



LICENSING SUB COMMITTEE

Tuesday, 7 July 2020 at 2.30 p.m.

Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

Scan this code
for an electronic
agenda



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

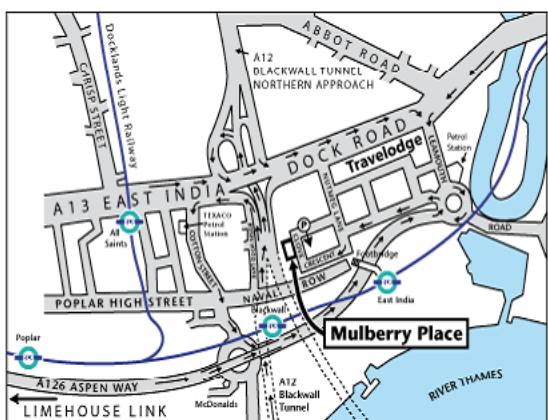
Audio/Visual recording of meetings.

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Access information for the Town Hall, Mulberry Place.



Bus: Routes: D3, D6, D7, D8, 15, 108, and 115 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf

Car Parking: There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

If you are viewing this on line:(http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for
smart phone
users.



APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (Pages 7 - 8)

Members are reminded to consider the categories of interest, identified in the Code of Conduct for Members to determine: whether they have an interest in any agenda item and any action they should take. For further details, see the attached note from the Monitoring Officer.

Members are also reminded to declare the nature of the interest at the earliest opportunity and the agenda item it relates to. Please note that ultimately it is the Members' responsibility to identify any interests and also update their register of interest form as required by the Code.

If in doubt as to the nature of an interest, you are advised to seek advice prior the meeting by contacting the Monitoring Officer or Democratic Services.

2. RULES OF PROCEDURE (Pages 9 - 18)

To note the rules of procedure which are attached for information.

PAGE NUMBER(S)	WARD(S) AFFECTED
----------------	------------------

3. ITEMS FOR CONSIDERATION

3 .1 Application to Review the Premises Licence for Manjal, 3 Turnberry Quay, London E14 9RD	19 - 80	Blackwall & Cubitt Town
---	----------------	------------------------------------

Licensing Objectives:

- Crime & Disorder
- Public Safety

Review Triggered by:

- Local Resident

3 .2 Application for a New Premises Licence for (S-A-N-D Grocery Ltd), 98a Coborn Road, Bow, London E3 2DG	81 - 178	Bow West
---	-----------------	-----------------

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety
- Prevention of Children from harm

Representations by:

- Local Resident(s)

3 .3 Application for a New Premises Licence for Barzinho Bar & Kitchen, 60-62 Brick Lane, London E1 6RF	179 - 238	Spitalfields & Banglatown
--	------------------	--

Licensing Objectives:

- Public Nuisance

Representations by:

- Local Resident(s)

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

This page is intentionally left blank

Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it unless:

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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



Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub- Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

This page is intentionally left blank

Agenda Item 3.1

Committee: Licensing Sub-Committee	Date:	Classification: UNRESTRICTED	Report No.	Agenda Item No.
--	-------	--	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Manjal, 3 Turnberry Quay, London E14 9RD Ward affected: Blackwall and Cubitt Town
---	---

1.0 Summary

2.0

Name and **Manjal**

Address of premises: **3 Turnberry Quay
London
E14 9RD**

Licence under review: **Licensing Act 2003 – Premises Licence**
• **Sale by retail of alcohol**
• **Provision of late night refreshment**

Review triggered by: **Member of the public**

3.0 Recommendations

3.1 That the Licensing Committee considers the application for review and then adjudicates accordingly.

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

Brief description of "background paper"

Tick if copy supplied for
register

If not supplied, name and telephone
number of holder

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

**Corinne Holland
020 7364 3986**

4.0 Review Application

- 4.1 This is an application for a review of Manjal restaurant, 3 Turnberry Quay, London E14 9RD. The review was triggered by a member of the public.
- 4.2 A copy of the review application is attached in **Appendix 1**.
- 4.3 The applicant has supplied supporting evidence for the review in **Appendix 2**

5.0 The Premises

- 5.1 The existing premises licence was granted on 13th December 2012. A copy of the current licence is contained in **Appendix 3**. The premise licence holder is a company called Anglo Indian Beverage Ltd and has been since the licence was issued. The Designated Premises Supervisor, since May 2013, is Vasanth Karuppusamy.
- 5.2 Maps showing the premises and surrounding area are included in **Appendix 4**.
- 6.0 An initial complaint regarding the incident on the 17th July 2019 was received by the Licensing Authority from the legal advisor for the RNIB on 12th September 2019 who sent a letter requesting that a review of the licence take place due to a breach in the Equality Act 2010. Correspondence between the Licensing Authority, Manjal and solicitors acting for Manjal took place regarding the supply of the CCTV for the date in question. The CCTV was received in a CD format on 13th January 2020 but it was in an unreadable format for the local authorities IT systems. On the 16th January 2020 the solicitors were written to again requesting the CCTV in a different format. On 22nd January 2020 a warning letter regarding the breach of Condition 6 of Annex 2 of the licence was sent to the restaurant, the PLH, the DPS and copied to the Equalities and Human Rights Commission.
- 7.0 On 24th January 2020 CCTV footage was sent into the Licensing Authority via email. Despite initial problems viewing this it has now been viewed. The recording is from camera 1 only which is the entrance and foyer area. It showed Mr Ortega and two friends enter the restaurant at 19:10:46 and leave the restaurant at 19:16:36. In between these times they are out of view.

8.0 Representations

- 8.1 This hearing is required by the Licensing Act 2003, because a review was triggered by a prospective customer, Mr Jose Artur Antao Ortega.

- 8.2 Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 8.3 In the view of the interested party it is necessary to achieve the licensing objectives of the prevention of crime and disorder and public safety.
- 8.4 The applicant is requesting the following conditions to be attached to the Premises Licence in order to prevent guide dogs refusals occurring in the future.
- The premises are required to admit guide dogs and other registered assistance dogs / The premises is forbidden from refusing admittance to a guide dog and other registered assistance dogs.
 - All front of house staff undergo training in disability awareness and the Equality Act and that proof of training is kept on site and produced on demand to an authorised officer or constable.
 - A person suitably trained, in the requirements of the Equality Act 2010, be present on the premises at all times when open to the public.
 - Suitable signage be displayed that makes clear guide dogs and assistance dogs are welcome.
 - A written equalities policy be produced and kept at the premises for inspection on demand by an authorised officer or constable.

9.0 Review Explained

- 9.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 9.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 5**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised April 2018.
- 9.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the

licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”

- 9.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has issued guidance about Crime and Disorder. **See Appendix 6.**
- 9.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 7.**
- 9.6 The home office issued guidance about public safety which might be considered in relation to any identified problems is contained in **Appendix 8.**
- 9.7 The Council’s Licensing Policy in relation to public safety is contained in **Appendix 9.**
- 9.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”
- 9.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Health & Safety & Licensing Manager is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.
- 9.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
 - The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

10.0 Review Advertisement

- 10.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 10.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 10.3 The procedure for a review can be summarised as follows:
 - A review is triggered by a responsible authority or interested party
 - Consultation is conducted for 28 full days
 - Other responsible authorities or interested parties may join in the review
 - Members conduct a hearing
 - Members make a determination
 - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

11.0 Licensing Officer Comments

- 11.1 The Government's advice in relation to reviews is contained in **Appendix 5**. Members must consider all the evidence and then decide from the following alternatives:
 - Take no further action as they do not consider it proportionate to do so
 - Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
 - Suspend the licence for a period
 - Revoke the licence completely
- 11.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 11.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 11.4 In all cases the Members should make their decision on the civil burden of proof that is "the balance of probability."

11.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

12.0 Legal Comments

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

13.0 Finance Comments

13.1 There are no financial implications in this report.

14.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Supporting evidence to the review
Appendix 3	Copy of existing licence
Appendix 4	Maps of the premises and surrounding area
Appendix 5	Guidance issued under Section 182 by the Home Office for reviews
Appendix 6	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 7	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 8	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning public safety
Appendix 9	London Borough of Tower Hamlets Policy in relation to the prevention of Public safety

This page is intentionally left blank

Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

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

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I

JOSE ARTUR ANTÃO ORTEGA (Insert name
of applicant) apply for the review of a premises licence under section 51 /
apply for the review of a club premises certificate under section 87 of the
Licensing Act 2003 for the premises described in Part 1 below (delete as
applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
<i>MANJAL RESTAURANT 3 TURNBERRY QUAY LONDON</i>	
Post town	Post code (if known)
<i>LONDON</i>	<i>E14 9RD</i>

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

ANGLO INDIAN BEVERAGE CO. LTD

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

16344

Part 2 - Applicant details

I am *A PROSPECTIVE CUSTOMER OF THE PREMISES* Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

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

Surname

ANTAO ORTEGA

First names

JOSE ARTUR

Please tick yes

I am 18 years old or over



Current postal
address if
different from
premises
address

[REDACTED]

Post Town

[REDACTED]

Postcode

[REDACTED]

Daytime contact telephone number

[REDACTED]

E-mail address
(optional)

[REDACTED]

(B) DETAILS OF OTHER APPLICANT

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Telephone number (if any)

E-mail (optional)

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

SEE ATTACHED

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

SEE ATTACHED

Please tick ? yes

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

NO.

If yes please state the date of that application

Day	Month	Year

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

Please tick yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate



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



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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

28 February 2020

Capacity

SOLICITOR FOR APPLICANT

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

SAMANTHA FOTHERGILL
RNIB
105 JUDD STREET

Post town

LONDON

Post code

WC1H 9NE

Telephone number (if any)

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

Notes for Guidance

- 1 1. The ground(s) for review must be based on one of the licensing objectives.
- 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 The application form must be signed.
- 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5 This is the address which we shall use to correspond with you about this application.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Name of Applicant: Jose Artur Antao Ortega

Name of premises licenses holder: Anglo Indian Beverage Company Ltd

Number of premises license: 16344

Please state the ground(s) for review:

The Applicant was refused admittance with his guide dog to the licensed premises on 17 July 2019 . Further details of the incident are provided below.

The Applicant believe that this refusal was in breach of the following licensing objectives:-

The prevention of crime and disorder

The Applicant considers that the refusal to admit a visually impaired person with his guide dog is likely to affect social cohesion and is likely to hinder the promotion of the law and order licensing objective.

We would draw the Authority's attention to the following paragraphs of their Statement of Licensing Policy:-

28.1 When its discretion is engaged and a relevant representation is made relating to the exclusion or discouragement of any minority adult group the Licensing Authority will add a condition which forbids such as practice.

28.2 The Licensing Authority is especially concerned that such practices adversely affect social cohesion and are likely to hinder the promotion of the licensing objective relating to law and order. The Licensing Authority will also refer such practices to other authorities, where appropriate.

We believe the refusal of a disabled person on grounds relating to their disability (ie their guide dog) is an analogous situation. As detailed below Mr Ortega would like the Authority to attach a condition which forbids this practice.

Public safety

As the Government's 'Revised guidance issued under section 182 of the Licensing Act 2003' makes clear, license holders have a responsibility to ensure the safety of those using their premises as part of their duties under the 2003 Act. Blind people using guide dogs should be considered vulnerable customers and the Authority should take steps to protect them from harm.

Guide dog refusals have a severe impact on the wellbeing of those refused. Mr Ortega has described the refusal as being upsetting and humiliating and that these feelings were worsened by the fact that the refusal took place in front of his colleagues and members of the general public.

The feelings Mr Ortega describes are not limited to Mr Ortega and guide dog users frequently tell RNIB that the refusals that they experience leave them humiliated and chips away at their confidence in going out in future for fear that they will be refused again.

What the Applicant is seeking

The Applicant would like the following conditions to be attached to the Premises License in order to prevent guide dog refusals occurring in the future:-

- That the premises are required to admit guide dogs and other registered assistance dogs/The premises is forbidden from refusing admittance to a guide dog and other registered assistance dogs
- That all front of house staff undergo training in disability awareness and the Equality Act and that proof of training is kept on site and produced on demand to an authorised officer or constable.
- That a person suitably trained in the requirements of the Equality Act 2010 be present on the premises at all times when open to the public.
- That suitable signage be displayed that makes clear guide dogs and assistance dogs are welcome.
- That a written equalities policy be produced and kept at the premises for inspection on demand by an authorised officer or constable.

We believe that the above conditions would prevent a future breach of the licensing objectives.

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

Mr Ortega is registered blind and uses a guide dog – Mercer - as a mobility aid to assist him with his independent mobility.

On 17 July 2019, Mr Ortega visited the Manjal restaurant with a colleague and a former colleague. His colleague had booked a table online for 7pm and in the booking had indicated that one of the guests would be bringing a guide dog.

When Mr Ortega and his colleagues arrived at the restaurant he was immediately told by a staff member that he could not bring Mercer into the restaurant. When Mr Ortega complained, the manager was called but he also confirmed that Mercer was not welcome in the restaurant. In justifying his decision, the manager told Mr Ortega that not everyone liked dogs and that he should show some understanding of Asian culture. Mercer was wearing his harness that confirmed that he was a trained guide dog and Mr Ortega explained that Mercer had been specially trained and was allowed into restaurants.

Mr Ortega also explained that under the Equality Act the restaurant was required to make a reasonable adjustment to any “no dogs” policy to permit guide dogs into the restaurant. However, the manager was adamant that Mercer was not permitted to enter. Mr Ortega explained that he had previously visited the restaurant with Mercer without any issue but the manager continued to refuse.

Mr Ortega and his colleagues therefore left the restaurant and dined elsewhere. Shortly after they were seated Mr Ortega’s colleague received a telephone call from the Manjal asking where they were.

Mr Ortega wrote a letter of complaint to the restaurant on 29 July 2019. The letter sets out details of what happened, the law and asked for a copy of the CCTV footage of the incident. He requested an apology and an assurance that guide dogs would be permitted in the restaurant in future including a notice on social media and in the window explaining that guide dogs were welcome. He also asked for staff training regarding

their duties under the Equality Act and compensation for breach of the Act.

The letter was sent recorded delivery and requested a response within 14 days. No response was received within this timescale but a letter purporting to respond on behalf of the restaurant arrived by registered post on 31 August.

