

# Appendix 1

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.30 P.M. ON FRIDAY, 6 OCTOBER 2017**

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

**Members Present:**

Councillor Peter Golds (Member)  
Councillor Khaled Uddin Ahmed (Member)  
Councillor Shah Alam (Member)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION**

The order of business was changed at the meeting in order to allow all parties to attend. For ease of reference the minutes are set out in the same format as the agenda.

**3.1 Application for Review under Section 53 A of the Licensing Act 2003 for (Redon), Railway Arch, 289 Cambridge Heath Road, London E2 0EL**

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both interested parties with particular regard to the licensing objective of the prevention of crime and disorder and the protection of children from harm.

Members determined that the incident was of a serious concern. Members accepted that the representations made by the police were relevant to the licensing objectives and that the facts and evidence presented supported, on a balance of probabilities, the allegations made.

Members were very concerned that someone underage was able to gain entry to the premises especially as they had already consumed such a large amount of alcohol. Members were concerned with the adequacy of checks being made when patrons enter the club.

Members were disappointed to hear that the CCTV system which the Licence Holder had installed was not adequate to ensure that all required footage was recorded and could be held for a period of 31 days as per the licence conditions. Members have noted the Licence Holders attempts to recover the footage from the night in question however it was disappointing that the correct system was installed at the outset.

Whilst Members noted the Premises Licence Holder's efforts by proposing additional conditions, Members felt that on the balance of probabilities there was a serious risk of crime and disorder associated with the premises therefore due to the seriousness of the incident and lack of confidence in the management Members made a decision and the decision was unanimous, Members decided to grant the interim review by suspending the premises licence pending the full review hearing. Members consider this suspension a necessary and proportionate response to the very serious incident which occurred as it will allow the Licence Holder to do all that is necessary to address the issues which have come to light.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the review application under section 53A of the Licensing Act 2003 for Redon, Railway Arch, 289 Cambridge Heath Road, London E2 0EL be **GRANTED with the suspension of the premise licence** with immediate effect to remain in place until the full review has been heard

**Interim decision subject to full review hearing.**

### **3.2 Application for Review under Section 53 A of the Licensing Act 2003 for (Ali's Food and Wine), 497 - 499 Cambridge Heath Road, London E2 9BU**

#### The Licensing Objectives

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

Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both interested parties with particular regard to the licensing objective of the prevention of crime and disorder.

Members heard from the police officer with regard to the events which took place which triggered the review.

Members heard from the Licence Holder who confirmed that he would be willing to assist the police with their investigation and that there was likely to have been a misunderstanding at the time which lead him not giving a full statement at the time.

Members heard from the Licence Holder's representative that the licence holder was willing to add a condition to the licence which would prevent Mr Huseyin Yaz from entering the premises.

Member noted that the Police had come to an agreement with the Premises Licence Holder that the Police would withdraw their review application on the undertaking that the Applicant would put in a minor variation to add the following condition;

"Mr Huseyin Yaz should not be employed at the premises or be allowed to enter the premises."

Members were satisfied that Mr Huseyin Yaz would not be permitted onto the premises and were prepared to accept the proposed agreement.

#### 4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee **agreed** to extend the decision deadline to the hearings dates set for the following applications;

Premises	Decision by	Hearing Date
Unit 1 Lanark Square, London E14 9RE	09/10	18/10
Unit 2 Lanark Square, London E14 9RE	09/10	18/10
Unit 3 Lanark Square, London E14 9RE	09/10	18/10

<b>Premises</b>	<b>Decision by</b>	<b>Hearing Date</b>
Twisted LDN, 12 Batty Street, London E1 1RH	<b>13/10</b>	<b>24/10</b>
Agah, 43 Commercial Street, London E1 6BD	<b>02/10</b>	<b>24/10</b>
Tops Pizza, 3 West India Dock Road, E14 8EZ	<b>27/09</b>	<b>24/10</b>
Redon, Railway Arches, 239 Cambridge Heath Road, London E1	<b>01/11</b>	<b>01/11</b>
Victoria Park Market, Night Walk, Aprach Road/Gore Road London E3	<b>03/11</b>	<b>01/11</b>
The Ship, 290 Westferry Road, London E14 3AG	<b>26/10</b>	<b>15/11</b>
Mangal, 514 Commercial Road, London E1 0HY	<b>06/11</b>	<b>15/11</b>
Angel and Crown, 170 Roman Road, London E62 0RY	<b>20/11</b>	<b>29/11</b>

The meeting ended at 3.50 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

# Appendix 2

**Application for a minor variation to a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the Guidance Notes at the end of the form, especially Note 1.

