours to 23:00 hours Friday and Saturday, from 10:00 hours to 00:00 hours (midnight) Sunday, from 10:00 hours to 22:30 hours</p>	<p>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</p>
<p>Autumn Street Studios Unit 3 39 Autumn Street London E3 2TT</p>	<p><u>Sale of Alcohol (on sales only)</u> Monday to Thursday from 12:00hrs (midday) to 23:30hrs Friday from 12:00hrs (midday) to 06:00hrs (the following day) Saturday from 12:00hrs (midday) to 08:00hrs (the following day) Sunday from 16:00hrs to 22:30hrs <u>The Provision of Regulated Entertainment in the form of Live Music, Recorded Music (and anything similar)</u> Monday to Thursday from 12:00hrs (midday) to 23:30hrs Friday from 12:00hrs (midday) to 06:00hrs (the following day) Saturday from 12:00hrs (midday) to 08:00hrs (the following day) Sunday from 16:00hrs to 22:30hrs <u>The Provision of Late Night Refreshments</u> Monday to Thursday from 23:00hrs to 23:30hrs Friday from 23:00hrs to 06:00hrs (the following day) Saturday from 23:00hrs (midday) to 08:00hrs (the following day)</p>	<p>Monday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight) Friday from 12:00hrs (midday) to 06:30hrs (the following day (FD)) Saturday from 12:00hrs (midday) to 08:30hrs (FD) Sunday from 16:00hrs to 23:00hrs</p>

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



29th November 2018

Premises Licence Application - Shell Old Ford, 445-453 Wick Lane, Bow, London, E3 2TB.

Lockett & Co are Licensing Consultants acting on behalf of Shell UK Oil Products Limited (the applicant) in respect of the premises licence application for the above site.

We wish to confirm that following the submission of the application, mediation was undertaken with the Police and-as a result of this-the following changes have been made to the application:

1. The hours for the sale of alcohol hours have been reduced from 24 hours per day to 06.00-01.00 hours each day.

The opening hours of the premise and part of the application pertaining to Late Night Refreshment remain as per the application submitted (24 hours and 23.00-05.00 hours respectively).

In addition, the following conditions have been agreed with the Police:

- i. Between the hours of 23.00 and 06.00 each day the site will operate a closed door policy with all service taking place through the night pay hatch.
- ii. Lager and Cider with an ABV in excess of 6.5% will not be sold with the exception of any premium or handcrafted products.

These conditions will be added to the premises licence (subject to grant) as well as those offered in the premises licence application.

We hope the above information may allow you to reconsider your representation. Should you wish to withdraw your representation, written confirmation of this should be sent to the Licensing Authority at Tower Hamlets Council directly.

Lockett House
13 Church Street
Kidderminster
Worcestershire
DY10 2AH



Telephone 01562 864488
Facsimile 01562 863539
info@lockett.uk.com
www.lockett.uk.com

Appendix 7

Kathy Driver

From: Nicola Cadzow
Sent: 18 October 2018 12:43
To: Licensing
Cc: [REDACTED]
Subject: New premises license application for Shell Old Ford 445-453 Wick Lane London E3 2TB - ref M/111904

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

I have considered the application for a new premises license application for Shell Old Ford 445-453 Wick Lane London E3 2TB and the potential impact of crime and disorder and public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the hours are well beyond the Council's framework hours

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

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

The applicant is proposing the hours as follows:

- **Licensable Activities:** Sale of Alcohol 24 hours a day, seven days a week
Late night refreshment 23:00 to 0500 hours.

Noise Sensitive premises: residential and commercial premises in close proximity on Wick Lane.

In my view, whilst the premises is currently open 24 hours a day if the application is granted for off-sales in the area, it would be the only licensed premises in the vicinity for off-sales, and 24 hours a day. Therefore there is a risk that anti-social behaviour shifts to this location. On the likelihood of an increase in anti-social behaviour, I do not believe that the licensing objectives in particularly crime and disorder and public nuisance will be adhered to.

CONCLUSION

Environmental Protection **does not** support the application for Shell Old Ford 445-453 Wick Lane London E3 2TB , as there is greater likelihood of disturbance from crime and disorder and public nuisance. However I am willing to withdraw my representation to this application, if the applicant agrees to reduce the hours for the sale of alcohol to framework hours (as shown highlighted above).

Kind regards

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

Appendix 8

Kathy Driver

From: Rachel Blake
Sent: 25 October 2018 16:11
To: Licensing
Cc: [REDACTED]
Subject: OBJECTION: Application for late night refreshment and 24 hour alcohol sales
445-453 Wick Lane

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

I am writing to object to the licensing application for the Shell Garage at 445-453 Wick Lane, E3 2TB on the grounds that the application does not set out sufficiently how the license would ensure public safety and prevent public nuisance.

The shop is close to 2 licensed premises and the provision of 24 hour alcohol sales would increase the likely of public nuisance at closing time as well as enabling nuisance prior to the venues opening.

The location of the shop means that the responsible person at the shop would not be able to monitor the impact of the sales sufficiently to ensure public safety.

The location of the shop means that additional noise from the late night refreshment customers would cause a public nuisance to the residential dwellings near the shop.

Rachel

Cllr Rachel Blake

Labour Councillor – Bow East
Deputy Mayor – Regeneration and Air Quality
LB Tower Hamlets

[REDACTED]
[REDACTED]

Kathy Driver

From: Rachel Blake
Sent: 04 December 2018 16:04
To: Kathy Driver
Subject: RE: Shell, 445 Wick Lane, London E3

Dear Kathy,

Thanks for sending this through. I think the concern is about people using the garage after the local clubs and purchasing alcohol there – so the 6am start time would remain an issue and 1am finish would remain an issue.

Do you think this is the final position from the applicant?

Rachel

From: Kathy Driver
Sent: 29 November 2018 18:38
To: Rachel Blake
Subject: Shell, 445 Wick Lane, London E3

Dear Cllr Blake,

Following your objection to the above Premises Licence application, the applicants wish me to provide you with an updated proposal for the store, of which I attach for your attention. I would be grateful for your opinion on the new proposal and if you still wish to object the application.

The Licensing Sub Committee has been provisionally scheduled for 22nd January 2019, of which Democratic Services will confirm the date if there are remaining objections to hear.

Please feel free to contact me should you require anything further.

Regards,

Kathy Driver
Principal Licensing Officer

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

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

Tel: 020 7364 5171
Fax: 020 7364 0863
Hotline: 0207 364 5008

General email: licensing@towerhamlets.gov.uk

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



Appendix 9

Michael Dover


9th November 2018

Dear Sir/ Madam,

I am writing with regard to the application by Shell Oil Products Limited for an Alcohol License for their premises at **Shell Old Ford, 445/453 Wick Lane E3 2TB,**

Firstly I am appalled by the fact that they even think that a Petrol Station is a fit and proper place to be selling alcohol from, their priority should be to sell petrol and motoring related items and in no way should they be targetting drivers trying to tempt them into buying alcohol, there is enough death and carnage caused on our roads without large companies trying to increase their profits in such an irresponsible way.

I have been living with my family directly next door to this petrol station for nineteen years and although there were the occasional problems over the early years it was always something we were able to cope with and the anti social problems were relatively contained in their frequency and their effect on us, unfortunately over the past six years the situation has become much worse and we now face anti social behaviour on a daily basis and much of it is the result of the complete lack of action by shell to try in any way to combat the problems that their business is creating.

At the current time the petrol station is closed and undergoing rebuilding and refurbishment, the effect that this closure has had is nothing short of amazing, as neighbours we are actually able to get a full nights sleep without being woken by the hooting of vehicle horns throughout the night or the booming music emanating from some idiots car at 3am in the morning, another more recent anti social problem are the convoys of high powered vehicles that gather on the forecourt throughout the night and who then insist on revving their engines whilst they are being filmed on their mobile phones by their friends, this is often accompanied by several of them urinating up against our garage door and of course the inevitable litter that gets thrown around all over the petrol station forecourt and onto the public highway,

Also in no way is this anti social behaviour restricted to night-times, very often on a Sunday morning we witness a gathering of quad bikes sometimes as many as ten of them who converge on the petrol station to fill up and they sit revving their engines and practising wheelies around the forecourt, often you witness the fact that they are drinking from cans of larger, we have actually had empty larger cans thrown over the wall into our garden in the middle of the afternoon by customers of the petrol station.

Additionally on Saturdays most weeks we get ten or fifteen motorbike riders visiting the petrol station to fill up and again they think that revving their bikes sounds good, we think the complete opposite and are fed up with it.

We also get people carriers /small coaches and stretch limos in the evenings carrying hen and stag parties who take smoking breaks on the petrol station forecourt which results in numerous cigarette butts thrown down outside my property and always some urinating taking place and often bottles and cans are left on the foot-way, its disgusting and will only get worse if this license application were to be successful

I have no doubt whatsoever that this anti social behaviour would increase no end if this license were to be granted, and also apart from anti social behaviour we have the overwhelming problems with congestion caused by vehicles queuing to turn right onto the petrol station forecourt blocking Wick lane and the junction of the A12, in reality the current petrol station site is far too small for their business to be able to run smoothly and in effect Wick lane is being used as a holding/ waiting area for HGV vehicles vans and cars entering the petrol station and this results in the A12 junction being blocked on a daily basis and the constant disturbance caused by vehicles hooting.

Tower Hamlets Highways department are themselves aware of the problems created by the location of the petrol station and how busy it has become and I was told by Margaret Cooper (Head of Highways) herself that they were considering introducing a traffic scheme to ban a right turn onto the forecourt in order to keep traffic flowing, opening an off licence on the forecourt would only make the current traffic situation worse and that's apart from the additional anti social behaviour it would bring.

Additionally the recent move by West Ham Football Club into the London Stadium has resulted in a significant amount of fans walking along Wick Lane on their way to and from a match, having an off licence at this location would result in many fans purchasing a can or two to drink along the street as they make their way through Fish Island, the result would be more drunken fans, more litter dropped along the route and more anti social behaviour and violence, we already have been the victim of drunken fans pulling plants from our window box and throwing them onto the floor for no apparent reason other than they are drunk.

Even more disturbing are the possible effects that having a readily available supply of alcohol would have on the patrons of Bloc nightclub in Autumn Yard, currently the venue usually opens at about 11pm and many punters arrive from 10:30 pm onwards, they are not allowed to take alcohol into the venue but the majority arrive with bottles and cans in their possession, they usually stand outside our property or across the road at the bus stop drinking and being generally loud and noisy, this is also very often accompanied by inhaling laughing gas from large balloons which they then discard anywhere apart from in the litter bin along with the empty silver containers.

If they have too much alcohol left the usual thing is to hide it either behind the telephone equipment boxes near to the bus stop or in the bushes behind the fences of the business premises along Autumn street or even behind my front window box.

The following morning at 6am most are so high or drunk (or both) that they forget where they hid their stash the previous night and are then looking to purchase more, if this license application were successful the result would be drunks at 11pm at night and at 7am in morning all lounging about directly outside our properties, the current situation with noise and anti social behaviour is already intolerable and would only be exasperated by any sort of license being granted at this location.

Recently we were woken at 3:15am by vehicles hooting and lots of shouting going on, I looked out and there were five vehicles on the petrol station forecourt all hooting on their car horns, one of the drivers was banging on the window of the petrol station shop, it turned out that the attendant had fallen asleep in the back office and they were trying to wake him, they hung around for four or five minutes and eventually gave up and left, I sat watching and he finally appeared about six minutes after they had left, he had returned to the shop looking bleary eyed and sleepy.

Earlier this year on a weekday afternoon there was a scaffolding lorry with a puncture parked up against our boundary wall within the petrol station, it remained there for about two hours before being recovered and during this time the passenger was drinking lager and threw two empty cans over the wall into our garden, by the time the lorry left there were six empty cans on the petrol station forecourt and two in my garden, we are fed up with this anti social drunken behaviour but are unable to confront the people for fear of us or our property being targeted.

There are numerous acts of anti social behaviour taking place on the petrol station forecourt and all along Wick lane every day of the week and these problems will only increase if this license is granted **in any form**, Shell have a long record of complete indifference to the problems and anti social behaviour that is caused by the location of this petrol station and their only interest seems to be to increase their profits in whatever way they can at the expense of local residents and business owners.

An example of the indifference and lack of any desire to resolve problems by shell was demonstrated to me at a very early stage when I first moved into my property in December 1999,

The party wall between my property and the petrol station was damaged on their side resulting in water penetration to my property, I approached shell and after numerous phone calls a huge amount of letters and many broken promises they finally had the wall repaired **seven years** after I first contacted them,

I have repeatedly approached the petrol station manager numerous times over the past six years with requests for them to take some sort of action about the daily noise disturbance and anti social behaviour that we as neighbours are forced to suffer, the only reply I get is that "there is nothing they can do about it and they cant confront people for fear of being attacked" I have also asked for them to put up large signs requesting customers to be quiet whilst on the forecourt but am repeatedly told **"it is difficult and will take time to arrange"** and now three years after I first approached them there are still no signs requesting customers to be quiet, but during that time many huge great advertisements for coffee etc have been affixed all around their forecourt, obviously selling coffee is more important to them than the noise disturbance to us their neighbours.

In addition when this petrol station was granted planning permission on 18th July 1991 there was a planning condition put in place which limited the times when fuel deliveries were allowed to be made, it stated very clearly that fuel deliveries were only to be made between 8am and 8pm on any day, this planning restriction is **completely ignored by shell** and deliveries are made at all hours throughout the night without any consideration for local residents and with complete disregard for their planning permission conditions.

Furthermore shell allow large delivery lorries with very noisy freezer units to park a few feet away from our bedroom window whilst making deliveries at 5am in the morning, I have repeatedly asked both the manager at the petrol station and the fleet manager from Booker (the freezer lorry delivery company) to schedule a later delivery time and the only reply I get is that its a 24 hour site and basically hard luck.

The potential for further crime, disorder, extra rubbish, public nuisance and late night noise pollution is very real and would cause immediate problems for all local residents as well as the council and possibly the local police, local residents have no need for this proposed off licence and strongly object to it.