This letter was from a Naveen Bhandari who describes himself as a Health and Safety Office Manager for the owners of the Manjal. The letter apologises for the events of 17th stating that it occurred as a result of staff error and that the staff had missed the note about guide dogs. Mr Bhandari's letter went on that whilst staff had initially refused to accept the guide dog, they then checked the restaurant policy and Mr Ortega's party were asked to sit in the waiting area whilst a suitable table was made available. According to Mr Bhandari this took 15 minutes but when staff returned to the waiting area Mr Ortega's party had already departed. Mr Bhandari confirms that they called Mr Ortega's colleague but as the party "had already left the area they decided against return".

Mr Bhandari said that the restaurant did not have a no-dogs policy as evidenced by Mr Ortega's previous visit. By way of recompense Mr Bhandari offered a complementary meal and asked Mr Ortega to contact him direct to arrange a time for them to dine.

Clearly Mr Bhandari's version of events is at odds with that of Mr Ortega. A viewing of the CCTV would clearly have resolved the facts of the matter, however, Mr Bhandari stated that he was unable to provide the CCTV footage as a result of privacy concerns.

Mr Bhandari's letter was not on headed paper. It was sent in a Lyca Mobile envelope and initial research revealed that Mr Bhandari is in fact the Health and Safety Office Manager for Lyca. It is not clear what formal relationship, if any, he has with the restaurant.

RNIB complained to the Authority on Mr Ortega's behalf on 12 September 2019 asking that conditions be attached to the restaurant's license requiring the admittance of guide dogs, amongst other things. The Authority contacted the premises and requested a copy of the CCTV covering the date of the alleged incident. We understand that the license holder has so far failed to supply a copy of the CCTV. On 22 January 2020, we were informed that the Authority would be writing to the license holder to warn them that a failure to supply a copy of the

CCTV constitutes a breach of their license conditions and further remind them of their duties under the Equality Act. It is not clear what steps the Authority intend to take in respect of breach of the license conditions relating to CCTV. The Authority also provided details of the license review process

**Samantha Fothergill
Senior Legal Advisor
RNIB
28 February 2019**

Appendix 2

J. Artur A. Ortega



Manjal Restaurant

3 Turnberry Quay,
London E14 9RD

29th July 2019

Dear Sir or Madam,

I am writing to complain about the service that I received at your Manjal Restaurant in Canary Wharf on Wednesday, 17th July 2019 shortly after 7PM. Your member of staff at the door and the manager on duty denied me entry because of my guide dog. They told me I could not bring my guide dog into the restaurant.

I am registered blind, and this means that I meet the Equality Act's definition of a disabled person. I use a guide dog to get around because of my blindness. As I am a disabled person, you and your staff must comply with the Equality Act.

When you reply to me in writing, please use a font that is easy to scan. This is the format that I could apply optical character recognition (OCR) to be able to read your response.

My complaint

My colleague Indy has booked online a table for the evening of Wednesday 17th July 2019 at your restaurant in Canary Warf. He has put a note into the booking that we are coming with a guide dog.

When I went with my guide dog, my former colleague Shobhna and my colleague Indy who booked the table, into your restaurant shortly after 7PM, we were told immediately by one of your staff and later by your manager in duty that I could not bring my dog in. My guide dog, Mercer, was wearing his fluorescent harness which clearly states that he is a guide dog. I explained that Mercer is a trained guide dog and that I needed Mercer to be with me as he helps to guide me.

Your employee who claimed to be the manager on duty said that dogs weren't allowed in the restaurant because not everyone likes dogs and that we should understand Asian culture. I explained that guide dogs are specially trained and are allowed into restaurants.

I also said that under the Equality Act, your restaurant should make a reasonable adjustment to your 'no dogs' policy and allow guide dogs into your restaurant. Your employee told me that dogs weren't allowed and I had to leave. When I asked to speak to the manager, he said he is the manager, and again said that I couldn't bring a dog into the restaurant.

I said again that Mercer isn't a pet dog, but a trained guide dog and that he has been in this restaurant once before and obviously in a lot of other restaurants without any problems. I also said that if he didn't allow Mercer, me and my colleagues into your restaurant, they would discriminate against me. He repeated that not everyone likes dogs and that we should show some understanding for Asian culture and they would not need to let guide dogs in.

I was very upset. I felt completely humiliated to be discriminated against in such a rude way despite of a prior booking informing about my guide dog. This was made worse because it took place in public and my colleagues witnessed it and were affected by my refusal as well. I felt additionally very embarrassed in front of my colleagues who are of Indian descent about the remarks about Asian culture, too.

I felt so unfairly treated and I was so distressed that I felt the need to make the restaurant guests aware of the discrimination at that moment happening in the restaurant they have chosen for their dinner. I addressed the guests that I am being discriminated against because you refused me on grounds of my guide dog. I left the restaurant afterwards.

Discrimination

The Equality Act 2010 says that service providers are not allowed to discriminate against disabled people. As you run several restaurants, you are a service provider. The Equality Act says that you are not allowed to refuse to serve disabled people like me or to treat disabled people in a worse manner by being so humiliating.

You also have to make reasonable adjustments to your service. This means that you should allow guide dogs into your restaurants, because I have to rely on the guide dog to navigate around in public. As you are the employer, you are responsible for how your staff behaved. This means that even if you weren't in the restaurant, you are responsible for your employee's actions.

How to put this right

I am making a complaint as I feel this is the only way to deal with the rude and discriminatory way I was treated. I would like you to provide me with the CCTV footage of the incident for further evidence in this case which should be roughly in the time mark between 7:05PM and 7:20pm of Wednesday, 17th July 2019.

I would like you to apologise in writing and to assure me that you will make sure that you allow guide dogs into all of your restaurants and to put a notice in your web page, social profiles and into your restaurant window that says that guide dogs are welcome.

I would also like you to ensure that your staff are trained in their responsibilities under the Equality Act and understand they cannot treat disabled people in the way your regular staff and your restaurant manager treated me as this is discriminatory. I feel you should also compensate me financially and it would be helpful if you could suggest a figure.

I would prefer to sort this situation out in this way amicably. However, should you fail to respond positively, I am, if necessary, prepared to take legal action against you in court.

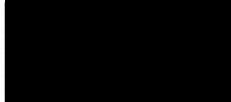
I have also included a copy of a standard advocacy letter from RNIB and Guide Dogs. This gives a short explanation of the Equality Act and what you have to do to make sure you comply with the Act.

I look forward to hearing from you within 14 days.

Yours sincerely,

Mr J. Artur A. Ortega

J. Artur A. Ortega



2nd August 2019

Dear Mr Ortega

Manjal Restaurant – 17th July 2019

I am the Health & Safety Office Manager for the owners of the Manjal Restaurant ('Manjal') at Canary Wharf and I am writing in response to your letter of 29th July 2019 detailing the incident you were involved in at the Manjal in the evening of 17th July 2019.

Firstly, I would like to apologise for the events which unfolded that evening and can confirm that this occurred due to an error by the staff on duty that day. Following my investigation of the incident, I can confirm that the following occurred:

- A table was booked online through the Quandoo website, and whilst notes were there stating that a member of the booking party would be accompanied by a guide dog this note was not noticed by the Manjal staff;
- Staff at the Manjal initially refused to accept your guide dog, however after checking restaurant policy your party were asked to sit in the waiting area whilst a suitable table was prepared for you;
- It took approximately 15 minutes to make the necessary arrangements for you, however upon returning to the waiting area you and your party had already left the restaurant;
- Using the number provided in the booking, your party were called to inform that the table was ready however as your party had already left the area they decided against return.

Secondly, as confirmed by your letter you have dined at the Manjal previously with no incident, which clearly demonstrates that there is no policy of discrimination and that this was just an isolated error. Nevertheless, management did realise an error had been made and as required by law reasonable adjustments were made for you. The delay in making the reasonable adjustments in advance were due to missing the notes on the booking.

As a gesture of goodwill, I would like to offer you and your colleagues Indy and Shobhna a complementary dinner at the Manjal. Please confirm with me the date and time which you wish to dine, and I will make the necessary arrangements. The best way to communicate would be by telephone on [REDACTED]

Unfortunately, with a view of respecting the privacy of our clients and staff, as well as general compliance with data protection regulation, I am unable to provide you with CCTV footage as requested.

I hope the above address your concerns and look forward your confirmation of the date and time for the complimentary meal.

Yours sincerely

[REDACTED]

Naveen Bhandari
Health & Safety Office Manager

REF:

17835 - SP

DATE BOOKED: 30/08/2019

SURNAME: Ortega

POSTCODE: [REDACTED]

QUANTITY: 1



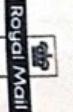
J. ANTON A. ORTEGA



Return Address
3rd Floor, Walbrook Building,
195 Marshwall, London, E14 9GS

Delivered by

28-08-19
08:51
PM822022



Appendix 3

**3 Turnberry Quay
London
E14 9RD**

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John McCrohan _____
Trading Standards and Licensing Manager

Date: 13th December 2012



LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

16344

Part 1 - Premises details

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

3 Turnberry Quay

Post town London	Post code E14 9RD
----------------------------	-----------------------------

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on sales only)

- Monday to Sunday from 12:00hrs (midday) to 23:30hrs

The provision of late night refreshment

- Monday to Sunday from 23:00hrs to 23:30hrs

The opening hours of the premises

- Monday to Sunday from 07:30hrs to 23:30hrs

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

On sales only

Part 2

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

Anglo Indian Beverage Ltd.
3rd Floor Walbrook Building
195 Marsh Wall
South Quay
London
E14 9SG

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

07965451

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

Vasanth Karuppusamy

[REDACTED]

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

Issuing Authority: [REDACTED]

Personal Licence Number: [REDACTED]

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted;
2. Alcohol only to be sold ancillary to a meal;
3. Prominent notices to be displayed on the premises requesting that customers respect the neighbourhood and vacate the premises quietly;
4. A service for customers to request taxis be ordered by members of staff at the restaurant to facilitate their swift and quiet departure;
5. A record of all refusals will be maintained and made available to Responsible Authorities upon request;
6. The premises will have a CCTV system with 22 cameras located throughout the premises, 17 indoor and 5 outdoor. The system will allow for up to 90 days recording and will be available to Responsible Authorities upon reasonable request.
7. All windows and doors to be closed from 23:00.
8. A Challenge 25 Scheme to be in operation, with a 'no ID, no sale' policy. Notices to be displayed regarding the Scheme. Only a PASS hologram, photographic driving licence or passport will be accepted as appropriate ID.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

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

3rd October 2012



Licensing Act 2003

Part B - Premises licence summary

Premises licence number **16344**

Premises details

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

3 Turnberry Quay

Post town London	Post code E14 9RD
----------------------------	-----------------------------

Telephone number

Where the licence is time limited the dates

N/A

Licisable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on sales only)

- Monday to Sunday from 12:00hrs (midday) to 23:30hrs

The provision of late night refreshment

- Monday to Sunday from 23:00hrs to 23:30hrs

The opening hours of the premises

Monday to Sunday from 07:30hrs to 23:30hrs

Name, (registered) address of holder of premises licence

Anglo Indian Beverage Ltd.
3rd Floor Walbrook Building
195 Marsh Wall
South Quay
London
E14 9SG

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

On sales only

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

07965451

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

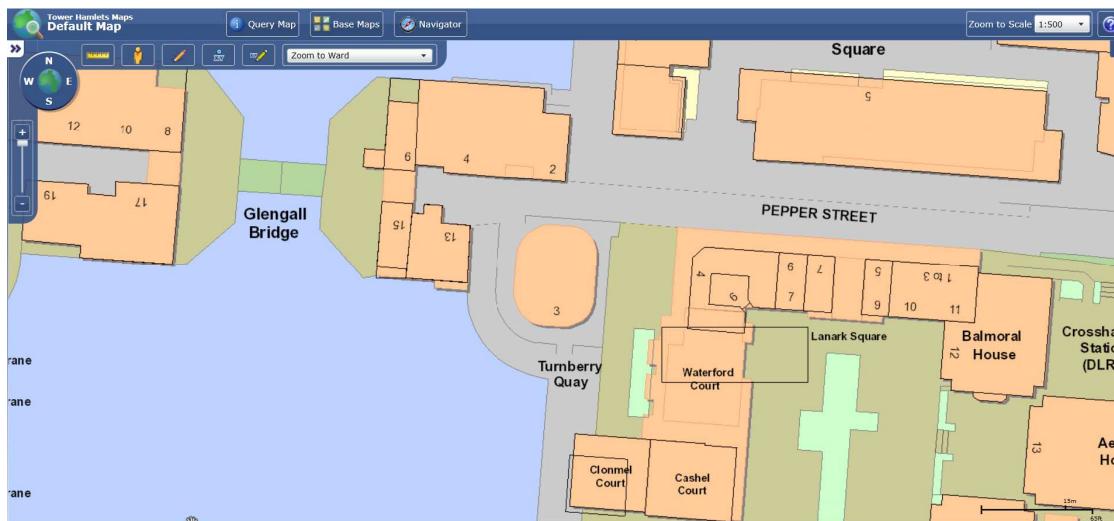
Vasanth Karuppusamy

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

No restrictions

Appendix 4

Manjal Restaurant - 3 Turnberry Quay



Appendix 5

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
 - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
 - the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
 - notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

- 11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 6

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Appendix 7

Crime and Disorder

- 7.1 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 and to store prescribed information.
- 7.2 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 licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 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.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 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 the Secretary of State's Guidance.
- 7.6 **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.

7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, 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.

7.8 **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 Code of Practice. 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 in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

7.9 **Criminal Activity** - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

- 7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

Smuggled goods

- 7.12 The Licensing Authority will exercise its discretion to add a standard condition as follows:-
- 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 to provide traceability.
 - 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.

Olympic Park – Football Ground

- 7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:
- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
 - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
 - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Appendix 8

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist 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.

