

Licensing Sub Committee

Agenda

Tuesday, 24 November 2020 5.30 p.m.

Online 'Virtual' Meeting -

<https://towerhamlets.public-i.tv/core/portal/home>

Contact for further enquiries:

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London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 24 November 2020

5.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. **DECLARATIONS OF INTEREST (Pages 5 - 6)**

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 7 - 16)**

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

	PAGE NUMBER	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3.1 Application for a Variation of a Premises Licence for (previously known as Virginia Off Licence & Supermarket) 59 Virginia Road, London, London E2 7NF	17 - 98	Weavers
3.2 Application for a Premises Licence for (Marco Food Centre) 38 - 40 Commercial Road, London E1 1LN	99 - 222	Whitechapel

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.



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 come 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 **Page 13** Committee 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.

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Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	24 November 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 variation of a Premises Licence for (previously known as Virginia Off Licence & Supermarket) 59 Virginia Road, London, London E2 7NF Ward affected: Weavers
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1.0 Summary

Applicant/PLH: **Charlie Borrow**

Name and **(Previously known as Virginia Off Licence & Supermarket)**

Address of Premises: **59 Virginia Road
London
E2 7NF**

Licence sought: **Licensing Act 2003 – variation of a premises licence**

- **To add “on” sale of alcohol to existing licence**
- **To extend the licensable times**

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
<ul style="list-style-type: none"> • 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 variation of a premises licence for (previously known as Virginia Off Licence & Supermarket) 59 Virginia Road, London, London E2 7NF.
- 3.2 A copy of the existing premises licence is enclosed as **Appendix 1** for information only.
- 3.3 On the 4th August 2020, the licence was transferred to Charlie Borrow but it should be noted that the Designated Premises Supervisor (Habib Altun) has not yet been transferred.
- 3.4 The licensable activities and timings of the existing licence are detailed below for information:

The sale by retail of alcohol (off sales only)

- *Monday to Saturday, 08:00 hours to 23.00 hours*
- *Sunday, 10:00 hours to 22.30 hours*

The opening hours of the premises (including recorded music)

- *There are no restrictions on the hours during which this premises is open to the public*

- 3.5 The applicant has described the nature of the proposed variation as follows:
“The variation looking to be made is to allow on sales of alcohol, to be sold and consumed on the premises as well as maintaining the existing off sales license”
- 3.6 A copy of the premises licence application form is enclosed as **Appendix 2**.
- 3.7 The applicant has applied for the following extension of licensable activities and timings:-

The sale by retail of alcohol (on and off sales)

- *Monday to Sunday, from 09:00 hours to 24.00 hours (midnight)*

The provision of regulated entertainment - Indoors
(recorded music)

- *Monday to Sunday, from 08:00 hours to 24.00 hours (midnight)*

The opening hours of the premises

- *Monday to Sunday, from 10:00 hours to 24.00 hours (midnight)*

4.0 **Location and Nature of the premises**

4.1 Maps and photographs showing the vicinity are included as **Appendix 3**.

4.2 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 2013.

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, that 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 relevant representations have been made by the following:

Other persons	Appendix
Alberto Torres Hernandez	6
Barbara Ungaro	7
Helen Callander	8
Jonathan Moberly	9
Maxine Aston	10
Stan Everett	11
Susanna Kow	12
Tonje Pettersen	13
Yaojen Chuang	14

6.9 The applicant has submitted additional documents in support of the application and these are attached in **Appendix 15**.

6.10 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
- Environmental Health Noise Team
- Trading Standards
- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

6.11 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

- 6.12 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objectives of crime and disorder and the prevention of public nuisance.
- 6.13 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.
- 6.14 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 *No guest to be outside the premises after 21:00 hrs unless leaving the premises.*
- 7.2 *Music to be kept to a reasonable level to avoid disturbing neighbours*
- 7.3 *Children not allowed on the premises after 19:00 hrs*

8.0 Conditions in consultation with the Responsible Authorities

None

9.0 Licensing Officer Comments

- 9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 30th September 2021 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

9.2 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.

9.3 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.

9.4 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)
- 9.5 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.
- 9.6 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.7 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.
- 9.8 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)

- 9.9 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.10 In **Appendices 16 - 21** 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 existing premises licence
Appendix 2	A copy of the current application
Appendix 3	Maps and photographs of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendices 6-14	Representations of responsible authorities/residents
Appendix 15	Applicant's supporting documents
Appendix 16	Licensing Officer comments on noise while the premise is in use
Appendix 17	Licensing Officer comments on access/egress Problems
Appendix 18	Licensing Officer comments on crime and disorder on the premises
Appendix 19	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 20	Planning
Appendix 21	Licensing Policy relating to hours of trading

Appendix 1

(Virginia Off Licence & Supermarket)
59 Virginia Road
London
E2 7NF

Licensable Activities authorised by the licence

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 12th October 2005



Part A - Format of premises licence

Premises licence number

9946

Part 1 - Premises details

**Postal address of premises, or if none, ordnance survey map reference or description
(Virginia Off Licence & Supermarket)
59 Virginia Road
London**

**Post town
London**

**Post code
E2 7NF**

Tele hone number
[REDACTED]

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- 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.

See Mandatory conditions for drinking up time

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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

Off sales only

Part 2

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

Habib Altun & Ergin Altun

[Redacted]

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

N/A

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

Habib Altun

[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

Personal Licence No: [Redacted]

Issuing Authority: [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

Alcohol shall not be sold in an open container or be consumed in the licensed premises
Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- 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.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

Annex 2 - Conditions consistent with the operating Schedule

None

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

None

Annex 4 - Plans

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

29 JUL 2005



Part B - Premises licence summary

Premises licence number

9946

Premises details

**Postal address of premises, or if none, ordnance survey map reference or description
(Virginia Off Licence & Supermarket)
59 Virginia Road
London**

Post town
London

Post code
E2 7NF

Telephone number

[REDACTED]

Where the licence is
time limited the
dates

N/A

Licensable activities
authorised by the
licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
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.
The above restrictions do not prohibit:
(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
(c) the sale of alcohol to a trader or club for the purposes of the trade or club;
(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Habib Altun [Redacted]	Er in Altun [Redacted]
----------------------------------	----------------------------------