To put things into perspective there are at least eight other premises with a license to sell alcohol for consumption off the premises within about a 500 metre radius of this petrol Station, one in Roach road one in Parnell road two in Old Ford road near to the junction with Parnell road two at the top of Roman road at the junction with Parnell road one in Tredegar road at the junction with Moyston Grove and one in Fairfield road at the junction with Wrexham road **another one is not needed and certainly not wanted by the local residents and businesses**, Shell have been very consistent in their refusal to take any action over the current anti social behaviour that takes place on their property and allowing them to sell alcohol would be totally at odds to the core business that they are running which is to sell petrol and motoring related goods to drivers,

Finally I would like to mention the planning application that Shell put forward for consideration by the London Legacy Development Corporation which is enabling them to vastly increase the size of the retail shop at the rebuilt petrol station, I now know that their primary intention in enlarging the sales area was to enable them to build an off license into the new building and I believe this was the primary reason for the rebuild, and yet no mention of this was made anywhere within the planning application, in fact they went out of their way to describe it as merely an **upgrade of the existing facilities** and I quote from their application,

“ The convenience formatted shop is specifically targeted to meet the needs of busy working drivers giving quality goods, The shop will offer a range of traditional impulse goods similar to that in the existing shop”

it then goes on to say

“In terms of its use the turnover of the shop remains ancillary to the forecourt use”

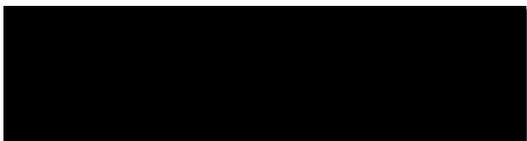
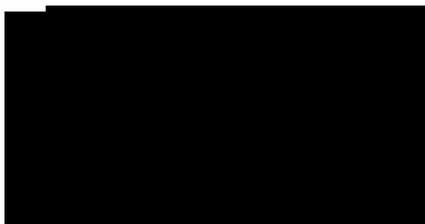
Had any mention been made at the time of the planning application being submitted that they were going to apply for a license to sell alcohol then I would have objected to the planning application, once again shell have proved that they have no consideration for the local residents and have I believe once again been very economical with the truth,

I have attached a series of photographs along with this objection letter that highlight some of the problems that we face and we urge the planning committee to reject this application outright on the grounds that if granted it will lead to an increase in anti social behaviour in an area that is already suffering crime and disorder of a very high degree, also I would be very happy to appear as an objector at the license application hearing,

yours faithfully

Michael Dover

Stephen Brown



The following two pages show site photographs of the current location of the nine off licences that are within about a 500 metre radius of the Shell petrol station site thereby reinforcing the fact that any further off licences are not needed.

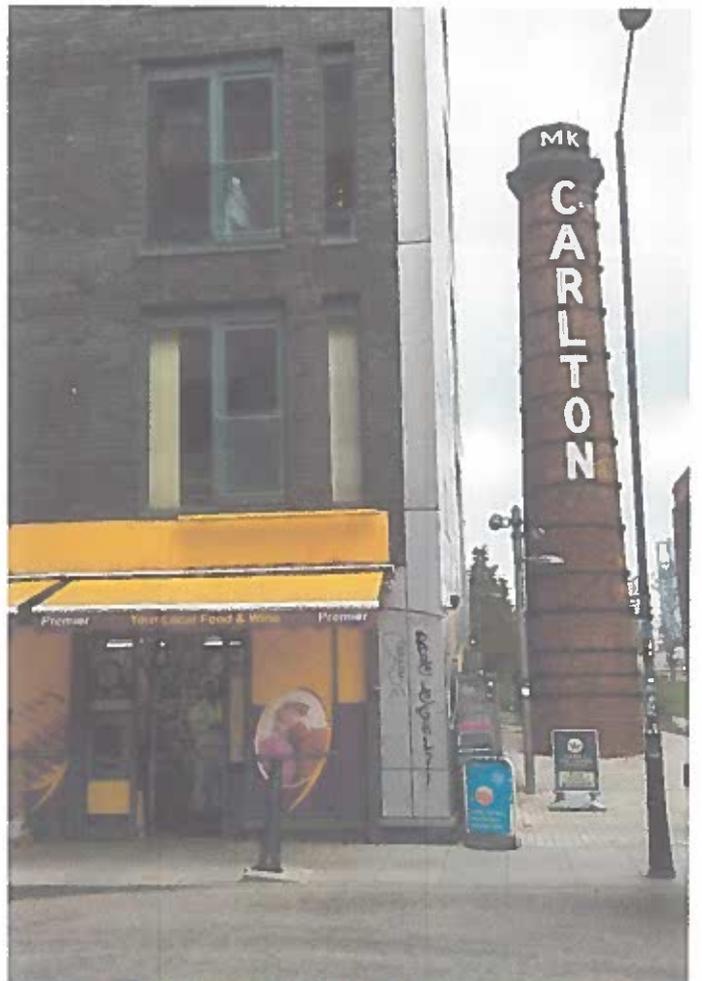
Additionally there is also a copy of a photograph that I took showing a yellow sign that I had seen displayed at another petrol station in north london and I then requested (about three years ago) for Shell to replicate it at their Shell Old Ford site,

My request was ignored.

389 OLD FORD ROAD



JODRELL ROAD E3



OLD FORD ROAD E3
710 PARNELL ROAD E3

Page 97 ROACH ROAD E3
FISH ISLAND

FAIRFIELD ROAD E3



ROMAN ROAD HIT THE JUNCTION WITH PARNELL ROAD ② OFF LICENCES



**NOISE
NUISANCE**

Please refrain from
using your horns
on this site
in order to respect
the neighbours

AN EXAMPLE OF A NOTICE
THAT I REQUESTED SHELL Page 98
DISPLAY AT THEIR OLD FORD SITE



TREDEGAR ROAD E3

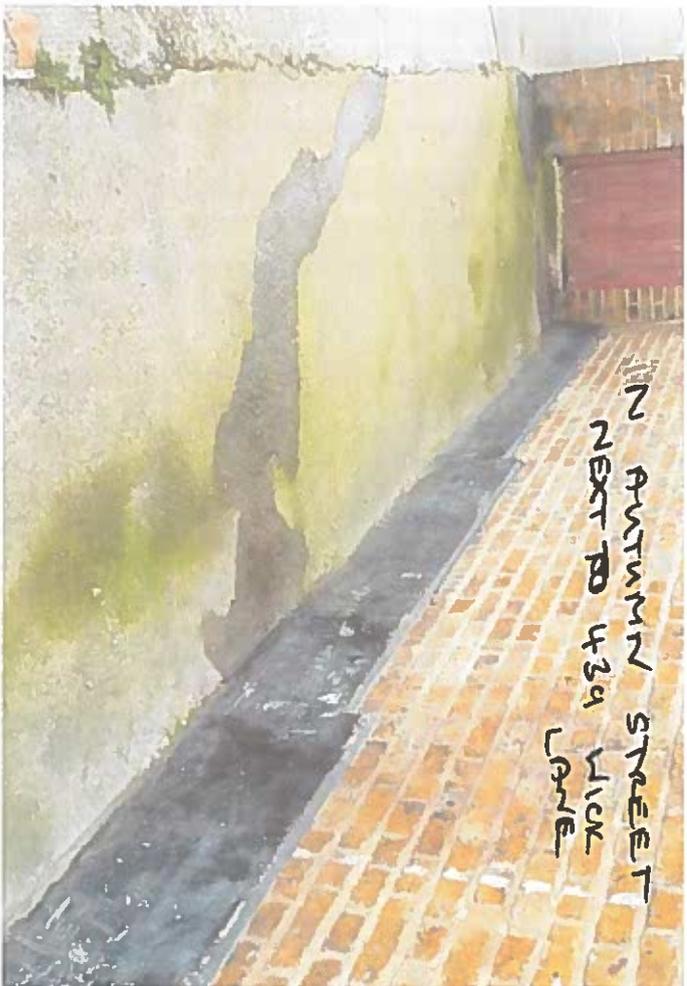
UP NY GARAGE DOOR



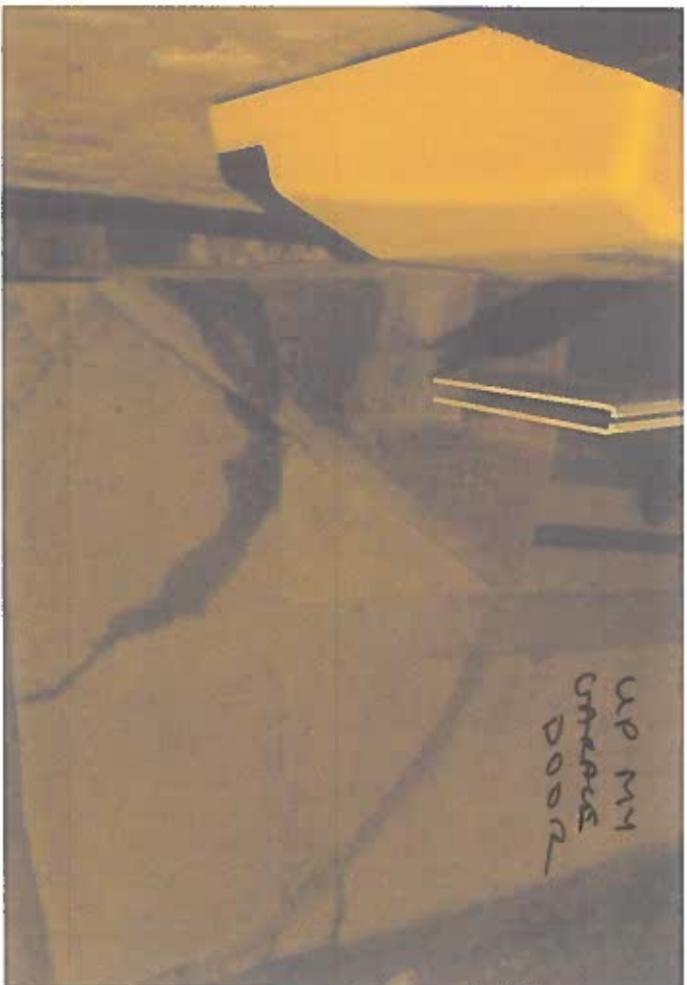
ON BOTH NY GARAGE DOOR AND SUELLS FIREARM



IN AUTUMN STREET
NEXT TO 439 WICK
LANE

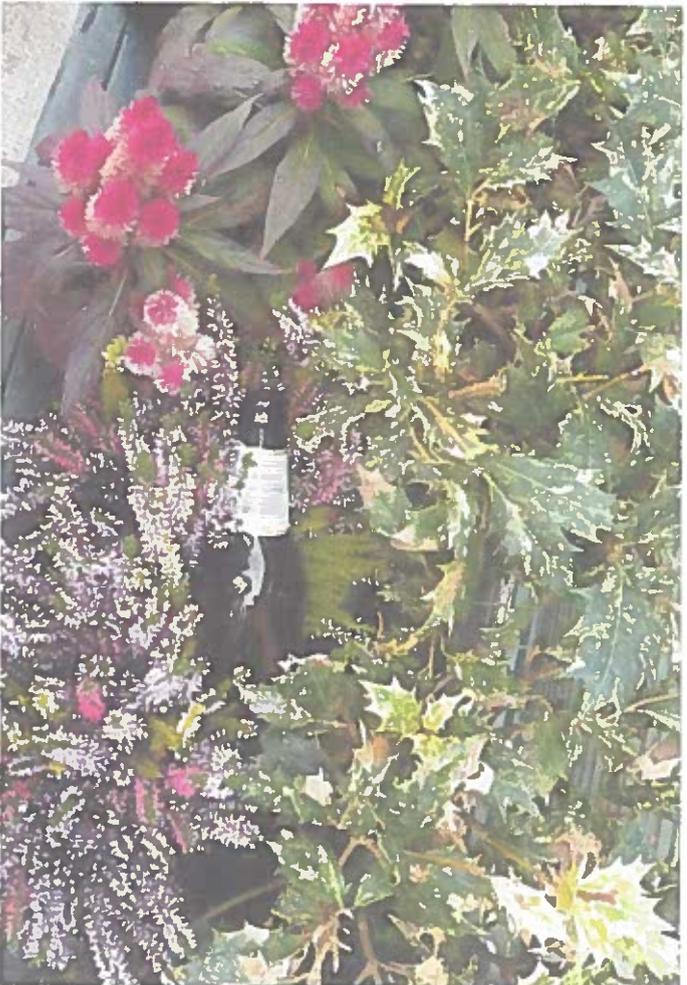


UP NY
GARAGE
DOOR



URINATION UP AGAINST OUR PROPERTY

ALCOHOL CANS AND BOTTLES IN OUR WINDOW BOX



ALCOHOL CONTAINERS LEFT AROUND OUR PROPERTY



ON WICK LANE



ON WICK LANE



ON WICK LANE



ON WICK LANE



ON MY WINDOW LEDGE



ON MY NEIGHBOURS WINDOW LEDGE



AUTUMN STREET

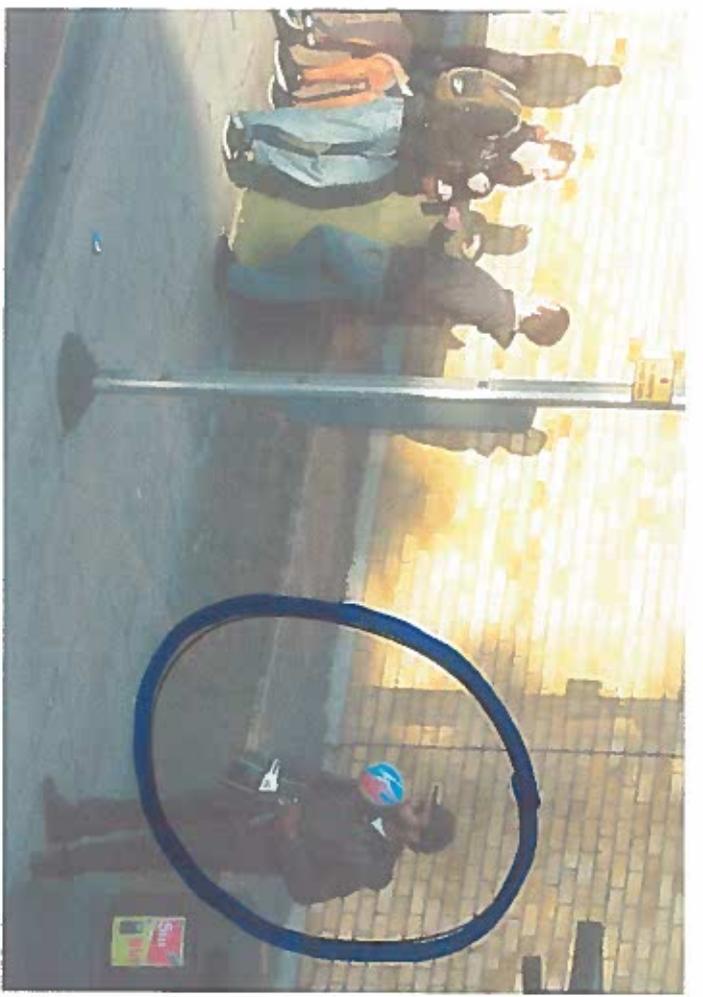


ON SNELL FORECOURT

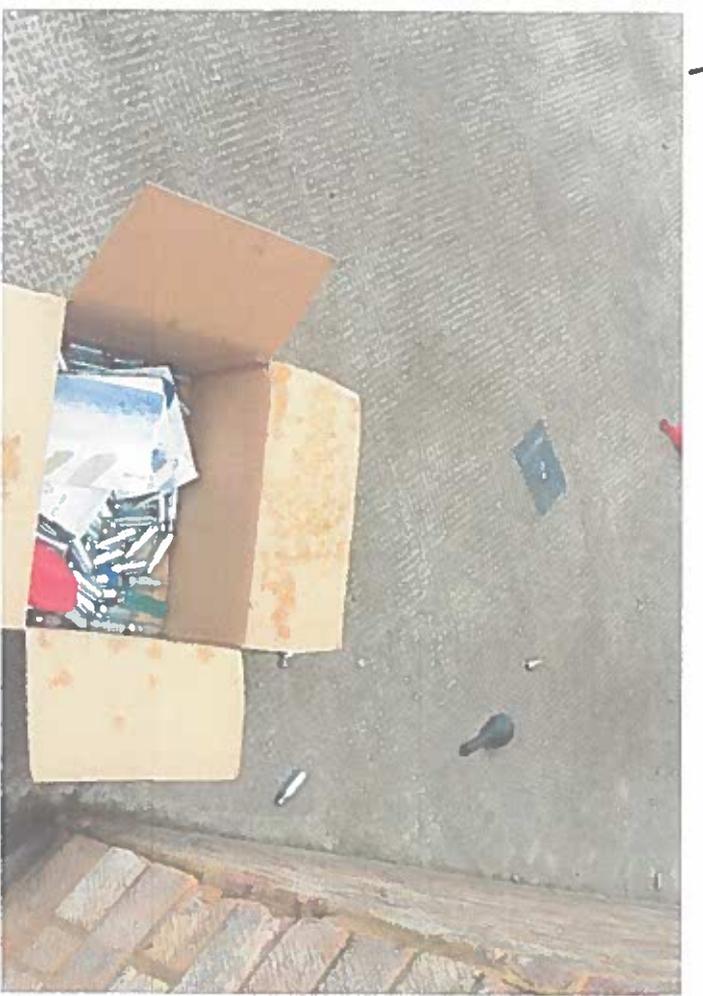


ON LEDGE OPPOSITE SNELL

GUY WITH BRASSON SELLING LAUNCHING GAS FROM HIS BOY



EMPTY LAUNCHING GAS CONTAINERS IN HIGH LANE



GUY SELLING LAUNCHING GAS FROM HIS BACKPACK



WICK LAKE 09-37 am DRINKING CAN BE SEEN



WICK LANE 07-14 AM LAYING IN THE ROAD.



AUTUMND STREET
NEAR 510
WICKLANE

INHALING
& LAYING

@ 06-20 AM



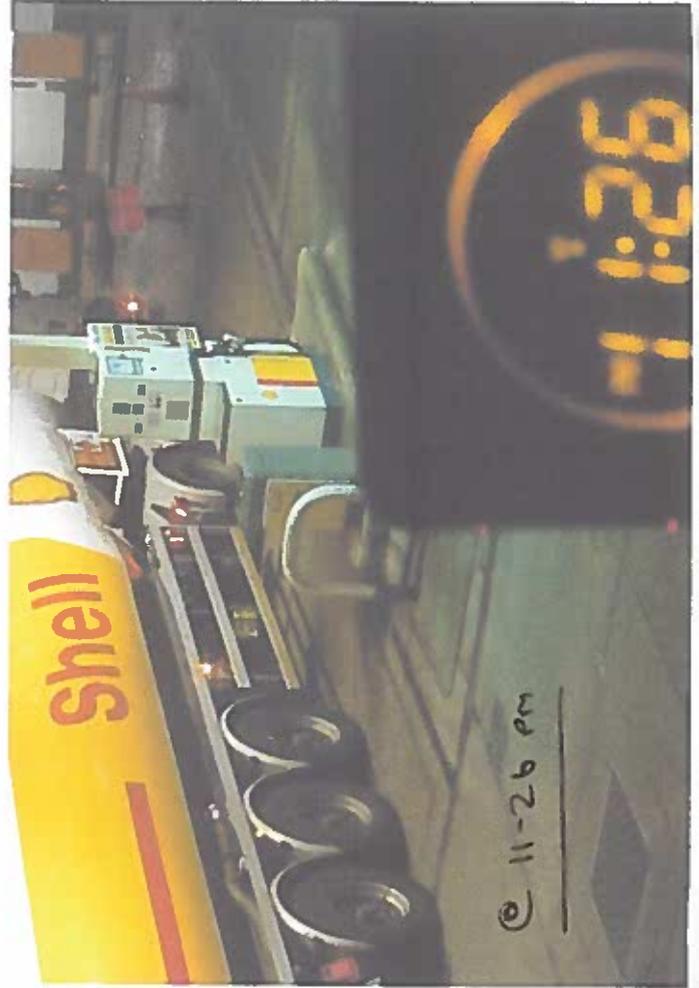
@ 12-48 PM



@ 11-03 PM



@ 11-26 PM



TANKER DELIVERIES OUTSIDE OF PERMITTED HOURS WHICH ARE 8AM TO 8PM ONLY

SCHEDULE

CONDITIONAL OF PERMISSION

Reference No:- TH339A/BW/91/46

Date:- 18 JUL 1991

Application received on:- 10th April 1991 (As amended 14th May and 14th June 1991)

Drawings submitted:-

Registered No:- BW/91/46

Applicants No:- 2621/1F and 2A

Location:- Nos 443-451 Wick Lane, E3

Development: Erection of new petrol filling station with ancillary manual car wash facility.

Conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. Full particulars of the following shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved:-

i) samples of materials to be used on the external faces of the building

ii) the treatment of the open land within the site including both hard and soft landscaping.

3. No deliveries of fuel by tanker lorries shall be carried out other than within the curtilage of the site and between the hours of 8.00 am to 8.00 pm only on any day.

4. The manual car wash and car vacuum facilities shall only be used between the hours of 8.00 am to 8.00 pm on any day.

5. Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00 am to 6.00 pm Mondays to Fridays and between the hours of 8.00 am to 1.00 pm on Saturdays and shall not be carried out at any time on Sundays or Public Holidays.

Reasons:-

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions.

2. The particulars reserved are considered to be material to the acceptability of the development hereby approved and the local planning authority wishes to ensure that the details of the development are satisfactory.

Kathy Driver

From: Michael Dover [REDACTED]
Sent: 31 December 2018 12:13
To: Kathy Driver
Subject: RE: License application for Shell Old Ford

Dear Kathy,

I have been giving a great deal of thought to the application by Shell for a license to sell alcohol from their premises at Wick lane London E3, my overriding objection to their application is in relation to the considerable amount of anti social behaviour that already takes place on the forecourt of the petrol station (day and night) which I am in no doubt would increase a great deal if a license to sell alcohol were to be granted,

I am certain that a large proportion of this anti social behaviour (which comes from both customers of the petrol station and from drivers of vehicles delivering goods to the petrol station) could be reduced if Shell were to agree to implement the measures that I am suggesting within this email which include (but are not limited to) making a change to the delivery arrangements from their supplier of goods that are sold within the shop section of the petrol station who I believe at the current time is a wholesalers called Booker, Additionally if they were to action a request that I have previously made in the past to install some prominent signage on the walls of the forecourt asking customers to be quiet whilst on their property I think that it would have a positive effect.

Apart from this I am still very concerned at the hours of operation that Shell are applying for, a great deal of the anti social problems that we encounter on Wick lane are from mid to late evening onwards and also early mornings after the nightclub which is located nearby at Autumn Yard has closed, customers leaving the nightclub tend to congregate on Wick lane directly outside our properties and also the petrol station, the mediation agreement by the applicant to reduce the hours that alcohol would be available to be purchased **would not** alleviate this problem as the "drugged and drunk" patrons of Autumn Street Studios who exit Autumn Street between the hours of 6am and 9am would simply just top up their alcohol supply from Shell and we would end up with them loitering opposite our homes with a can or a bottle in one hand and sniffing laughing gas from a balloon with the other hand, **this would obviously be totally unacceptable.**

If Shell are committed to being a good neighbour to local residents then I am willing to mediate with them to possibly find a solution that would hopefully be acceptable and be able to satisfy both parties,

I would be willing to drop my objection to the granting of a license to sell alcohol if they would agree to the hours of operation being reduced so that

No sales of alcohol would take place between the hours of 10pm and 10am every day, this would effectively mean that nearby club patrons on their way to and from the “Bloc” nightclub would not be able to purchase alcohol from Shell Wick lane.

One of the huge anti social problem that we have is from Shell Customers taking a quick “Smoking Break” whilst they are using the petrol station,
Every single day we get customers of Shell routinely walk across from their vehicles and stand directly outside my garage door whilst having a cigarette,
once they have finished they then throw their cigarette butt onto the footway in front of my property,
also on average about two or three times a week some of them will then urinate up against my property as well,
I am totally fed up of picking up cigarette ends and jet washing urine away, with the recent redesign of the forecourt there is a perfect opportunity for Shell to create a designated “Smoking Area” on the narrow strip of land between the end of the sales building and the adjacent footway in Wick Lane,
(in fact the current employees of Shell are already using this area to take their smoking breaks),

The creation of a designated Smoking area at the opposite end of the forecourt from my property (with signs fixed to the walls stating that it was an area designated for smoking)

would also be a condition that would have to be implemented in order for me to withdraw my objection to the granting of a license to sell alcohol.

Additionally an **agreement by Shell to order and affix to the walls of the forecourt two or three large signs requesting customers to respect the peace and quiet of local residents and stating “No Loitering” on the forecourt** (or a message with very similar wording) would have to be implemented in order for me to withdraw my objection to the granting of a license to sell alcohol.

And finally an agreement that **deliveries of stock for the shop (including Alcohol) by lorries can only be made between the hours of 8am to 8pm in line with the current planning condition in force covering fuel deliveries to the site**, this would be to avoid disturbance to neighbouring residential properties such as my own.
I make this last request due to the fact that I have ongoing problems with very noisy refrigerated vehicles parking just a few feet away from my bedroom window as they make deliveries at ridiculously early times of the morning without any consideration for people trying to sleep, and I have no doubt that with the addition of an off licence facility on site there would be more deliveries taking place and therefore more noise.

Although I still firmly believe that alcohol should not be sold from a petrol station forecourt this is my mediation offer,

If Shell are willing to agree to the requests detailed above and that they are able to be included within the conditions of a license being granted then I am willing to withdraw my objection,

If however my requests are not acceptable to Shell or their agents then I am perfectly happy to appear at the license hearing and to present my objections in much greater detail including my film and photographic evidence of the anti social behaviour that already takes place at the location,

I look forward to an early reply,

Kind regards

Michael Dover

Sent from [Mail](#) for Windows 10

From: Kathy Driver <Kathy.Driver@towerhamlets.gov.uk>

Sent: Thursday, December 13, 2018 3:45:30 PM

To: 'Michael Dover'

Subject: RE: License application for Shell Old Ford

Apologies for the delay in responding back to you. I have noted your comments, and have advised the applicant it will continue to go a hearing.

Regards,

Kathy Driver

Principal Licensing Officer

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

Please note:

Meetings with Licensing Officers are by prearranged appointment only.

Tel: 020 7364 5171

Fax: 020 7364 0863

Hotline: 0207 364 5008

General email: licensing@towerhamlets.gov.uk

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

Appendix 10

Kathy Driver

From: Emma Critchley [REDACTED]
Sent: 25 October 2018 19:57
To: Licensing
Cc: Rachel Blake
Subject: Objection: Shell Wick Lane 24hr Alcohol license

Follow Up Flag: Follow up
Flag Status: Completed

Dear licensing

I would like to write to you in objection to the 24 hour license to sell alcohol which has been proposed by Shell Wick Lane.

My objection is based on the increased levels of anti social behaviour that will result if this application is granted. I personally have had to call the police on several occasions after Bloc nightclub has finished at 6am because crowds of their party goers have gathered at the 339 bus stop and on the nearby grassland on the corner of Wick Lane and Maverton Road snorting drugs. Making alcohol so easily available to these people will only encourage them to stick around for longer and stick around while getting more and more intoxicated.

One also has to question the morale responsibility of Shell who are prepared to associate filling your car up with purchasing alcohol. Rachel Blake, CC'd and LBTH Police are all too familiar with the issues we face with dangerous driving on Wick Lane. It would be utterly irresponsible to give people the option to purchase alcohol while they are filling up their car. It's the same reason you never see any alcohol brand in partnership with a vehicle manufacturer, tyre brand or petrol station. The two are legally not allowed to mix.

We also already have a huge broken glass issue on Wick Lane and no doubt this too be become more severe as we attract more anti social behaviour to the area with a 24 hour license to sell alcohol.

Please let me know if this is the correct way to object and if it has been received as you need it to.

Kind regards
Emma Lloyd
[REDACTED]

Kathy Driver

From: Emma Critchley [REDACTED]
Sent: 30 November 2018 09:25
To: Kathy Driver
Subject: Re: Objection: Shell Wick Lane 24hr Alcohol license

Hey Kathy

Apologies, I missed your first email. Yes I would still like to object under my original grounds. I have particular concern that the nightclub next door to the Shell Garage finishes at 6am and often we have to endure large crowds of party goers lingering on the street corner for many hours afterwards and in the warmer months, sitting on the grass verges snorting drugs. The sale of alcohol will only serve to encourage this anti-social behaviour.