Maintenance and repair

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Appendix 9

Public Safety

- 8.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 8.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire Brigade before preparing their plans and Schedules.
- 8.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 8.4 One of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:
 - Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,
 - Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services.
- 8.5 The Licensing Authority, where its discretion is engaged, will consider attaching proportionate and appropriate Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a the Model Pool of Conditions found in the Secretary of States Guidance.
- 8.6 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

This page is intentionally left blank

Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	7 July 2020	Unclassified		

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (S-A-N-D Grocery Ltd), 98a Coborn Road, Bow, London E3 2DG Ward affected: Bow West
--	---

1.0 Summary

Applicant: **Andrei Valentin Marin**

Name and **S-A-N-D Grocery Ltd**

Address of Premises: **98a Coborn Road
Bow
London
E3 2DG**

Licence sought: **Licensing Act 2003 – premises licence**
• **The sale by retail of alcohol
(Off sales only)**

Representation (s): **Other persons (residents)**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

- Guidance Issued under Section 182 of the Licensing Act 2003
 - Tower Hamlets Licensing Policy
 - File
- Mohshin Ali**
020 7364 5498

3.0 Background

3.1 This is an application for a premises licence for (S-A-N-D Grocery Ltd), 98a Coborn Road, Bow, London E3 2DG.

3.2 The applicant has described the premises as follows:

"S-A-N-D Grocery Ltd is a small convenience store situated within a quiet neighbourhood. The business is enjoying tremendous support from the local residents due to our mission statement to provide affordable groceries to all. As a business S-A-N-D already supplies cigarettes (track & trace compliant), confectionery, household cleaning, baking goods, chilled foods and soft drinks. We feel that now is the time to complete the range by adding a small range of alcoholic drinks".

3.3 A copy of the premises licence application form is enclosed as **Appendix 1**.

3.4 The applicant has applied for the following licensable activities and timings:-

The sale by retail of alcohol – Off sales only

- Monday to Friday, from 07:30 hrs to 22:00 hrs
- Saturday, from 09:00 hrs to 20:00 hrs
- Sunday, from 09:00 hrs to 16:00 hrs

The opening hours of the premises

- Monday to Friday, from 07:00 hrs to 22:00 hrs
- Saturday, from 09:00 hrs to 20:00 hrs
- Sunday, from 09:00 hrs to 16:00 hrs

4.0 Location and Nature of the premises

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

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

4.3 Details of the nearest licensed venues are included as **Appendix 4**.

5.0 Licensing Policy and Government Advice

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

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.

- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because a relevant representation has been made by the following:

Other persons	Appendix
Beverley Charters	6
Carol Woodford	7
Mr & Mrs D & J Newland	8
Diana Wright	9
Jacqueline Kavanagh	10
Mohsin Yemani	11
Shanur Miah	12

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - London Fire Brigade
 - Planning
 - Health and Safety
 - Environmental Health Noise Team
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 Essentially, the relevant party opposes the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.
- 6.14 The applicant has responded to the representations made by other persons. The replies are contained in **Appendix 13**.

7.0 Conditions consistent with Operating Schedule

- 7.1 *All staff and owners will be trained in the prevention of crime and disorder including matter such as the prevention of sale of alcohol to drunk individuals or on behalf of drunk individuals.*

Licensing Officer comments - members may wish to consider the following standard wordings:

All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every six months thereafter. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:

- a) the operation of the challenge 25 scheme;
 - b) types of acceptable ID;
 - c) the method of recording challenges;
 - d) the likely consequences of making an underage sale;
 - e) refusing sales to persons who appear to be drunk;
 - f) proxy sales.
- 7.2 *All customers showing a desire or willing to be a public nuisance will be advised to leave the area and to desist from the nuisance. Should this not deter the parties involved then the appropriate authorities will be contacted.*
- 7.3 *Customers will always be advised to leave the premises in an orderly fashion to ensure our neighbours are not affected by any irresponsible behaviour.*

Licensing Officer comments - members may wish to consider the following standard wordings:

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

- 7.4 *Staff will ensure that the front of the premises is always clear and free of rubbish during and at the end of the day.*
- 7.5 *Children are already observed when entering the premises even if they are accompanied by an adult. Children should never be left alone or unattended within or outside the premises to ensure that no harm will come to them.*

8.0 Conditions in consultation with the Responsible Authorities
(Police Licensing conditions agreed – See **Appendix 14**)

- 8.1 *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*

- 8.2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 8.3 An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
- a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.

- 8.4 A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

9.0 Licensing Officer Comments

- 9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

- 9.2 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions

promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 15 - 20** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

- | | |
|---|--|
| Appendix 1 | A copy of the application from |
| Appendix 2 | Site Plan |
| Appendix 3 | Maps of the surrounding area |
| Appendix 4 | Other licensed venues in the area |
| Appendix 5 | Section 182 Guidance by the Home Office |
| Appendices 6-12 Representations of residents | |
| Appendix 13 | Applicant's response to representations |
| Appendix 14 | Agreement with Police Licensing Team |
| Appendix 15 | Licensing Officer comments on noise while the premise is in use |
| Appendix 16 | Licensing Officer comments on access/egress Problems |
| Appendix 17 | Licensing Officer comments on crime and disorder on the premises |
| Appendix 18 | Licensing Officer comments on crime and disorder from patrons leaving the premises |
| Appendix 19 | Planning |
| Appendix 20 | Licensing Policy relating to hours of trading |

This page is intentionally left blank

Appendix 1



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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Mr. Andrei Valentin Marin

(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

S-A-N-D Grocery Ltd
98a Coborn Road
Bow
London

Post town	Bow	Postcode	E3 2DG
-----------	-----	----------	--------

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 5700.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick as

- | | |
|---|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | <input checked="" type="checkbox"/> please complete section (B) |
| i as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <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) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> 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 | <input type="checkbox"/> 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 | <input type="checkbox"/> please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick as

- | | |
|---|---|
| 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/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <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) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> 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 | <input type="checkbox"/> 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 | <input type="checkbox"/> please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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)	
Surname Marin		First names Andrei Valentin			
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality [REDACTED]					
Current residential address if different from premises address [REDACTED]					
Post town [REDACTED]		Postcode [REDACTED]			
Daytime contact telephone number [REDACTED]					
E-mail address (optional) [REDACTED]					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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)	
Surname		First names			
Date of birth		I am 18 years old or <input type="checkbox"/> Please tick yes			
over					
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address [REDACTED]					
Post town [REDACTED]		Postcode [REDACTED]			

Daytime contact telephone number	
E-mail address (optional)	

(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
09	03	2020

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

DD	MM	YYYY
11	11	1111

Please give a general description of the premises (please read guidance note 1)

S-A-N-D Grocery Ltd is a small convenience store situated within a quiet neighbourhood. The business is enjoying tremendous support from the local residents due to our mission statement to provide affordable groceries to all.

As a business S-A-N-D already supplies cigarettes (track & trace compliant), confectionery, household cleaning, baking goods, chilled foods and soft drinks.

We feel that now is the time to complete the range by adding a small range of alcoholic drinks. These will be on sale only basis and not for consumption on the premises and no provision for consumption near premises either.

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for performing plays (please read guidance note 5)	
Fri			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 (please read guidance note 6)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for the exhibition of films (please read guidance note 5)	
Fri			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 (please read guidance note 6)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<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> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Fri			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 (please read guidance note 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for the performance of live music (please read guidance note 5)	
Fri			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 (please read guidance note 6)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Fri			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 (please read guidance note 6)	
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)	
Thur				
Fri			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 (please read guidance note 6)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	07:30	22:00		Both	<input type="checkbox"/>
			State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	07:30	22:00	N/A		
Wed	07:30	22:00			
Thur	07:30	22:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	07:30	22:00			
Sat	09:00	20:00	N/A		
Sun	09:00	16:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		
Date of birth		
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 9).

The provision and sale of cigarettes within the premises is strictly policed and age challenges are used when the need arises to satisfy the law.

Cigarettes are not promoted by the store and age challenging signs are clearly visible in the store.

The age challenge will also be strictly enforced if the alcohol license is granted.

There are no other activities adult orientated within the store and children are welcome. Alcohol if stocked and supplied would be out of the reach of children and spirits only accessible by store staff behind the counter.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	As we are a new store only began trading 15/11/19, we would like to extend our trading hours in the future but as yet we have no immediate plans. However we may be looking at changing the closing hours during the summer period but would obviously notify using the correct channels.
Mon	07:00	22:00	
Tue	07:00	22:00	
Wed	07:00	22:00	
Thur	07:00	22:00	<u>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</u> (please read guidance note 6)
			None at present
Fri	07:00	22:00	
Sat	09:00	20:00	
Sun	09:00	16:00	

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 10)

In general we would always ensure that our premises and staff are kept safe, and should not feel threatened in anyway by just carrying out their required duties. We always ensure that our customer are kept safe within our premises and to ensure that no harm will be befitting them while arriving or leaving the premises. We already have a duty to ensure that the immediate surrounding areas are kept tidy and that customers or members of the public do not congregate in or around the premises, this ensure minimal noise for our neighbours and other local tenants.

b) The prevention of crime and disorder

All staff and owners will be trained in the prevention of crime and disorder including matter such as the prevention of sale of alcohol to drunk individuals or on behalf of drunk individuals. All customer will be advised not to either consume alcohol in or around the perimeter of the store. Any such offences that cannot be dealt with by staff will be reported to the appropriate authorities. For the benefit of safety for our customers and staff we do operate recording CCTV on the site both inside and outside the front of the store.

c) Public safety

Should the premises license be granted to the store clear advertising on challenging ages will be displayed and as per the law this power will be used when the need arises. Should verification be indeterminable then the sale will be refused. The proposal shows the storage areas for wine and spirits which is only visible to the customer. The customer will have to ask to purchase wines and spirits from behind the counter which will be an aid in determining age verification.

d) The prevention of public nuisance

All customers showing a desire or willing to be a public nuisance will be advised to leave the area and to desist from the nuisance. Should this not deter the parties involved then the appropriate authorities will be contacted.

Customers will always be advised to leave the premises in an orderly fashion to ensure our neighbours are not affected by any irresponsible behaviour. Our staff will ensure that the front of the premises is always clear and free of rubbish during and at the end of the day.

e) The protection of children from harm

Children are already observed when entering the premises even if they are accompanied by an adult. Children should never be left alone or unattended within or outside the premises to ensure that no harm will come to them. We currently already have installed inside and outside the premises CCTV recording 24 hours a day and very clear warning to this effect. Thus so far has been an excellent deterrent at ensuring the health, safety and well being of our staff and customers. Constant training in security and UK licensing laws will be ongoing in conjunction with our DPS.

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.
- 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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	27/02/2020

Capacity	DIRECTOR
----------	----------

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	[Redacted]
Date	27/02/2020
Capacity	DIRECTOR

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.

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

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.
 8. 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'.
 9. 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.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and

any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

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

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

the UK and is permitted to work.

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

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

Home Office online right to work checking service

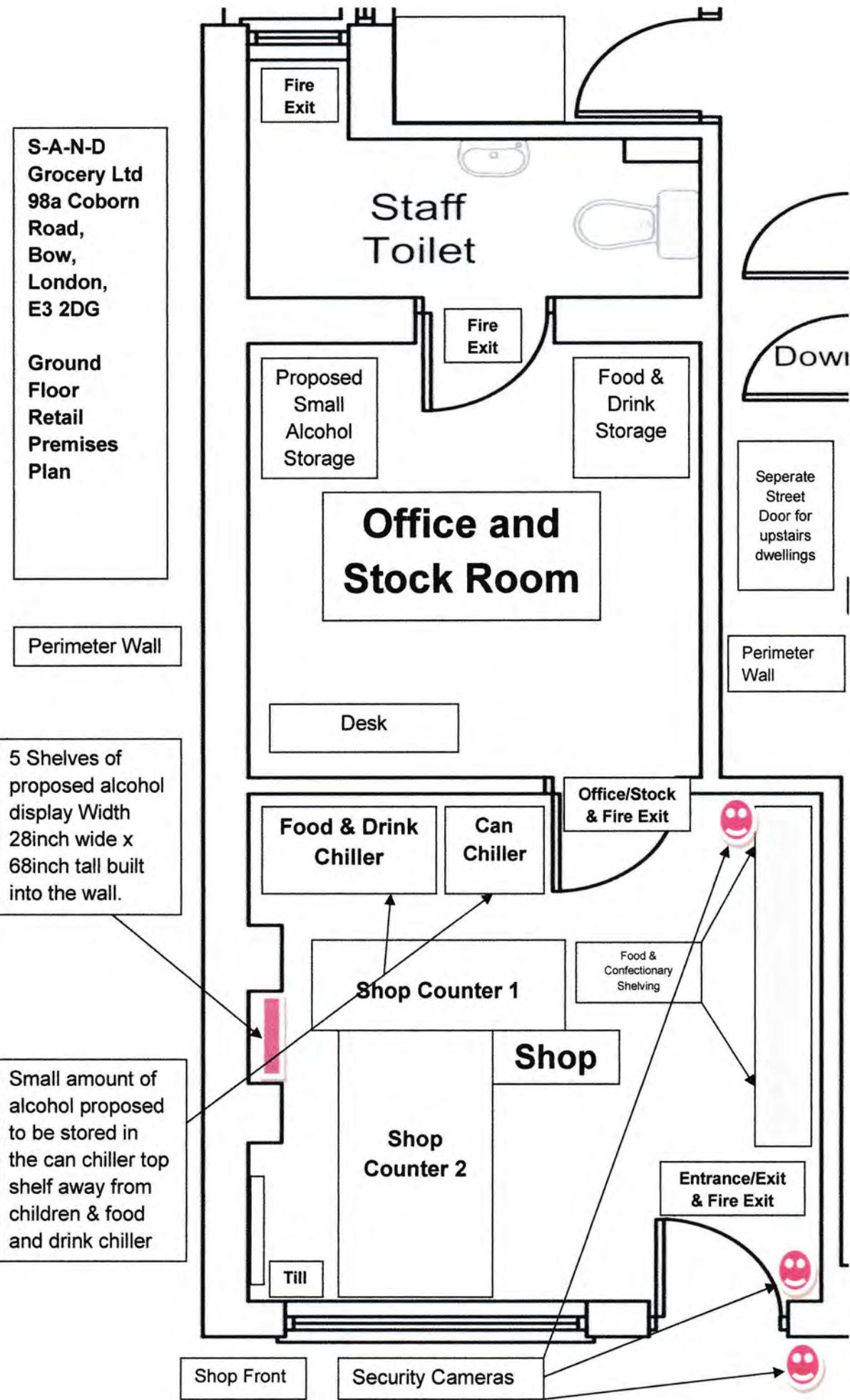
As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