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

Off sales supplies

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

N/A

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

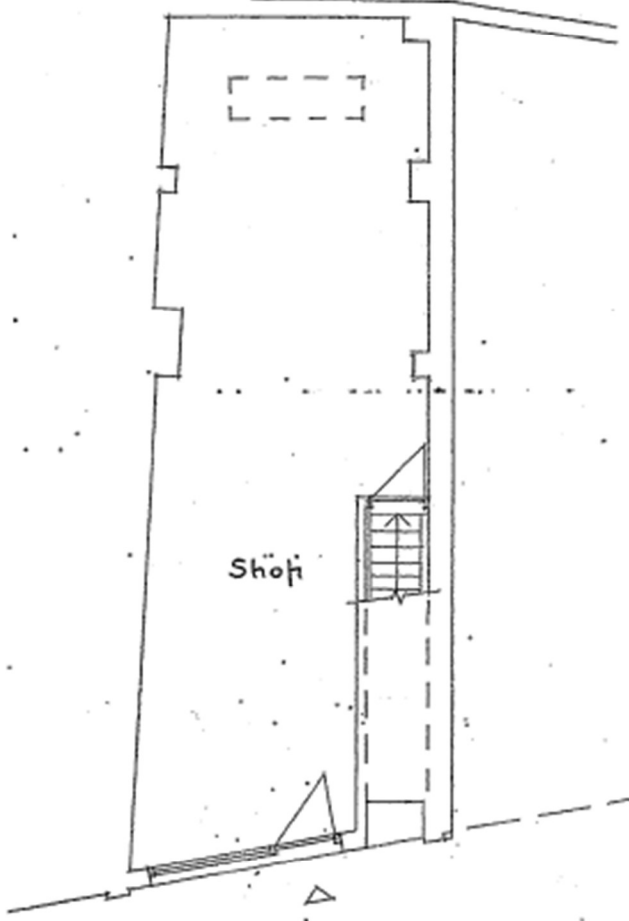
Habib Altun

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

No



Basement Plan



Virginia Road

Ground Floor Plan

<p>WATKINSON + COSGRAVE Linton House 39-51 Highgate Road London NW5 1RS Tel: 020 7485 6016 Fax: 020 7284 4058 E-mail: info@watcos.co.uk</p>	<p>59 Virginia Road London, E2 Lease Plan</p>	<p>drawing no: 4347/1 scale: 1:100 date: January 2005 drawn by: BAR checked by:</p>
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Appendix 2



* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Note: completing the Applicant Business section is optional in this form.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

City or town

County or administrative area

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

5,400

Section 3 of 18

VARIATION

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

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

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

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.

The variation looking to be made is to allow on sales of alcohol, to be sold and consumed on the premises as well as maintaining the existing off sales license. The retail premises is situated close to Hackney road, parallel to Columbia road and next to an ex public house.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes
- No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes
- No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes
- No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both? Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Indoors Outdoors Both

State 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.

music will be amplified through bookshelf speakers likened to what you'll find in a retail setting

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Continued from previous page...

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

following government guidelines on the 4 objectives, to keep people safe and prevent any risk of crime and antisocial behaviour.

b) The prevention of crime and disorder

Clients showing signs of antisocial behaviour to be refused purchase of alcohol and kindly asked to vacate the premises and or call police if unlawful activity has taken place.

c) Public safety

To have the correct and necessary safety equipment available on site in case of fire on the premises or injury to a client. Fire exits to be clearly marked and assistance off the premises if needed.

d) The prevention of public nuisance

No guest to be outside the premises after 21:00 unless leaving the premises.
Music to be kept to a reasonable level to avoid disturbing neighbours

e) The protection of children from harm

Children not allowed on the premises after 19:00

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

I/WE UNDERSTAND THAT 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
 dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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.

OFFICE USE ONLY

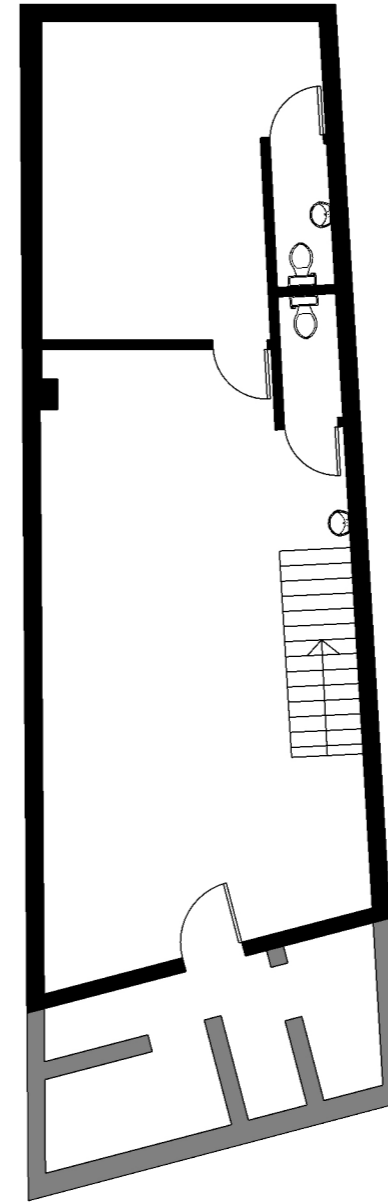
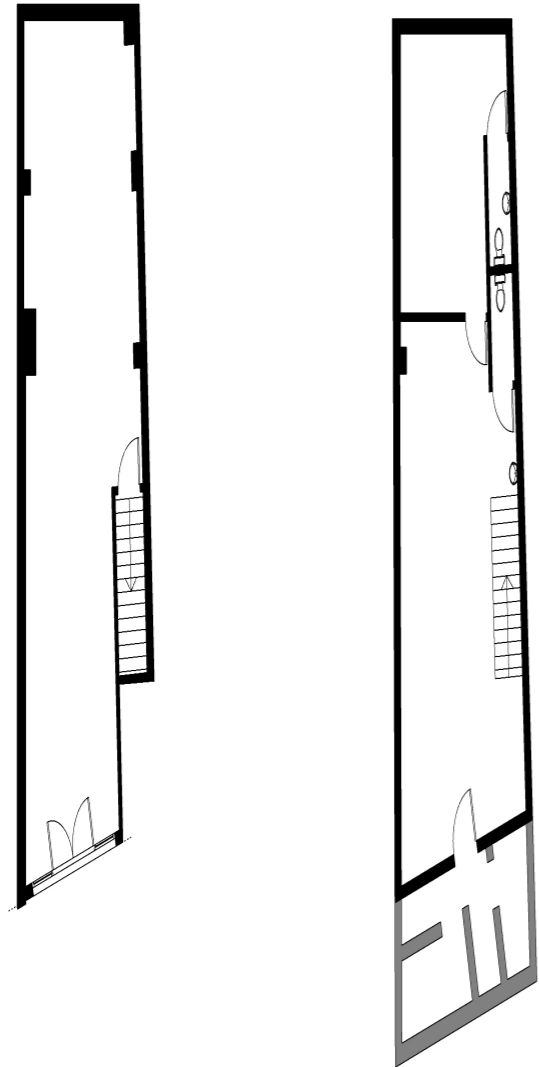
Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Licensed activity to be on the ground floor.