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 in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

ALI YAZ

**(Insert name(s) of applicant)**

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

**Part 1 – Premises details**

Postal address of premises (or, if none, ordnance survey map reference, or description) ALI'S FOOD AND WINE, 497 - 499 CAMBRIDGE HEATH ROAD	
Post town LONDON	Postcode E2 9BU

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

**Premises licence number/club premises certificate number**

21995

**Brief description of premises (Please see Guidance Note 2)**

SUPERMARKET AND OFF LICENCE

**Part 2 – Applicant Details**

I am/we are the premises licence holder/cl [REDACTED] (Please delete as appropriate)

Contact phone number in working hours (if any)

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS	
Post town	Postcode
Please provide email address if you would prefer us to contact you by email (optional)	

**Part 3 – Proposed variation(s)**

Please tick

Do you want the proposed variation to have effect as soon as possible?  Yes  No

DDMMYYYY

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 3)  Yes  No

**Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):**

<p><b>Details of proposed variation(s)</b> (Please see Guidance Note 4)</p> <p>Add the following condition to the premises licence: " Mr. Husseyin Yaz shall not be employed at the premises, be permitted to enter or allowed to remain on the premises".</p>
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**Details of proposed variation(s)** (Continued)

**Part 4 – Operating Schedule**

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary was successful.

**Provision of regulated entertainment**

Please tick all that apply

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

**Provision of late night refreshment**

**Supply of alcohol**   
(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/  
club premises certificate

I have included a copy of the plan  
(this is necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

<p><b>Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.</b></p> <p>ORIGINAL LICENCE HAS BEEN MISPLACED</p>
<p><b>Any further information to support your application.</b> (See Guidance Note 5)</p> <p>THE APPLICATION HAS BEEN MADE FOLLOWING AN UNDERTAKING GIVEN TO THE POLICE AND LICENSING COMMITTEE ON 6TH OCTOBER 2017</p>

**CHECKLIST:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority.
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.


- I understand that I must now advertise my application for a continuous period beginning on the first working day after the day on which the application was given to the relevant licensing authority and ending at the expiry of the ninth consecutive working day after that day.

**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 5 – Signatures and Contact Details**

(See Guidance Note 6)

**Premises Licence:** Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (see Guidance Note 7). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature	
Date	08:10:2017
Capacity	AUTHORISED AGENT FOR AND ON BEHALF OF THE APPLICANT

**Where the premises licence is jointly held, signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (See Guidance Note 8). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

**Where the premises are a club**

I (insert full name) \_\_\_\_\_ make this application on behalf of the club and have authority to bind the club.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 9) R SUTHERLAND 12 BOSGROVE	
Post town LONDON	Postcode E4 6QT
Telephone number (if any) [REDACTED]	If you would prefer us to correspond with you by email your email address (optional) [REDACTED]

## Notes for Guidance

1. **General Note:** The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. **Description of premises:** For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with 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, the presence of gaming machines etc.

3. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

4. **Give full details of all the proposed variation(s).** Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;

- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** Details of any changes to hours when the premises or club is open to the public.

5. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

6. Signatures: The application form must be signed.

7. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

8. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

9. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

# Appendix 3



**Corinne Holland**

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**From:** Thomas.Ratican [REDACTED]  
**Sent:** 18 October 2017 14:25  
**To:** Corinne Holland  
**Cc:** MARK.J.Perry [REDACTED]  
**Subject:** RE: Alis Food & Wine - CambridgeHeathRd497-499.app.pdf

Dear Corrine,

The new conditions on the Licence for Ali Food and Wine, 497 - 499 Cambridge Heath Road, E2 9BU, have been noted and are considered to be acceptable.

The Premises Licence holder and DPS Mr Ali Yaz has clearly shown a degree of responsibility and obligations in upholding the Licencing objectives by taking immediate action against the employee for the unfortunate incident on 3rd October 2017 at his premises.

As such, any further hearings or sanctions would **not** be necessary as Mr Ali Yaz has taken all reasonable steps to negate any further incidents involving the employee Mr Huseyin Yaz.

Regards

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

[REDACTED]

[REDACTED]  
Address Toby Club, Vawdrey Close, E1 4UA

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**From:** Corinne Holland [REDACTED]  
**Sent:** 18 October 2017 11:48  
**To:** HT - Licensing Office  
**Subject:** FW: Alis Food & Wine - CambridgeHeathRd497-499.app.pdf

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**From:** Kathy Driver  
**Sent:** 16 October 2017 00:44  
**To:** Police generic Email  
**Subject:** Alis Food & Wine - CambridgeHeathRd497-499.app.pdf

Minor variation following review.

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

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