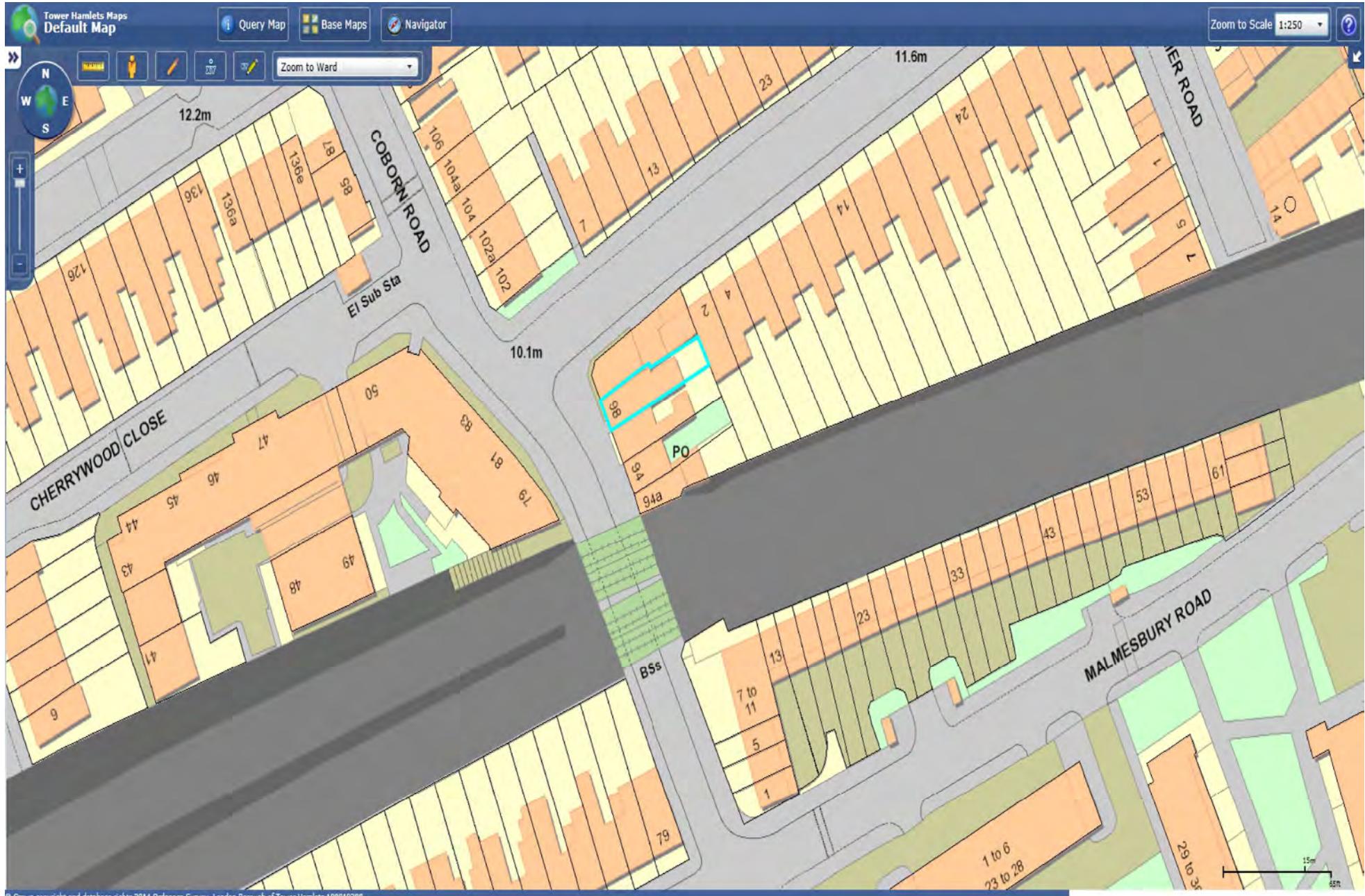
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

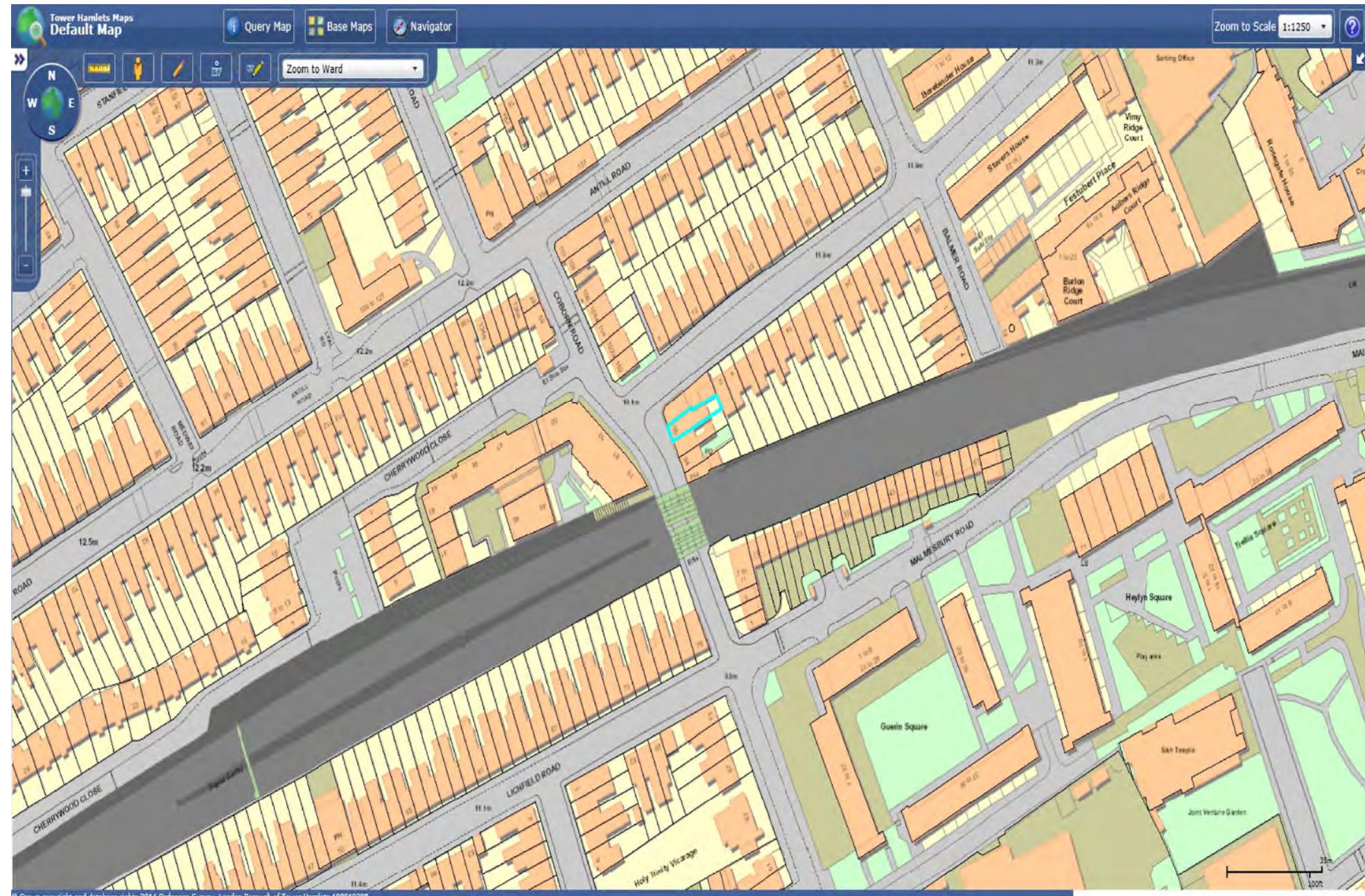
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Appendix 2



Appendix 3





Appendix 4

New premises licence: SAND, 98a Coborn Road

Name and address	Licensable activities and hours	Opening hours	
(Coborn Corner) 110 Coborn Road London E3 2DG	<p>Alcohol shall not be sold or supplied except during permitted hours. (Off sales only)</p> <p>In this condition, permitted hours means:</p> <ul style="list-style-type: none"> a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d. On Good Friday, 8 a.m. to 10.30 p.m. 	There are no restrictions on the hours during which this premises is open to the public	
(Morgan Arms) 43 Morgan Street London E3 5AA	<p>Supply of Alcohol (On and off sales)</p> <p>Sunday to Wednesday 10 00 hrs to 23 00 hrs</p> <p>Thursday to Saturday 10 00 hrs to midnight</p> <p>Late Night Refreshment</p> <p>Sunday to Wednesday 10 00 hrs to 23 30 hrs</p> <p>Thursday to Saturday 10 00 hrs to 00.30 the following day</p> <p>Regulated Entertainment</p> <p>Live Music (on a maximum of 24 occasions a year)</p> <p>Monday to Saturday 10 00 hrs to 22 00 hrs</p> <p>Recorded Music (as background only)</p> <p>Sunday to Wednesday 10 00 hrs to 23 30 hrs</p> <p>Thursday to Saturday 10 00 hrs to 00 30 hrs the following days</p> <p>12 Special events until 02 00 hrs, with a minimum of 7 days notice in writing to the Metropolitan Police who have an absolute veto.</p>	Sunday to Wednesday 10 00 hrs to 23 30 hrs	<p>Thursdays to Saturday 10 00 hrs to 00 30 hrs the following day</p>
(The Coborn Arms) 6-8 Coborn Road London E3 2DA	<p>The sale by retail of alcohol (on and off sales):</p> <ul style="list-style-type: none"> • Monday, Tuesday and Wednesday from 08:00hrs until 23:30hrs • Thursday, Friday and Saturday from 08:00hrs until 00:00hrs (midnight) • Sunday from 10:00hrs to 23:00hrs. • On no more than 15 non-standard timings per year including Bank Holidays from 10:00hrs until 00:00hrs (midnight). 7 clear days' notice to be given to the Police, Licensing Authority and Environmental Health who will advise on noise limiting. Police will have right to veto. 	<ul style="list-style-type: none"> • On Monday, Tuesday and Wednesday from 08:00hrs until 00:00hrs (midnight) • On Thursday, Friday and Saturday from 08:00hrs until 00:30hrs (the following day) • On Sunday from 10:00hrs until 23:30hrs • On no more than 15 non-standard timings per year including Bank Holidays from 10:00hrs until 00:30hrs (the following day) 	

New premises licence: SAND, 98a Coborn Road

	<p>Note: However, New Year's 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 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day.</p>	following day)
(Lord Tredegar) 50 Lichfield Road London E3 5AL	<p>The sale by retail of alcohol (On and off sales)</p> <p>Monday to Thursday – 11am to 11pm Friday and Saturday – 11am to 12 midnight Sunday – 12midday to 10.30pm</p> <p>The provision of regulated entertainment</p> <p>(Live and recorded music and entertainment of a similar description)</p> <p>Monday to Saturday– 11am to 11pm Sunday – 12midday to 10.30pm</p> <p>The above activities shall also be allowed for:</p> <ul style="list-style-type: none"> ▪ A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/ Whitsun Bank Holiday and every August Bank Holiday weekend ▪ A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. ▪ A further additional hour every Christmas Eve. ▪ A further additional hour every Boxing Day. From the usual end time on New Year's Eve to the Usual start time on New Year's Day. 	<p>Monday to Thursday – 11am to 11pm Friday and Saturday – 11am to 12 midnight Sunday – 12midday to 10.30pm</p> <p>The premises may remain open to the public:</p> <ul style="list-style-type: none"> ▪ A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/ Whitsun Bank Holiday and every August Bank Holiday weekend ▪ A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. ▪ A further additional hour every Christmas Eve. ▪ A further additional hour every Boxing Day. ▪ From the usual end time on New Year's Eve to the Usual start time on New Year's Day.
(Cornucopia) Bevan Court Shop Unit 246 Tredegar Road London E3 2GP	<p>The sale by retail of alcohol (Off sales only)</p> <p>Monday to Sunday 08:00 – 23:00</p>	Monday to Sunday 08:00 – 23:00

Appendix 5

Section 182 Advice by the Home Office
Updated on April 2018

Relevant, vexatious and frivolous representations

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

Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 6

Beverley Charters
[REDACTED]
[REDACTED]
[REDACTED]

19th March. 2020

Objection to:

Premises Licence for S-A-N-D Grocery Ltd, 98a Coborn Road, E3 2DG

Name and address:

Beverley Charters, [REDACTED]

The name and address of the premises you want to object to:

S-A-N-D Grocery Ltd, 98a Coborn Road, E3 2DG

Licensing aims that we believe will not be met if this licence is granted

- Protection of Children from Harm
- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety

Context: We live in [REDACTED]; a couple of roads away, just off Coborn Road. This is mainly a residential area, and, we believe, already well enough served by licensed premises for the local residents.

Coborn Road is the boundary of the Mile End Old Town Residents Association (MEOTRA).

We were concerned to see in the local newspaper notice of a license application for this new grocery store in Coborn Road. The shop has only been open for a few months, in a premises not previously used as a grocery store, or licensed premises. It currently doesn't sell any licensed goods. If this application is granted then the licensing hours are to be:

Monday - Friday 07.30 - 22.00

Saturday 09.00 - 20.00

Sunday 09.00 - 16.00

Coborn Road is a busy pedestrian, cycle and vehicular route. In fact, just off Coborn Road are two schools; the Malmesbury Primary School for junior children, and the Central Foundation Girls' School, now on Bow Road/Corner of Coborn Street, but previously located in Tredegar Square. Many of these pupils and their parents/carers will need to pass these premises on their way to and from school each day. With the licensing hours requested, opening before, throughout and after the school day, I would suggest that there is potential for harm to children as an additional premises licence here offers new temptation, potential harm to children and young people.

The area is already, we feel, well served by licensed premises. There are already off sales in the nearby corner shop (?Coborn Corner) and at the other end of the road, in the Tesco Express store. Round the corner at the other end of Morgan Street the "Olde Corner Shoppe" also is licensed for sale of alcohol. Between these three premises the area is

already well covered for the off-sale to residents of alcoholic drinks, for this full range of times, should these be required. Furthermore, there are three public houses offering in-sales (Lord Tredegar on Lichfield Road, Morgan Arms on the junction of Coborn Road and Morgan Street, and the Coborn Arms, on Coborn Road itself). Other licensed premises are in local streets within walking distance such as Tredegar Road and Roman Road.

