

Meeting of the

# LICENSING SUB COMMITTEE

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Tuesday, 29 October 2013 at 6.30 p.m.

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## SUPPLEMENTAL AGENDA

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	PAGE NUMBER	WARD(S) AFFECTED
5. <b>ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT</b>	1 - 18	

Application for a Temporary Event Notice for  
Robi's Off Licence, 106 Brick Lane, London E1  
6RL

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Simmi Yesmin, Democratic Services

Tel: 020 7364 4120, E-mail: [simmi.yesmin@towerhamlets.gov.uk](mailto:simmi.yesmin@towerhamlets.gov.uk)



# Agenda Item 5

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	29 October 2013	<b>Unclassified</b>	LSC 26/134	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation</b>  Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice</b> <b>Robi's Off Licence, 106 Brick Lane, London E1 6RL</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant: **Mr. Abdul Quddas**

Address of Premises: **106 Brick Lane**  
**London E1 6RL**

Objectors: **Metropolitan Police**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

**Kathy Driver**  
**020 7364 5171**

### 3.0 **Background**

- 3.1 This is an application for a Standard Temporary Event Notice.
- 3.2 Enclosed is a copy of the application. (**See Appendix 1**).
- 3.3 The premises have applied for the sale of alcohol off the premises
- 3.4 The dates that have been applied for are as follows:  
6<sup>th</sup> to 10<sup>th</sup> November 2013
- 3.5 The times that have been applied for are as follows:  
12:00 hours to 02:00 hours the following day
- 3.6 A map showing the relevant premises and immediate area is included as **Appendix 2**.

### 4.0 **Temporary Event Notices**

- 4.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.
- 4.2 The licensing authority cannot oppose an application, (nor can local residents or businesses. The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 12 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.
- 4.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 4.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority
  - (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
  - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and

- (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 4.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
  - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
  - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 4.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 4.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.
- 5.0 Objections**
- 5.1 The Police objections are contained in **Appendix 3**.
- 6.0 Advice to Members**
- 6.1 The Police Reform and Social Responsibility Act 2011 have amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.
- 6.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.
- 6.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 6.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.

6.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

## 7.0 **Legal Comments**

7.1 The Council's legal officer will give advice at the hearing.

## 8.0 **Finance Comments**

8.1 There are no financial implications in this report.

## 9.0 **Appendices**

**Appendix 1**                      A copy of the application

**Appendix 2**                      Maps of the area

**Appendix 3**                      Police Objection

# Appendix 1



Fee:
Receipt No:

## LONDON BOROUGH OF TOWER HAMLETS Temporary Event Notice

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	QUAODUS
Forenames	ABOUL
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED ADDRESS]	
Post town	LONDON
Post code	[REDACTED]
7. Other contact details	
Telephone numbers Daytime	[REDACTED]
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	[REDACTED]

LBTH

TRADING STANDARDS

21 OCT 2013


LICENSING



8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
106 BRICK LANE	
Post town LONDON	Post code E1 6RL.
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
ROB'S OFF LICENCE 106 BRICK LANE LONDON E1 6RL	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
THE WHOLE PREMISES.	
Please describe the nature of the premises below. (Please read note 4)	
NEWSAGENTS / OFF-LICENCE.	
Please describe the nature of the event below. (Please read note 5)	
RETAIL SALE OF ALCOHOL.	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
06th NOVEMBER TO 10th NOVEMBER 2013.	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
12:00 TO 02:00 ON ALL DAYS.	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	8
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input type="checkbox"/>
	Off the premises only <input checked="" type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	NEWHAM
Licence number	
Date of issue	27/07/2011
Date of expiry	26/07/2021
Any further relevant details	


5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	4	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X" )	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>

