

# Appendix 1

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

**I/We** Mr Azzam Barhamji

*(Insert name(s) of applicant)*

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Shawarma 84 Brick Lane</b>			
<b>Post town</b>	London	<b>Postcode</b>	<b>E1 6RL</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£12,500</b>

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

Application

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick yes

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

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

### Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

Please give a general description of the premises (please read guidance note 1)  
Fast-food premises offering hot food & non-alcoholic beverages, for consumption on & off the premises.

The application follows recent temporary event notices permitting activities until 02:00 and pre-consultation with both the Police Licensing & Environmental Health officers.

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

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

*(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)*

Provision of regulated entertainment

Please tick any that apply

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

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

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

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

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)	
Day	Start	Finish		
Mon				
Tue				<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed				
Thur				<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri				
Sat				
Sun				



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur								
Fri						<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat								
Sun								

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take <b>place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	23:00	02:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	23:00	02:00			
Wed	23:00	02:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	02:00			
Fri	23:00	02:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day Sundays before Bank Holidays until 02:00		
Sat	23:00	02:00			
Sun	23:00	02:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

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

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	02:00	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>Sundays before Bank Holidays until 02:00</p>
Tue	10:00	02:00	
Wed	10:00	02:00	
Thur	10:00	02:00	
Fri	10:00	02:00	
Sat	10:00	02:00	
Sun	10:00	02:00	



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

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

Please see appended list of conditions to promote all four licensing objectives. The application follows recent temporary event notices permitting activities until 02:00 and pre-consultation with both the Police Licensing & Environmental Health officers.

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

See a) above

**c) Public safety**

See a) above

**d) The prevention of public nuisance**

See a) above

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

See a) above

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.  ***NB. Electronic Submission - LA to serve RA's***
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures** (please read guidance note 10)

**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	[REDACTED]
Date	14/03/2017
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf of the Applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 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)

Our ref: [REDACTED]  
 [REDACTED]  
 Thomas & Thomas Partners LLP  
 [REDACTED]