Fire safety equipment positioned
Extinguisher

Double door exit to the property
On the ground floor

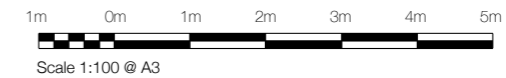
Page 48



Existing Basement Plan



Toilet situated at the rear of the basement



Proposed Ground and Basement

Dan Preston Ltd
Old Ivy Studio
32 Hertford Rd
London, N1 5SH

dan@danpreston.co.uk
+44 (0) 7811 828018
www.danpreston.co.uk

Address:

Charlie Borrow
Ground Floor, 59 Virginia Rd
London
E2 7NF

Project Address:

Grd Floor, 59 Virginia Rd.
London E2 7NF
Proposed Shop Front
002 / 03 / 04
1:100 @ A3
14th June 2020

Drawing Ref:

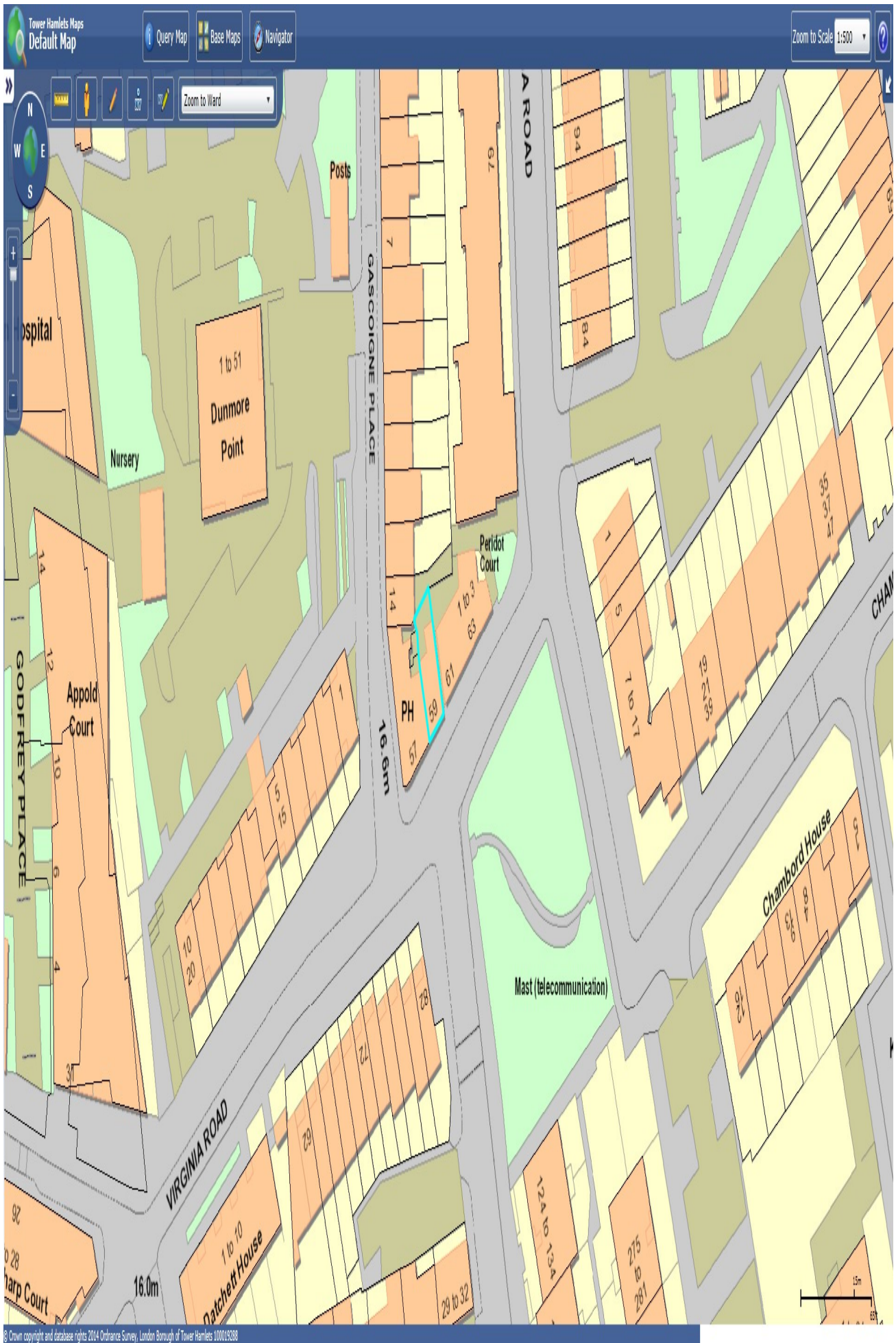
Drawing / Revision / Page No:

Scale:

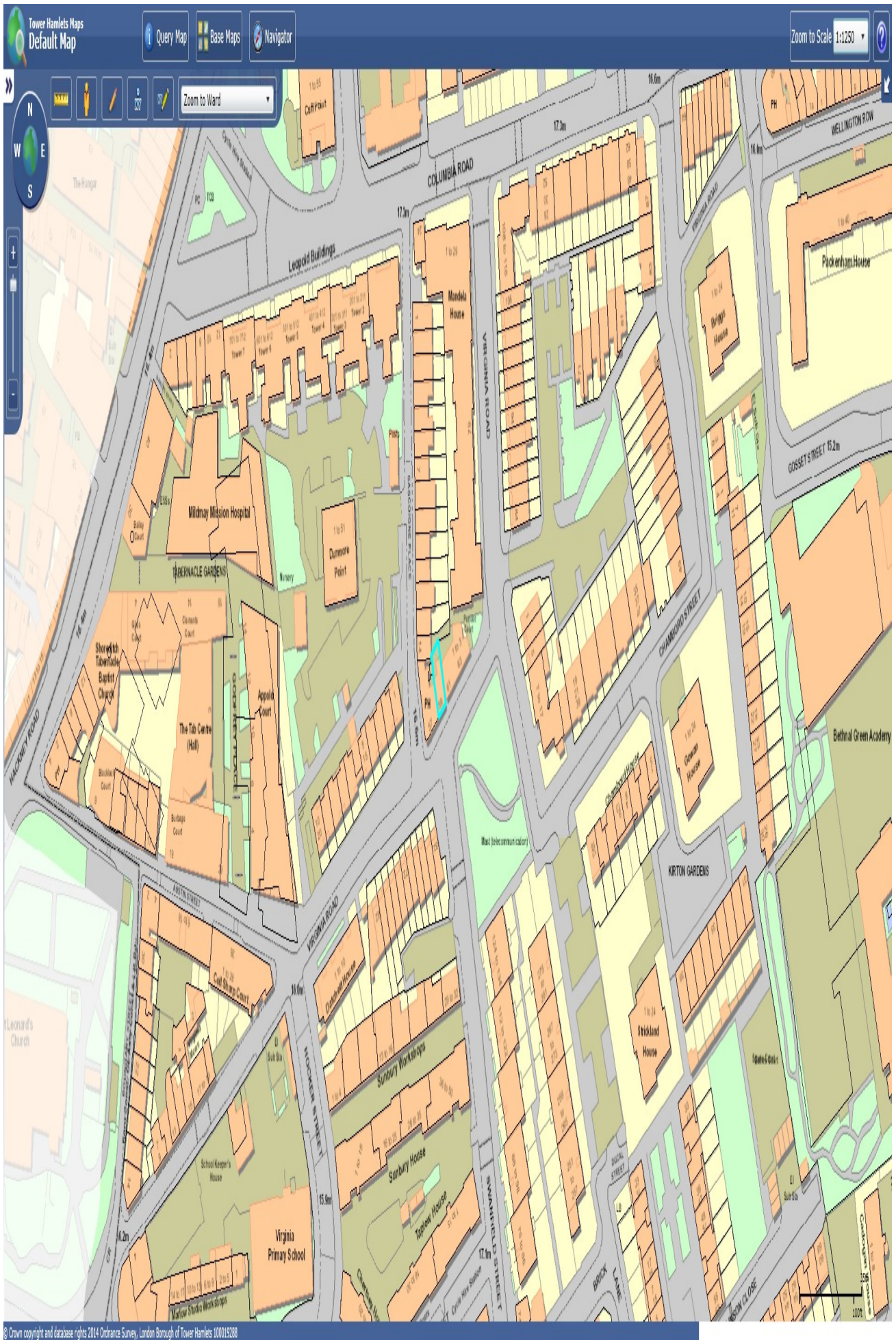
Date:

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Appendix 3



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Appendix 4

59 Virginia Road - Nearest licences

Name and address	Licensable activities and hours	Opening hours
<p>(Leila's Shop) 15 Calvert Avenue Shoreditch London E2 7JP</p>	<p><u>Sale by retail of alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> • Tuesday to Sunday, from 10:00 hours to 19:00 hours <p><u>Non standard timings</u></p> <ul style="list-style-type: none"> • In December, before Christmas, the shop will be open until 21:00 hours on one evening, as part of a local (Shoreditch), retail promotion. <p>In September, during the London Design Festival, there is one late night opening until 21:00 hours.</p>	<p>Tuesday to Sunday, from 10:00 hours to 19:00 hours</p> <p><u>Non standard timings</u></p> <ul style="list-style-type: none"> • In December, before Christmas, the shop will be open until 21:00 hours on one evening, as part of a local (Shoreditch), retail promotion. • In September, during the London Design Festival, there is one late night opening until 21:00 hours.
<p>(Guven Supermarket) 7 Calvert Avenue London E2 7JP</p>	<p>Alcohol shall not be sold or supplied except during permitted hours (Off sales only). In this condition, permitted hours means:</p> <ol style="list-style-type: none"> a. On weekdays, other than Christmas Day and Good Friday, 8 a.m. to 10 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 9.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 9.30 p.m. d. On Good Friday, 8 a.m. to 9.30 p.m. <p>See Mandatory conditions for drinking up time</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

59 Virginia Road - Nearest licences

<p>The Birdcage 80 Columbia Road London E2 7QB</p>	<p>The sale by retail of alcohol (On and off sales): Monday, Tuesday, Wednesday and Thursday from 12:00 hours to 02:00 hours the following day Friday and Saturday from 12:00 hours to 03:00 hours the following day Sunday from 08:00 hours to 02:00 hours the following day Regulated Entertainment consisting of: Live music including Karaoke: Monday from 13:00 hours to 01:00 hours the following day Friday and Saturday from 12:00 hours to 03:00 hours the following day Sunday from 08:00 hours to 02:00 hours the following day Recorded Music: Monday, Tuesday, Wednesday and Thursday from 12:00 hours to 02:00 hours the following day Friday and Saturday from 12:00 hours to 03:00 hours the following day Sunday from 08:00 hours to 02:00 hours the following day Late night refreshment Monday, Tuesday, Wednesday and Thursday until 01:00 hours the following day Friday and Saturday and Sunday until 02:00 hours the following day</p>	<p>Monday, Tuesday, Wednesday and Thursday from 12:00 hours to 02:30 hours the following day Friday and Saturday from 12:00 hours to 03:30 hours the following day Sunday from 08:00 hours to 02:30 hours the following day Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>
<p>(Di Stefano Coffee Shop) 28 Hackney Road London E2 7NS</p>	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Sunday, from 07:00 hours to 20:00 hours 	<ul style="list-style-type: none"> • Monday to Sunday, from 07:00 hours to 20:00 hours

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 frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this

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

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

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

Appendix 6

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 October 2020 12:56
To: Mohshin Ali
Subject: FW: Objection License change

From: ALBERTO TORRES HERNANDEZ [REDACTED] >
Sent: 06 October 2020 12:37
To: Licensing [REDACTED] >
Subject: Objection License change

Existing License for Ground Floor & Basement, 59 Virginia Road, London E2 7NF.

Re: Objection of Variation of Existing License for Ground Floor & Basement, 59 Virginia road, london. E2 7NF

Dear Sirs,

Regarding the above application, we would like to raise an objection due to the hours proposed. The application proposes to sell alcohol and play music up midnight every night -including weekdays and Sundays - is a significant concern for us.

The issue in particular occurs when people leave or enter they tend to gather outside of the building saying hello and goodbye. This can be prolonged period especially when people are under the influence of alcohol, and as the shop is located in a quiet residential street any conversation on the pavement can be clearly heard by the neighbours above (us), regardless of it being in the day or at night.

We would be happy to accept however, if the license only allows play of music only if can not be heard from outside the shop and consume of alcohol up 7pm, 4 days of the week, and that no outside seating / any activities taken outside of the shop under any circumstances, and always with the door closed, also making sure people don't hangout outside, this way it minimise possibility of ruining the quiet and clean environment where the neighbours (us) live. Making sure they are responsible for the care of the planters and cleanness of the surroundings.