We have talked amongst ourselves within the local neighbourhood and we can't see that there is any additional requirement from the local residents for additional licensed premises to be made available. We therefore question whether this new licence is to serve a local population, or is an attempt to attract sales from further afield? We are concerned that the availability of increased off-sales opportunities in this area would further add to the anti social behaviour which is currently experienced, perhaps with larger numbers of people coming into the area later in the evening, and hanging around the streets to consume the alcohol bought at this address? There are many instances of crime and antisocial behaviour reported in and around Roman Road and that area has become menacing for many of us, certainly in the evenings when crowds and gangs gather around both licensed premises and fast food outlets. Roman Road is not a direct comparator of course as it is largely a commercial road, rather than the mainly residential area of Coborn Road and its environs. Should it develop, such behaviour could represent a public safety issue as it is a busy thoroughfare for people going to and from their homes at all hours.

LBTH Liveable Streets:

"The Liveable Streets programme will improve the look and feel of public spaces in Bow. The programme is part of the Love Your Neighbourhood initiative which aims to improve the area for all Tower Hamlets residents by making changes to the street infrastructure"

From the recent community consultation meetings through the LBTH "Liveable Streets" initiative we have been advised that the area of Coborn Road and Malmesbury Estate is already an area of concern, largely around groups of youths congregating, drug trafficking and various public nuisance offences. It is of concern to many of us locally that more late night alcohol availability could add to those problems.

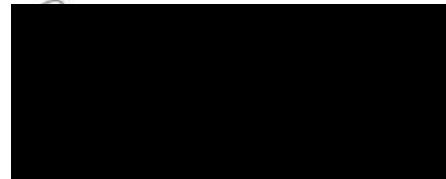
The shop has no dedicated parking but is on a single yellow line, and located very close to the "nasty" left turn from Tredegar Road on one side, and the rail bridge, and slight dip in the road on the other side. Traffic does build up in this area anyway and cars have to wait in turn to and from both directions when they turn in and out of Tredegar Road at this point. I am rather concerned that out of hours and in particular evening hours may bring the possibility of people parking briefly in the road here, potentially causing congestion and/or accidents in what is already a tight space, identified as a pinch point.

We are told that one of the LBTH proposals is to largely close off part of Coborn Road to vehicular traffic both to prevent the road use as a "rat run", but also with a view to cutting down the existing and various nuisance and criminal activities. We are concerned that the introduction of the early morning and late night off-sales of alcohol at this new site would possibly hinder this safer streets initiative, as people could gather and hang around to drink alcohol in groups, and in particular if the road by the premises is closed off, it could become an easier meeting point with potential for public nuisance, crime and disorder?

It is disappointing that there has been no consultation with any local residents or other businesses, as far as we can see. We would be interested to understand the business plan behind this application; to see if there is a local need for additional alcohol off-sales, and the results of any commitment from the potential licensee as to how he/they will ensure that none of our concerns come to fruition; that alcoholic off-sales from this site are safe, and the local area, children and other residents are protected from additional nuisance, crime, public safety issues etc, on adding to those that already exist, and those that were flagged up to us in the various Liveable Streets workshops.

To conclude, I and various neighbours are concerned about each of the following four categories, on which I have based this representation:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm



Yours faithfully,
Beverley Charters

Appendix 7

The Licensing Section
London Borough of Tower Hamlets

John Onslow House
1 Ewart Place
London
E3 5EQ

Re: application for premises licence S-A-N-D Grocery Ltd,
98a Coborn Road, E3 2DG

To Whom It May Concern:

I am writing to object to the above application. These premises are in proximity to similar businesses close by including Tesco and an established grocery store and can see no benefit in having an additional business of this type in what is a conservation area.

Kind regards

C. Woodford



Mohshin Ali

From: Carol Woodford [REDACTED]
Sent: 29 March 2020 12:32
To: Mohshin Ali
Subject: New premises licence application S-A-N-D grocery Ltd ,98a Coborn Road,e3 2dg

Thank you for your letter ref. CLC/LIC/127163/MA.

My concerns that the late night access more so, of alcohol could cause anti social behaviour.

These premises are situated with ample space outside to accommodate gatherings, bikes etc. This may well make it attractive as a meeting venue.

Kind regards
Carol Woodford

Appendix 8

Mr. Mrs. D & J Newland

[REDACTED]

6th March 2020

To the Licensing Section,

I wish to oppose the issuing of a Licence to sever alcohol to S-A-N-D grocery at 98a Coborn Rd.
I oppose this on the following reasons,

We are adequately served with Alcohol within this location, The Coborn Arms at the top of Coborn Rd, and then with the Morgan Arms in the middle of Coborn Rd., finishing off with the Mace stores at the bottom of Coborn Rd.

Mace stores is also just 3 minutes walking distance from S-A-N-D Grocery they are in shouting distance of one another.

We are also opposed to the late times for the store to be open and selling alcohol which we feel will only heighten anti- social behaviour. We have enough rubbish and bad behaviour issues on going within the area without adding late night drinking. If people want to drink then the pubs are open to accommodate them.

The surrounding streets do not need any more litter or nuisance behaviour which we feel will increase with the issuing of a license to this store.

Regards
D. & J. Newland

[REDACTED]



Appendix 9



9 March 2020

The Licensing Section
London Borough of Tower Hamlets
John Onslow House
1 Ewart Place
London E3 5EQ

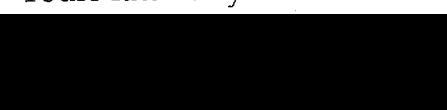
Dear Sirs

Re: Application for a Premises Licence from S-A-N-D Grocery Ltd
98a Coburn Road Bow London E3 2DG

I am concerned about this application for a licence for very extensive hours, 7.30am to 10pm Monday to Friday, and from 9am until 8pm on Saturday as well as 9am to 4pm on Sundays. This shop is in the middle of a residential area, and awkwardly situated in that it is illegal (and dangerous) to park outside. Also, I fear the late hours may give rise to anti social behaviour.

There are plenty of alternatives within a short walking distance, for example the Tesco store on Bow Road.

Yours faithfully



Diana Wright



Appendix 10

Mohshin Ali

From: Kathy Driver on behalf of Licensing
Sent: 26 March 2020 12:37
To: Mohshin Ali
Subject: FW: CLC/EHTS/LIC/127163: S-A-N-D Grocery

From: Jacqueline Kavanagh [REDACTED]
Sent: 25 March 2020 20:43
To: Licensing
Subject: CLC/EHTS/LIC/127163: S-A-N-D Grocery

To whom it may concern,

I am writing to oppose the granting of the application for premises license at 98a Coborn Road.

My name is Jacqueline Kavanagh and I live at [REDACTED]. This means I am a close neighbour to this establishment.

There is another alcohol vendor approximately 40 meters / 20 seconds away from this location. There are also 3x pubs within a five minute walk. This grant would add nothing different to what is already available within a 20 second walk.

This is a residential neighbourhood that already suffers from racing cars, noise pollution and actual air pollution. Providing a grant for another off licence in this location is irresponsible and flies in the face of the ongoing Liveable Streets project.

This will encourage idling cars, increased traffic and late night anti-social behaviour - which we already have plenty of due to the pub closing hours.

Please consider the future environment and community that you want to create in Tower Hamlets.

Thank you and please feel free to reach out with any questions.

Very best,

Jacqui & Joel
[REDACTED]

--
JACQUELINE KAVANAGH
[REDACTED]

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

Appendix 11

Mohshin Ali

From: Vincent Fajilagmago on behalf of Licensing
Sent: 25 March 2020 11:32
To: Mohshin Ali
Subject: FW: Objection to S-A-N-D Grocery, 98a Coborn Rd E3 2DG

fyi

From: Mohsin Yemani [REDACTED]
Sent: 24 March 2020 21:39
To: Licensing
Subject: Objection to S-A-N-D Grocery, 98a Coborn Rd E3 2DG

Dear sir/madam,

I am extremely dumbfounded by the fact that Tower Hamlets council is considering granting another alcohol selling license to a store within a few meters of an existing retailer within the middle of a residential area; living in an area inundated with anti social behaviour, drug selling and addiction, high levels of unemployment and medical illness I cannot fathom as to why this council would even consider any such license. There is no need; moreover the negative impact of this will be significant on the lives of the local residents whose well being and concern is not being considered.

It has been evidentially proven that alcohol is directly linked to domestic violence, antisocial and violent behaviour, crime and abuse.

Living directly opposite to this store with its ridiculous extended hours I have seen and am living with the increased anti social behaviour- noise, loitering, littering. I also have grave concerns around the sale of alcohol and the knock on effect on drunk, unruly and violent behaviour.

A license such as this is breaking up the peace within the community, increasing the risk to public safety {specifically the young, elderly and vulnerable}.

Apart from profiteering, there is absolutely no justifiable reason within the realms of human sanity and logic that would allow such a license to be granted.

I write this email strongly objecting against this application for the reasons cited above.

Regards
M. Yemani

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 12

Mohshin Ali

From: S M [REDACTED]
Sent: 21 March 2020 11:02
To: Licensing
Subject: Objection to S-A-N-D Grocery, 98a Coborn Rd E3 2DG

Follow Up Flag: Follow up
Flag Status: Completed

Objection to S-A-N-D Grocery, 98a Coborn Rd E3 2DG

Dear sir/madam, I am extremely dumbfounded by the fact that Tower Hamlets council is considering granting another alcohol selling license to a store within a few meters of an existing retailer within the middle of a residential area; living in an area inundated with anti social behaviour, drug selling and addiction, high levels of unemployment and medical illness I cannot fathom as to why this council would even consider any such license. There is no need; moreover the negative impact of this will be significant on the lives of the local residents whose well being and concern is not being considered.

It has been evidentially proven that alcohol is directly linked to domestic violence, antisocial and violent behaviour, crime and abuse.

Living directly opposite to this store with its ridiculous extended hours I have seen and am living with the increased anti social behaviour- noise, loitering, littering. I also have grave concerns around the sale of alcohol and the knock on effect on drunk, unruly and violent behaviour.

A license such as this is breaking up the peace within the community, increasing the risk to public safety {specifically the young, elderly and vulnerable}.

Apart from profiteering, there is absolutely no justifiable reason within the realms of human sanity and logic that would allow such a license to be granted.

I write this email strongly objecting against this application for the reasons cited above.

Regards
S. Miah

Appendix 13

Mohshin Ali

From: Andrei Marin Darryl White-McDowall <s███████████>
Sent: 05 May 2020 14:43
To: Mohshin Ali
Cc: Simmi Yesmin
Subject: Alcohol License Application - Supporting Documents - For Objections
Attachments: D.Wright.pdf; C.Woodford.pdf; J.kavanagh.pdf; D.J.Newland.pdf; B.Charters.pdf; M.Yemani.pdf; Reply to Beverley Charters Objection.docx; PoliceConditions.AGREED.pdf; Reply to Carol Woodford.docx; Reply to Jacqueline Kavanagh.docx; Reply to Diana Wright.docx; S.Miah.Address.pdf; Reply to S.Miah.docx; Reply to Mr & Mrs Newland.docx

Follow Up Flag: Follow up

Flag Status: Flagged

Good afternoon Mohshin,

After speaking to Simmi Yesmin at the Democratic Services today, who was most helpful and in turn advised us to forward to yourself all of our replies to the objections you recently sent us with regards to our application for the alcohol license. Simmi advised us that you would then compile these replies with your report ready for the hearing to take place hopefully soon.

Please find attached all of the relevant documents with the replies from us.

Should you require any further information please do not hesitate to contact us.

Kind regards

--

Andrei Marin - Director

Darryl White-McDowall - Company Secretary

S-A-N-D Grocery Ltd



S-A-N-D Grocery Ltd - 98a Coborn Road - London - E3 2DG

Objection – Rebuttal for Beverley Charters of [REDACTED]

In reply on 15/04/20 to Objection for the Alcohol License Application dated 19/03/20:

Firstly we would request ask that this rebuttal to Beverley Charters objection be taken into consideration.

In the context section of Beverley Charters in depth letter of objection we note from this that Coborn Road is the boundary of the Mile End Old Town Residents Association, (MEOTRA) and in the first instance should not be considered whatsoever in conjunction with the MEOTRA as it not under any kind of jurisdiction. This group is merely a residents group. Understandably to campaign to keep the area to a standard but one such associations views should not be used as a speaking point for one person as there no evidence of the whole association objecting against the license being granted thus resulting in the MEOTRA views should not be taken into consideration as it not noted that any vote was undertaken and this objection is purely the personal views of Beverley Charters and the word “WE” should not be used in this objection but should be replaced with “I”. Beverley Charters states that this store has never been a grocery store which is incorrect. There was in fact a parade of stores on the Coborn road including number 98 which were all closed in the late 1940’s. Please see picture below.



We do agree sometimes, Coborn Road is a busy road but only in peak times for example morning, lunchtime and evenings. The locations of where the two local schools were in history is of no importance is this objective and should be removed. Central Foundations Girls School now on Bow Road is nowhere near S-A-N-D Grocery Ltd store and should not be used in this objection as it has no relevance. It is stated that many parents and pupils will use Coborn Road to attend the school. The grocery store is unable to make or force local residents to take another route and currently welcomes the parents and children and the store has some very good friendships created by the parents and children who would more than likely agree that our standards are extremely high both within the store and outside of the store. The grocery store believes that this Beverley Charters suggestions that there is potential for the harm of children to be slanderous and a vicious attack on the store itself. There is no truth in this statement and the owner of the store is distressed at this statement and suggestion of potential harm to children. The store owner finds this unfounded and may in turn seek legal advice on this subject.

We would like to state that it is merely an opinion of Beverley Charters that the area is as stated “well covered for the off sale-sale to residents of alcoholic drinks” Furthermore in Beverley Charters letter it is advised that there are three public houses in close proximity to each other and did they receive a barrage of objection statements from Beverley Charters when they began business and applied for their licences?