Post town	<b>London</b>	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]m			

## Notes for Guidance


1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

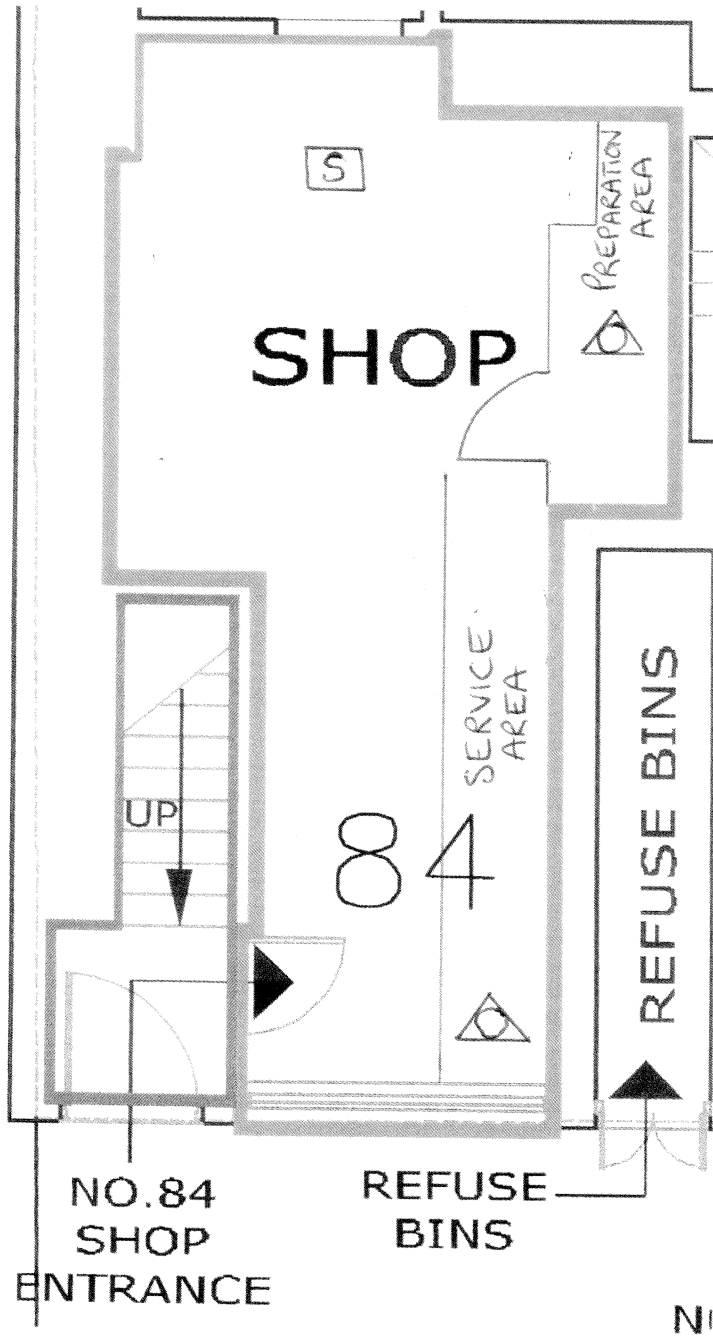
# Appendix 2

SHAWARMA, 84 BRICK LANE, E1 6RL

 Water Fire Extinguisher


 Foam Fire Extinguisher

 Automatic Smoke Detector

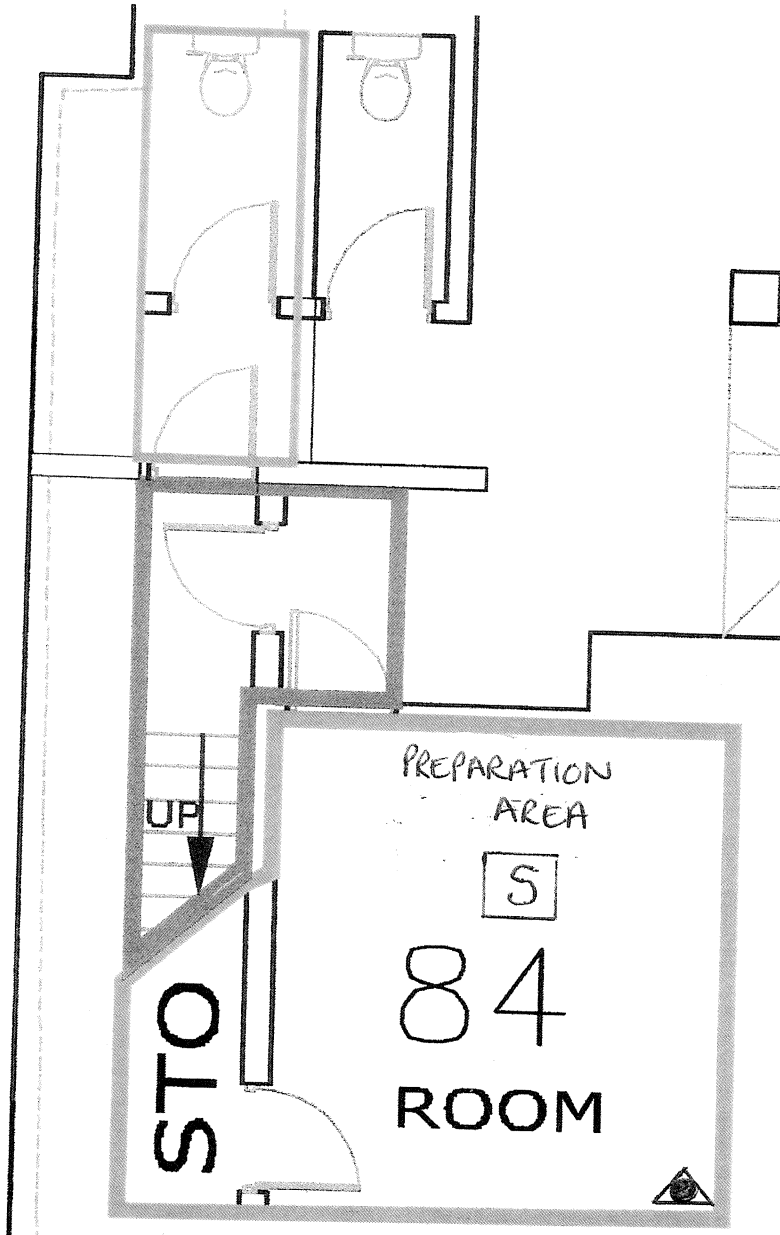


SHAWARMA, 84 BRICK LANE, E1 6RL

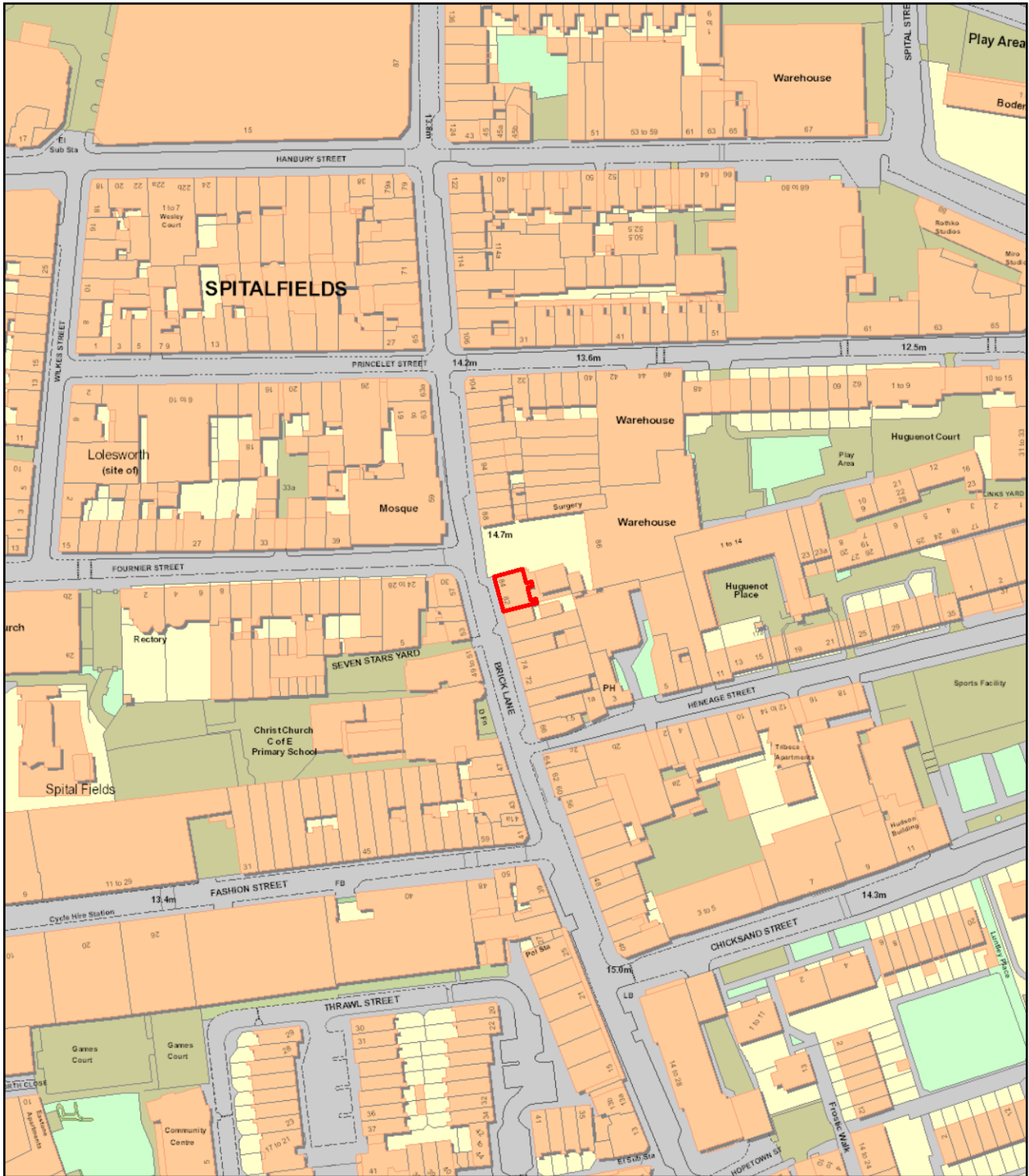
 Water Fire Extinguisher

 Foam Fire Extinguisher

 Automatic Smoke Detector



# Appendix 3



# 84 Brick Lane

## Map 1



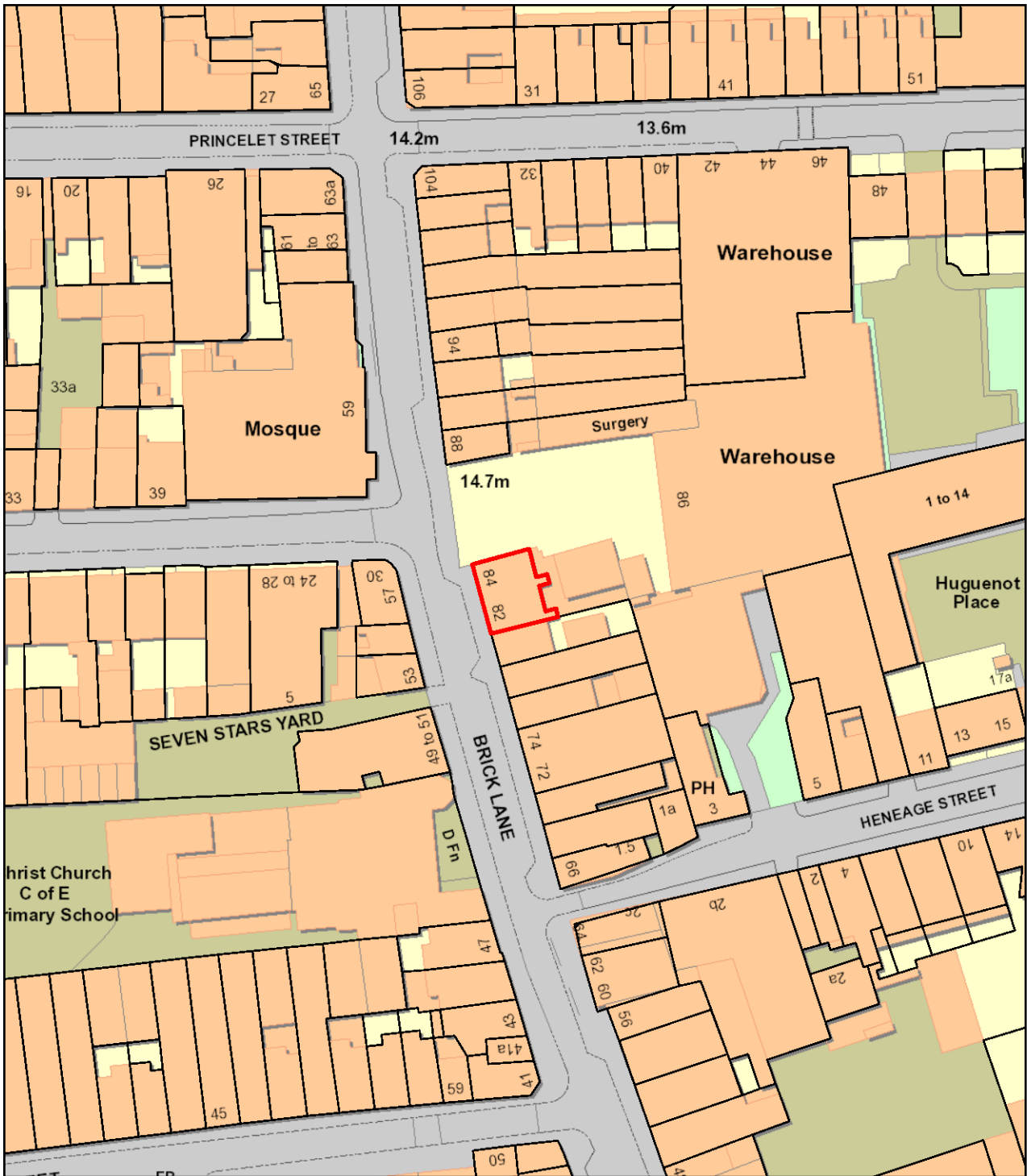
Scale 1:1725

10 0 10 20 30

Metres





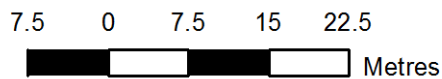


# 84 Brick Lane

## Map 2



Scale 1:863



# Appendix 4

Name and address	Licensing activities	Opening times
<p><b>(Hub by Premier Inn)</b>  <b>86 Brick Lane</b>  <b>London</b>  <b>E1 6RL</b></p>	<p><b><u>Sale of Alcohol (on and off sales)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 10:00hrs to 23:30hrs</li> </ul> <p><b><u>The Provision for Late Night Refreshments (indoors)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 23:00hrs to 23:30hrs</li> </ul> <p><b><u>The Provision of Regulated Entertainment in the form of Films (indoors)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 10:00hrs to 23:30hrs</li> <li>All Licensable activities will be available 24 hours a day, seven days a week for hotel residents.</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday from 06:00hrs to 00:00hrs (midnight)</li> <li>The hotel shall remain open 24hours a day for hotel residents</li> <li>All Licensable activities will be available 24 hours a day, seven days a week for hotel residents</li> </ul>
<p><b>(Pepe's Piri Piri)</b>  <b>82-84 Brick Lane</b>  <b>London</b>  <b>E1 6RL</b></p>	<p><b><u>The provision of late night refreshment</u></b></p> <p>Sunday to Thursday 23:00 – 23:30 hours.  Friday &amp; Saturday 23:00 – 01:00 hours the following day.</p>	<p>Sunday to Thursday 23:00 – 23:30 hours.  Friday &amp; Saturday 23:00 – 01:00 hours the following day.</p>
<p><b>(Masala Restaurant)</b>  <b>88 Brick Lane</b>  <b>London</b>  <b>E1 6RL</b></p>	<p><b>The sale of alcohol:</b>  Monday to Saturday 12:00 hours - 23:30 hours  Sunday 12:00 hours - 23:00 hours</p> <p><b>Late Night Refreshment:</b>  Monday to Saturday until 23:30 hours</p>	<p>Monday to Saturday 12:00 hours - midnight  Sunday 12:00 hours - 23:30 hours</p>
<p><b>(Monsoon)</b>  <b>78 Brick Lane</b>  <b>London</b>  <b>E1 6RL</b></p>	<p><b>The sale by retail of alcohol:</b></p> <p>Sunday 1200-2300 hours  Monday - Wednesday from 1200 -0000 (midnight)  Thursday - Saturday from 1100 - 02:00 hours the following day.</p> <p>On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	<p><b>The opening hours of the premises</b></p> <p>Sunday 1200- 23.00 hours  Monday - Wednesday from 1200 -0000 hours (midnight)  Thursday - Saturday from 11:00 hours until 02:00 hours the following day.</p>