Sincerely,

Alberto Torres Hernandez

Appendix 7

Mohshin Ali

From: Licensing
Sent: 07 October 2020 11:24
To: Mohshin Ali
Subject: FW: representation/objection to premises licence application 59 Virginia Road E2 7NF

fyi

From: Barbara Ungaro [REDACTED] >
Sent: 06 October 2020 21:57
To: Licensing [REDACTED] >
Subject: representation/objection to premises licence application 59 Virginia Road E2 7NF

To whom it may concern

I am writing to object to the following licence application, with regards to the following:

(2) the prevention of public nuisance

I am a local resident and live right next door to Charlie Borrow's shop at [REDACTED]. I really like what Charlie is doing with the shop, and would be delighted to support his plans to do workshops with some alcohol sales. However, what concerns me is that Charlie's lease is for 5 years, and if he doesn't renew it, the premises are left with an on sale of alcohol licence which would make it easy to open a bar there instead. Seeing that we are very close to Shoreditch High Street and Boundary Street, the latter in particular has a lot of problems relating to the nighttime economy, I feel that a licence for the permanent on sale of alcohol on the premises [until midnight](#) could further encourage people who wish to drink and party to move to this quiet residential area and perhaps use the park opposite the shop - not with Charlie as the licence holder but with someone else potentially inheriting the licence after him. (I know that Boundary Street gets very busy and I know the residents there suffer due to it, so I strongly object to a bar right next to my house). Additionally his basement is directly adjacent to mine and I would be the direct recipient of noise if there was music played and alcohol served every day/night!

I really hope there is a solution to this, ideally the licence should be connected to Charlie Borrow rather than to the premises. The current blanket licence applied for is too over-reaching, but at the same time, I would very much like to be supportive of Charlie and wish to see his beautiful shop and business thrive. Charlie currently intends to serve alcohol on the odd occasion, not every day, it would be ideal to find a way to accommodate that in a more bespoke way.

With best wishes
Barbara Ungaro

[REDACTED]

Appendix 8

Mohshin Ali

From: Licensing
Sent: 05 October 2020 11:31
To: Mohshin Ali
Subject: FW: Objecting to alcohol license

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

From: Helen Callander [REDACTED] >
Sent: 05 October 2020 11:30
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objecting to alcohol license

I would like to object to alcohol license for 59 Virginia road London E2 7nf as this is a residential area and we are having many problems with drink related incidents, the park across from the premises has people drinking in there till all hours of the morning this is a big problem for the residents. Could u please take into consideration my comments, thank you.

Miss Helen Callander, [REDACTED]

Appendix 9

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 October 2020 12:03
To: Mohshin Ali
Subject: FW: Representation to application: Ground Floor and Basement 59 Virginia Road London E2 7NF UK

From: jonathan [REDACTED]
Sent: 05 October 2020 17:59
To: Licensing <[REDACTED]>
Subject: Representation to application: Ground Floor and Basement 59 Virginia Road London E2 7NF UK

Hello

Re- application to vary an existing licence
Ground Floor and Basement 59 Virginia Road London E2 7NF UK
Provision of recorded music between the hours of 8:00 to 24:00 Monday to Sunday
Supply of on and off sale of alcohol between the hours of 9:00 to 24:00 Monday to Sunday

I would like to make a representation regarding the licensing application for 59 Virginia Road.

The premises is formerly a mini supermarket and now has changed ownership. The new owner is running a leather workshop and retail space.

He has applied for an extension to the inherited off-licence to allow on-premises sales and music.

This is greatly concerning to me as a local resident. The applicant has stated his well-meaning desire to serve alcohol is secondary to his main business concerns as a leather workshop, thus:

"The intention for the space is to host workshops where people can also have a drink. Any drinking would be in a civilised manner I'm not looking to open a club. Purely offer a nice social space for people to have a nice beer brewed locally or glass of wine over a little bit of leather work."

My concern is that there is nothing in the premises license that limits its use in these terms. Nothing to prevent the premises being used with the primary intention of serving alcohol or becoming a destination venue. There is also nothing to prevent a sub-tenant or transferee of the lease to change the emphasis to a primary one of serving alcohol.

The premises is located on the north east edge of the Boundary Estate. The estate has been blighted for the last 2-3 years from appalling ASB and crime issues related to the night time economy. For the past two months special and very intensive policing measures have had to be deployed to contain the problem that affects an overwhelmingly residential area. To grant a new licence for serving alcohol on the premises risks increasing the attractiveness of the area to night time economy users in general. In the absence of a strong and sustainable policing plan it is hard to see how to justify this.

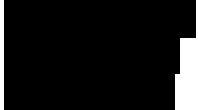
Therefore I object on the licensing objective grounds of prevention of crime and disorder.

Public nuisance issues - another licensing objective - may also arise if the venue results in noisy gatherings on the street outside the shop during warm evenings.

Best wishes

Jonathan

Jonathan Moberly



Appendix 10

Mohshin Ali

From: Licensing
Sent: 05 October 2020 11:01
To: Mohshin Ali
Subject: FW: objection to alcohol license 59 Virginia Rd

From: max [REDACTED]
Sent: 05 October 2020 05:57
To: Licensing <[REDACTED]>
Subject: objection to alcohol license

Dear sirs,

I am writing to object to the granting of an alcohol license for

59 Virginia Road London E2 7NF. Formerly Virginia Supermarket.

on the grounds that:

- 1). the prevention of a public nuisance, This area is a residential area that already has a high level of alcohol related disturbance due to its proximity to Shoreditch and many venues.
- 2) Granting this license will increase disturbances in our area
- 3). this area already suffers from a serious problem with alcohol addiction. The drinking in the small park area opposite is already a problem which will increase if this license is allowed.
- 4). This area suffers increasingly from people emerging from premises and partying into the surrounding residential streets and using the streets as public toilets.
- 5) Noise and public disorder are already a massive problem due to our proximity to Shoreditch and its numerous nightlife venues.
- 6) Parking in this area is also a horrendous problem for local residents.
- 7). Residents in this area are already trying desperately to get problems with drug dealing and anti social behaviour dealt with.

Please take my above mentioned comments into consideration and do not grant this premises, which was until recently our local corner shop, an alcohol license. We are a densely populated residential area squeezed more and more by Shoreditch Nightlife on our East and the growing amount of venues to our South and West sides.