Beverley Charters states “We have talked amongst ourselves within the local neighbourhood” The owner has been asking local residents of said discussion and nobody has heard anything of this nature nor even heard of the residents group itself. It is not any business of Beverley Charters as to our business aims and shall remain so and again the owner will dispute the fact that Beverley Charters has stated the owners are attracting sales from further afield. This is absolutely not a concern for Beverley Charters to be discussing as shoppers demographically can be made up of local residents and customer passing through and is the same with regards to any retail establishment in the United Kingdom. If Beverley Charters is concerned with regards to the Anti Social behaviour then maybe the association and its head speaker may wish to consult further with the Metropolitan Police instead of slandering shop owners within the local area. Within the 4.5 months the store has been open the owner has stated that there has not been any experience of anti social behaviour in the local area and would consider the area to extremely pleasant and well catered for by the Metropolitan Police. Statements such as “larger numbers of people coming into the area later in the evening and hanging around the streets to consume alcohol bought at this address” are absolute rubbish. Did Beverley Charters state the same words when three other convenience stores and three other public houses applied for their licences?

It is with regret that Beverley Charters “There are many instances of crime and antisocial behaviour reported in and around the Roman Road area that has become menacing for many of us” The grocery store and indeed Beverley Charters is not located near the Roman Road at all and this statement has no evidence supplied and is not located in the situ of the store or Beverley Charters and said statement should be removed and not considered. Beverley Charters constant and numerous suggestions are exactly that, suggestions and results of here say from the residents association not even in the ward of Coborn Road but on the boundary.

The store owner is extremely concerned and distressed that Beverley Charters has again suggested that if the store is granted a license it would only add to “drug trafficking and various other public nuisances” this is now being considered as a slanderous remark and totally uncalled for and is placing a slur on the good reputation of the store owner and quite frankly appalling.

Beverley Charters states further “The shop has no dedicated parking but is on a single yellow line” this would be the same yellow line that befriends the three other convenience stores again with no parking and two public houses again with no parking and Tescos on the Bow Road. The owner see no evidence or reasoning behind this statement. The owner of the store has no capability or wish to change the flow of traffic and does not believe in any way shape or form that this would be a responsibility of the shop owner and would be again a topic for a residents association if the shop owner was to open a shop in any other London Borough. This simply has no standing in the objection and is merely mindless chit chat in order to pad out the objection letter.

Every single paragraph of this letter is filled with accusations and what if’s and suggestions which there is clearly no evidence and no reasoning behind this rather viscous attack on the shop owner with many topics raised by Beverley Charters having no association with the topic of the objection letter.

Beverley Charters states that “it is disappointing that there has been no consultation with any other local residents or other businesses, as far as we can see” This statement is purely fantasy as there is no law that currently states that there must be consultation with local residents or residents associations and other businesses regarding licensing applications. If this were the case it would take several years to receive an alcohol license. This is why the authorities request advertisements in local newspapers are placed and blue notes are also place in the window of the property subject to size. It is quite obvious that Beverley Charters has never even been to the store or walked around this part of the neighbourhood on a regular basis as Beverley Charters would have also noted that the store did display a blue note in the window for the requested amount of time and would not have waited to see and review every article and advertisement within the Docklands and East London Advertiser local newspaper.

Beverley Charters has stated

“We would be interested to understand the business plan behind this application; to see if there is a local need for additional alcohol off-sales, and the results of any commitments from the potential licensee as to how he/they will ensure that none of our concerns come to fruition; that alcoholic off-sales from this site are safe, and the local area, children and other residents are protected from additional nuisance, crime, public safety issues etc, on adding to those that already exist, and those that were flagged up to us in the various Liveable Streets Workshops” (*all one sentence*)

The owner of the store is very distressed at this last statement as it seems that Beverley Charters is immediately linking and grouping the store with crime in the area which is absolutely preposterous and serious grounds for slander. It is of absolutely no business whatsoever and or any grounds that Beverley Charters should be entitled to see any business plans that are used by the company and such request would be denied on any

occasion. The store owner has stated that it would fulfil the correct licensing guidelines and will fulfil this promise. Beverley Charters should be advised that these guidelines can also been found on line for reference purposes of the association as it is not the responsibility of the store owner to furnish Beverley Charters with these documents. It would seem from this statement that Beverley Charters is indeed objecting for the sake of objecting and there absolutely no foundation or justification in writing this full scale attack on the owner and the business itself. The owner cannot see under any situation what this objection hopes to succeed in and therefore fully object to this letter of objection and all of its contents and the points therein.

Yours sincerely

Andrei Marin – Director.



S-A-N-D Grocery Ltd - 98a Coborn Road - London - E3 2DG

Objection – Rebuttal on 15/04/20 for objection dated 17/03/20 Carol Woodford at [REDACTED]

The store owner cannot see any relevance in this objection as the store has never been classified and nor will ever be as a meeting place or point. The store was opened on November 15th 2019 and has never had any bikes gathering outside and this is something that does not happen to the other stores in the local area that do have alcohol licenses. It is the owner's responsibility should such occasions arise to immediately disburse them. To be quite honest the likelihood of anything like this happening are extremely slim. The owner confirms that this is a fairly quiet part of the neighbourhood and is quite often the only shop open and the only visible person on the street on many evenings of the week.

Yours sincerely

Andrei Marin – Director.



S-A-N-D Grocery Ltd - 98a Coborn Road - London - E3 2DG

Objection – Rebuttal on 15/04/20 for objection from Mr D & Mrs Newland,

The only point in this objection the owner would like to highlight from within this objection is the point made about the additional rubbish within the area.

Below are three pictures the first two pictures taken only a few houses away from 37 Tredegar Road which shows an appalling amount of rubbish bags piled up on Tredegar Road and the contents strewn all over the paths. This is the same along the majority of the Road.





The 3rd and final picture again taken today 15/04/20 outside the Store looking down Coborn Road.



I think this explains itself that there is more rubbish on Tredegar Road than there is on Coborn Road even with a Grocery Shop trading on it. It is quite a shame that the residents are not taking a pride in their street and indeed there area.

Yours sincerely

Andrei Marin – Director.



S-A-N-D Grocery Ltd - 98a Coborn Road - London - E3 2DG

Objection – Rebuttal on 15/04/20 for objection from Diana Wright of [REDACTED] dated 9/03/2020

For this objection the owner advises that there are 4 convenience stores awkwardly situated on yellow lines in this residential area where they are illegal (and dangerous) to park outside of so as far as parking is stated it is the same for all. The owner of this store just like the other store does not endorse or promote parking outside the store. It is part of the driving theory nowadays to understand parking on yellow lines and the restrictions they impose. A store owner has no obligation to stop a member of the public parking on yellow lines. This would be down to the stupidity of the driver or should one say common sense. Even Tesco on Bow Road has yellow lines and a cycle route so you cannot park there either. The store owner does not and would not encourage parking behaviour but does warn drivers if seen. The other stores are also awkwardly situated in the residential area so an argument or objection cannot be formed. Licensing Hours can always be changed as per the Licensing Committee where they see fit to amend.

Yours sincerely

Andrei Marin – Director.



S-A-N-D Grocery Ltd - 98a Coborn Road - London - E3 2DG

**Objection – Rebuttal on 15/04/20 for Jacqueline Kavanagh of
[REDACTED] dated 25/03/20.**

The owner of this store fails to see how one store can be blamed for further racing cars, noise pollution and actual air pollution? And to blame Council's licensing committee for being irresponsible in granting an alcohol license? The owner fails to agree that this will encourage idling cars and increased traffic and anti-social behaviour. Again the owner would like to state that there has been no evidence in the months of opening of anti sociable behaviour on the street and can categorical state that this is a very quiet neighbourhood and will remain so as there is no evidence that providing another alcohol license on the street would make a difference. Did Jacqueline Kavanagh object when her good friend at the Mace corner shop 4 houses away obtained his alcohol license?

So far the amount of idling traffic, racing cars, noise pollution and actual air pollution has not increased by the store opening. The owner cannot see any proper relevant evidence or reasoning behind this objection only because there has been a verbal objection raised by their good friend at the Mace store who also advised the store owners landlord that S-A-N-D Grocery Ltd should be put out of business as it is in direct competition with him. The owner's landlord advised the owner of the Mace franchise that it is not for him to comment as he is just a landlord.

Yours sincerely

Andrei Marin – Director.



S-A-N-D Grocery Ltd - 98a Coborn Road - London - E3 2DG

Objection – Rebuttal on 15/04/20 for S.Miah no address given

The owner is somewhat confused as this emailed objection letter is exactly the same word for word as the emailed objection letter from Mr. Yemani?

The owner is speechless and does not know what to add to this apart from both objections should be fairly and squarely ignored or even taken further as there is some level of fraud amongst us involving the competition at the Mace store on the corner of the street.

The owner advises that many customers advise him about the views and comments Mr.Prakesh is making about the new store but the owner is choosing to ignore the comments made to customer about his store and even to his landlord stating that he should be put out of business. The owner thinks that you would successfully draw your own conclusions to this objection and to what exactly is going on in the neighbourhood. It is unfair and very sad that some parties are totally unable to process competition and will do everything in their power to destroy it and to try and not get caught or found out. The worst part of this behaviour is that they deem it as acceptable.

Yours sincerely

Andrei Marin – Director.

Appendix 14

Mohshin Ali

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 12 March 2020 10:03
To: Mohshin Ali
Subject: FW: Premises License Application SAND 98a Coborn Road

From: [REDACTED]
Sent: 12 March 2020 09:31
To: [REDACTED]
Cc: Licensing
Subject: RE: Premises License Application SAND 98a Coborn Road

Hi Andrei,

Thanks for agreeing conditions, Tower Hamlets Council please see conditions agreed.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)

[REDACTED] A: Licensing Office, 2nd Floor Bethnal Green Police Station E2 9NZ

From: [REDACTED]>
Sent: 10 March 2020 21:01
To: [REDACTED]
Subject: RE: Premises License Application SAND 98a Coborn Road

Good evening Mark,
Thank you for email today.

I confirm that I and my staff agree to the conditions you have stated. At the end of last week we had a new 4 camera HD CCTV recording system installed. We agree to all other conditions.

I thank you for your time and consideration in this matter

Yours sincerely

Andrei Marin - Director

S-A-N-D Grocery Ltd

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: [REDACTED]
Date: 10/03/2020 11:03 (GMT+00:00)
To: [REDACTED]
Subject: Premises License Application SAND 98a Coborn Road

Dear Sir,

I am PC Mark Perry a Police Licensing Officer and I am looking at your application for a premises license, I have no objection to your hours requested but would like the following conditions added to your license:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;

- g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Please let me know if these conditions are acceptable to you. Kind Regards

Mark



PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)

[REDACTED] [REDACTED] [REDACTED]
A: Licensing Office, 2nd Floor Bethnal Green Police Station E2 9NZ

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

Appendix 15

Noise while the premise is in use

General Advice

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

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 16

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 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 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

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 8 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 19

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 that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 20

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 3.3

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

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a Premises Licence for Barzinho Bar & Kitchen, 60-62 Brick Lane, London E1 6RF
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: Spitalfields & Banglatown

1.0 Summary

Applicant: **Barzinho Ltd**
Name and **Barzinho Bar & Kitchen**
Address of Premises: **60-62 Brick Lane**
London E1 6RF

Licence sought: **Licensing Act 2003**
The Sale of Alcohol
Provision of Late Night Refreshment
Provision of regulated entertainment

Objectors: **Local Resident**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for
register

If not supplied, name and telephone
number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 Background

- 3.1 This is an application for a premises licence for Barzinho, 60-62 Brick Lane, London E1 6RF.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The hours that have been applied for are as follows:-

Sale of Alcohol (on sales)

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

The Provision of Late Night Refreshment (indoors):

Monday to Thursday until 23:30 hours
Friday and Saturday until midnight

The Provision of Regulated Entertainment in the form of Recorded Music (indoors):

Monday to Thursday from 08:00 hours to 23:30 hours
Friday and Saturday from 08:00 hours to midnight
Sunday from 08:00 hours to 22:30 hours

Hours premises are open to the public:

Monday to Thursday from 08:00 hours to 23:30 hours
Friday and Saturday from 08:00 hours to midnight
Sunday from 08:00 hours to 22:30 hours

- 3.4 A license existed at the premises but has since lapsed due to the company being dissolved. Details of its licensed hours is included in **Appendix 5**.

4.0 Location and Nature of the premises

- 4.1 The premises falls within Brick Lane Cumulative Impact Zone. See **Appendix 11** for latest maps of licensed premises in the CIZ.
- 4.2 Photographs of the venue and immediate vicinity are in **Appendix 2**.
- 4.3 The site plan of the venue is included as **Appendix 3**.
- 4.4 Maps showing the vicinity are included as **Appendix 4**.
- 4.5 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

- 6.7 This hearing is required by the Licensing Act 2003, because a relevant representation has been made by:
K. Sahota - See **Appendix 6**

There has been dialogue between Licensing Authority, local resident and applicant however have been unable to come to any agreement at the time of writing this report.

- 6.8 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust (Public Health England)
 - Home office Immigration Enforcement
- 6.9 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.10 The objections cover allegations of
- Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Close proximity to residential properties
 - Noxious smells
- 6.11 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.12 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 An incident log shall be maintained at the premises in either a handwritten or in electronic format to record:
 - (a) All crimes reported to the venue;
 - (b) All ejections from the venue;
 - (c) Any complaints received to the venue;
 - (d) Any incidents of disorder;
 - (e) Any seizures of drugs or offensive weapons;
 - (f) Any refusal of sales of alcohol; (g) Any visit by responsible authorities.
- 7.2 Staff shall receive training in the Challenge 25 policy, underage sales prevention and completion and maintenance of the refusals log and the incident log.
- 7.3 All training will be properly documented and signed training records kept. The training records will be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police. This training shall be documented and refreshed at no greater than 6-monthly intervals.
- 7.4 CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:
 - (a) The Licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct;
 - (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;
 - (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;
 - (d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;
 - (e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
 - (f) The system will record in real time and recordings will be date and time stamped;
 - (g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request;
 - (h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to GDPR) within 24 hours of any request.
- 7.5 In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:
 - (a) The police and, where appropriate, the London Ambulance Service, are called immediately;
 - (b) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the

police;

(c) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

- 7.6 The premise will not knowingly allow any person, by payment or otherwise to solicit custom for that premise by offering inducements or other concessions.
- 7.7 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 in black on the attached plan.
- 7.8 All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified. All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.
- 7.9 Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be kept.
- 7.10 Adequate and appropriate supply of first aid equipment and materials will be available on the premises at all times.
- 7.11 Hot food and non-alcoholic beverages (including drinking water) will be available throughout the permitted hours in all parts of the premises where alcohol is provided.
- 7.12 A dedicated licensed taxi/mini cab service shall be available with the premises for customers, where customers are using a mobile operator, staff will be pro-active to encourage customers to remain in the premises until the taxi has arrived.
- 7.13 Staff will receive regular training on spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services. This training will be properly documented and signed training records kept. on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.
- 7.14 Prominent signage indicating that no drinking vessels are to be taken outside whether it is alcoholic or non-alcoholic shall be displayed so as to be visible to patrons where alcohol is on public display, at the point of sale and at the entrance of the premises.
- 7.15 Clear and prominent notices will be displayed requisition customers to respect local residents by keeping noise level to a minimum.