	<p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p> <p><b>For provision of Late Night Refreshment:</b> Sunday - Saturday from 11:00 hours until midnight only</p>	
<p><b>(Suito Japanese Restaurant)</b> 90 Brick Lane</p>	<p><b>Sale of Alcohol:</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Saturday, from 12:00 hours to 23:30 hours</li> <li>▪ Sunday from 12:00 hours to 23:00 hours</li> </ul> <p><b>The Provision of Late Night Refreshment:</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Saturday, from 23:00 hours to 00:00 hours</li> <li>▪ Sunday, from 23:00 hours to 23:30 hrs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monday to Saturday from 12:00 hrs to 00:00 hrs</li> <li>▪ Sunday from 12:00 hrs to 23:30 hrs</li> </ul>
<p><b>(Saffron Restaurant)</b> 53 Brick Lane London E1 6PU</p>	<p><b>For the sale by retail of alcohol:</b> Monday - Saturday from 11:00 hours to 01:00 hours the following day Sunday from 11:00 hours to midnight</p> <p><b>Late Night Refreshment:</b> Monday - Saturday until 01:00 hours the following day Sunday until midnight</p> <p>New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<p>Monday - Saturday from 11:00 hours to 01:00 hours the following day Sunday from 11:00 hours to midnight</p>

<p><b>(Seven Stars) Basement and Ground Floor 49 Brick Lane</b></p>	<p><b>The times the licence authorises the carrying out of licensable activities</b>  <b>The sale by retail of alcohol</b>  Monday - Saturday 10 00 hrs to 02 00 hrs the following morning  Sunday 10 00 hrs to midnight</p> <p><b>Late Night Refreshment</b>  Monday - Saturday until 02 00 hrs the following morning  Sunday until midnight</p> <p><b>The provision of regulated entertainment</b>  <b>Live Music and the Provision of Facilities for Making Music (Karaoke only)</b>  Monday - Saturday 19 00 hrs to 02 00 hrs the following morning  Sunday 19 00 hrs to midnight</p> <p><b>Recorded Music</b>  Monday - Saturday from 11:00 hrs to 02:00 hrs the following morning  Sunday 11 00 hrs to midnight</p>	<p>Monday - Saturday 10 00 hrs to 02 30 hrs the following morning  Sunday 10 00 hrs to 00 30 hrs the following morning</p>
---	---	--

# Appendix 5

Tom Lewis  
LBTH Licensing

[REDACTED]  
[REDACTED]  
[REDACTED]

HT - Tower Hamlets Borough  
HH - Limehouse Police Station

Licensing Office  
Toby Club Sno

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Facsimile:

Email:

[REDACTED]  
[REDACTED]

.uk

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

Your ref:

Our ref:

6 April 2017

Dear Mr Lewis

Application for a premises licence

Shawarma, 84 Brick Lane, E1 6RL

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

*The prevention of crime and disorder*

*The prevention of public nuisance*

The applicant has applied for the following hours in relation to late night refreshments:

All week until 2am (including non standard timings, which is essentially all night on NYE)

LBTH adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane area due

to the concerns about the number of licensed premises in such a small area and the

resulting number of ASB calls and the potential for disorder.

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

Brick Lane has become a “destination venue” for the night time economy in Tower Hamlets. There has been a steady increase in bars, restaurants and fast food premises. However, there has been a multi-agency approach in considering applications and there has been a consensus that lesser hours has improved the local environment.

If this application is granted in full, it would be a set back for this policy. One more late night opening venue will only compound the problems in this part of Brick Lane. I am aware that TENs were granted but there is a big difference with the granting of a permanent licence and the TEN policy that grants 15 per year.

This will only encourage people to remain for a further period of time in the Brick Lane area. At 2am in the morning, ASB can easily occur whether it's people continuing to drink in the nearby streets with their food or just raising their voices. There is also potential for violence if people who are under the influence of alcohol, encounter one another inside the venue or outside on the street.



Can the applicant provide evidence that the operation of the premises will not add to the negative cumulative impact already being experienced in this area?

Can they reassure the committee that they will not contribute to ASB when their patrons leave the venue whether it is standing in the street drinking or shouting at the top of their voices?

The applicant has put forward the following condition

4. Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate.

How will this be achieved?

I am aware that there have been complaints which will be highlighted by my LBTH Licensing colleagues.

Brick Lane and the surrounding streets still has a considerable residential population which would be adversely affected by the granting of a 2am licence.

Since the introduction of the CIZ. I believe Brick Lane has become a better and safer environment for businesses and residents. I ask the committee to refuse the application.

If they are to grant the application I would ask them to consider the following:

Late night refreshments

Fri - Saturday : 2300- midnight

In terms of the non standard hours, the applicant can apply for a TEN which can be assessed by the police closer to NYE

If the committee is to grant a licence past midnight I would like them to consider the following

1xSIA : from midnight until closing.

Alan Cruickshank PC 189HT

# Appendix 6

## Corinne Holland

---

**From:** [REDACTED] behalf of Licensing  
**Sent:** 06 April 2017 17:06  
**To:** Corinne Holland  
**Subject:** FW: REPRESENTATION MAU 099154 - Shawarma 84 Brick Lane London

---

**From:** Nicola Cadzow  
**Sent:** 06 April 2017 13:42  
**To:** Licensing  
**Cc:** [REDACTED]@met.police.uk; Mark Perry; [REDACTED]@tandtp.com  
**Subject:** REPRESENTATION MAU 099154 - Shawarma 84 Brick Lane London

Dear Licensing

When regarding the application for Premises License and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are well beyond the Council's framework hours.

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

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

The applicant is proposing:

- **late night refreshment until 02:00 hours seven days a week.**

I would consider:

- **late night refreshment until Midnight Fridays and Saturdays**

**Noise Sensitive premises:** residential and commercial premises in close proximity to 84 Brick Lane.

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

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

### **CONCLUSION**

Environmental Protection **does not** support the application for 84 Brick Lane as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

Nicola Cadzow  
Environmental Health Technical Officer  
Place Directorate



# Appendix 7

## Communities, Localities & Culture Safer Communities

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

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

Tel [REDACTED]  
Fax 0 [REDACTED]  
Enquiries to **Mohshin Ali**

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

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

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

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

11<sup>th</sup> April 2017

Your reference  
My reference: CLC/LIC/99154/MA

Dear Sir/Madam,

### Licensing Act 2003

#### New premises licence application: Shawarma, 84 Brick Lane, London E1 6RL

On 1<sup>st</sup> November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. *The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect (8.2)*

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

*The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane Area as having a*

*cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone (CIZ) (8.3).*

*The effect of this CIZ Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ (8.4).*

The Licensing Authority is therefore making a representation against the above application on the grounds of:

- the prevention of crime and disorder and
- the prevention of public nuisance.

If the applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area; then I ask the Committee to reject the application in full.

The Tower Hamlets statement of licensing policy makes it clear (8.4) that the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This is also repeated in the Home Office guidance (8.35). *Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.*

The hours applied for are longer than the framework hours in the Tower Hamlets licensing policy (15.8). The policy states that application to operate outside of the framework hours will be considered on their merit, with regard to:

*a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).*



*b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.*

*c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder **and** the prevention of public nuisance.*

*d) Where the premises have been previously licensed, the past operation of the premises.*

*e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.*

*f) The proximity of the premises to other licensed*

The applicant has not satisfied these criteria. The Home Office guidance (8.33) says:

*Applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.*

The following Temporary Events notice (provision of late night refreshment) were granted for the premises:

- 9 – 12 February 2017 until 02:00 hours
- 2 – 5 February 2017 until 02:00 hours
- 26 – 29 January 2017 until 02:00 hours
- 20 – 22 January 2017 until 02:00 hours
- 1 January 2017 until 05:00 hours
- 22 – 25 December 2016 until 02:00 hours
- 15 – 18 December 2016 until 02:00 hours
- 8 – 11 December 2016 until 02:00 hours
- 1 – 4 December 2016 until 02:00 hours
- 25 – 27 November 2016 until 02:00 hours

I have also looked at the history of complaints on the Licensing Authority's system and the following are recorded against the premises:

**19/3/2017** (EVU - 71158) – Licensing Authority visited the premises and found to be closed at 00:00 hours (midnight)

**25/02/2017** (EVU - 71071) – Licensing Authority and Police Licensing visited the premises at 23:55 hours. Staff appeared to be cleaning up and no one else inside.

**19/12/2016** (CMU - 86435) – Complaint from resident: allegation of operating beyond the times of the TEN. A warning letter was sent to the premises.

**14/12/2016** (CMU - 86209) – Complaint from resident: allegation of operating beyond the times of the TEN. A warning letter was sent to the premises.

**28/11/2016** (CMU - 86076) – Complaint from resident: allegation of operating beyond the times of the TEN.

**10/10/2016** (CMU - 85606) – Complaint from Licensing: allegation of operating without a licence. Warning letter sent.

**6/10/2016** (CMU - 85706) – Complaint from resident: allegation of operating until 03:00 hours. Warning letter sent

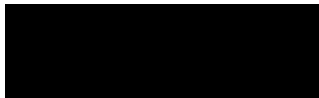
**29/7/2016** (EVU - 70129) – Licensing Authority visited the premises to see if it was trading without a licence. Premises closed at the time of the visit.

**30/4/2016** (EVU - 69561) – Licensing Authority visited the premises to see if it was trading without a licence. Premises closed at 00.20 hours.

A premise licence application (received on 9/5/2016) was refused by the Licensing Sub-Committee at the hearing on the 5<sup>th</sup> July 2016. The applicant then appealed that decision and on the 15<sup>th</sup> September 2016, the Magistrates Court dismissed the appeal.

If the Licensing Sub-Committee is minded to grant a licence then I would ask that the hours are reduced closer to the framework hours.