If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

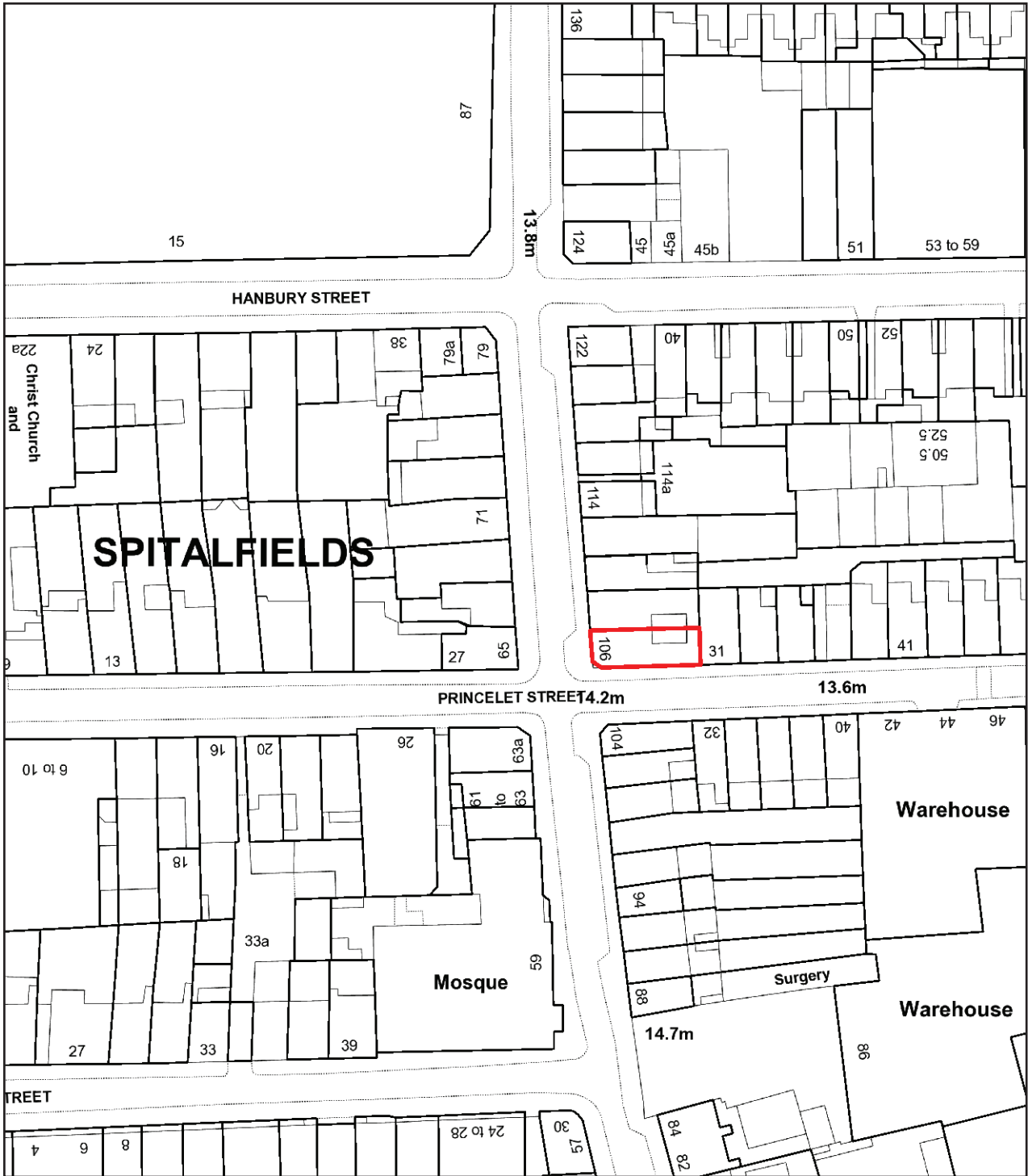
<b>8. Condition (Please read note 16)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 17)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	18/10/13.
Name of Person signing	ABDUL QUADDUS

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 18)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

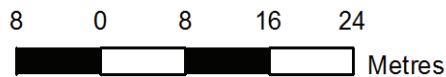
# Appendix 2



# 106 Brick Lane



Scale 1:882



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# Appendix 3

LBTH Licensing

**HT - Tower Hamlets Borough**  
**HH - Limehouse Police Station**Licensing Office  
Limehouse Police Station  
27 West India Dock Road &  
5 Birchfield Street  
E14 8EZ

Telephone:

Facsimile:

Email:

Alan.Cruickshank@met.police.uk  
www.met.police.uk

Your ref:

Our ref:

22 October 2013

Dear Mr McCrohan

**TEN application: 6th-10th November 2013**  
**Robi's , 106 Brick Lane, E1 6RL**

I write with reference to the above application which was received in this office on the 21st October 2013.

Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following basis, that the crime and disorder and public nuisance objectives will be undermined.

The applicant has applied for a TEN on the 6th -10th November 2013 for the following hours: 1200 - 0200.

At present the premise does not have a premises licence and therefore cannot sell or display for sale any alcohol.

However on Friday 4th October 2013 at 2245 my licensing colleague, PC O'Rourke, was on duty in plain clothes when he entered Robi's and witnessed sales of alcohol.

In a statement he continues:



"The shop was busy with numerous people selecting and purchasing alcohol in front of me. There were approximately eight fridges full of cans of lager or beer and a wall full of shelves containing wine from floor to ceiling. "

"I selected from one of the fridges a four-pack of 'Red Stripe' "

PC O'Rourke bought the alcohol and then spoke with the TEN applicant. The applicant was reported for a number of offences and a Sec19 Notice was issued. This report has been sent for prosecution.