- 7.16 Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music.
 - 7.17 Noxious smells from the premises are not permitted to cause a nuisance to nearby properties and the premises will be properly vented.
 - 7.18 The contact telephone number for the premises duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.
 - 7.19 A challenge 25 policy will be employed where those individuals who appear to be under the age of 25 attempting to purchase alcohol must be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence.
- 7.20 No nudity or semi nudity will be permitted.

8.0 Conditions Agreed with Police

- 8.1 CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria: (a) The Licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct; (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request; (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason; (d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering; (e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public; (f) The system will record in real time and recordings will be date and time stamped; (g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request; (h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to GDPR) within 24 hours of any request.
- 8.2 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31

day period.

- 8.3 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

9.0 **Licensing Officer Comments**

- 9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.

Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

- 9.2 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

- 9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing

objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
 - ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

- 9.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 7-11** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

11.1 There are no financial implications in this report.

12.0 **Appendices**

Appendix 1	Application Form
Appendix 2	Photographs of the premises
Appendix 3	Site Plan
Appendix 4	Maps of the surrounding area
Appendix 5	Other licensed venues in the area
Appendix 6	Representations of local resident – K Sahota
Appendix 7	Licensing officer comments on Access and egress problems
Appendix 8	Licensing officer comments on Noise when the premises is in use
Appendix 9	Planning
Appendix 10	Licensing Policy relating to hours of trading.
Appendix 11	Brick Lane Cumulative Impact Area

Appendix 1



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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

We Barzinho Limited

(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

Barzinho Bar & Kitchen (Previous owner called it Moo Pub & Kitchen)

Basement to First floor

60-62 Brick Lane, London, E1 6RF

Post town	London	Postcode	E1 6RF
------------------	--------	-----------------	--------

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 66,500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as
appropriate

Please tick as

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) 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 (by ticking yes to one box below):

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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname		First names			
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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)	
Surname		First names			
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	

Daytime contact telephone number	
E-mail address (optional)	

(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	BARZINHO LTD
Address	177B Langham Road, London, N15 3LP
Registered number (where applicable)	12077604
Description of applicant (for example, partnership, company, unincorporated association etc.)	Private Limited Liability Company
Telephone number (if any)	[REDACTED]
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY					
0	1	0	4	2	0	2	0

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

DD	MM	YYYY					
1	1	1	1	1	1	1	1

Please give a general description of the premises (please read guidance note 1)

The premise will operate as an independent, family led Brazilian Bar & Kitchen serving a fusion of authentic Brazilian menu with a European twist. The public may be seated either on the ground floor where the bar is also located or on the first floor which contains further dining space. The premises have separate male and female toilets located on the basement as well as single, fully equipped disabled toilet on the ground floor. Food will be made in the kitchen located on the ground floor.

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

N/A

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)		Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Please give further details here (please read guidance note 4)		
Mon				
Tue				
Wed		State any specific variations for performing plays (please read guidance note 5)		
Thur				
Fri		Performances in standard timings. Where you intend to use the premises for the performance of plays at times other than the times listed in the column on the left, please list them (please read guidance note 6)		
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)	
Thur				
Fri			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 (please read guidance note 6)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any unusual variations in indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the table on the left, please indicate (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Thur				
Fri			Standard timings. Where you intend to use the premises for a boxing or wrestling entertainment at different times to those listed in the column on the left, please state (please read guidance note 6)	
Sat				
Sun				

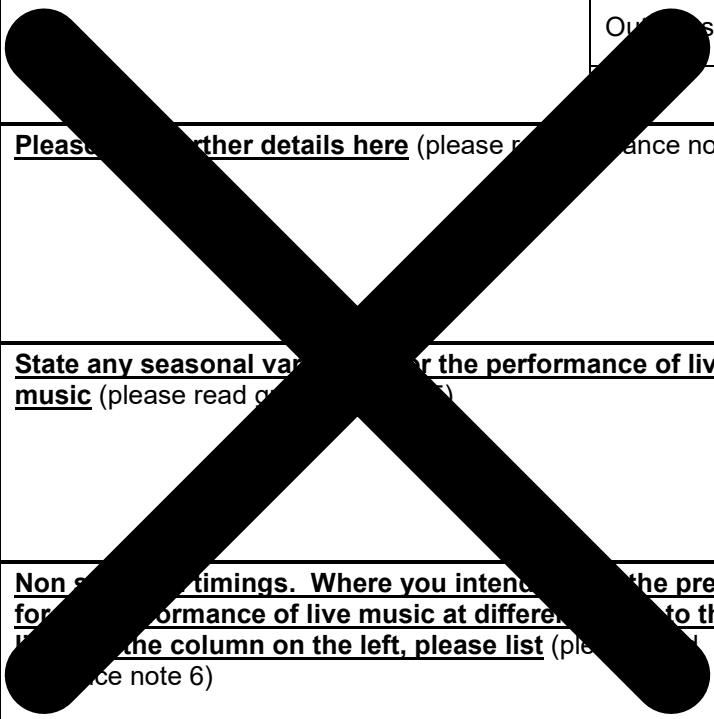
E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue				<input type="checkbox"/>
Wed				
Thur				
Fri				
Sat				
Sun				

Please see further details here (please read guidance note 4)

State any seasonal variations for the performance of live music (please read guidance note 5)

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 (please read guidance note 6)



F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon	08:00	23:30	Outdoors	<input type="checkbox"/>
Tue	08:00	23:30	Both	<input type="checkbox"/>
Wed	08:00	23:30	State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur	08:00	23:30		
Fri	08:00	00:00	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 (please read guidance note 6)	
Sat	08:00	00:00		
Sun	08:00	22:30		

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 4)	
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)	
Thur				
Fri			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 them (please read guidance note 6)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Does this entertainment take place indoors, outdoors or both – please tick (please read guidance note 3)	
Mon			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Tue			Please give a detailed description (please read guidance note 4)	
Wed				
Thur			State any seasonal variations in the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri				
Sat			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 (please read guidance note 6)	
Sun				

|

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon	23:00	23:30	<u>Please give further details here</u> (please read guidance note 4)	
Tue	23:00	23:30		
Wed	23:00	23:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)	
Thur	23:00	23:30		
Fri	23:00	00:00	<u>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</u> (please read guidance note 6)	
Sat	23:00	00:00		
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	
			On the premises	<input checked="" type="checkbox"/>
			Off the premises	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon	11:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)	
Tue	11:00	23:00		
Wed	11:00	23:00		
Thur	11:00	23:00		
Fri	11:00	23:30		
Sat	10:00	23:30		
Sun	10:00	22:00		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Dimitra Tzanakaki
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known) 096489	
Issuing licensing authority (if known) Hakney	

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 9).

Not Applicable

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:30	None
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	<u>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</u> (please read guidance note 6)
Fri	08:00	00:00	None
Sat	08:00	00:00	
Sun	08:00	22:30	

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 10)

We are seeking a premises licence for the purpose of operating a Brazilian Bar and Kitchen at 62-62 Brick Lane in a premise which has been vacant for the last 9 months.

We are conscious of the sensitive location of the premises with respect to the number of licensed premises in the area and issues of public nuisance. Having considered Tower Hamlets' Statement of Licensing Policy, we note that the premise is within the Brick Lane area Cumulative Impact Zone which particularly affected by touting. For this reason, we have added a specific commitment to never knowingly employ anyone to solicit for custom, in line with condition outlined in the Licensing Policy. Furthermore, we have also set out an operating schedule which is fully within Tower Hamlets' framework hours from Monday to Sunday.

We are keen to engage with the community and provide something new and exciting to the area. Prior to submitting this application, we have engaged with the council's licensing team and also confirmed with the Environmental Protection team that there had not been any noise complaints related to the previous occupier in the last 2 years.

We have considered the operation of the building and we are mindful of the 4 licencing objectives below. We hope the schedule set out below will ensure that we will not be contributing to the problems of nuisance, disturbance or disorder caused by the combined effect of licensed premises in the area and we are happy to maintain open communication with yourselves to try and address any concerns you may have.

b) The prevention of crime and disorder

1 - An incident log shall be maintained at the premises in either a handwritten or in electronic format to record: (a) All crimes reported to the venue; (b) All ejections from the venue; (c) Any complaints received to the venue; (d) Any incidents of disorder; (e) Any seizures of drugs or offensive weapons; (f) Any refusal of sales of alcohol; (g) Any visit by responsible authorities.

2 - Staff shall receive training in the Challenge 25 policy, underage sales prevention and completion and maintenance of the refusals log and the incident log.

3 - All training will be properly documented and signed training records kept. The training records will be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police. This training shall be documented and refreshed at no greater than 6-monthly intervals

4 - CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria: (a) The Licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct; (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request; (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason; (d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering; (e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public; (f) The system will record in real time and recordings will be date and time stamped; (g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request; (h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to GDPR) within 24 hours of any request.

5 - In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that: (a) The police and, where appropriate, the London Ambulance Service, are called immediately; (b) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police; (c) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

6 - The premise will not knowingly allow any person, by payment or otherwise to solicit custom for that premise by offering inducements or other concessions.

7 - 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 in black on the attached plan.

C) Public Safety

8 - All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified. All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.

9 - Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be kept.

10 - Adequate and appropriate supply of first aid equipment and materials will be available on the premises at all times.

11 - Hot food and non-alcoholic beverages (including drinking water) will be available throughout the permitted hours in all parts of the premises where alcohol is provided.

12 - A dedicated licensed taxi/minicab service shall be available with the premises for customers, where customers are using a mobile operator, staff will be pro-active to encourage customers to remain in the premises until the taxi has arrived.

13 - Staff will receive regular training on spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services. This training will be properly documented and signed training records kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.

d) The prevention of public nuisance

14 - Prominent signage indicating that no drinking vessels are to be taken outside whether it is alcoholic or non-alcoholic shall be displayed so as to be visible to patrons where alcohol is on public display, at the point of sale and at the entrance of the premises.

15 - Clear and prominent notices will be displayed requisition customers to respect local residents by keeping noise level to a minimum.

16 - Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music

17 - Noxious smells from the premises are not permitted to cause a nuisance to nearby properties and the premises will be properly vented

18 - The contact telephone number for the premises duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.

e) The protection of children from harm

19 - A challenge 25 policy will be employed where those individuals who appear to be under the age of 25 attempting to purchase alcohol must be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence.

20 - No nudity or semi nudity will be permitted.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.



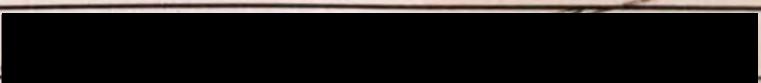
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	16th February 2020

Capacity	Rubens dos Reis - Director of Barzinho Ltd.
----------	---

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). 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 14)

Rubens dos Reis

Post town	London	Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.