Yours faithfully,



Mohshin Ali  
**Senior Licensing Officer**  
**Acting as a Responsible Authority**

**CC:** Applicant's solicitor, [REDACTED] Thomas & Thomas Partners  
LLP [REDACTED] [@tandtp.com](mailto:[REDACTED]@tandtp.com)

**Place Directorate  
Public Realm**

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

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

Tel 0 [REDACTED]  
Fax [REDACTED]  
Enquiries to **Mohshin Ali**

Email [REDACTED]@towerhamlets.gov.uk

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

Mr. Azzam Barhamji  
Shawarma  
84 Brick Lane  
London  
E1 6RL

20<sup>th</sup> January 2017

Your reference  
My reference: LIC/86435/MA

Dear Mr. Barhamji,

**Licensing Act 2003, Section 136**

Premises: Shawarma, 84 Brick Lane, London E1 6RL

This Licensing Authority has received a complaint regarding the above premises as follows:

- ***“Thu 15 Dec16: closing after 0300 Friday morning, intermittent noise disturbance***
- ***Fri 16 dec16: closing 0400 Saturday morning, intermittent noise disturbance***
- ***Sat 17 dec16: a sign reading 'business is closed' appeared at some point on Sunday morning, but premises remained open to customers. I was woken at 03:45 hours by noise from a group of customers using nitrous oxide and kicking a football around in the street as they waited for their order. Closing sometime after 0400”***

We last wrote to you on the 14<sup>th</sup> December 2016 regarding a similar complaint. I note you had a TEN for the following:

**Thursday 15th to Sunday 18th December 2016 (The provision of late night refreshment)**

- **23:00 to 02:00 (i.e. to extend Thursday, Friday and Saturday evenings)**

In order to prevent any further TENs or licence application being objected you I would recommend that measures are put in place to prevent any customers loitering outside your premises, if necessary you should consider employing SIA security staff at times when this is likely to occur. You must cease supplying hot food at 02:00 hours, as given in your Temporary Event Notices.

I must advise you that;

**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.**

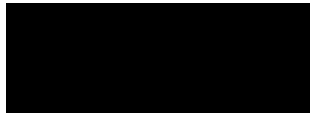
**A person guilty of an offence under section 136 of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.**

**You are advised to cease the unauthorised licensing activity with immediate effect.**


Your premises will be monitored for compliance. For further advice please contact your legal representative.

The authority appreciates that not all complaints are justified when they are made but it is our procedure to bring them to the attention of the premises holder and the Designated Premises Supervisor, and invite you to make any comments you consider appropriate.

Yours sincerely,



Mohshin Ali  
**Senior Licensing Officer**

cc :  Thomas & Thomas Partners LLP, 38a Monmouth Street, London WC2H 9EP



2009-2010  
Positive engagement of older people  
2009-2010  
Preventing and tackling child poverty  
2003-2009  
Winner of 7 previous  
Beacon Awards



## Communities, Localities & Culture Environmental Health & Trading Standards

Mr. Azzam Barhamji  
84 Brick Lane  
London  
E1 6RL

Head Of Service **David Tolley**

Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

14<sup>th</sup> December 2016

Tel [REDACTED]  
[REDACTED]

Enquiries to [REDACTED]  
[REDACTED] [towerhamlets.gov.uk](http://towerhamlets.gov.uk)

My reference CLC/LIC/86209

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

**Dear Mr. Barhamji,**

### **Licensing Act 2003, Section 136**

**Premises: Shawarma, 84 Brick Lane, London E1 6RL**

This Licensing Authority have received a complaint that you are supply hot food and hot drinks beyond the hours of the Temporary Event Notices. Allegations are made that you are operating until 3/3:30 am and attracting customers to gather outside your premises; taking nitrous oxide and causing anti-social behaviour.

In order to prevent any further TENs being objected you I would recommend that measures are put in place to prevent any customers loitering outside your premises, if necessary you should consider employing SIA security staff at times when this is likely to occur. You must cease supplying hot food at 02:00 hours, as given in your Temporary Event Notices.

Can you please provide a copy of the incident report book as kept for the TENs held on 26-27<sup>th</sup> November 2016 and 8<sup>th</sup>-11<sup>th</sup> December 2016.

### **I must advise you that;**

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.

**A person guilty of an offence under section 136 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 the unauthorised licensing activity with immediate effect.**

M:\Licensing\Word97\ENFORCEMENT\EnfLetters\Unlicensed\BrickLa84.001.doc

Your premises will be monitored for compliance. For further advice please contact your legal representative.

Yours sincerely

[REDACTED]

**Kathy Driver**  
**Principal Licensing Officer**

c.c. [REDACTED] Thomas & Thomas Partners LLP, 38a Monmouth Street,  
London WC2H 9EP

**Communities, Localities & Culture**  
Safer Communities

Shawarma  
84 Brick Lane  
London  
E1 6RL

Environmental Health and Trading Standards  
**David Tolley**

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

Tel [REDACTED] 5  
Fax [REDACTED]  
Enquiries to [REDACTED]  
Email [REDACTED]@towerhamlets.gov.uk

10<sup>th</sup> October 2016

My reference: TSS/LIC/91406  
Your reference:

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

Dear Azzam Barhamji,

**Licensing Act 2003**  
**Re: Shawarma - 84 Brick Lane, London, E1 6RL**

The Licensing Authority has received information that you are remaining open until 01:00hrs. As you are well aware, you do not hold a licence under the Licensing Act 2003. Your application was refused by the Tower Hamlets Licensing Sub Committee and your appeal was refused at Thames Magistrates Court.

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 between 23:00hrs and 05:00hrs the following day).

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 the unauthorised licensing activity with immediate effect.

Enforcement visits and test purchases may be carried out. If you are found to be operating without the appropriate licence, this Authority will not hesitate to seek legal action against you.

For further advice please contact your legal representative. Alternatively, you may wish to apply for a licence.

Yours sincerely,



**Andrew Heron**  
**Licensing Officer**





2009-2010  
Positive engagement of older people  
2009-2010  
Preventing and tackling child poverty  
2003-2009  
Winner of 7 previous  
Beacon Awards



INVESTOR IN PEOPLE

## Communities, Localities & Culture Safer Communities

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

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

Tel [REDACTED]  
Fax [REDACTED]  
Enquiries to [REDACTED]

Email [REDACTED]@towerhamlets.gov.uk

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

Azzam Barhamji  
84 Brick Lane  
London  
E1 6RL

24<sup>th</sup> October 2016

Your reference  
My reference: CLC/LIC/93945/MA

Dear Mr Barhamji,

### Licensing Act 2003

Magistrates' Appeal: (Shawarma) 84 Brick Lane, London E1 6RL

In our letter dated 18<sup>th</sup> July 2016, you were informed that the Licensing Sub-Committee refused your premises licence application on the 5<sup>th</sup> July 2016. You then appealed that decision to the Thames Magistrates Court. The first hearing was set on the 15<sup>th</sup> September 2016 and you failed to appear in Court. The Court then ordered that the appeal was refused and dismissed the matter. You then had 21 days to appeal this decision to the Crown Court.

The Licensing Authority has received a complaint as follows:

***“Through September the premises have started staying open well beyond the permitted times and as previously there has been noise disturbance from customers. I noted a few recent closing times:***

- ***Thu 22 Sep16: closing 0100***
- ***Fri 23 Sep16: 0230***
- ***Sat 24 Sep16: after 0300***
- ***Wed 28 Sep16: 0030***
- ***Thu 29 Sep16: 0200***
- ***Fri 30 Sep16: 0300***

***... The proprietor, Mr Barhamji, was present on all the dates shown”.***

We have also sent you another letter on the 10<sup>th</sup> October 2016 regarding similar allegations. I attach a copy of this letter for your information.