Yours sincerely,

Maxine Aston,

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 11

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 October 2020 12:05
To: Mohshin Ali
Subject: FW: Licensing objection 59 Virginia road

From: Stan Everett [REDACTED]
Sent: 05 October 2020 11:34
To: Licensing [REDACTED] >
Subject: Licensing objection 59 Virginia road

To whom it may concern I wish to object most strongly to the application for a license at 59 Virginia road. I object to this as I live near by and there is already a massive problem with drinking after hours violence and antisocial behaviour, another licensed premises would impact severely on the quality of life of myself and the other residents. We already have regular instances of drug dealing violence public defecation and shouting til the early hours, instead of granting more licenses Tower Hamlets should be working to improve the diabolical conditions the night time economy impose on the estate.

Sincerely
Stan Everett

[REDACTED]

Appendix 12

Mohshin Ali

From: Licensing
Sent: 05 October 2020 11:01
To: Mohshin Ali
Subject: FW: REPRESENTATION/OBJECTION TO 59 VIRGINIA ROAD, E2 7NF PREMISE LICENSE APPLICATION

From: Susanna Kow [REDACTED]
Sent: 05 October 2020 01:03
To: Licensing [REDACTED]
Subject: REPRESENTATION/OBJECTION TO 59 VIRGINIA ROAD, E2 7NF PREMISE LICENSE APPLICATION

Dear Sir/Madam,

I am a resident living on the Boundary estate, about 2 blocks away from the above premises.

I object to the alcohol and music license application on the following grounds:-

1) Public Nuisance

As a resident from the Boundary estate, my neighbours and I have been suffering the effects from the night-time economy of Shoreditch High Street. Heavy alcohol use, parked cars playing loud music and associated anti-social behaviour have been keeping us awake every weekend.

2) Crime and disorder/Public Safety

The heavy alcohol use is often accompanied with nitrous oxide and drug abuse. Rat-runs are common in the area as a result of "supplying" the users' needs. Several residents' cars were damaged recently as a result of these rat-runs and drunk driving. Fights and violence are also common. There was a riot in August in this area which was reported in the media.

3) This is an area of Alcohol Restricted Zone

As it is, the area is already facing a crisis related to alcohol usage and the night-time economy, and this is supposed to be an Alcohol Restricted Zone.

4) The premises is located on a residential street, surrounded by families and a school a few metres away

We need to protect the children living on the estate. The Virginia School is a few steps from the premises.

Please do not approve this license application. Opening a new licenced premises actually within the residential area will act as an attractor for more of this nuisance activity which is already out of control.

Thank you
Susanna Kow
[REDACTED]

Appendix 13

Mohshin Ali

From: Licensing
Sent: 07 October 2020 11:23
To: Mohshin Ali
Subject: FW: Objection re: Ground Floor and Basement 59 Virginia Road London E2 7NF UK

FYI

From: Tonje Pettersen [REDACTED] >
Sent: 06 October 2020 19:42
To: Licensing [REDACTED] >
Subject: Objection re: Ground Floor and Basement 59 Virginia Road London E2 7NF UK

Dear Sir/Madam

I am writing to object to the following licence application, with regards to the following:

(2) the prevention of public nuisance

I am a local resident and live on the other side of the street from the shop with bedroom windows onto Virginia Road.

We are very close to Shoreditch High Street and Boundary Street, the latter in particular has a lot of problems relating to the nighttime economy, and a permanent on sale of alcohol on the premises until midnight could further encourage people to move partying to this quiet residential area, and perhaps the park opposite the shop. I know that Boundary Street gets very busy and I know the residents there suffer due to it, I would strongly object to a bar opposite the house.

The previous occupants held an off-licence and when we initially moved here in 2005 this did attract some late evening noise and anti-social behaviour, however, in the last several years the shop closed at around 10 pm and the street was mostly quiet after.

I like what Charlie Barrow is doing with the shop, and am happy to support his plans for workshop with some alcohol sales. However, Charlie's lease is for 5 years, and I am extremely concerned that if he for some reason doesn't renew his lease, the premises is left with an on sale of alcohol licence which would make it easy to open a bar there instead.

I hope there is a solution to this, as the blanket licence applied for is too over-reaching.

Regards,

Tonje Pettersen

[REDACTED]

Appendix 14

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 October 2020 12:16
To: Mohshin Ali
Subject: FW: Existing License for Ground Floor & Basement, 59 Virginia Road, LondonE2 7NF.

From: Yaojen Chuang [REDACTED] >
Sent: 06 October 2020 12:13
To: Licensing <[REDACTED]>
Subject: Existing License for Ground Floor & Basement, 59 Virginia Road, LondonE2 7NF.

Re: Objection of Variation of Existing License for Ground Floor & Basement, 59 Virginia Road, London E2 7NF.

Dear Sirs,

Regarding the above application, we would like to raise an objection due to the hours proposed. The application proposes to sell alcohol and play music up till midnight every night -including weekdays and Sundays - is a significant concern for us.

The issue in particular occurs when people leave or enter they tend to gather outside of the building saying hello and goodbye. This can be prolonged period especially when people are under the influence of alcohol, and as the shop is located in a quiet residential street any conversation on the pavement can be clearly heard by the neighbours above (us), regardless of it being in the day or at night.

We would be happy to accept however, if the license only allows play of music and consume of alcohol up until 8pm every night, and that no outside seating / any activities taken outside of the shop, this way it minimise possibility of causing noise pollution to the neighbours.

Sincerely,

--

Yaojen Chuang
[REDACTED]
[REDACTED]

Appendix 15

Mohshin Ali

From: Charlie Borrow [REDACTED]
Sent: 26 October 2020 18:29
To: Mohshin Ali
Subject: Re: (Virginia Off Licence) Ground Floor 59 Virginia Road, London E2 7NF

Follow Up Flag: Follow up
Flag Status: Flagged

Good evening Mohshin,

Hope you had a nice weekend, I contacted the the number supplied today with regards to the hearing. I didn't quite catch the ladies name as it was a bad reception on the line but she was very helpful. She said she hadn't received the representation list yet but also advised i forward you the email I sent to the people who objected to the application. Two of the 9 objectors responded to acknowledge the email but yet to have a conversation with them about the application. Two I had had face time face conversations with prior to sending the email but they haven't said much about the email to resolve or come to a mural agreement since as I think they would prefer it went to a hearing to discuss. (I can't be sure though?)

In the representations you sent an email from Nicola Cadzow at tower hamlets however her email was regarding the wrong address. I just wanted to check if maybe the wrong email had been sent to me or if maybe she hadn't objected to the variation?

Below is the email I sent to the the 9 objecting to the variation.