Brick Lane is now a destination of choice for thousands of Londoners and tourists. The increased popularity of the bars and restaurants although welcome has put a great deal of strain on LBTH services and the Metropolitan Police. As a result of the concerns over violence and ASB, LBTH has now adopted a Saturation policy / cumulative impact zone which begins on the 1st November 2013.

This creates a **rebuttable presumption** that applications for:

- New premises licences
- Club premises certificates
- Variations in premise licenses
- TENs

That are likely to add to the existing cumulative impact will normally be refused, following relevant representations, **unless the applicant can demonstrate their operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.**

I fear that if the hours are granted it will encourage people to remain in the area and consume alcohol in the street or outside the off licence. Transport during these hours is scant and will only encourage individuals to remain in Brick Lane.

By applying to remain open until 2am it will only increase the likelihood of ASB affecting the lives of the local residents. I have attended a number of local resident meetings and their main concerns are people urinating on their door steps and remaining in their streets until the early hours.

I received the following e-mail from a local resident who is opposing the application for a licence at 106 Brick Lane. The reasons for his objection remain valid for a TEN application.

I understand that the current owner has been operating without a licence for some time, having failed to transfer their licence from a business that went into liquidation. Such disregard for the rules governing their licence can only indicate an irresponsibility that renders the applicant unsuitable to hold a licence at such a sensitive site. The experience of local residents, who suffer nightly from the effects of alcohol-related anti-social behaviour, reinforces the view that the off-licence owners on Brick Lane in general, and this applicant in particular, do not take their wider responsibilities seriously.

My family and I experience a wide range of anti-social behaviour, fueled by the nighttime economy in Brick Lane. One of the major causes of this is the current trend for visitors to buy alcohol from an off-licence and to drink it while sitting on a kerb, on a doorstep or on the pavement. They often do this on residential streets. This causes noise, litter, and invariably leads to urination in the street, vomiting on the pavements, and worse.

I have a diary of such incidents. I can supply more details if you wish but in the interests of brevity here are the incidents we have experienced since the start of September (please note, I only record the more notable such incidents, many others go unrecorded):

**3rd September, 12.30pm** *a woman urinated between parked cars, in full view of a walking tour*

**14th September, 11.30pm** *2-3 men rang our doorbell late at night and ran away screaming*

**15th September, midnight** *a group of drunk women slowly made their way along the street, shouting, screaming and causing a disturbance.*

**19th September, 11.30pm** *a group of drunk women were shouting, screaming, and generally causing a disturbance.*

**20th September, 11pm** *a group of German youths gathered with a hand-held stereo turned up to high volume. When asked to turn it down they only partially did so, reluctantly. They remained there for 15 minutes*

**21st September, midnight** *Someone has urinated against the house.*

**21st September, 8.30pm** *a group of youths gathered on our doorstep, drinking, smoking and shouting. When asked to move on they only went as far as the doorstep next door where they carried on as before, keeping our children awake. They were there for approx 1 hr.*

**21st September, 9.30pm** *two women urinated between parked cars opposite number 11, in full view of several passersby. They were 20-25 years old with dark hair and English accents.*

**4th October, 1am** *someone has vomited on the pavement alongside Christ Church*

**5th October, 11.55pm** *a car parked outside number 13 blaring loud bass music for approximately 10 minutes before moving on reluctantly when asked. The noise was enough to wake our youngest daughter. There were 4 occupants of the car, 2 men and 2 women. The women had Essex accents. The car was a Golf-type car, black with heavily tinted windows.*

**6th October, 1am** *someone has vomited in the street*

**6th October, 9.50am** *two men with Eastern European accents walked into the gardens. One proceeded to urinate against the wall in full view of any passerbys by. He was approximately 45 years old and dressed in pale denim.*

It is completely unreasonable that my family should have to experience such frequent incidents. Off licences on Brick Lane are the major source of the alcohol that drives such incidents. Approving this application would undoubtedly lead to an increase in this type of public nuisance and disorder....

The likelihood is that once the bars and clubs in Truman Brewery close, they will drift to the off licences. Whereas the bars have SIA staff to control their customers, off licences have no such skilled workers to ensure that their patrons leave peacefully. It is often claimed by residents that young people stand outside the off licences and continue to party.

A recent call on the 15th September at 0137 ( CAD 1013/15Sep ), the informant stated that there was 12-20 people outside Robi's drinking , which had been carrying on for the past hour and a half. The informant stated this was a regular occurrence, with the shop owner joining in. At 0150 LBTH CCTV did not observe anything. Police attended at 0213 and no one was at the location.

Combine this with people remaining in the street eating fast food, it will no doubt break out into the side streets and cause the residents more sleepless nights. Whether it is people talking loudly, laughing or shouting at the top of their voices, one more late venue will only increase the likelihood of ASB and violence or at the very least a public nuisance.

I believe that this application will have a negative cumulative impact on the crime and disorder and public nuisance objectives.

I ask the committee to refuse this application.

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