According to the Council records you did 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;**

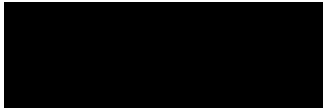
- **the provision of late night refreshment (selling hot food and drinks between 23:00 hours to 05:00 hours)**

**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 to an unlimited fine, or to both.**

Enforcement visits and test purchases may be carried out and if you are found to be operating without the appropriate licence, this Authority will not hesitate to seek legal action against you. For further advice please contact your legal representative. Alternatively, you may wish to apply for a licence.

The Authority appreciates that not all complaints are justified when they are made but it is our procedure to bring them to the attention of the responsible person invite you to make any comments you consider appropriate.

Yours faithfully



Mohshin Ali  
**Senior Licensing Officer**

**Communities, Localities & Culture  
Safer Communities**

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

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

Tel [REDACTED]  
[REDACTED]  
Enquiries to **Mohshin Ali**  
Email [REDACTED] [towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)

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

Azzam Barhamji  
84 Brick Lane  
London  
E1 6RL

18<sup>th</sup> July 2016

Your reference  
My reference: TSS/LIC/91406/MA

Dear Sir/Madam,

**Licensing Act 2003**

**Application for a Premises Licence: (Shawarma) 84 Brick Lane, London  
E1 6RL**

I regret to have to inform you that your application for the above premise was refused by the Licensing Sub-Committee at the hearing on the **5<sup>th</sup> July 2016**.

The reasons for this decision are attached in **Appendix A**.

Your rights of appeal are contained in **Appendix B**

Yours faithfully,

[REDACTED]

**Mohshin Ali**  
**Senior Licensing Officer**

## **Appendix A**

### Reasons for refusing a Premises Licence

Members were aware of and bore in mind the following general advice:

- **Licensing Officer comments on noise while the premise is in use**
- **Licensing Officer comments on access/egress problems**
- **Licensing Officer comments on crime and disorder on the premises**
- **Licensing Officer comments on crime and disorder from patrons leaving the premises**
- **Planning**
- **Licensing Policy relating to hours of trading**
- **Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone**

Members considered the evidence presented by:

- **Applicant**
- **Met Police**
- **Licensing Authority**
- **Environmental Protection**
- **Local resident / residents association**

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:

**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.**

### **Consideration**

**Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the written and verbal representations made by the applicant and those of the three responsible authorities and two residents who had objected to the application. Members noted that the applicant verbally amended his application at the hearing to reduce opening hours and the hours in which licensable activities are to occur, namely the provision of late night refreshments, from 24 hours per day 7 days per week to Monday to Sunday 0800 to 0200 with the same opening hours. Members also considered the licence conditions proposed as set out in the operating schedule of the application.**

**Members were concerned as to the serious issues which the responsible authorities had raised regarding the prevention of crime and disorder and the prevention of public nuisance. Members were very mindful that the area is a densely populated residential area and that the opening hours applied for were well beyond the Council's current framework hours.**

- Members were of the view that the applicant had not adequately considered the risks of opening beyond the Council's framework hours and had failed to provide adequate reasoning to show why they should be granted a licence which goes beyond framework hours; nor did the application demonstrate how crime and disorder and public nuisance would be prevented.**
- Members were of the view that the applicant had not adequately understood and addressed the rebuttable presumption in the council's Cumulative Impact Zone Policy and had failed to provide evidence to rebut the presumption that his business would impact on the issues already experienced within the Cumulative Impact Zone.**

**Members were also of the view that adding conditions to a licence would not assist in the promotion of the licencing objectives.**

**In considering their decision Members gave regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder and the Prevention of Public Nuisance, and also the council's own Licence Policy.**

**Considering all of the above, Members had no confidence that the Applicant would be able to promote the licensing objectives and unanimously decided to refuse the application.**

### **Decision**

**Accordingly, the Sub-Committee unanimously**

### **RESOLVED**

**That the application for a Premises Licence for Shawarma, 84 Brick Lane, London, E1 6RL be REFUSED.**

## **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.

*Thames Magistrates' Court  
58 Bow Road  
London  
E3 4DJ*

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 the appellant was notified by the Licensing Authority.

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

# Appendix 8

## Corinne Holland

---

**From:** Corinne Holland on behalf of Licensing  
**Sent:** 10 April 2017 13:42  
**To:** Corinne Holland  
**Subject:** FW: Shawarma, 84 Brick Lane, London E1 6RL - Late Night Refreshment (LNR) Licence

-----Original Message-----

From: David Cunningham [mailto:████████████████████]  
Sent: 09 April 2017 21:31  
To: Licensing  
Subject: Shawarma, 84 Brick Lane, London E1 6RL - Late Night Refreshment (LNR) Licence

To - Licensing, Tower Hamlets Council.

Shawarma, 84 Brick Lane, London E1 6RL - Late Night Refreshment (LNR) Licence

I object to the proposed hours of the license application on the grounds of the prevention of crime and disorder, public nuisance and public safety. This is the second application in less than a year and the situation has not changed in that time. I live ██████████ the premises and noise disturbance from late night opening makes uninterrupted sleep in my flat impossible.

The applicant has a very poor history of compliance with licensing conditions. In March and April 2016 Shawarma was regularly open until 0200, frequently later, resulting in serious noise disturbance from customers and others. There was a regular presence of cars playing very loud music parked outside the premises apparently waiting for takeaway food. The premises became a magnet for drunk people who spent considerable time outside the premises and hanging around in local doorways, there were regular incidences of begging and aggressive and intimidating behaviour.

All these problems reappeared during subsequent unauthorised late openings in 2016 and again with a series of Temporary Event Notice late openings in November and December 2016, the majority of which continued until 0400, long after the TEN approved hours. I have written to Licensing about these problems a number of times, of particular concern was obvious drug use inside and immediately outside the premises which the applicant did nothing to dissuade.

The following series of TEN late openings in January and February 2017 were on some of the coldest nights of the year and Brick Lane was very quiet as is usual at this time of year, at times almost deserted. In consequence there were no significant problems apart from late night noise disturbance in February but it should be noted that this was a complete contrast to the late night opening in 2016.

The late openings in January and February can not possibly be used as a reasonable example of a lack of problems.

The licensing objectives - prevention of crime and disorder, public nuisance and impact on public safety:

The applicant's response to the licensing objectives has been given in an Application Summary. Overall the prevention measures outlined in these responses appear token and generally unlikely to prove effective. These measures, even if successfully implemented, do not address problems generated which affect surrounding residential streets. This summary response is inadequate to fulfil the licensing objectives and prevent problems which have already been evident on previous late openings.



The Application Summary points 2 and 3 deal with CCTV. Many of the the problems in 2016 outlined above took place in front of a Council CCTV camera, the effect as deterrent to ASB appeared to be minimal.

Application Summary point 4 states: 'Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate.'

It is difficult to interpret what is meant here by 'reasonable' and how this can be accomplished or enforced, if at all. This proposal is unlikely to resolve the issue of customers and others causing disturbance outside (as outlined above) and can do nothing to prevent groups of customers re-congregating outside nearby residential addresses as has happened on many previous occasions.

There are additional nuisance problems which the application fails to address - it is difficult to see what measures can be taken to prevent the problem of customers in cars playing loud music parked outside the premises. Shawarma is signed up with a number of online takeaway delivery firms which means noise disturbance from the arrival and departure of motorcycles, often with alarms that accidentally go off. There is no guarantee that this will not go on very late.

Application Summary point 7: 'All windows and external doors shall be kept closed'

It is worth considering how the design of the premises impacts on the behaviour of customers. The takeaway counter area can only accommodate about 4 or 5 people so customers tend to queue in the doorway and outside. A group of more than six will generally spill out onto the street. Customers are inclined to order food and wait outside. Large groups of customers typically divide into a few individuals queuing inside and the others congregating outside. The door and serving window of the premises have been kept open on all previous late openings. It is difficult to see how the applicant can manage to keep the door closed at busy periods for the business (which is when problems generally arise) or even how this make any practical difference diminishing any disturbance.

This also appears to directly contradict the applicant's response to application (Section I): 'Will the provision of late night refreshment take place indoors or outdoors or both' - the applicant has confirmed 'both'.

To my knowledge the applicant has taken no action to discourage antisocial behaviour on the numerous previous occasions when it has taken place within the premises or involved customers immediately outside.

According to figures from the recent Late Night Levy proposal most ASB and crime in the area takes place between midnight and 0200. Late licences create a problem of people loitering in residential streets causing at best a nuisance, frequently a contribution to the high crime incident rate in the Brick Lane area and corresponding strain on police and public health resources.

The application does not reference the Cumulative Impact Zone at all, in particular the key consideration that the area includes residential premises likely to be adversely affected by operation outside the framework hours. One of the main reasons for the introduction of the CIZ was to combat the expansion of late night takeaways. As has happened previously, Shawarma will inevitably attract drunken and anti-social behaviour and the measures proposed in the application fail to realistically address the licensing objectives.

The problems I have described above have all taken place outside the CIZ framework hours. The application fails to provide evidence that late night operation will not impact on the issues already experienced within the Cumulative Impact Zone. It is inappropriate to allow a single establishment to remain open substantially longer than other premises in this location so close to a concentration of housing in Brick Lane and surrounding streets. This will only exacerbate the existing problems of anti-social behaviour, drug related activity, street drinking and late night noise and disorder.

I ask that this application be completely refused as the licensing objectives can not be upheld and the application does not justify any exception to the principles of the Cumulative Impact Zone.

yours

David Cunningham

██████████  
██████████ E

This email and any attachments are intended solely for the addressee and may contain confidential information. If you are not the intended recipient of this email and/or its attachments you must not take any action based upon them and you must not copy or show them to anyone. Please send the email back to us and immediately and permanently delete it and its attachments. Where this email is unrelated to the business of University of the Arts London or of any of its group companies the opinions expressed in it are the opinions of the sender and do not necessarily constitute those of University of the Arts London (or the relevant group company). Where the sender's signature indicates that the email is sent on behalf of UAL Short Courses Limited the following also applies: UAL Short Courses Limited is a company registered in England and Wales under company number 02361261. Registered Office: University of the Arts London, 272 High Holborn, London WC1V 7EY

# Appendix 9

## Corinne Holland

---

**From:** Glenn Leeder <[REDACTED]>  
**Sent:** 26 March 2017 14:04  
**To:** Licensing  
**Subject:** Objection to proposed licence at 84 Brick Lane

Please register my objection to the proposal for a late licence (2am) at 84 Brick Lane. This establishment recently applied for a late licence until 5am and this was rejected by tower Hamlets. Please reject this licence application as well and help protect the local residents from nuisance and disorder.

Tower Hamlets has a Cumulative Impact Zone in effect to help protect the local residents from an over-saturation of licenced premises. Please follow this CIZ. At present, local residents, including myself, are subject to disgusting disorder and nuisance from drunk people leaving Brick Lane and heading for transport hubs in Commercial Street and Bishopsgate.

I regularly find people have urinated and vomited in my street. Every day there are cans, bottle and other empty alcohol containers left in my street for me and the other residents to clean up. It is disgusting and upsetting. Local children should not be subjected to this. 84 Brick lane contributes to this nuisance and disorder and does not need to be open until 2am during the week.

We are continually subject to noise nuisance and disorder from revellers leaving Brick Lane.

To help prevent disorder and nuisance from late night revellers, please reject this application at 84 Brick Lane to operate until 2am. Uphold the Cumulative Impact Zone guidelines to not issue new licences within the Brick lane Zone.

Thank you  
Glenn Leeder

[REDACTED]  
[REDACTED]

# Appendix 10

## Corinne Holland

---

**From:** [REDACTED] behalf of Licensing  
**Sent:** 03 April 2017 15:16  
**To:** Corinne Holland  
**Subject:** FW: Licensing Application by "Shawarma", 84 Brick Lane, E1 6RL

---

**From:** Jon Shapiro [[mailto:\[REDACTED\]](mailto:[REDACTED])]  
**Sent:** 01 April 2017 20:14  
**To:** Licensing  
**Cc:** Alan Cruickshank; [REDACTED]  
**Subject:** Licensing Application by "Shawarma", 84 Brick Lane, E1 6RL

Dear Sir or Madam,

I would like to request that the Licensing Application by "Shawarma" should be wholly refused on the grounds of the prevention of public nuisance.

It is well known that the provision of hot food under a Late Night Refreshment (LNR) Licence within the Brick Lane CIZ often fuels late-night drinkers and hence encourages ASB – of which there is more than enough already in Brick Lane!

In particular Shawarma has an appalling record of ignoring their licensing conditions, opening beyond their permitted hours and allowing noise to disturb local residents.

"Shawarma" recently applied for a similar LNR which was quite rightly refused, and I hope this application will also be refused.

Given the track record of complaints about "Shawarma", by copy of this licence objection to the MPS I would request that in future the MPS should no longer approve any request for TENs made by "Shawarma".

I would ask the Licensing Panel please to wholly refuse this Licensing Application.

Yours faithfully,  
Jon Shapiro.

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

# Appendix 11

## Corinne Holland

---

**From:** Corinne Holland on behalf of Licensing  
**Sent:** 10 April 2017 13:19  
**To:** Corinne Holland  
**Subject:** FW: prevention of public nuisance

---

**From:** Michael Myers [<mailto:> ]  
**Sent:** 10 April 2017 10:46  
**To:** Licensing  
**Subject:** prevention of public nuisance

Dear Sir/Madam

Shawarma Restaurant 84 Brick Lane E1 6RL  
Application for licence to sell refreshments

---

I wish to oppose this establishment's application for purpose to sell refreshments seven days a week-2am closing time.

They formally applied a year ago for a seven day 5am closing time. This was rejected. During the course of the past year, they obtained Temporary Event Notices to hold a number of events on the premises, resulting in:

\*overrunning permitted closing time

\*noise from customers

\*noise from food delivery drivers

Noises carried out late in the evening, and into the early hours are a cause for concern to residents living close by.

Brick Lane has witnessed many forms of anti-social behaviour over the past years.

Considerable effort has been employed by the police, and various local groups to tackle the problems. On that basis I request this application be rejected

Yours faithfully  
Michael Myers

[Redacted signature]



# Appendix 12

## Corinne Holland

---

**Subject:** FW: late-night refreshment licence application at Shawarma, 84 Brick Lane E1 6RL

---

**From:** Spitalfields Community Group [<mailto:s>]  
**Sent:** 24 March 2017 21:36  
**To:** Licensing  
**Cc:** Alan Cruickshank  
**Subject:** late-night refreshment licence application at Shawarma, 84 Brick Lane E1 6RL

Dear Sir/Madam,

Spitalfields Community Group OBJECTS to the application for a late-night refreshment licence at Shawarma, 84 Brick Lane E1 6RL. The application is completely excessive, for late night refreshment until 2am seven days a week.

Spitalfields Community Group was formed in September 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our latest survey, conducted earlier this year to identify priorities for action, highlighted the continuing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact of the night time economy. Indeed, the three factors found to be most adversely affecting quality of life in Spitalfields were directly attributable to the night time economy. In accordance with this focus, SCG supported the adoption of a cumulative impact zone for the Brick Lane area, within which the premises at 84 is situated.

ASB caused by the night time economy in the Brick Lane area is well documented, with many recent reports by residents of problems caused by patrons at night and throughout the weekend. These problems include noise nuisance (screaming, shouting, swearing, singing, playing music etc) litter and vandalism to cars and homes, street urination and defecation, vomiting, and aggressive and intimidating behaviour. Patrons leaving Brick Lane for transport hubs on Bishopsgate and Commercial Street inevitably pass along residential streets causing unwanted mayhem and misery.

Residents already put up with these problems to the early hours. The excessive hours applied for in this application would only extend these problems throughout the night, further inhibiting the amenity of local residents. There can be no justification for making refreshments available for consumption until 2am throughout the week. Shawarma will inevitably become a magnet for drunken behaviour and general anti-social behaviour. The high crime incident rate in the Brick Lane is fuelled, at least in part, by premises with late licences. The strain on police and public health resources is unacceptable.

This is the second licence application from Shawarma in the last few months, the previous one having been rejected. Since that application the premises has been open late on several occasions under TENs. We have received complaints from our members that several of these events have continued beyond the hours permitted by the TENs. These are not the actions of a responsible licence holder. In addition there have been reports of drugs use both inside and outside the premises.

Our members who live close to Shawarma report that there is a long history of noise problems with the premises, from customers queuing in the street, from the serving window which opens directly onto the street, from customers playing loud music in their cars as they wait for their food, from drunk customers outside the premises and in other doorways, and from takeaway delivery drivers waiting with their scooters. Allowing the premises to operate daily until 2am will make the lives of those who live within earshot unbearable.

The applicant has clearly not overcome the rebuttal assumption of the Cumulative Impact Zone. We therefore ask you to reject this application.

Yours,

Matthew Piper, for and on behalf of the Spitalfields Community Group

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

# Appendix 13

## **Crime and disorder - S182 Updated March 2015**

- 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. 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.

# Appendix 14

## **Crime and Disorder** – Licensing Policy, updated March 2015

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

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



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

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

Smuggled goods

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

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

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

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

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

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

# Appendix 15

## **Prevention of Nuisance** – Licensing Policy, updated March 2015

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

# Appendix 16

## **Access and Egress Problems**

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

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

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

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

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

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

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

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

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.

# Appendix 17

## **Anti-Social Behaviour on the Premises**

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of



Customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.7).

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

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

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

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 18

## **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 19

## **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 8.1 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 12.11)**.

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 8.2 of the Licensing Policy)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

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

- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

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

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) 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 (2.38).

### 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 20

## Licensing Policy

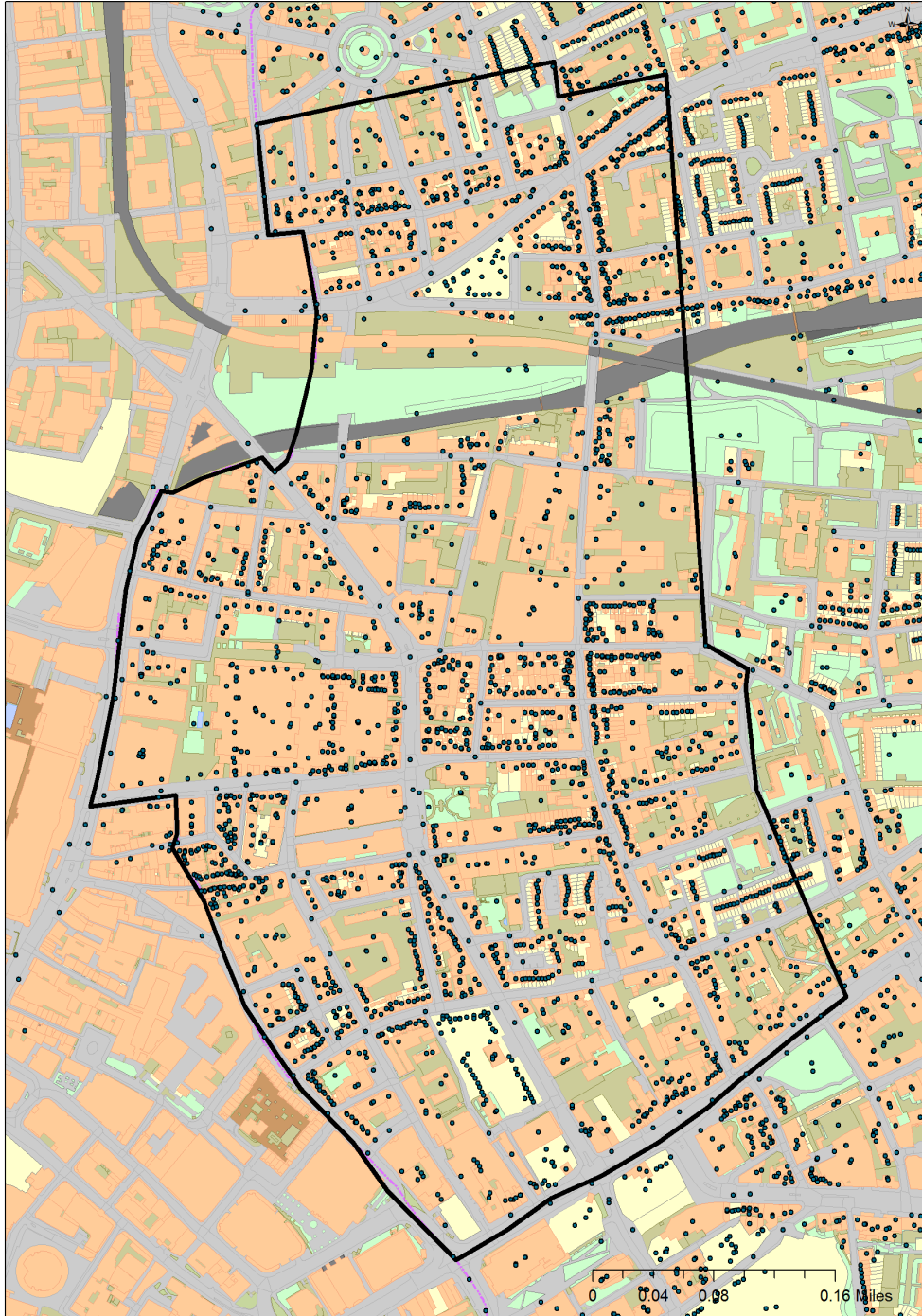
### **8 Special Cumulative Impact Policy for the Brick Lane Area**

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

Figure One

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

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



# Appendix 21

## **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.