Appendix 2

MOO

Sorry
WE'RE
CLOSED

MORE SEATS
UPSTAIRS

Push

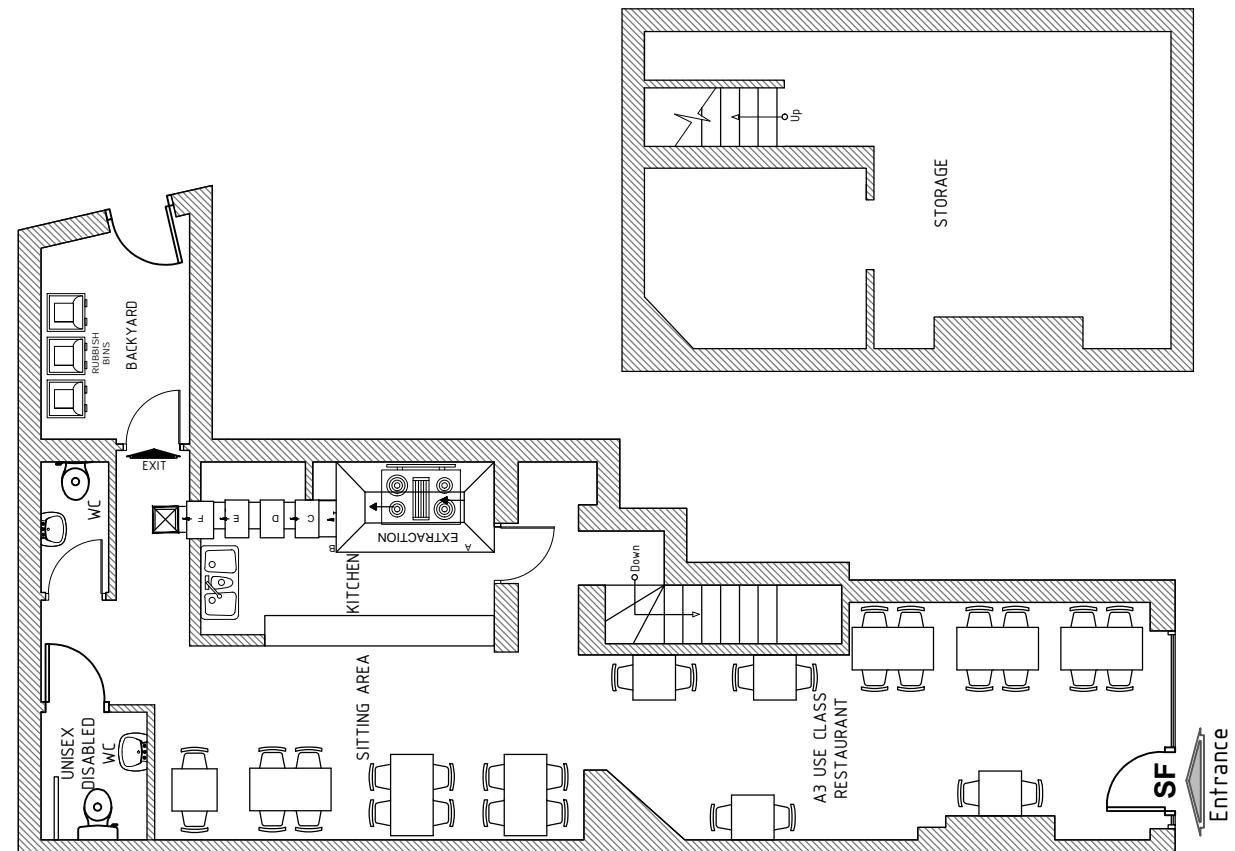
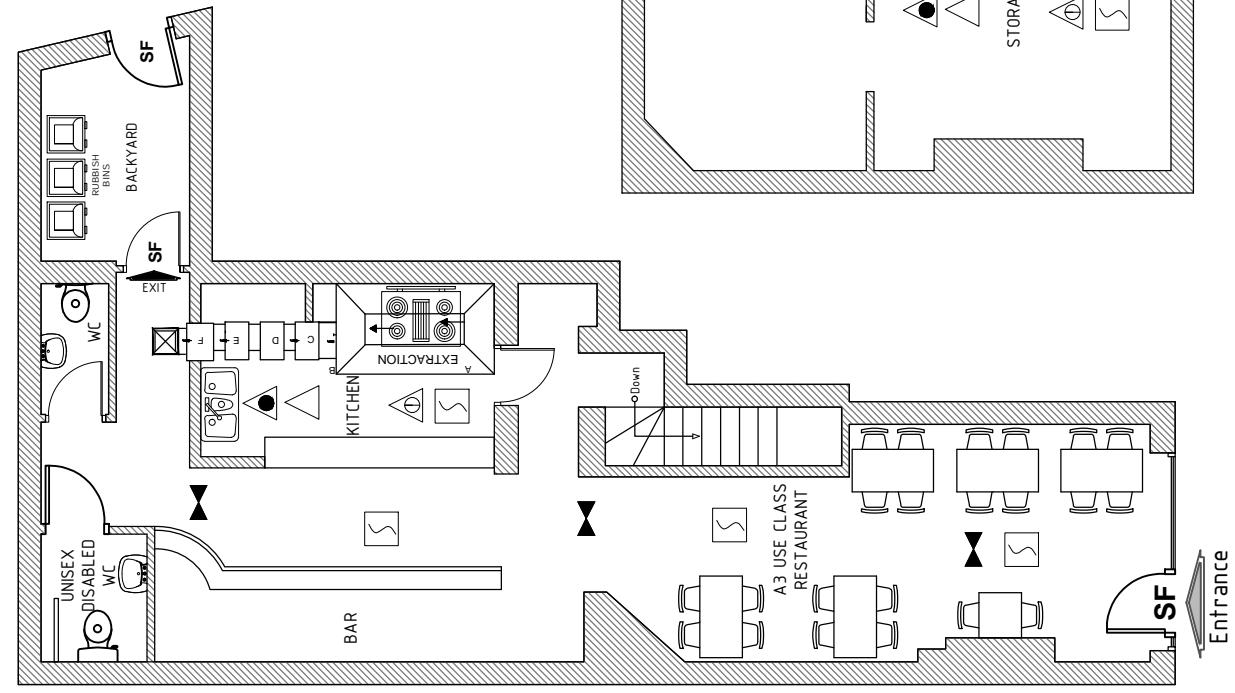
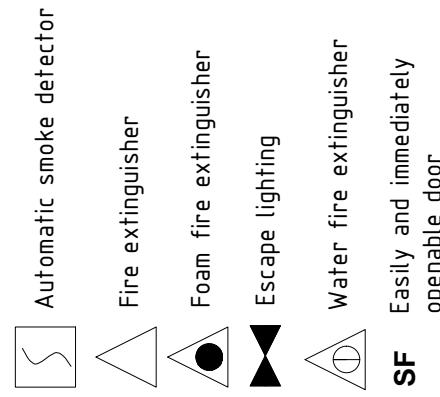






Appendix 3

KEY LEGEND

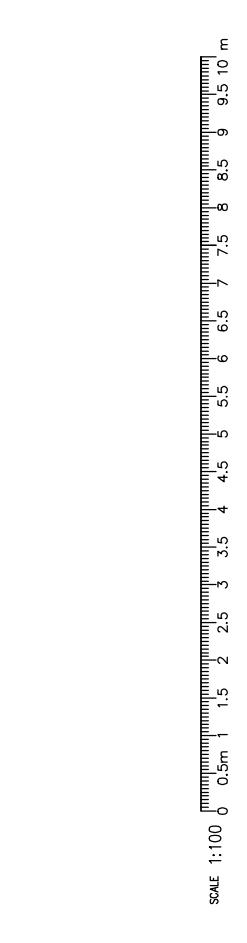


EXISTING BASEMENT FLOOR PLAN
Scale: 1:100

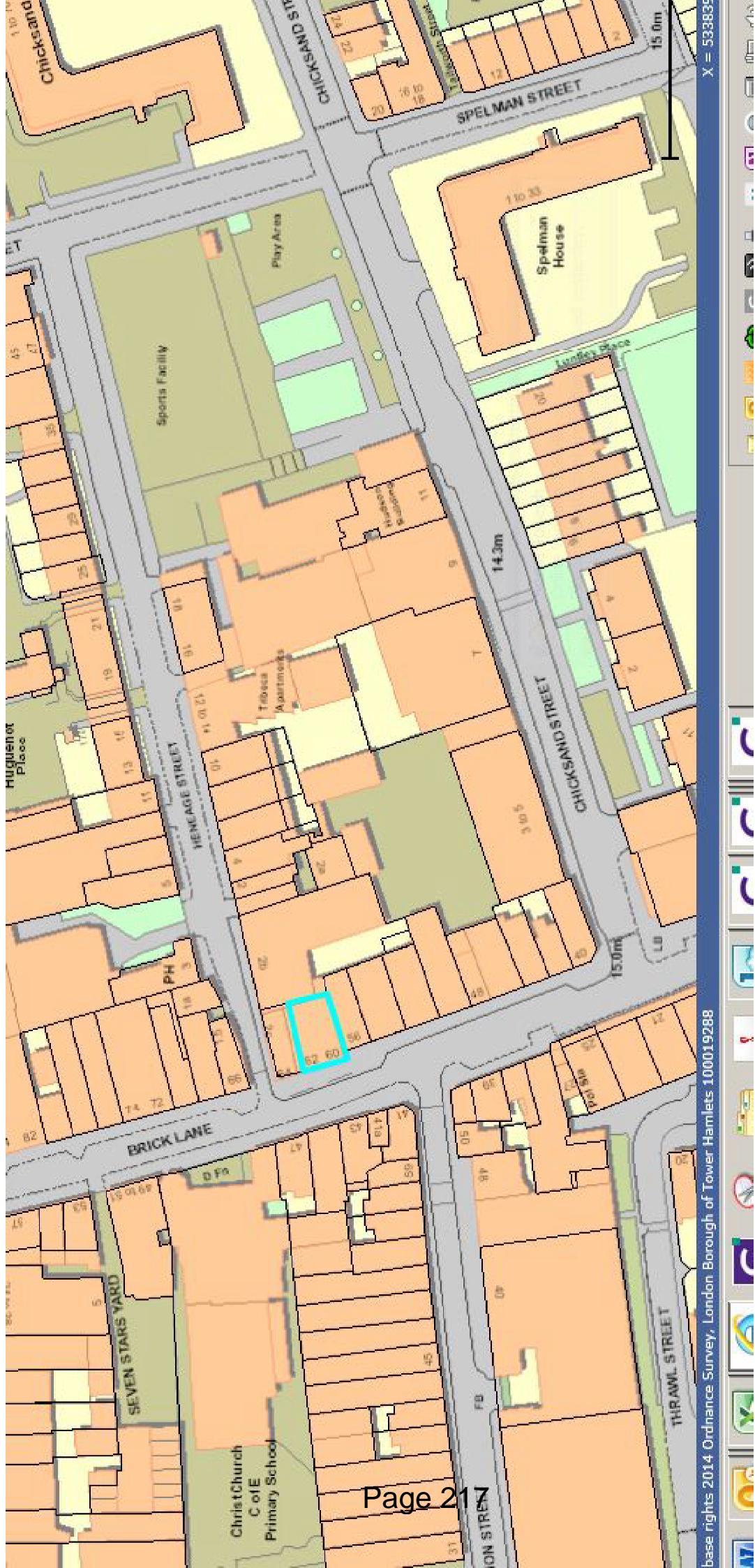
PROPOSED GROUND FLOOR PLAN
Scale: 1:100

PROPOSED BASEMENT FLOOR PLAN
Scale: 1:100

Drawing Title : Existing Basement Floor Plan
Existing Ground Floor Plan
Proposed Basement Floor Plan
Proposed Ground Floor Plan
Scale 1:100



Appendix 4



Appendix 5

Premises In Vicinity of 60-62 Brick Lane

Premises Address	Licensable Activities	Opening hours
(Vegan Yes) 64 Brick Lane	<u>The supply of alcohol (on sales only)</u> Monday to Sunday, from 12:00 hours to 21:30 hours	Monday to Sunday, from 11:30 hours to 21:30 hours
(Sketch) 68 Brick Lane	<u>The sale by retail of alcohol (on sales only)</u> Monday to Saturday, from 11:00 hrs to 22:30 hrs Sunday, from 12:00 hrs to 22:00 hrs	Monday to Saturday from 11:00 hrs to 23:00 hrs Sunday from 12:00 hrs to 22:30 hrs
Cost Price 41 Brick Lane	<u>sale by retail of alcohol (off sales only)</u> Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)	Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)
(Chez Elles) 45 Brick Lane	Alcohol may be sold or supplied: Monday to Saturday 11am to 12pm. Sundays, 12 noon to 11:30pm	Unrestricted

Fomer Moo Cantina 60-62 Brick Lane (Lapsed)	The sale by retail of alcohol Monday to Saturday, from 11:00n hours to 23.00 hours Sunday, from 11:00 hours to 22:30 hours The provision of late night refreshment – Indoors Mondays to Saturdays, from 23:00 hours to 23:30 hours	Monday to Saturday, from 11:00 hours to midnight Sunday, from 11:00 hours to 23:00 hours
--	--	---

Appendix 6

Your Ref: CLC/EHTS/LIC/126579

12th March 2020

Kathy Driver
Principal Licensing Officer
London Borough of Tower Hamlets
Licensing Section
John Onslow House
1 Ewart Place
London, E3 5EQ



Dear Ms Driver

Re: Licensing Act 2003, Application by Barzinho Limited, 177B Langham Road, London, N15 3PL for premises Basement to First Floor, 60 – 62 Brick Lane, London, E1 6RF

Thank you for your letter dated 20th February 2020 regarding the above application. With reference to the application made by Barzinho Limited to provide alcohol, late night refreshment (supply of hot food after 11pm) and playing of recorded music til late at night. Please accept this letter as a formal objection in the strongest possible terms. There are currently three occupants in the flat above the premises who object to this application.

I have been the longest occupant of [REDACTED] and lived on Brick Lane for a number of years, with regular disturbance and inconveniences by the noise caused by restaurants, pubs and bars within the local area. These venues serve alcohol and late night refreshment. As there are already a number of venues within the locality (The Buxton, Kill The Cat, Chez Elle's and The Pride of Spitalfields) I consider there to be sufficient alcoholic and food outlets within this area already. Furthermore, within a short walking distance there are other eating establishments and bars. The Buxton Pub also opened up within the last year and has contributed considerably to the noise late at night in the area. I have often had to call some of these premises requesting them to ask their customers to keep the noise down and not be rowdy, which has caused disturbed sleep.

There was a number of occasions when I had to report to the noise nuisance team at the council with regard to the volume of the music being played by the previous occupants Moo Pub & Kitchen and the council did nothing. I had to get out of bed late at night and go downstairs to the restaurant to tell them to turn the music down. The sound system within the premises is located on the first floor and the speakers are located on the wall near the ceiling which is directly below the bedrooms of the flat above the premises. I had expressed my concern of the loud music late at night to the owner of Moo Pub & Kitchen, he gave me his contact details, and assured me that would resolve the issue whenever there was loud music. Even after this, I still often had to call him late at night ask him to call his staff to turn down the loud music.

Due to the style of the buildings in this area of Brick Lane, noise is a consistent problem as the street is narrow and the sound bounces off the buildings. We also get additional noise from local surrounding late night venues on Whitechapel Road, with people walking through Brick Lane.

Guests of Barzinho Bar & Kitchen restaurant will be standing outside smoking [REDACTED] [REDACTED] which will be very unpleasant and as one of the occupants suffers with asthma suffer this is not good for their health. This will happen as they will have customers who smoke and there will be nowhere for them to go apart from outside the restaurant. In the summer, we will not be able to keep the windows closed due to the heat, which will mean the second hand smoke will come up into the bedrooms. There is no garden with the premises so they applicant will not be able to provide a smoking area away from our windows. Late night closing hours will mean the disturbance caused by customers leaving the premises will not stop at the time the premises closes, as they will leave at the closing time then stand outside talking and being rowdy.

Yours sincerely

Kuldip Sahota

Appendix 7

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 8

Noise while the premise is in use

General Advice

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

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 9

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 that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 10

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 11

Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

- 19.1 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 for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council 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 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.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area.

- 19.4 The Licensing Authority is 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 Figures One and Two is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within these areas. The Brick Lane and Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.
- 19.5 The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:

- New Premises Licences applications,
- New Club Premises Certificates applications
- Provisional Statements,
- Variation of Premises Licenses and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

The Licensing Authority expects such applications to have regard for and make reference to the CIZ.

- 19.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.
- 19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:
- Genuinely exceptional circumstances,
 - Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
 - Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
 - Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
 - Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues.
- 19.8 **This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.**

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,

- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

19.9 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.

The Cumulative Impact Zones:

Figure One

Brick Lane area:

