

Appendix 1



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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Narin Karakus

I/We (Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
GROUND FLOOR , PHOENIX LOFT, 104 EAST INDIA DOCK ROAD, LONDON	
Post town	Post code
POPLAR	E14 0BP

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

KARAKUS

First names

NARIN

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

[Redacted address]

Post Town

[Redacted town]

Postcode

[Redacted postcode]

Daytime contact telephone number

[Redacted telephone number]

E-mail address (optional)

[Redacted email address]

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

[Empty surname field]

First names

[Empty first names field]

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

[Empty address field]

Post Town

[Empty town field]

Postcode

[Empty postcode field]

Daytime contact telephone number

[Empty telephone number field]

E-mail address (optional)

[Empty email address field]

B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0	1	0
3	2	0
1	7	

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

Day	Month	Year

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

N/A

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

The premises is intended to operate as a offlicence and grocery store selling alcohol to be consumed off-site.

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises	X	
				Both		
Mon	07:00	23:00	Please give further details here (please read guidance note 4)			
Tue	07:00	23:00		N/A		
Wed	07:00	23:00		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	07:00	23:00		N/A		
Fri	07:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	07:00	23:00		N/A		
Sun	07:00	23:00				

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

Name

NARIN KARAKUS

Address

[Redacted Address]

Personal Licence number(if known)

[Redacted Licence Number]

Issuing licensing authority (if known)

[Redacted Issuing Authority]

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4) <p style="text-align: center;">N/A</p>
Day	Start	Finish	
Mon	07:00	23:00	
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)			<p style="text-align: center;">N/A</p>
Sat	07:00	23:00	
Sun	07:00	23:00	

M

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

MAKING SURE THERE IS ALWAYS MORE THAN 1 STAFF PRESENT.
NO SALE OF ALCOHOL TO UNDER 18S.
ENSURE ALL STAFF ARE PROPERLY TRAINED TO PREVENT ANY
DISORDER THAT CAN ARISE LEADING TO ANY PUBLIC NUISANCE,
DISORDER OR CRIME AND TO PROTECT THE SAFETY OF CHILDREN.

b) The prevention of crime and disorder

TO LOOK TO THE POLICE AS MAIN SOURCE OF ADVICE ON CRIME AND
DISORDER.
CCTV OPERATION BOTH INSIDE AND OUTSIDE OF PREMISES TO
PREVENT CRIMINAL BRHAVIOUR.
TO PREVENT POOR MANAGEMENT WHICH COULD LEAD TO ANY
DISORDER AND RISK PUBLIC SAFETY I.E NOT TO SELL ALCOHOL TO
SOMEONE WHO IS ALREADY UNDER INFLUENCE OF ALCOHOL TO
PREVENT ANY DISORDER FROM RISING

c) Public safety

CCTV OPERATION BOTH INSIDE AND OUTSIDE OF PREMISES.
APPROPRIATE AND FREQUENT WASTE DISPOSAL ESPECIALLY GLAS
BOTTLES IF ANY.
ENSURING ADEQUATE LIGHTING OUTSIDE THE PREMISES TO
PREVENT ANY CRIME / DISORDER TO KEEP AREA SAFE.
ENSURING TO KEEP TO THE FIRE AND SAFETY STANDARDS AND
REQUIREMENTS

d) The prevention of public nuisance

PREVENT LITTER FROM BUILDING UP AND SMELLING, ENSURING ALL WASTE IS DISPOSED OF CORRECTLY.
TRY TO REDUCE LIGHT DISTURBANCE FROM THE LIGHTS IN THE SHOP/ SIGN TO THE RESIDENTS AROUND WHILE BALANCING THE NEED OF LIGHT TO MAINTAIN PUBLIC SAFETY AND PREVENT CRIME & DISORDER.
ADDRESS ANY DISTURBANCE CAUSED AS CUSTOMERS LEAVE AND ENTER DURING LATE HOURS TO PREVENT RESIDENTS BEING DISTURBED.

e) The protection of children from harm

PREVENTING PURCHASE OF ALCOHOL BY OR ON BEHALF OF A CHILD/ CHILDREN.
NOT ALLOWING DELIVERY/ SENDING A CHILD TO OBTAIN ALCOHOL.
PREVENTING UNSUPERVISED SALE BY A CHILD.
PROHIBITING SALE OF ALCOHOL TO A CHILD/ CHILDREN.
BY NO SALE OF ALCOHOL TO ANYONE UNDER THE AGE OF 18.

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

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee
Insert On-Line Payment reference here if applicable :
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Part 4 – Signatures (please read guidance note 10)

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

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 11) **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

13/01/2017

Capacity

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

Signature

Date

Capacity

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

Post town

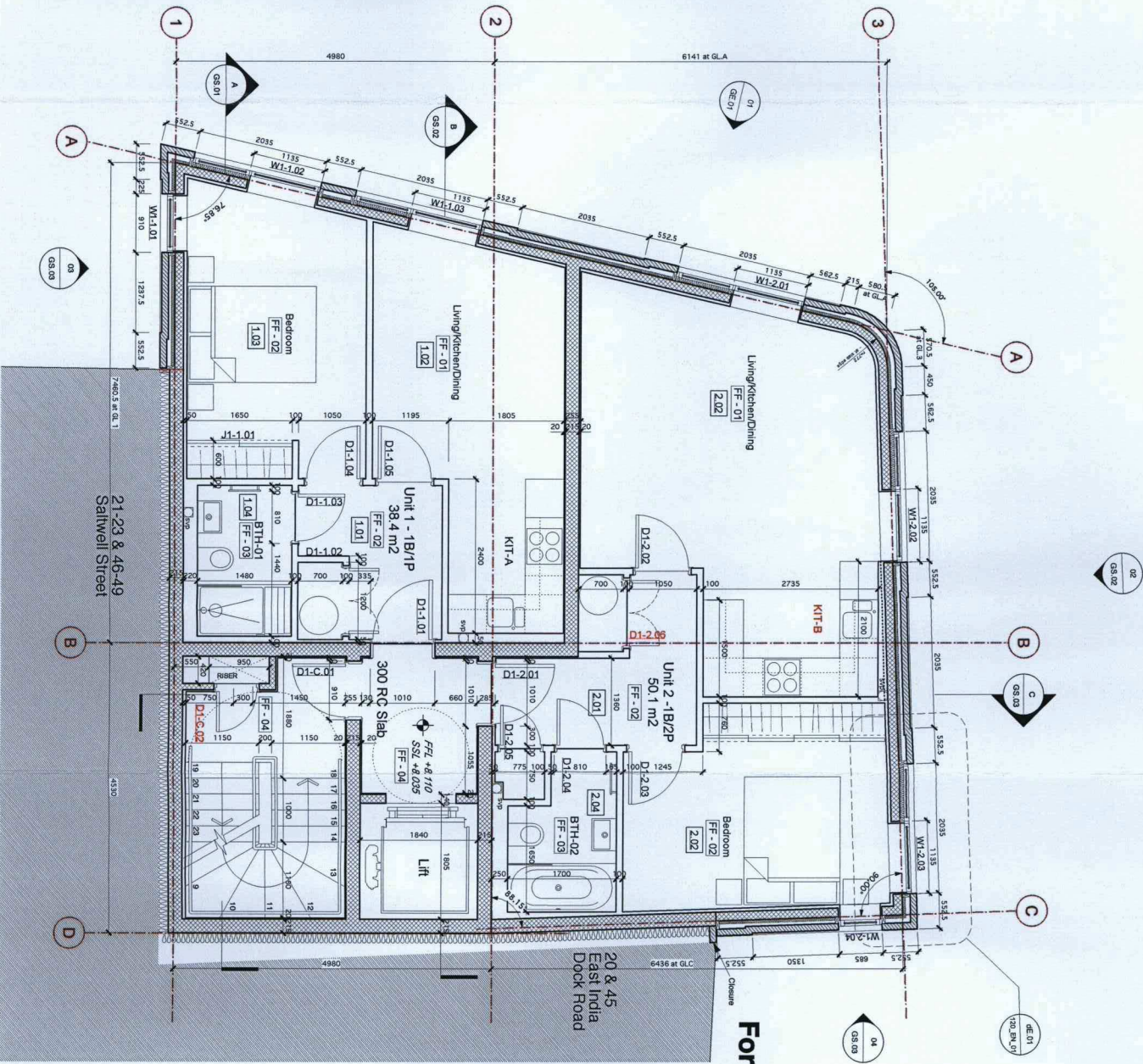
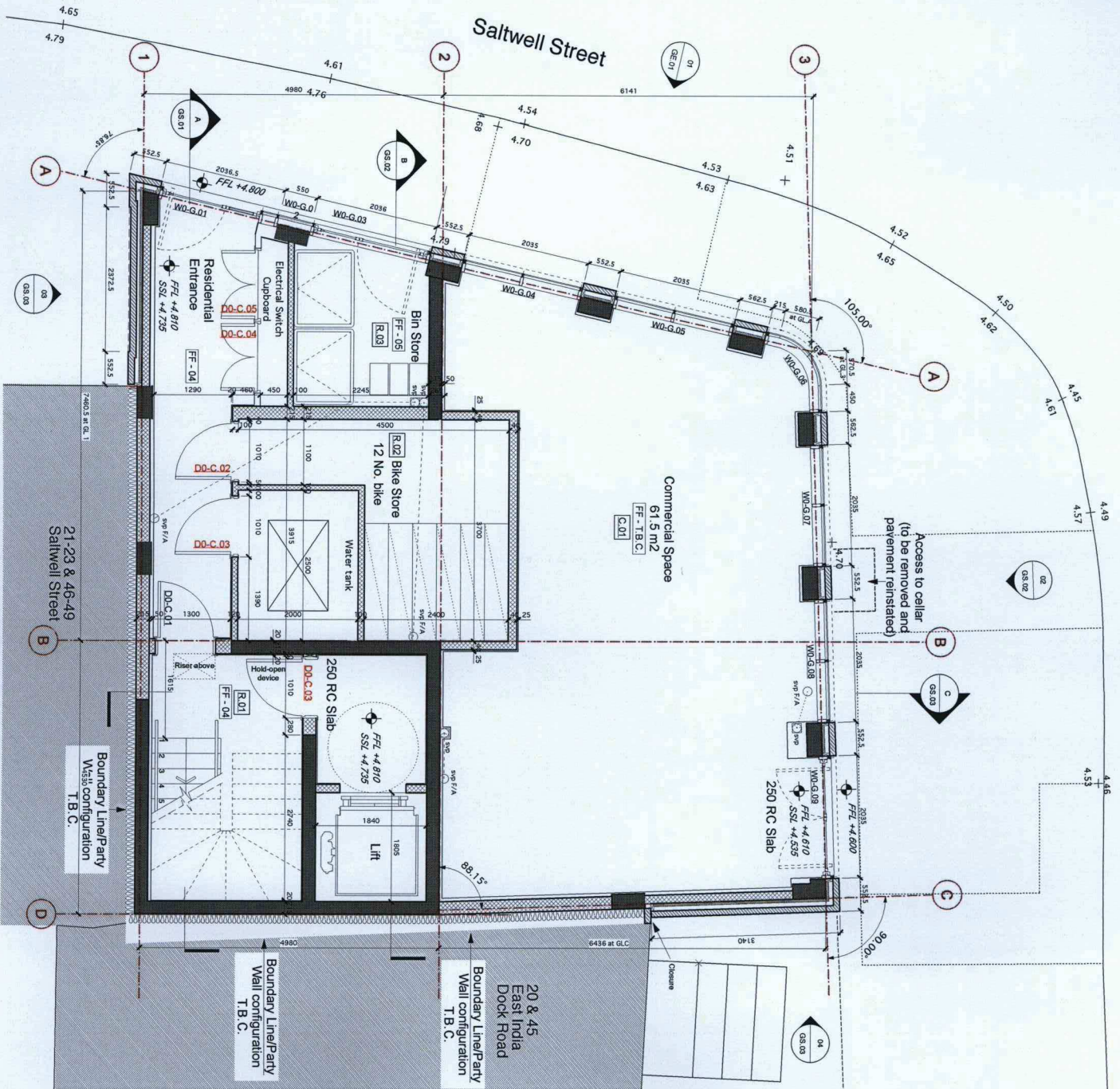
Post code

Telephone number (if any)

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

Appendix 2

East India Dock Road



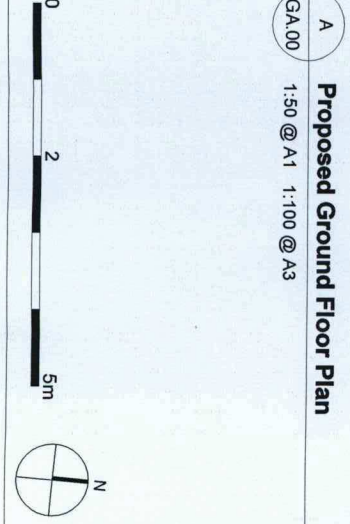
For Discussion Purposes

- Floor Finishes:**
- FF-01 Timber
 - FF-02 Carpet
 - FF-03 Tiles Bathrooms
 - FF-04 Tiles Core
 - FF-05 Painted Concrete
 - RF-01 Decking Terrace
 - RF-02 Land Flood

NOTES

THIS IS A DESIGN INTENT DRAWING. SUB-CONTRACTOR / SUPPLIERS DETAILED DRAWINGS AND SPECIFICATIONS TO BE SUBMITTED FOR DESIGN TEAM INFORMATION AND/OR COMMENT

Setting out and all G.A. drawings prepared from survey information. All setting out must be checked on site. All levels must be checked on site and refer to the drawing. All dimensions must be checked on site. All dimensions must be checked on site. The drawing must not be scaled. This drawing must not be used for land transfer purposes. This drawing must not be used for land transfer purposes. This drawing must not be used for land transfer purposes.



Client	Estates and Lets LLP
Project	The Phoenix Pub 104 East India Dock Road London E14 0BP
Drawing Title	Proposed Ground and 1st Floor Plans
Scale	1:50@A1 1:100@A3
Date	Jan 2013
Revision	F

21 Architecture Ltd

Twenty First Architecture Ltd,
 314 Oswell Road,
 London, EC1V 7AF
 Tel: +44(0)20 7952 0252
 www.21architecture.com

Revised to accommodate MFP requirements
 F 23.10.14
 E 21.01.14
 C 21.02.13
 B 21.02.13
 A 30.01.13

Appendix 3



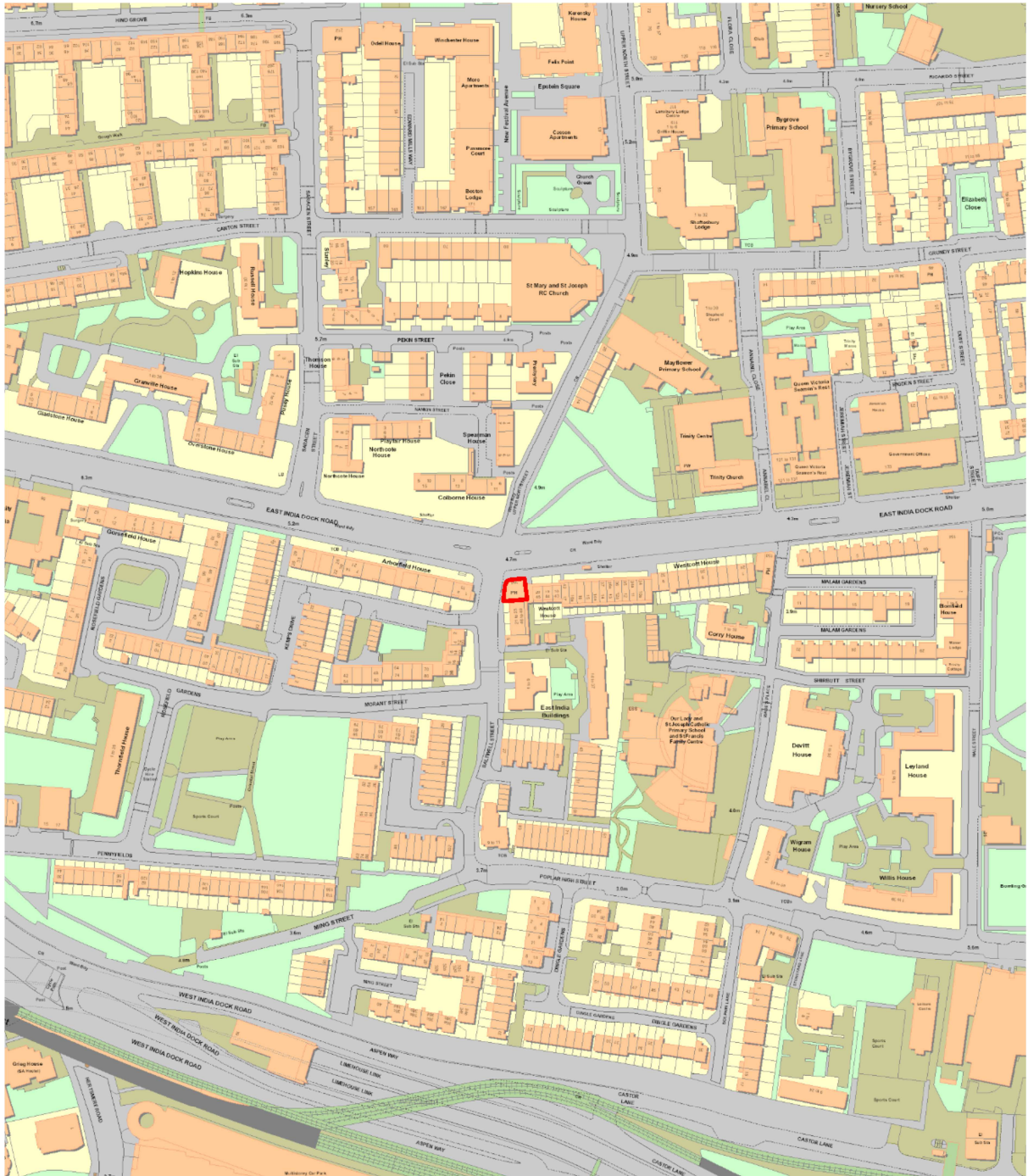
104 East India Dock Road

Map 1



104 East India Dock Road

Map 2



104 East India Dock Road

Map 3

Appendix 4

Section 182 Advice by the Home Office Updated on March 2015

Relevant, vexatious and frivolous representations

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

by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 5

Andrew Heron

From: Jamir Chowdhury [REDACTED]
Sent: 01 February 2017 16:55
To: Licensing
Subject: Pheonix Off Licence, Pheonix Loft 104, East India Dock Road, London E14 0BP

FAI: Licencing Department

Re: Pheonix Off Licence, Pheonix Loft 104, East India Dock Road, London E14 0BP

Dear Sir/Madam

As a premises shop owner, leased from Tower Hamlets Council (JTA Convenience Store, [REDACTED]), I'm writing **against** a proposed licencing application for a proposed Off Licence at Pheonix Loft 104, East India Dock Road, London E14 0BP for the following reasons:

1. There has been a number of concern raised to me in person by the local residents of having an Off Licence there. There was a pub there in the past, I'm sure The Council has access to a number of complaints received about the pub from the past, complaints of possible increase noise, fights and Anti-Social Behaviour.
2. My premises has been burgled three times in the last two years, in my view, having an Off Licence will increase threat to my premises being burgled.
3. Having an Off Licence will attract a number of unwanted people often with adverse behaviour, linking to the above point, the increase of drinking and loitering will have a negative impact on the immediate surrounding environment and will adversely affect my business.
4. My business will be severely impacted, I'm struggling now to make ends meet, how would I be able to compete with an Off License if it granted permission to open from early till late (11pm)
4. The noise levels will be increased, as this is a residential area, noise levels will increase, not just by increased late night foot fall, but, with alcohol consumption, and a number of other add on noise related activities can take place.
5. There has been a number of people who has approached me to raise concerns on their behalf against allowing licence for the proposed Off Licence, some people do not want to come forward direct and others have writing capability issues. If the Council wishes to, signatures can be provided to support this point.

I hope you take the above into consideration, I strongly oppose the application for an off Licence.

Kind regards

Jamir Chowdhury

Appendix 6

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

There is also guidance issued around public nuisance (2.14 – 2.20).

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

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.20).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (13.13).

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 7

Access and Egress Problems

Such as:
Disturbance from patrons arriving/leaving the premises on foot
Disturbance from patrons arriving/leaving the premises by car
Lack of adequate car parking facilities
Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.19).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

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

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.