My address is [REDACTED]

Emma Lloyd
[REDACTED]

> On 29 Nov 2018, at 18:07, Kathy Driver <Kathy.Driver@towerhamlets.gov.uk> wrote:

>

> Dear Ms Critchley,

>

> Following my last email, attached, I have not received a response from you and wanted to confirm if you are agreeable to providing your address for your representation to be valid.

>

> The applicants wish me to provide you with an updated proposal for the store, of which I attach for your attention. I would be grateful for your opinion on the new proposal and if you still wish to object the application. I must advise if you wish us to continue your representation I will require your address.

>

> Many thanks.

>

> Regards,

>

> Kathy Driver

> Principal Licensing Officer

>

> Licensing Team

> John Onslow House

> 1 Ewart Place

> London

> E3 5EQ

>

> Please note:

> Meetings with Licensing Officers are by prearranged appointment only.

>

> Tel: 020 7364 5171

> Fax: 020 7364 0863

> Hotline: 0207 364 5008

>

> General email:licensing@towerhamlets.gov.uk

>

> See our regular licensing news pages at

> www.towerhamlets.gov.uk/licensing

>

>

Appendix 11

Kathy Driver

From: Wayne Lloyd [REDACTED]
Sent: 22 October 2018 10:24
To: Licensing
Subject: Licence Application Shell Garage - Old Ford
Attachments: FW: Shell Garage Wick Lane; Fw: Shell Garage; Fw: Shell Garage

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

I am writing in response to the application that has been submitted by Shell Old Ford, 445 – 453 Wick Lane, Bow, London, E3 2TB.

I would like to represent that I **strongly object** to this application. There is no need whatsoever, for a garage that provides fuel, to look to encourage the sale of alcohol at any point during the day or night time. There is already an off licence just around the corner from this site on both sides and residents have home delivery services that can bring such items. There is simply no need for it. I am objecting on the basis this will further endanger the safety of residents based on the traffic inflow this will cause, based on the increase of people it will bring to the area, already under the influence of drugs and alcohol and based on the noise nuisance that this will also cause to residents.

You will be more than aware that residents struggles in this area. The Lighthouse Pub and Bloc cause distress to residents. The common denominator of them both is drunk people and the noise nuisance that they cause. If this garage is granted a licence to serve alcohol it will only add to the anti-social behaviour and suffering that the residents are already being subjected to every single week. This will be a drain on police time and it will also be a drain on the resources of the noise team who will be called to view the problem first hand.

Since the garage has closed for refurbishment, it is abundantly clear that the major issue we have with traffic in this area is actually caused by people coming to this garage. When open, we have to cope with boy racers fuelling up, lorries and cars beeping their horns and speed motor cyclist that will come to this garage and rev their engines as if they are about to start a race. The garage has demonstrated that they have absolutely no control over the sober people that cause such nuisances so there should be absolutely zero confidence that this garage would be capable of managing people that are drunk. It has all the hallmarks of being a huge problem to this area.

As you will see from the attached e-mails, on 30 October 2017, Rachel Blake confirmed that we have already been suffering are to be considered the effects of anti-social behaviour from the premises. You will also be able to see the attached e-mails' to confirm that the effects of this site are not isolated. In addition to these e-mails we also have videos and photo's that demonstrate the true extent of the problems this garage causes on the roads. Residents were already looking to challenge the fact they are able to offer fuel 24/7 based on the unruly nature of the nuisances' that site causes and the extent of the traffic so the idea that they are looking to add to this by trying to serve alcohol is deeply disturbing.

The sale of alcohol will increase traffic to the site and it will endanger residents that are already worried about the erratic drivers and lorries that come to their site. It will, without question, cause those leaving Bloc to have an excuse to stay for longer.

I would also like to request that this garage not be allowed to re-open until effective traffic management has been undertaken and people have been able to measure the traffic in this area whilst the garage is closed. We have in house pollution monitors in our properties and the drop off since the garage has closed has been astounding. This garage is simply awful for this area and falls out of line with the future vision of this area – an area which the LLDC and LBTH's is trying to reduce people's access to cars by removing parking etc. All this garage does is serve to entice traffic to the area.

Kind regards,

Wayne Lloyd

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Disclaimer The information in this email and any attachments may contain proprietary and confidential information that is intended for the addressee(s) only. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, retention or use of the contents of this information is prohibited. When addressed to our clients or vendors, any information contained in this e-mail or any attachments is subject to the terms and conditions in any governing contract. If you have received this e-mail in error, please immediately contact the sender and delete the e-mail.

Kathy Driver

From: Wayne Lloyd [REDACTED]
Sent: 22 October 2018 10:02
To: Wayne Lloyd
Subject: FW: Shell Garage Wick Lane

From: Wayne Lloyd
Sent: 30 October 2017 09:51
To: Rachel Blake <[REDACTED]>
Subject: RE: Shell Garage Wick Lane

Thank you. Have a good day.

From: Rachel Blake [REDACTED]
Sent: 30 October 2017 09:32
To: Wayne Lloyd <[REDACTED]>
Subject: RE: Shell Garage Wick Lane

Hi Wayne,
Thanks for raising – I don't know what their permission will say but either way it is anti-social behaviour so hopefully we can resolve. I'll start to work on it now.
Rachel

From: Wayne Lloyd [REDACTED]
Sent: 30 October 2017 08:55
To: Rachel Blake
Subject: Shell Garage Wick Lane

Hi Rachel,

I hope you're okay. Frustrating to have to write about something else causing noise on this road but unfortunately we do have another problem with noise which is being caused by the Shell Garage on Wick Lane.

2 of the last 4 nights we have been woken up at 1.50am and 2.30am because of boy racers and motorbikes using the garage as a pit stop. They sit in the forecourt and rev their engines so loud. We do have it recorded but the garage needs to take responsibility for it. Is there anything in their planning application for 24 hours license that they do have to be mindful of such noise. It's a hub for early hour racing at present it would seem.

Kind regards,
Wayne

Sent from my iPhone

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

London Borough of Tower Hamlets E-Mail Disclaimer.

Kathy Driver

From: Wayne Lloyd [REDACTED]
Sent: 22 October 2018 10:04
To: Wayne Lloyd
Subject: Fw: Shell Garage
Attachments: image001.png; image002.png

Wayne Lloyd
[REDACTED]

From: Wayne Lloyd [REDACTED]
Sent: 29 November 2017 09:59
To: Licensing
Subject: Re: Shell Garage

Hi there,

It's 445-453 Wick Lane. They have a 24 hour operational license. As a consequence it's bringing HGV's, boyracers and motor cycles to the area at night time. The HGV vehicles are sometimes too big for their forecourt, meaning we have to listen to reverse alarms at all hours, the boy racers are Revving their engines at all hours and tooting their horns, as to are the motorbikes.

This area is just a disaster zone and this garage is just a consequence of there being any sustainable master plan for this particular area. It needs a good sorting out because residents are suffering immeasurably.

Kind regards,
Wayne

Sent from my iPhone

On Nov 29, 2017, at 9:03 AM, Licensing <Licensing@towerhamlets.gov.uk> wrote:

Good morning Wayne,

What sort of a licence were you referring to also we will need there full address to confirm if they have a licence from our department you can also look on Tower Hamlets website: <https://www.towerhamlets.gov.uk/ignl/business/licences/licences.aspx> to view any premises licence from the licensing section.

Regards

[REDACTED]
Licensing Officer

[REDACTED]
[REDACTED]
[REDACTED]

[Redacted]
[Redacted]
[Redacted]

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

Hotline: 0207 364 5008
General email: licensing@towerhamlets.gov.uk

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

<image001.png><image002.png>

From: Wayne Lloyd [Redacted]
Sent: 29 November 2017 05:52
To: Licensing
Subject: Shell Garage

Hi there,

Do you mind me asking, do you provide the licensing for the Shell Garage located on Wick Lane?

Kind regards,
Wayne

Sent from my iPhone

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

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If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Kathy Driver

From: Wayne Lloyd [REDACTED]
Sent: 22 October 2018 10:05
To: Wayne Lloyd
Subject: Fw: Shell Garage

Wayne Lloyd
[REDACTED]

From: Wayne Lloyd [REDACTED]
Sent: 10 June 2018 23:40
To: [Rachel.Blake](#) [REDACTED]
Subject: Shell Garage

Hi Rachel,

Sorry to have to fill your mail box but the Shell Garage is really becoming as bad as all the rest at the moment. We've had boy racers hammering up and down here this evening and it seems to be that the Shell Garage is becoming the new favourite place for the cars and the quad bikes to come and fill up their vehicles.

Tonight they are all beeping their horns, reeving their engines etc. and it's just so frustrating. If this garage wasn't 24 hours then they wouldn't be there. There isn't anyone in the garage I think it's just pay at the pump so there is no way for the garage to prevent the reeving or the horns being beeped.

It's also worth nothing that a large portion of the HGV traffic that runs up and down this road is actually generated by them coming to fill up at the petrol station which is another source of all the residents problems.

I understand it must seem like one thing after another, it does to us to ! :) Thing is all of these points are contributory factors towards why this area is such a concern for me and other residents. These companies are operating on legacy licences and agreements that are negative for residents that have been encouraged to live here.

If there is anything that can be done it would be appreciated. I have called the garage on a number of occasions and they have said that they have put signs up. It's clear that this is having no effect; however.

Kind regards,

Wayne Lloyd
[REDACTED]

Mohshin Ali

From: Wayne Lloyd [REDACTED]
Sent: 14 December 2018 23:22
To: Rachel Blake
Cc: Licensing
Subject: Shell Garage

Follow Up Flag: Follow up
Flag Status: Completed

Hi Rachel,

Literally like clockwork. The shell lorry is in the forecourt of the shell garage refueling the pumps as they prepare to reopen... for the first time since they closed, we have just had about 10 motorbikes simultaneously come into the garage to see if there is fuel. Revving their engines, speeding up Wick Lane.

There is nothing good about what this garage does or will do for this area and it needs controlling like everything else around here.

I'll send the video but if you ever wanted proof about the instant nuisance of this place, this couldn't have been more well timed if they tried.

Kind regards,
Wayne

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Appendix 12

From:

Szymon Rybkowski



Letter of opposition towards 24 hour alcohol license

I would like to oppose the Sale Of Alcohol For Consumption Off The Premises And The Provision Of Late Night Refreshment and the 24 hour Alcohol sale license for Shell Oil Products Limited at Shell Old Ford 445-453 Wick Lane Bow London E3 2TB.

My flatmates (Phuong Pham and Patryk Petruszewicz) stand with me in opposition towards granting the license to SHELL, on the ground of antisocial behaviour. The SHELL station is already very loud at night, there is a lot of music noise being played loudly from the cars, countless shouts and arguments, which is very inconvenient at night. SHELL station being the place, that sells alcohol, would make our life much more inconvenient and uncomfortable.

Best regards,

Szymon Rybkowski



Appendix 13

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 14

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 15

Noise while the premise is in use

General Advice

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

The hours of operation also need to be considered (see below).
If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 9.1 of the Licensing Policy**). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 14.10**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 9.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance. In particular Members may wish to consider (this list is not exhaustive):

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 16

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

General Advice

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

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate (in relation to the behaviour of patrons who have left the premises) but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” **(See Section 4.14 and 4.15 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 7.2 of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and Disorder. In particular Members may wish to consider (this list is not exhaustive):

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

The Licensing Authority considers criminal activity to be treated particularly seriously such as the use of the premises 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;
- use as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;

See **Section 7.9 of the Licensing Policy**

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 18 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Other Legislation

Crime and Disorder Act 1998

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

Anti-Social Behaviour Act 2003

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

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

Appendix 17

Planning

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

Appendix 18

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 4.2

Committee: Licensing Sub-Committee	Date: 29 January 2019	Classification: UNRESTRICTED	Report No.	Agenda Item No.
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Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application for a Review of a Premises Licence at Cost Price, 41 Brick Lane, London, E1 6PU Ward affected: Spitalfields and Banglatown
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1.0 Summary

Name and	Cost Price
Address of premises:	41 Brick Lane London E1 6PU
Licence under review:	Licensing Act 2003 <ul style="list-style-type: none">▪ Sale by retail of alcohol
Representations:	Licensing Authority <ul style="list-style-type: none">- Police- Trading Standards- Immigration

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

Kathy Driver
020 7364 5171

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Cost Price, 41 Brick Lane, London, E1 6PU. The review was triggered by Damian Doherty acting as Licensing Authority.
- 3.2 A copy of the review application is attached in **Appendix 1**.

4.0 The Premises

- 4.1 The premises licence was issued on 2nd October 2006. The Premises licence holder has not changed since its issue. The current DPS has been in place since 23 March 2017.
- 4.2 The licence was last reviewed on 15th October 2013 when Mr. Mohammed Chowdhury was both Licence Holder and DPS, conditions 3-11 were imposed as detailed on the licence. A copy of the current licence is contained in **Appendix 2**.
- 4.3 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by Damian Doherty acting as Licensing Authority.
- 5.2 The review is also supported by:
- Metropolitan Police – See **Appendix 4**
 - Trading Standards – See **Appendix 5**
 - Immigration – See **Appendix 6**
- 5.3 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
- 5.4 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 and protection of children from harm.

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 7**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in 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 issued guidance about Crime and Disorder. **See Appendix 8**.
- 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 9**.
- 6.6 The Home Office has also issued guidance about the prevention of public nuisance which might be considered in relation to any identified problems is contained in **Appendix 10**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 11**.
- 6.8 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.”

- 6.9 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.
- 6.10 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 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** Current Premises Licence
- Appendix 3** Maps of the premises and surrounding area
- Appendix 4** Representation from Metropolitan Police
- Appendix 5** Representation from Trading Standards
- Appendix 6** Representation from Immigration
- Appendix 7** Guidance issued under Section 182 by the Home Office for reviews
- Appendix 8** Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
- Appendix 9** London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
- Appendix 10** Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
- Appendix 11** London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

Appendix 1



This form should be completed and forwarded to:

London Borough of Tower Hamlets,
Licensing Service, John Onslow House, 1 Ewart Place, London E3 5EQ

**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 **Damian Doherty, on behalf of the Licensing Authority**, apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

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

Cost Price, 41 Brick Lane

Post town
London

Post code
E1 6PU

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

Mr Mohammed Shilu Chowdhury

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

17872

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)
- 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

N/a

First names

N/a

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

N/a

Post Town

N/a

Postcode

N/a

Daytime contact telephone number

E-mail address (optional)

N/a

(B) DETAILS OF OTHER APPLICANT

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

Surname

N/a

First names

/a

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

N/a

Post Town

N/a

Postcode

N/a

Daytime contact telephone number

N/a

E-mail address (optional)

N/a

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Damian Doherty
Licensing Authority
London Borough of Tower Hamlets
John Onslow House
1 Ewart Place
London
E3 5EQ

Telephone number (if any)

██████████

E-mail (optional)

Damian.doherty@towerhamlets.gov.uk

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note1)

Please refer to the attached document.

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

Please refer to the attached document.

Please tick ? yes

Have you made an application for review relating to this premises before

Yes

If yes please state the date of that application

Day		Month		Year			
1	5	1	0	2	0	1	3

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

N/A

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

X

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

X

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



Date: 16th August 2018

Capacity: Licensing Enforcement 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)	

London Borough of Tower Hamlets

Cost Price, 41 Brick Lane, London E1 6PU

Licence No **17872** (Licence Holder: **Mr Mohammed Shilu Chowdhury**)

Application for the Review of the Premises Licence under Section 51 of the
Licensing Act 2003

London Borough of Tower Hamlets – Licensing Authority

REPRESENTATIONS

1. The Licensing Authority is designated a 'responsible authority' for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and disorder and the prevention of public nuisance.
2. The premises licence holder of Cost Price, 41 Brick Lane, London E1 6PU is Mohammed Shilu Chowdhury of [REDACTED] Mohammed Johirul Amin is the Designated Premises Supervisor (DPS) of the premises, who has been in place since 23rd March 2017 prior to this Mohammed Shilu Chowdhury was the DPS from 17th July 2007. A copy of the current licence is attached as **Exhibit A**.

3. The premises has been reviewed previously by the Tower Hamlets Weights and Measures Department (Trading Standards) on 15th October 2013; this triggered a hearing of the Licensing Sub-Committee on the 4th February 2014.

This resulted in the following conditions being imposed on the Licence:

Conditions

- The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
 - During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
 - During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
 - 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.
 - The premises licence holder shall ensure that all receipts for goods bought include the following details
 - Seller's name and address
 - Seller's Company details, if applicable
 - Seller's VAT details, if applicable
 - Vehicle registration detail, if applicable
 - Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
 - The trader shall obtain and use a UV detection devise to verify that duty stamps are valid.
 - Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
 - The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.
4. The Premise Licence holder was prosecuted under Section 136 Licencing Act 2003 for supplying alcohol outside of Licenced hours on 2nd April 2016 and

pleaded Guilty in writing. This was heard at Thames Magistrates on 1st June 2017. See **Exhibit B** for results of previous review and email from Legal services in relation to the court appearance.

5. Prior to the court appearance on 23rd March 2017 a new Designated Premises Supervisor was appointed, Mohammed Johirul Amin.

6. On 10th March 2018 a test purchase of alcohol was made during by a licensing officer after the terminal hour at 01:15am. The member of staff present who made the sale said that neither the Premise licence holder nor the DPS was available. He explained his name is Ruhel AMIN and is the brother of the DPS and is a personal licence holder. He was cautioned and it was that it is an offence to serve alcohol beyond the terminal hour of the Licence. Further offences noted were that a current copy of the Licence was unavailable, the wrong summary was on display and there was not an refusal/incident book present as required by the following Licence condition:

Annex 3 - Conditions attached after a hearing by the licensing authority
Licensing subcommittee hearing of 10th July 2008

2. A refusal book shall be kept and maintained.

Statements are attached as restricted items. **Exhibit C.**

7. On Friday 27th April 2018 at around 23:15 hours Council Officers attended the unlicensed premises known as Mexican Grille, 194 Mile End Road London, E1 4LJ. This is a business owned by Mohammed Shilu Chowdhury. Officers ordered and received hot food and hot drinks. Officers also noted that staff

were informing customers that the restaurant closed at 1am and hot food was being picked up as deliveries. Mohammed Shilu Chowdhury was spoken to by officers and informed that there should not be hot food/drink sales between 23:00 and 05:00 without a licence to include any deliveries made. He received a written warning for this offence under Section 136 (1) Licensing Act 2003 on 15th May 2018. On 18th May 2018 Mr Chowdhury via an agent applied for a Licence at this premises for Late night refreshment. Representations to this application were received from relevant authorities including the Police. Subsequently a hearing took place on 10th July 2018 and the Licensing Sub Committee refused the application.

Warning letter and committee decisions are attached as **Exhibit D**.

8. Mohammed Shilu Chowdhury is also a Premise Licence Holder at another Off Licence in Tower Hamlets called Jerrin News, 90 Mile End Road, London, E1 4UN. The Licence is currently suspended due to non payment of the Licence annual fee under and therefore has been placed on the Enforcement rota for a potential test purchase visit and Legal action. This constitutes Offences under Section 55A / 92A Licensing Act 2003 and Section 229(6) Police and Social Responsibility Act 2011. Reminders are sent out to Premise Licence Holders and after 21 days a Suspension Notice can be generated and sent to the Premise Licence holders address and the premise itself. Mr Chowdhury owes £948 and this figure also accounts for the Late Night Levy payment as his business serves alcohol after 00:00 hours. The premises hours are as follows:

The times the licence authorises the carrying out of licensable activities

Sunday to Thursday 07:00 hours to 02:00 hours
Friday & Saturday 07:00 to 04:00 hours

A copy of the suspension notice is attached as **Exhibit E**

9. It is the opinion of this Licensing Authority that the licensee has no regard to meeting the licensing objectives, the premises continues to knowingly undertake unlicensed activity. Clearly the licensee has not taken the prior review or prior prosecution seriously enough to improve the management of the premises. Taking into account the history of the premises and the history of Mr Chowdhury's running of other premises within the Borough, I believe that the Committee should consider the revocation of the licence.

Damian Doherty

Licensing Enforcement Officer

Exhibit Number **EXHIBIT A**

Signed [Redacted]

Date **16-08-2018**

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

(Cost Price)
41 Brick Lane
London
E1 6PU

Licensable Activities authorised by the licence
The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John McCrohan [Redacted]
Trading Standards & Licensing Manager

Date: 2nd October 2006

Licence amended following the Licensing Sub Committee Hearing of 10th July 2008
Licence amended following the Licensing Sub Committee Hearing of 4th February 2014

**Part A - Format of premises licence**

Premises licence number

17872

Part 1 - Premises details**Postal address of premises, or if none, ordnance survey map reference or description****(Cost Price)**
41 Brick Lane**Post town**
London**Post code**
E1 6PU**Telephone number**
020 7247 4009**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**The sale by retail of alcohol (off sales only)**

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

The opening hours of the premises

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

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

Off sales only

Part 2

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

Mr Mohammed Shilu Chowdhury

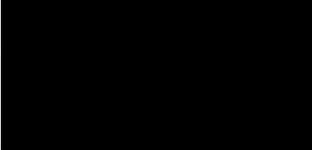


Registered number of holder, for example company number, charity number (where applicable)

Not applicable

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

Mr Mohammed Johirul Amin



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

Licence Number : 15668

Issuing Authority : London Borough of Tower Hamlets

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

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.

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 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. Adult entertainment is not permitted.
2. CCTV shall be maintained and operational at all times.
3. Request photographic identification to anyone appearing to be underage and service shall be refused if this is not produced.
4. Outside areas of the premises to be kept clear and clean.

Annex 3 - Conditions attached after a hearing by the licensing authority Licensing subcommittee hearing of 10th July 2008

1. CCTV must be working at all times the premises are open for business. 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 one calendar month.

2. A refusal book shall be kept and maintained.

Licensing subcommittee hearing of 4th February 2014

3. The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
4. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
5. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
6. 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.
7. The premises licence holder shall ensure that all receipts for goods bought include the following details
 - a. Seller's name and address
 - b. Seller's Company details, if applicable
 - c. Seller's VAT details, if applicable
 - d. Vehicle registration detail, if applicable
8. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
9. The trader shall obtain and use a UV detection devise to verify that duty stamps are valid.
10. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
11. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

Annex 4 - Plans

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

15 April 2008



Part B - Premises licence summary

Premises licence number

17872

Premises details

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

(Cost Price)
41 Brick Lane

Post town

London

Post code

E1 6PU

Telephone number

020 7247 4009

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

The sale by retail of alcohol (off sales only)

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

The opening hours of the premises

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

Name, (registered) address of holder of premises licence

Mr Mohammed Shilu Chowdhury



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

Off sales only

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

Not applicable

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

Mr Mohammed Johirul Amin

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

No restrictions

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

**Communities:
Safer Commu**

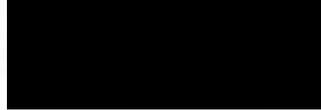
Head of Consumer and Business Regulations
David Tolley

Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Tel **020 7364 2665**
Fax **020 7364 0863**
Enquiries to **Andrew Heron**
Email **andrew.heron@towerhamlets.gov.uk**

www.towerhamlets.gov.uk

Mr Mohammed Shilu Chowdhury



17th February 2014

My reference: CLC/L1U: 72389

Dear Mr Chowdhury,

Licensing Act 2003

Review of premises: Cost Price, 41 Brick Lane, London E1 6PU

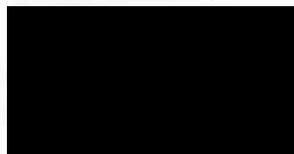
Following the hearing of the Licensing Sub-Committee on the **4th February 2014** and further to the review triggered by the Tower Hamlets Weights and Measures Department on **15th October 2013**, I am writing to advise of the decision from that hearing.

The Sub-Committee resolved that the application for a Review of the Premises Licence at the above address be **GRANTED IN PART** with conditions to be added to the Premise Licence.

The grounds of the Licensing Sub-Committee decision are contained in **Appendix A** as are the alterations in the licence conditions. Both the applicant and you as the objecting licence holder have the right of appeal. Your rights of appeal are contained in **Appendix B**.

We will advise further if we receive notification of an appeal. If you are going to appeal I would be grateful if you would let me know as soon as you are able to do so. Please find enclosed a replacement copy of your licence containing the new conditions.

Yours sincerely,



**Andrew Heron
Licensing Officer**

Appendix A

Reasons for the review of premises licence

Members were aware of and bore in mind the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003
Members were aware of and bore in mind the Council's Licensing Policy

Members considered the evidence presented by:

- **PC Mark Perry - Metropolitan Police**
- **Mr John McCrohan – LBTH Weights and Measures**
- **Ms Selina Misfud – Local Resident**
- **Md Shilu Chowdhury – Premises Licence Holder**
- **Mr Shaym Sevesta – Licensing Agent**

In relation to the following licensing objective:

- **The prevention of crime and disorder**
- **The prevention of public nuisance**

In that the following matters were discussed:

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the review application in part by adding additional conditions to the license in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and 'the prevention of crime and disorder'.

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, Cost Price, 41 Brick Lane, London E1 6PU be **GRANTED in part with conditions.**

Conditions

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

- During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
- During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
- 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.
- The premises licence holder shall ensure that all receipts for goods bought include the following details
 - Seller's name and address
 - Seller's Company details, if applicable
 - Seller's VAT details, if applicable
 - Vehicle registration detail, if applicable
- Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
- The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
- The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

Appendix B

Appeal Rights under Schedule 5 of Licensing Act 2003

The appeal must be made to the Magistrates Court which has jurisdiction in the area of the London Borough of Tower Hamlets.

A notice of appeal must be given to the justices' chief executive for the Magistrates Court within a period of 21 days beginning with the day on which notification was sent by the Licensing Authority.

Please note that the licensing authority will be a party to the appeal.

URN 08683

CASE SUMMARY

R v CHOWDHURY, Mohammed Shilu

Page No 1

Order on conviction Compensation Forfeiture / Destruction order Asset recovery case
(Exclusion / ASBO / Restraining order)

Tick box if required

Historical chronology

COST PRICE is an Off Licence located at 41 BRICK LANE E1 6PU. It is licensed to sell alcohol as Off sales (i.e. purchased by customers to be consumed off the premises) during the following times:

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

There have also been extra conditions added to the Premise Licence (Annex 3) at the Licensing subcommittee hearing of the 4th February 2014. The one concerning this case is:

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

COST PRICE 41 BRICK LANE E1 has a poor history of compliance with Licensing Legislation, with Officers from this Authority witnessing breaches of Licence Conditions on 2 separate occasions in 2014.

In order to ensure compliance with Licensing legislation this Licensing Authority has run an Operation known as Operation Dymock. The operation seeks to carry out late night visits, inspection and Test Purchases to Licensed and Unlicensed Premises within the Borough. These visits are based on intelligence received from other Teams and Departments within the Authority as well as the Police and complaints from residents. As a result of such intelligence this premises was added to the visit Rota for Dymock in 2014.

On Friday 25th July 2014 two Council officers (Ebony DORMER-KUTI and Natalie THOMPSON) attended COST PRICE 41 BRICK LANE E1 6PU and carried out a test purchase and produced evidence in regards to purchasing two bottles of Brothers Festival Cider at 7% ABV contrary to the Premise Licence conditions mentioned above.

On Saturday 16th August 2014 a further visit was undertaken to COST PRICE 41 BRICK LANE E1 6PU by two Council officers, Alison FLYNN and Shola THOMPSON. They carried out a test purchase producing a can of White Ace cider at 7.5% ABV as evidence; again in contrary to the same condition. Officers recorded details of the staff member who served them as Ikbal AHMED.

COST PRICE 41 BRICK LANE E1 6PU had breached their Premises Licence conditions on both of the above visits; therefore this constituted a breach of section 136(1) of the Licensing Act 2003. This was because the Licensee knowingly allowed licensable activities to be carried out, which was not in accordance with the Premises Licence (authorisation).

On Thursday 27th November 2014 Mr Mohammed Shilu CHOWDHURY attended a recorded interview under the Police and Criminal Evidence Act 1984 (PACE) code of practice E (2013) in respect of these Offences. The interview was conducted at Mulberry Place, 5 Clove Crescent London E14 2BG. During this interview Mr CHOWDHURY admitted that his staff had made sales of high strength alcohol which was contrary to the condition on his Premises Licence. He assured Officer Damian DOHERTY who conducted the interview that he had subsequently removed high strength alcohol from his shelves and only stocks alcohol below 5.6%. In light of this assurance and as it was the premises first offence no further formal action was taken.

Summary for current prosecution

Operation Dymock was run again from the end of March 2016 until end of August 2016. Again undertaking late night visits, inspection and Test Purchases to Licensed and Unlicensed Premises within the Borough, based on intelligence received. COST

PRICE 41 BRICK LANE E1 6PU had been placed on the visit rota based on previous history of non-compliance.

On Saturday 2nd April 2016 two Council officers (Festus EBOJOH and Shola THOMPSON) carried out a test purchase at COST PRICE 41 BRICK LANE E1 6PU purchasing a can of Strongbow cider at 01:14 hours. This was contrary to the premises licensable hours for the sale of alcohol by retail.

The sale was made by Mr Ali DIL (date of birth [REDACTED]) and he was cautioned onsite by Shola THOMPSON. Following being given the caution Mr DIL gave his name only and made no other statements or comments. The Officers then reported this offence to the Licensing Team.

This premises is licensed to sell alcohol by retail (off sales only) during the following times:

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

Despite a previous warning at the recorded interview under PACE code E on 27th November 2014 and warnings given by officers during the visit on 16th August 2014 the Licensee of this premises, Mr Mohammed Shilu CHOWDHURY has knowingly allowed the unauthorised sale of alcohol to occur because it was outside of his licensable hours. This constitutes offences under Section 136 and 137 of Licensing Act 2003:

136 Unauthorised licensable activities

(1) A person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

In light of this offence this Licensing Authority is referring this matter to the Authority's Legal Department for consideration for prosecution.

Damian Doherty

From: Vivienne Walker
Sent: 05 June 2017 12:08
To: Damian Doherty
Cc: Tom Lewis; David Tolley; Victoria Fowler
Subject: CHOWDHURY, Mohammed Shilu - t/a Cost Price at 41 Brick Lane, E1 - S136(1)(b) of the Licensing Act 2003

Dear All,

i appeared before Thames Magistrates Court on 1 June 2017, regarding the above matter. The Defendant sent a Written Plea of Guilty to the court. There were no reference to any mitigating circumstances or his means.

The Defendant was sentenced as follows:

Fine: £250.00
Costs: £150.00
Victim Surcharge: £30.00

The Defendant has 28 days to pay in full. A collection order has been attached. The file in legal services will now be closed. There were no fees or disbursements in this case, such as Counsel fees. Legal Services will retain the documents on its electronic file which will now be marked as closed. You will be written to separately by our Business Support Team who will give details about storage.

Regards

Vivienne Walker

Solicitor

Legal Services

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

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 [REDACTED]

Statement of: **Damian DOHERTY**

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

Occupation: **Licensing Enforcement Officer**

This statement (consisting of 2 of 2 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:.....01/05/2017

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 **Saturday 10th March 2018** I was working with my colleague **Corinne HOLLAND** (Licensing Officer) and visited **COST PRICE 41 BRICK LANE LONDON E1 6PU** to see if it was open after 01:00 hours. I was aware that this particular premise held a Premises Licence under the Licensing Act 2003 (numbered 17872) which I exhibit as **DD/01**. It allows the following:

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (off sales only)

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

At 01:15 on **Saturday 10th March 2018** **HOLLAND** entered the premise whilst I waited outside. She went inside and purchased a bottle of "Mixed Fruit" Kopparberg cider. She then came outside and showed me her purchase, so we both then went inside together. I went to the counter and I introduced myself to the IC4 male showing my Warrant card and introduced **HOLLAND** as my colleague. **HOLLAND** confirmed that this male had made the sale of alcohol past the terminal hour. I asked if Mohammed Silu **CHOWDHURY** was available as he was listed as Premises Licence holder (PLH) or if the Designated Premise Supervisor (DPS) Mohammed Johirul **AMIN** was available. The IC4 male said neither were available. I explained that alcohol had been served after 01:00 hours the terminal hour as

allowed by the licence explained that it is an offence under Section 136 Licensing Act 2003. The IC4 said he held a personal Licence with Tower Hamlets and his brother was the DPS. I asked to see this male's personal licence, but he said he did not have it on him. I asked him to provide his details which he gave as follows. Ruhel **AMIN** [REDACTED] [REDACTED] and date of birth [REDACTED] a credit three sixty check revealed these the correct date of birth is [REDACTED] (copy exhibited as **DD/02**). I cautioned **AMIN** at 01:19 and explained that he is not under arrest, free to leave, and free to seek legal advice. He made no reply. I had a printed copy of the current licence which I produced and I looked at some of the conditions listed as follows:

**Annex 3 - Conditions attached after a hearing by the licensing authority
Licensing subcommittee hearing of 10th July 2008**

- 2. A refusal book shall be kept and maintained.

I asked to see a copy of the refusals book and **AMIN** said that he did not know where this was. I asked to see a copy of the Licence and I was shown an old copy of the Licence which listed a different DPS (previously it was the PLH Mohammed Silu **CHOWDHURY**). I said this constituted further offences under the Licensing Act 2003. **AMIN** hinted that he only works part time and enquired what "happens next?" I explained that I would present my evidence to our legal department could lead to prosecution or review. I reminded **AMIN** of his closing times and **HOLLAND** and I then left the premises. I exhibit a copy of my pocket book notes as Exhibit **DD/03** and a copy of the record of contact form as **DD/04**

Signature:..... [REDACTED] Date:.... 01/05/2017

Order on conviction Compensation Forfeiture / Destruction order Asset recovery case

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

Date of completion... 01/05/2017

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: **Corinne Holland**

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

Occupation: **Licensing Officer**

This statement (consisting of 2 of 2 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 14/6/18

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

I am a Licensing Officer employed by the London Borough of Tower Hamlets Council within the Licensing section. I am duly authorised under the Licensing Act 2003. On **SATURDAY 10th March 2018** I was working with my colleague **Damian DOHERTY** (Licensing Enforcement Officer) conducting late night enforcement visits. We decided to visited **COST PRICE 41 BRICK LANE, LONDON, E1 6PU** to see if they were selling alcohol beyond 01.00 hours, which is the end time of their permitted licensable hours.

At 01.14 hours I entered the shop and noticed two Asian males within the shop. I said to one of them, who I know now to be Mr Ruhel **AMIN**, 'Are you still open?' he said to me 'What is it you want?', I replied 'some beer'. He then said to me 'it's a bit late but go on then'. I selected a bottle of mixed fruit Kopparberg cider and placed it on the counter. Mr **AMIN** rung it up on the till and charged me £2.70. I handed him a £5 note and was given change. I left the shop and handed the £2.30 change to **Damian DOHERTY**. I exhibit this bottle of cider as CH/1. I went back into the shop with **Damian DOHERTY** and introduced ourselves to the cashier and I showed my warrant card.

I identified the male that I now know to be Mr Ruhel **AMIN** as the male who had sold me the alcohol. **DOHERTY** asked if whether the Premises Licence Holder or the Designated Premises Supervisor (DPS) were available. Mr **AMIN** said they weren't. **DOHERTY** pointed out the offence of selling alcohol after the permitted hours of 01.00 hours and explained that it was an offence contrary to Section 136 Licensing Act 2003. **DOHERTY** cautioned **AMIN** at 01.19 hours and explained he was not under arrest, free to leave, and could seek legal advice. He made no reply to the caution. **DOHERTY** completed some paperwork and took

AMINs' personal details. I pointed out to **AMIN** that he had said to me that it was 'a bit late'. He said he knew but thought he would just serve me before he closed.

DOHERTY produced a copy of the licence and asked to see the refusal book which is a condition on the licence. **AMIN** searched for one but he could not find one. If a refusal book cannot be easily found then I have to assume that one is not maintained as per the condition requires. This is a breach of the licence conditions and a further offence.

DOHERTY asked to see a copy of the licence. **AMIN** found an old copy with the incorrect **DPS** details on it. The additional offences were pointed out to **AMIN** by **DOHERTY**. There was a **CCTV** monitor in the shop so I asked if it was working. **AMIN** said he didn't know the code to access it so this could not be checked. **DOHERTY** explained to **AMIN** him that the evidence would be submitted to the legal department to decide on what action would be taken. We then left the shop. I exhibit my pocket book notes as exhibit CH/2.

Signature:  Date: 14/06/18

Order on conviction Compensation Forfeiture / Destruction order Asset recovery case
(Exclusion / ASBO / Restraining order)

Tick box if required

Date of completion... 14/06/18

Md Shilu Chowdhury



15th May 2018

Our reference: CLC/LA03/073569

Place Directorate
Public Realm
Environmental Health and Trading Standards
Head of Service: David Tolley

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

Tel 020 7364 5008 option 3
Fax 020 7364 0863
Enquiries to Licensing
Email licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Sir,

Licensing Act 2003

Premises: **Mexican Grille, 194 Mile End Road London, E1 4LJ**

On Friday 27th APRIL 2018 at around 23:15 hours Council Officers attended the premises known as **Mexican Grille, 194 Mile End Road London, E1 4LJ**. They ordered and received hot food and hot drinks (1 x 'Juicy Lucy' double burger meal and 1 x No. 28 Mexican burrito meal with two soft drinks and two teas for £27.20). Officers also noted that staff were informing customers that the restaurant closed at 1am and hot food was being picked up by people as deliveries. You were spoken to by officers and informed that there should not be hot food/drink sales beyond 23:00 without a licence to include any deliveries made.

According to the Council records you do not hold a licence under the Licensing Act 2003.

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers;

the provision of late night refreshment (selling meals after 23:00 hours and before 05:00 hours)

A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

You are advised to cease this unauthorised licensing activity of hot food/drink sales between 23:00 and 05:00 (to include providing deliveries of hot food/drinks) with immediate effect. You will also have to change your online advertising as your website and Facebook reflect later hours. This letter serves as a written warning for offence(s) observed on 27th APRIL 2018 and further breaches could lead to a prosecution.

For further advice please contact your legal representative. Licence application forms and further details are available upon request from the Licensing Authority, please contact our hotline on 0207 364 5008 or visit our website:

http://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/alcohol_and_entertainment.aspx

Yours sincerely



**Damian Doherty
Enforcement Officer – Licensing and Safety Team
Environmental Health and Trading Standards**

Cc: T/A Quick Grill Ltd, Mexican Grille, 194 Mile End Road, London, E1 4LJ

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 10 JULY 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed (Member)

Councillor Leema Qureshi (Member)

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 minutes of the Licensing Sub Committee held on 5th June 2018 were agreed as a correct record of proceedings.**4. ITEMS FOR CONSIDERATION****4.1 Application for Variation of a Premises Licence for Whitepost Café, 92
Whitepost Lane, London E9 5EN****The Licensing Objectives**

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

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

Consideration

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

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. Members were concerned that permitting an increase in the licensable hours of the premises would exacerbate this noise nuisance.

Members welcomed the efforts made by the Applicant by reducing the hours and offering conditions in consultation with Environmental Health, however, the individual objections and the supporting documents (noise nuisance diary submitted by the local resident) demonstrated that there was a cause for concern and the likelihood that later hours would have a negative impact on the lives of residents, infringe on their quality of life with a likelihood of an increase in anti-social behaviour and general noise nuisance.

Members looked carefully at the location and although the Applicant agreed to use the entrance via the tow path route only as a fire exit after the terrace area is closed, Members of the Sub Committee were of the view based on the evidence put before them that residents especially from Omega Works would suffer noise pollution.

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a variation of the Premises Licence for Whitepost Café, 92 Whitepost Lane, London E9 5EN be **REFUSED**.

4.2 Application for a New Premises Licence for Quick Grill Ltd, 194 Mile End Road, London, E1 4LJ

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. In the absence of the Applicant, Members heard representations made on behalf of the Applicant by their Licensing Representative and also heard representation on behalf of the Licensing Authority and the Metropolitan Police.

In reaching their decision, Members noted the previous breaches of conditions, trading without a licence, a number of failings and breaches in the Applicant's other licensed premises at 41 Brick Lane, and pending enforcement action in relation to both those other premises at 41 Brick Lane and also in relation to the premises at 194 Mile End Road. Whilst the premises at 41 Brick Lane are not the subject of this application, what had happened regarding those other premises is relevant because it demonstrates the degree to which the applicant in running those other licensed premises can be trusted to uphold the licensing objectives, in particular, the crime and disorder objective.

Breaches of licensing conditions and trading without a licence are offences. Therefore, when such matters taking place do not uphold the crime and disorder objective.

Although it was noted that the Applicant would relinquish all ties with the premises in Brick Lane and concentrate on the current premises he is applying for, Members had no confidence that hours and conditions would be adhered to and therefore referred to the concerns raised by both the Responsible Authorities and their evidence showed that the applicant is unable to comply with licence times and conditions, and on a balance of probability is likely to do the same if this current application were to be granted.

Members were not satisfied that the Applicant would uphold the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance in relation to the objections raised by the Police and the Licensing Authority.

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Quick Grill, 194 Mile End Road, London E1 4 LJ be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required a deadline extension.

The meeting ended at 8.50 p.m.



Exhibit Number **EXHIBIT E**
 Signed [Redacted]
 Date **15-08-2018**

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

Mr Mohammed Choudhury
 90 Mile End Road
 London
 E1 4UN

18 July 2018

Dear Sir/Madam,

Licensing Act 2003 Section 55A / 92A
 Police and Social Responsibility Act 2011 229(6)

Place Directorate
 Public Realm
 Environmental Health and Trading Standards
 Head of Service: David Tolley

Licensing Section
 6th floor
 John Onslow House
 1 Ewart Place
 London E3 5EQ
 Tel 020 7364 5008 option 3
 Fax 020 7364 0863
 Enquiries to Licensing
 Email licensing@towerhamlets.gov.uk
www.towerhamlets.gov.uk

NOTICE OF SUSPENSION OF PREMISES LICENCE/CLUB CERTIFICATE

The below annual fee and, where applicable, the Late Night Levy Fee remains outstanding, the 21 day period in which to pay has now expired. I therefore have to advise you that your premises licence detailed below is now suspended until such time that the fee(s) below and any other annual fees (including Late Night Levy fees where appropriate, see Note 1 below table) owed for previous years are paid. The licence cannot be reinstated until all outstanding fees are paid in full.

Legislation allows 2 working days to arrange payment before the suspending – therefore your Licence will be suspended 2 working days from the date of the postmark on this letter.

Licensing Act 2003 - Annual Fee for Premises Licence			
Reference no	033603/2018	Premises ref:	F155TH90MI/1
Your Licence was Issued on 5 June 2009	Fee Due date June 2018	The Annual Fee is due every year on the Premises Licence issue date	
Premises Jerrin Mini Market 90 Mile End Road London E1 4UN	Annual Licence Fee		
	Cost		Total
	£180.00		£180.00
	Late Night Levy Charge, where applicable		
	£768.00		£768.00
	Total Amount Due		£948.00
Best Bar None premise reduced fee Best Bar None accredited premises are entitled to a 30% reduction of the Late Night Levy charge			
Total amount due £			

Note 1: As of 1st January 2018, Licences that permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day will be liable to pay the levy charge shown under box 2 above.

There are 4 ways to pay the annual fee:

- On line payments can be made at http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx (www.towerhamlets.gov.uk 'Online Services' / 'Pay it' / Licences/Registrations)
- Cheques should be made payable to the London Borough of Tower Hamlets and sent to the above address. Please write the reference number and premises address on the back of the cheque.
- The fee can be paid in person at the address above.
- Card payment can be taken by phone (020 7364 5008)

PLEASE NOTE: We prefer not to accept payment by BACS, as monies go into a generic Council fund where notification of payment is not received and it may be untraceable. This may result in another fee being liable. If there is no alternative, please ensure you quote the above reference number on the invoice and confirm your receipt of payment details by emailing licensing@towerhamlets.gov.uk.

Please note: The licence will be suspended if payment is not made on or before the due date, this includes the levy fee. The licence will remain suspended until such time that full payment owed is made. If you have any dispute regarding the payment of the fee(s) you MUST notify Licensing Authority on or before the due date.

Yours faithfully,



Kathy Driver
Principal Licensing Officer

Appendix 2

(Cost Price)
41 Brick Lane
London
E1 6PU

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards & Licensing Manager

Date: 2nd October 2006

Licence amended following the Licensing Sub Committee Hearing of 10th July 2008
Licence amended following the Licensing Sub Committee Hearing of 4th February 2014



Part A - Format of premises licence

Premises licence number

17872

Part 1 - Premises details

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

(Cost Price)
41 Brick Lane

Post town
London

Post code
E1 6PU

Telephone number
020 7247 4009

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

The sale by retail of alcohol (off sales only)

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

The opening hours of the premises

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

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

Off sales only

Part 2

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

Mr Mohammed Shilu Chowdhury

[REDACTED]
[REDACTED]
[REDACTED]

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

Not applicable

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

Mr Mohammed Johirul Amin

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

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

Licence Number : 15668

Issuing Authority : London Borough of Tower Hamlets

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

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.

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 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. Adult entertainment is not permitted.
2. CCTV shall be maintained and operational at all times.
3. Request photographic identification to anyone appearing to be underage and service shall be refused if this is not produced.
4. Outside areas of the premises to be kept clear and clean.

Annex 3 - Conditions attached after a hearing by the licensing authority Licensing subcommittee hearing of 10th July 2008

1. CCTV must be working at all times the premises are open for business. 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 one calendar month.

2. A refusal book shall be kept and maintained.

Licensing subcommittee hearing of 4th February 2014

3. The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
4. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
5. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
6. 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.
7. The premises licence holder shall ensure that all receipts for goods bought include the following details
 - a. Seller's name and address
 - b. Seller's Company details, if applicable
 - c. Seller's VAT details, if applicable
 - d. Vehicle registration detail, if applicable
8. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
9. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
10. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
11. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

Annex 4 - Plans

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

15 April 2008



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

17872

Premises details

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

(Cost Price)
41 Brick Lane

Post town

London

Post code

E1 6PU

Telephone number

020 7247 4009

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

The sale by retail of alcohol (off sales only)

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

The opening hours of the premises

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

Name, (registered) address of holder of premises licence

Mr Mohammed Shilu Chowdhury

[Redacted address]

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

Off sales only

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

Not applicable

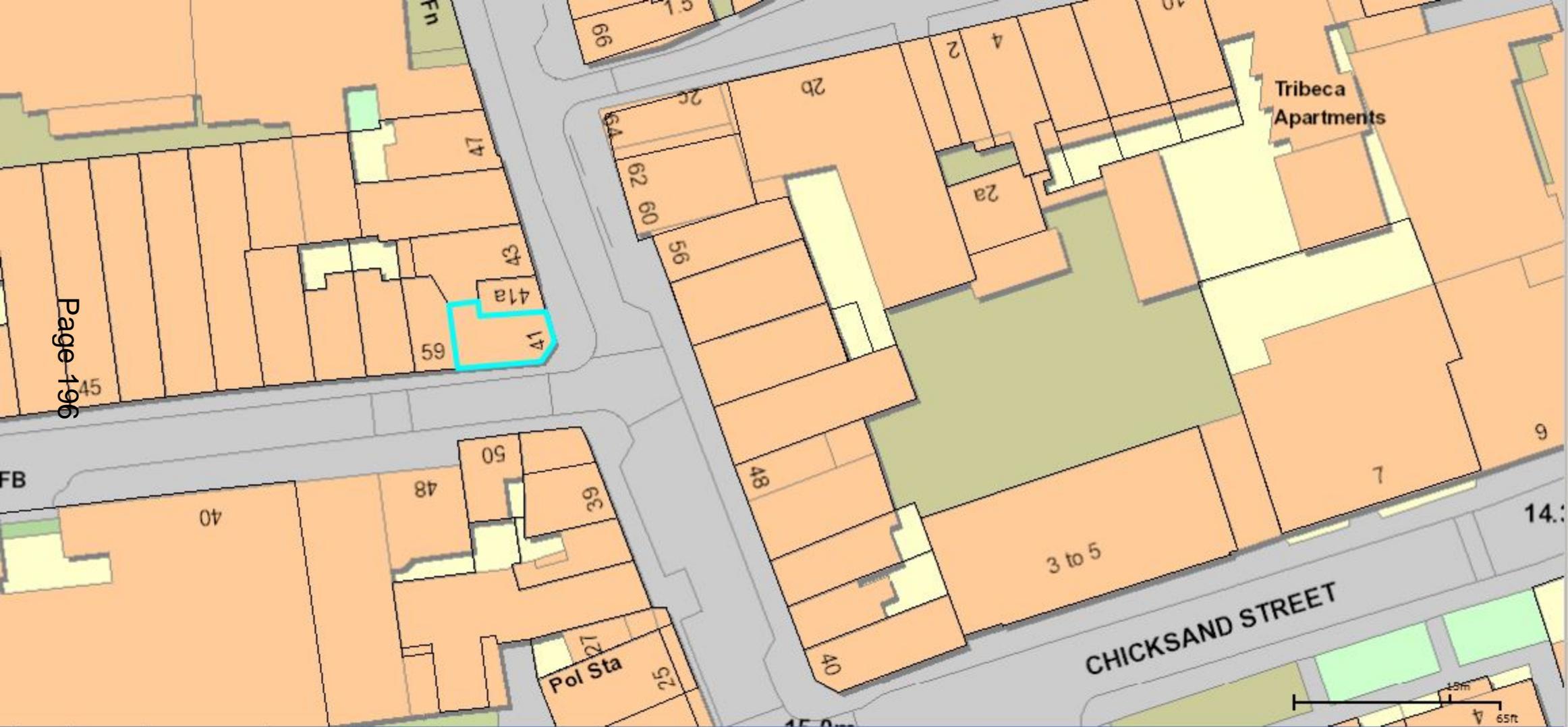
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Mohammed Johirul Amin

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

No restrictions

Appendix 3



Tribeca
Apartments

CHICKSAND STREET





Rectory

SEVEN STARS YARD

Christ Church
C of E
Primary School

BRICK LANE

HENEAGE STREET

Sports Facility

Play Area

Tabacca
Apartments

Hudson
Buildings

FASHION STREET

THRAWL STREET

CHICKSAND STREET

Spelman
House

13.4m

14.3m

15.0m

100ft

Scale bar and north arrow

Appendix 4



Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Toby Club,
Vawdry Close
E2

Telephone: 0207 161 8792

Email: thomas.ratican@met.police.uk
www.met.police.uk

24th August 2018

Dear Sir,

Tower Hamlets Police formally support the application by Tower Hamlets Council Licensing to review the premises license of Cost Price 41 Brick Lane E1.

We are greatly concerned that the owner and premises license holder of Cost Price, Mr Mohammed Shilu Chowdhury has shown such flagrant disregard for the Licensing Act, at all three of the premises he owns. Descriptions of these breaches are listed below.

On the 10th March 2018 Cost Price at 41 Brick Lane Failed Test Purchase by supplying alcohol after its licensed hours. The premises was also in breach of its license by not having an incident report book in use.

Mohammed Shilu Chowdhury premises license holder also owns Mexican Grille 194 Mile End Road. On the 27th April the above premises sold hot and food and hot drinks past 11pm despite having no premises license. Staff at premises telling staff open until 1am.

Mr Chowdhury also own Jerrin News 90 Mile End Road, which has failed to pay its License fee or Late Night Levy, and has as a result had its license suspended.

We believe that as Mr Chowdhury has shown such contempt for the licensing act that there are no conditions that can be put on the license to remedy the situation. We also have concerns that Mr Chowdhury has no regard for the licensing objectives.

Having a premises license requires the holder to demonstrate that they are trustworthy, with over 1400 licensed premises in Tower Hamlets we have to trust that both Premises License Holders and Designated Premises Supervisors will uphold both the licensing objectives and the conditions on their license.

Given the above evidence we can have no trust in Mr Chowdhury, therefore support Tower Hamlets Councils application to revoke the premises license.

Kind Regards

Mark

PC Mark Perry 748HT
Police Licensing Officer.

Appendix 5



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

11th September 2018

Your reference
My reference : P9505 & P9583

**Place Directorate
Public Realm**

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

John Onslow House
1 Ewart Place
London E3 5EQ

Tel 020 7364 5008
Fax 020 7364 6901
Enquiries to **Nazir Ali**
Email nazir.ali@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Sir or Madam,

**Re: Licensing Act 2003 – Section 51: Application for the Review of the Premises
Licence: Cost Price, 41 Brick Lane, London E1 6PU
REPRESENTATION**

The Trading Standards Service, as the Local Weights and Measures Authority is a designated 'responsible authority' for the purposes of the Act and is making a representation in support of the Review brought by the Licensing Authority.

The representation concerns the recent sales of tobacco products to a person under the age of 18 years on two separate occasions; namely on 13th April 2018 and 7th August 2018. On the 13th April 2018; sixteen (16) premises across the borough were attempted and only this premises sold cigarettes to a minor. On the 7th August 2018, twenty-three (23) premises across the borough were attempted and only this premises sold cigarettes to a minor. I have enclosed a detailed witness statement concerning these two sales. The trader has clearly contravened legal requirements and breached licensing conditions attached to the premises licence. Hence, the trader cannot be deemed a fit and proper person to comply with the following licensing objective:

- the protection of children from harm.

Therefore, I support the Licensing Authority review and the revocation of the premises licence attached to 41 Brick Lane, London E1 6BU.

Yours sincerely,

Nazir Ali
Senior Trading Standards Officer

Witness Statement

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

URN:

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Statement of: Nazir ALI

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

Occupation: Trading Standards Officer

This statement (consisting of Pages(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 in it, anything which I know to be false, or do not believe to be true.

Name / Signature:



Date: 11th September 2018

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

Statement

I am a SENIOR TRADING STANDARDS OFFICER employed and authorised by the London Borough of Tower Hamlets Trading Standards Services. I am authorised to enforce various pieces of legislation including the Licensing Act 2003, the Trade Marks Act 1994, and the Children and Young Persons Act 1933, as amended.

Background information

I am the lead officer for conducting underage sales programme across the borough on age-restricted products such as knives, alcohol, fireworks and tobacco. Before attempting any test purchases, the young volunteers, who I refer to **Volunteer A** (15 years old female) for the visit of 13th April 2018, and **Volunteer B** (14 years old male) for the visit of 7th August 2018, were photographed by myself in the clothes they would be wearing during the test purchase. The volunteers were instructed, if questioned about their age by the seller, they were to always to state their true age and not engage in further conversation. Consideration was made as to whether this was directed-surveillance. However, on these occasions, I was satisfied that a RIPA authorisation was not required.

Test purchase of tobacco at Cost Price, 41 Brick Lane, London E1 6PU – 13th April 2018

On Friday 13th April 2018, I was working with Trading Standards Officer Bridget Rushmoor and **Volunteer A**. At about 15:25 hours, Officer Rushmoor and **Volunteer A** entered the premises of Cost Price, 41 Brick Lane, London E1 6PU. I was waiting in my vehicle nearby. **Volunteer A** carried out a test purchase of a

Name / Signature:



Signature Witnessed by:

Witness Statement

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

packet of 20 Mayfair cigarettes for £10.40 and returned to my vehicle. I took possession of the cigarettes and sealed it evidence bag N06621759. Officer Rushmoor and I re-entered the premises of Cost Price, 41 Brick Lane, London E1 6PU and the seller at the time gave his name as a Mr Shebul AHMED. I wrote out a notice of powers and rights to occupier and gave to Mr AHMED. Mr AHMED refused to give his details and said he would be sacked by the owners. He reluctantly gave the owner's name as a Mr Mohammed AMIN. He did not give any further details of himself nor the home address. The licence on display suggested Mr Shilu CHOWDHURY was the Premises Licence Holder and Mr Mohammed Jahirul Amin was the Designated Premises Supervisor. I produce the photo of and the packet of 20 Mayfair cigarettes as exhibit NA/CP/01.

Test purchase of tobacco at Cost Price, 41 Brick Lane, London E1 6PU – 7th August 2018

On Tuesday 7th August 2018, I was working with Smokefree Officer Anjali Miah and Volunteer B. At about 15:00 hours, Officer Miah and Volunteer B entered the premises of Cost Price, 41 Brick Lane, London E1 6PU to carry out a test purchase of tobacco products. I was waiting in my vehicle nearby. Shortly afterwards, Volunteer B and Officer Miah returned to the vehicle with a test purchase of a packet of 20 Benson & Hedges Silver cigarettes for £10.60. I took possession of the packet and sealed it in evidence bag M00222204. Shortly afterwards, Officer Miah and I re-entered the premises. The seller at the premises gave his name as Mr Mohammed AMIN and his DOB as [REDACTED] and home address; [REDACTED]. He said the owner was a Mr Shilu CHOWDHURY, but did not have his details. I saw the licence on display and the refusals book. The last entry made in the refusals book was on 21/02/2015 at 18:45 where the sale of vodka was refused. I signed and dated the last entry. Upon return to the office, I wrote to Mr Shilu Chowdhury informing of the underage sales at the premises of Cost Price, 41 Brick Lane, London E1 6PU. I produce the photo of the packet of 20 Benson & Hedges Silver cigarettes as exhibit NA/CP/02.

Communication received from Mr Shilu Chowdhury

On 16th August 2018, I received a document from Mr Mohammed Shilu CHOWDHURY. It was a Lease agreement between himself and Mohammed Jahirul AMIN for the premises of Cost Price, 41 Brick Lane, London E1 6PU. The agreement for the premises was for a three years rolling contract starting from 09/08/2017. I produce this document as exhibit NA/CP/03.

Name / Signature: [REDACTED]

Signature Witnessed by:

Exhibit Number NA/CP/01

Signed [REDACTED]

Date 11/09/2018

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

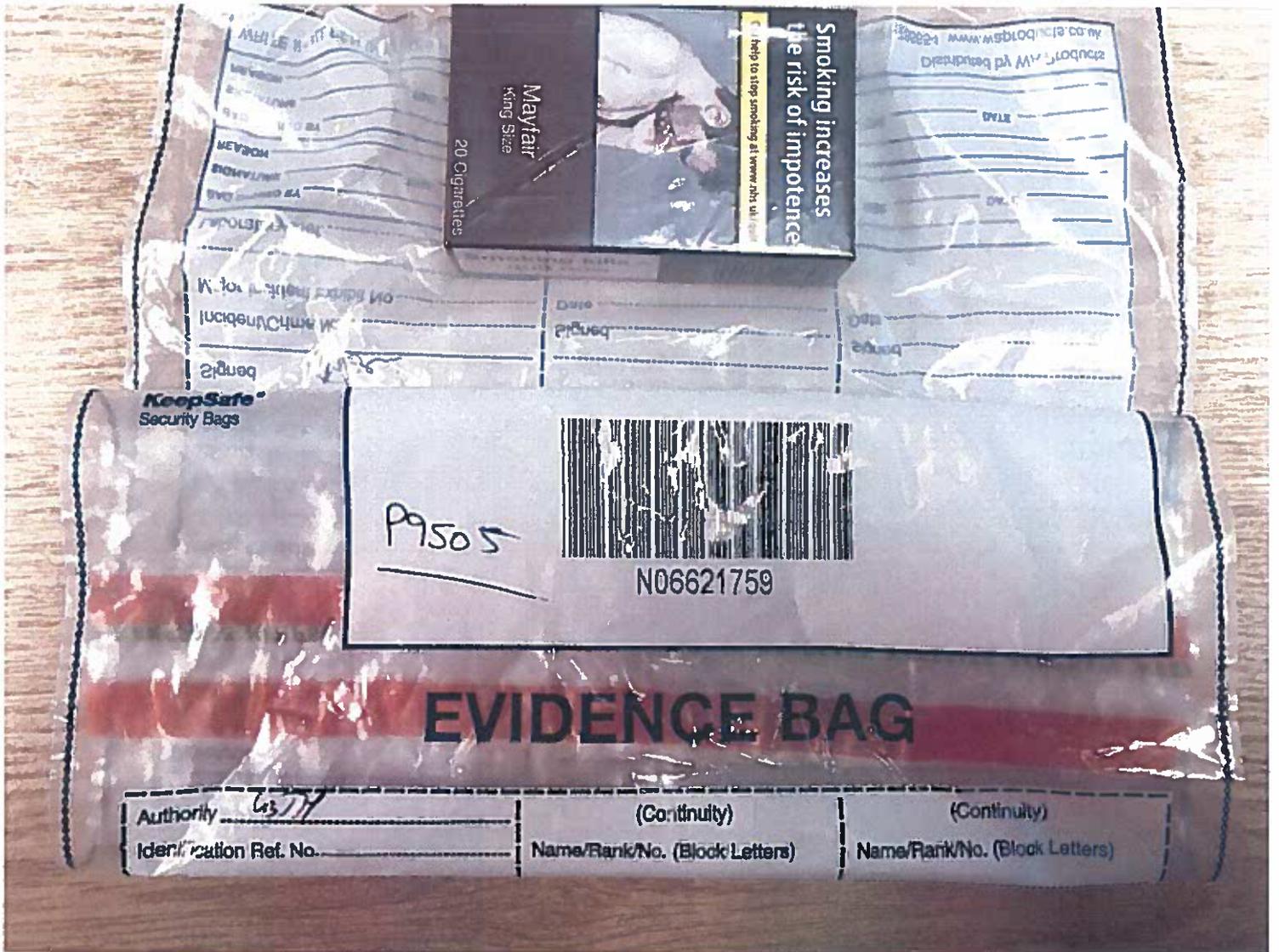
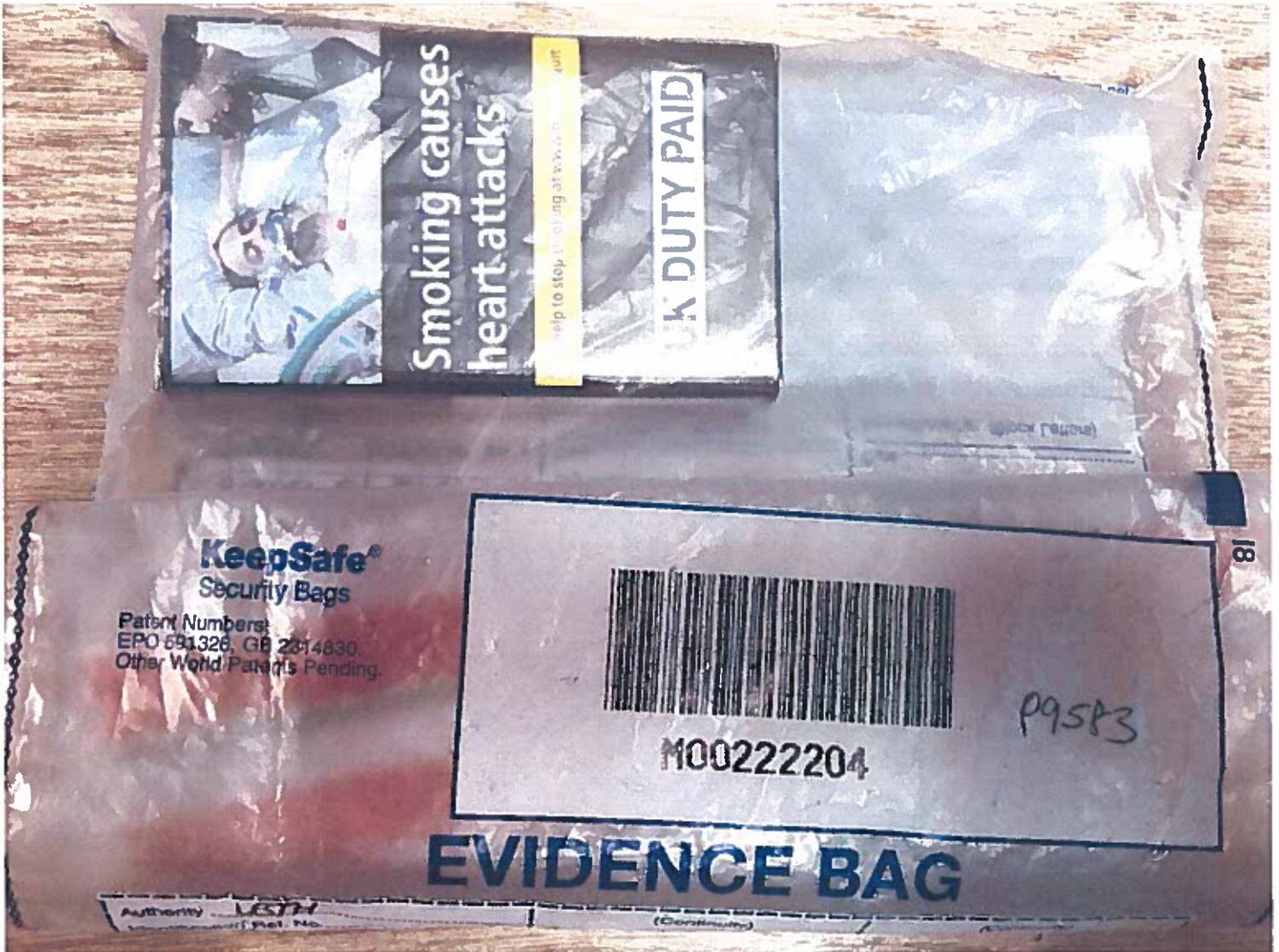


Exhibit Number NA/CP/02

Signed [Redacted]

Date 11/09/2018

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



TO
NAZIR ALI

REF=00B 2164

I MOHAMMED SHILU CHOWDHURY

Have rented the place out to MR MOHAMMED JOHIRUL AMIN almost a year ago
I have no say in the daily running of the business all the responsibility of the business
is down to MR AMIN I will be very grateful if you can send all future letters to
MR AMIN at the business address or at his home address which is [REDACTED]

[REDACTED] about this matter I will send you a
copy of the agreement that I have with
MR AMIN if you require any further information please contact me on
[REDACTED]

Kind Regards

MOHAMMED SHILU CHOWDHURY

[REDACTED]

14/08/2018

Exhibit Number NA/CP/03

Signed [REDACTED]

Date 11/09/2018

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

LEASE AGREEMENT

I MR MOHAMMED SHILU CHOWDHURY
Lease holder of COST PRICE 41 BRICK LANE LONDON E1 6PU
Is renting out the place to
MR MOHAMMED JOHIRUL AMIN
On 3 year rolling contract Starting from 09/08/2017

MR MOHAMMED JOHIRUL AMIN Agrees to pay £1000 rent on the 8th of each
calendar month
This includes all utility bills and service charges for the premises

Any misuse of the premises or any damage to the premises MR MOHAMMED JOHIRUL AMIN
Will be responsible for

All goods sold from the premises including any ALCOHOL CIGARETTES MATCHES LIGHTER
GAS CIGARETTES LIGHTERS Will be the responsibility of MR MOHAMMED JOHIRUL AMIN

Any employee or staff working on the premises will also be the responsibility of
MR MOHAMMED JOHIRUL AMIN

Any late payments on the rent I will have the full right to cancel the agreement if
MR MOHAMMED JOHIRUL AMIN wants to cancel the agreement at any time he must give
a minimum off 3 months notice but must and have no outstanding rent to pay

ONLY SIGN THIS ARGEEMENT IF YOU ARGEE WITH ALL THE TERMS AND CONDITIONS
ABOVE YOU WILL ALSO GET A COPY OF THIS ARGEEMENT

MR MOHAMMED SHILU CHOWDHURY

DATE 09/08/2017

MR MOHAMMED JOHIRUL AMIN

DATE 09/08/2017

WITNESS AT THE TIME PRINT SHOJO ISLAM

SIGN

DATE 09/08/2017

Appendix 6

Kathy Driver

From: Damian Doherty
Sent: 06 September 2018 09:27
To: Licensing
Subject: FW: Review of Cost Price Off Licence 41 Brick Lane (16.08.18) AL17346

From: ISD Alcohol Licensing [<mailto:Alcohol@homeoffice.gov.uk>]
Sent: 05 September 2018 13:10
To: Damian Doherty
Subject: RE: Review of Cost Price Off Licence 41 Brick Lane (16.08.18) AL17346

Good afternoon,

Thank you for providing your review application. Further to our checks we also wish to feed into your submission details included below:

An enforcement visit was carried out at 'COST PRICE MINI MARKET', 41 BRICK LANE, E1 6PU on 14/10/08. Officers encountered in employment a female: who was subsequently found to have no valid leave in the UK.

Her Husband and two children also where considered as immigration offenders.

A Notice of Potential Liability was served to Mr Mohammed Shilu Chowdury on the 14/10/2008. However we have no evidence confirming that the civil penalty has been paid or, is still outstanding.

Regards

Paul Wynter

*Interventions and Sanctions Directorate | Alcohol and LNR licensing Team
Immigration Enforcement*

[REDACTED]
[REDACTED]
[REDACTED]

 [REDACTED]

For new applications-Alcohol@homeoffice.gov.uk

For enquiries relating to license applications or ongoing reviews-IE.Alcoholenquiries@homeoffice.gov.uk

For reviews to be considered or initiated along with hearing dates-IE.Alcoholreviews@homeoffice.gov.uk

From: Damian Doherty [<mailto:Damian.Doherty@towerhamlets.gov.uk>]
Sent: 16 August 2018 11:31
To: Development Control; Environmental Health; 'firesafetyregulationNE@london-fire.gov.uk'; Health and Safety; ISD Alcohol Licensing; 'HT-LicensingOffice@met.police.uk'; Licensing; Licensing-Child Protection; Somen Banerjee; Trading Standards
Subject: Review of Cost Price Off Licence 41 Brick Lane (16.08.18)

Dear Relevant Authorities

Please find attached a copy of a Review submitted today for **Cost price Off Licence 41 Brick Lane E1**

Please forward any comments/representations to Licensing@towerhamlets.gov.uk by no later than 13/09/2018

Regards

Damian Doherty
c/o Licensing Section

John Onslow House
1 Ewart Place
London E3 5EQ

Tel: 020 7364 5008

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please return it to the address it came from telling them it is not for you and then delete it from your system. This email message has been swept for computer viruses.

Appendix 7

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 8

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 9

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 Council's 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 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.