" Good morning ...,

I hope you're well. It's Charlie Borrow here from the shop at [59 Virginia Road](#). I'm just getting in touch with you with regards to your representation from the recent application of the variation to the existing alcohol licence on the premises.

I just wanted to give you a brief explanation of my intentions with the property, in case you hadn't heard from anyone locally, and open up discussions with you regarding any conditions you may wish to add to the application so we can work together to make this work for everyone in the local area.

A bit of context: I took on the space back in March, moving from my previous shop on Columbia Road, with the intention of expanding the business' manufacturing and collection of leather goods and furniture.

As you can imagine, over the past seven months the global pandemic has meant companies in general need to diversify to survive and prevent yet another empty retail space on our local streets. It might not look like it yet, but I'm investing a lot into the building to make it in keeping with the surrounding conservation area and create a more positive space, especially at night. As part of this I will be installing a new traditional shop facade, coming in the next four weeks, to revive the lovely old building that's hiding behind the current mess of a frontage and bring back the Boundary Estate and Columbia Road feel to it.

In the past, companies have employed me to host leatherwork classes and events for their staff, held in their offices, to get them socialising together and get working with their hands again. With offices emptying and staff now working at home this has slowed, as you can imagine.

My initial idea was to just host classes in the shop now that I had the luxury of more square footage, but with the space being so versatile I thought I would also look into doing other events, hosting other makers, brewers, artists, anyone passionate about what they do in the creative community.

With socialising and events of this nature it feels natural to offer alcohol to complement it. At the classes I've done in the past people have had beers and glasses of wine and it's created a less formal and relaxed environment and is generally more social, hence my application. That said, I completely understand people's concerns of drinking in the local area already being an issue, especially at night. No-one wants anti-social behaviour in their area and I'm in complete agreement with that - especially as shops are normally the first to be targeted with graffiti, smashed windows and break-ins. So it really is a concern for me too, especially being the only shop on the street.

I want to make this work for all of us and create a positive space that can work for both my business and the local area. I've been a part of the community for the last seven years from when I opened my first workshop in Cleve Workshops on the Boundary Estate, later moving to Columbia Road and now to Virginia Road.

At present, and as you know, the premises has an off sale alcohol licence that [finishes at 11pm Monday](#) to Saturday and [10.30pm](#) on Sundays from its time as a convenience store. As an off licence there is no responsibility over where the alcohol is consumed other than off the premises. By opening the shop a few evenings a week after my standard retail hours as a leather goods shop, I'm looking to transform it into a workshop or special event space, intimate drinking venue or gallery space. My intention is to host people in the space and essentially monitor guests leaving by moving them on from the area after the event/evening has finished.

I hope the applications and plans I have can be looked at for the positivity they will bring and not as a negative impact on the local area due to alcohol being served. Most of the locals I have spoken to have responded with open arms and excitement for what's ahead regarding the plans for the shop and I'd like for us to work together in the hope that you can feel this way too.

At the moment the current conditions are:

- No guests outside the premises after [9pm](#).
- All windows and doors to remain closed at all times while events are on.
- No music to be heard outside the premises.

After being contacted by the police about the application they have requested:

- The finish time should be brought forward [11.30pm](#) rather than [12am](#) to allow 30 mins "drink up time" (their expression, not mine).
- Smoking outside the premises is restricted to a maximum 5 people at a time.
- CCTV to be in operation at the entrance of the premises (this would also help with any ASB on the street)
- Signage to respect neighbours and leave quietly to be installed.

After looking at the representations I think a condition that prevents the space from being turned into a full on bar maybe an option. Maybe something along the lines of,

- the on sales alcohol licence on this premises does not allow the sole purpose of the premises to be used as a bar or club.

This is just an idea as a condition maybe the wording could be changed? I'm no expert on this so would need to ask the right people who know, to prevent the space from being a full on bar in the future.

I would like to invite you to call, email or visit the shop personally to discuss the plans I have and speak more on your thoughts and conditions you would suggest to prevent this having to go to a hearing. It goes without saying that with current social distancing measures in place I'm more than happy to speak outside the shop so it's more comfortable for both of us.

Thank you for taking the time to read this email and I look forward to hearing from you."

Look forward to hearing from you Mohshin.

Appendix 16

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 17

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 18

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 19

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 20

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one of more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 21

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 framework 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

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Agenda Item 3.2

Committee: Licensing Sub-Committee	Date 24 November 2020	Classification Unclassified	Report No.	Agenda Item No.
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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 (Marco Food Centre) 38 - 40 Commercial Road, London E1 1LN Ward affected: Whitechapel
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1.0 Summary

Applicant: **Daas Trading London Limited**

Name and Address of Premises: **Marco Food Centre**
12b Commercial Road
London
N18 1TP

Licence sought: **Licensing Act 2003 – premises licence**

- **The sale by retail of alcohol (off sales only)**

Representations: **Residents**
Businesses

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
<ul style="list-style-type: none">• 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 (Marco Food Centre) 38 - 40 Commercial Road, London E1 1LN.

3.2 The applicant has described the premises as follows:
"Convenience Store"

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

3.4 The applicant has reduced the times of licensable activities in consultation with the Police and Licensing Authority (RA) as follows:-

The sale by retail of alcohol - Off sales only

- Monday to Sunday, from 06:00 hrs to 00:00 hrs (midnight)

The opening hours of the premises

- Monday to Sunday, from 06:00 hrs to 00:00 hrs (midnight)

4.0 **Location and Nature of the premises**

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

4.2 Maps and photos 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, that 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 against the premises have been made by the following:

Name	Appendix
Mrs Fozia	6
Nazzim Ahmed	7
Shummey Miah	8
Simone Gaillard	9
Erol Aslan (petition)	10
Hamaon Rashid (petition)	11
K C. (petition)	12

- 6.9 It should be noted that some of the petition pages submitted by Erol Aslan are also repeated in the petition pages submitted by the other petitioners.
- 6.10 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)

6.11 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

6.12 Essentially, the relevant parties oppose 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.

6.13 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.

6.14 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 (as offered)**

7.1 *Staff training shall be recorded and updated every 6 months training shall cover the requirements for id as part of age verification, fines and punishments and other matters relevant regarding the licensing act 2003 to staff members role in the premises.*

7.2 *There shall be a suitable colour digital CCTV recording system installed at the premises the system must be capable of providing 28 days recording. the images recorded are to be retained for 28 days and made available to the police or other enforcement agencies upon reasonable request (within 48hours)in line with data protection legislation. dvd/usb copies of relevant footage to be provided to the police or other enforcement agencies at no cost.*

Licensing Officer recommends the following standard wording:

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.

- 7.3 *Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly*
- 7.4 *The premises licence holder shall ensure that a 'challenge 25' policy is adopted on the premises.*
- 7.5 *Signage of the 'challenge 25' policy shall be prominently displayed on the premises.*
- 7.6 *Acceptable identification accepted by the premises licence holder, dps, or other staff members shall be a passport, photo driving licence or pass accredited identity card staff training in i.d procedure will be carried out on a regular basis.*

Licensing Officer recommends the following standard wording:

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.

- 7.7 *The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.*
- 7.8 *The refusal register shall be inspected on a regular basis by the Designated Premises Supervisor (DPS) or nominated person/s and signed by the DPS or nominated person/s that they have checked the register at least 12 months of refusal register details shall be retained and made available upon request by an authorised officer.*
- 7.9 *Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years*

8.0 Conditions in consultation with the Responsible Authorities

- 8.1 **Conditions agreed with the Licensing Authority (acting as a responsible authority) and Met Polce Licensing. Please see **Appendix 13:****

“opening hours have now reduced, and are now Monday – Sunday 06:00 – 00:00 hours (midnight), which are the same hours for the sale of alcohol”

9.0 Licensing Officer Comments

- 9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 30th September 2021 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
 - had a variation of a premises licence seeking permission for off sales refused
 - had a variation seeking to exclude off sales permission granted
 - had a premises licence varied or modified by a review hearing to exclude off sales.
- 9.2 The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>
- 9.3 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.
- 9.4 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.

9.5 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)

- 9.6 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.
- 9.7 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.8 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.
- 9.9 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)
- 9.10 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.11 In **Appendices 14 - 19** 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 current application
- Appendix 2** Site Plan
- Appendix 3** Maps and photos 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 against the premises
- Appendix 13** Conditions agreed with Police and Licensing Authority
- Appendix 14** Licensing Officer comments on noise while the premise is in use
- Appendix 15** Licensing Officer comments on access/egress Problems
- Appendix 16** Licensing Officer comments on crime and disorder on the premises
- Appendix 17** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 18** Public safety
- Appendix 19** Planning
- Appendix 20** Licensing Policy relating to hours of trading

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Appendix 1

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

PRIVATE LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

CONVENIENCE STORE

We understand rateable value is to be decided as premises split from basement we understand therefore we are paying £190 as will be above £4300-Once known applicant can notify you

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name

Family name

Date of birth
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

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.

Continued from previous page...

TUESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

STAFF TRAINING SHALL BE RECORDED AND UPDATED EVERY 6 MONTHS TRAINING SHALL COVER THE REQUIREMENTS FOR ID AS PART OF AGE VERIFICATION, FINES AND PUNISHMENTS AND OTHER MATTERS RELEVANT REGARDING THE LICENSING ACT 2003 TO STAFF MEMBERS ROLE IN THE PREMISES

b) The prevention of crime and disorder

THERE SHALL BE A SUITABLE COLOUR DIGITAL CCTV RECORDING SYSTEM INSTALLED AT THE PREMISES THE SYSTEM MUST BE CAPABLE OF PROVIDING 28 DAYS RECORDING. THE IMAGES RECORDED ARE TO BE RETAINED FOR 28 DAYS AND MADE AVAILABLE TO THE POLICE OR OTHER ENFORCEMENT AGENCIES UPON REASONABLE REQUEST (WITHIN 48HOURS)IN LINE WITH DATA PROTECTION LEGISLATION. DVD/USB COPIES OF RELEVANT FOOTAGE TO BE PROVIDED TO THE POLICE OR OTHER ENFORCEMENT AGENCIES AT NO COST.

c) Public safety

ADHERE TO LEGISLATION AND COVERED IN A) ABOVE
REGULAR MAINTENANCE OF FIRE FIGHTING EQUIPMENT
ALL EXIT ROUTES TO BE KEPT CLEAR
CCTV AS ABOVE

d) The prevention of public nuisance

SIGNAGE SHALL BE DISPLAYED IN A PROMINENT POSITION ON THE PREMISES REQUESTING THAT CUSTOMERS LEAVE QUIETLY

STAFF TRAINING AS ABOVE
LITTER PATROLS ON A REGULAR BASIS
Minimum two member of staff on duty between 22:00hours and 06:00hours

e) The protection of children from harm

THE PREMISES LICENCE HOLDER SHALL ENSURE THAT A 'CHALLENGE 25' POLICY IS ADOPTED ON THE PREMISES. SIGNAGE OF THE 'CHALLENGE 25' POLICY SHALL BE PROMINENTLY DISPLAYED ON THE PREMISES.
ACCEPTABLE IDENTIFICATION ACCEPTED BY THE PREMISES LICENCE HOLDER, DPS, OR OTHER STAFF MEMBERS SHALL BE A PASSPORT, PHOTO DRIVING LICENCE OR PASS ACCREDITED IDENTITY CARD
STAFF TRAINING IN I.D PROCEDURE WILL BE CARRIED OUT ON A REGULAR BASIS.
THE LICENCE HOLDER SHALL ENSURE THAT A REFUSALS REGISTER IS KEPT ON THE PREMISES AND THAT THIS SHALL BE IMMEDIATELY AVAILABLE UPON REQUEST OF AN AUTHORISED OFFICER. THE REGISTER SHALL RECORD ANY REFUSED SALE OF ALCOHOL.. THE REFUSAL REGISTER SHALL BE INSPECTED ON A REGULAR BASIS BY THE DPS OR NOMINATED PERSON/S AND SIGNED BY THE DPS OR NOMINATED PERSON/S THAT THEY HAVE CHECKED THE REGISTER
AT LEAST 12 MONTHS OF REFUSAL REGISTER DETAILS SHALL BE RETAINED AND MADE AVAILABLE UPON REQUEST BY AN AUTHORISED OFFICER
SIGNAGE SHALL BE PROMINENTLY DISPLAYED WARNING CUSTOMERS OF THE LEGAL PENALTIES FOR PURCHASING ALCOHOL FOR ANY PERSON UNDER THE AGE OF 18 YEARS

S

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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.

Continued from previous page...

- 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.

Continued from previous page...

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.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

Continued from previous page...

* Fee amount (£)

190.00

DECLARATION

* I/we understand 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.

[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, IF APPROPRIATE (PLEASE SEE NOTE 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

ROBERT JORDANBSc for PR RETAILO
CONSULTANTS ltd

* Capacity

agent

* Date

08 / 09 / 2020
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

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

OFFICE USE ONLY

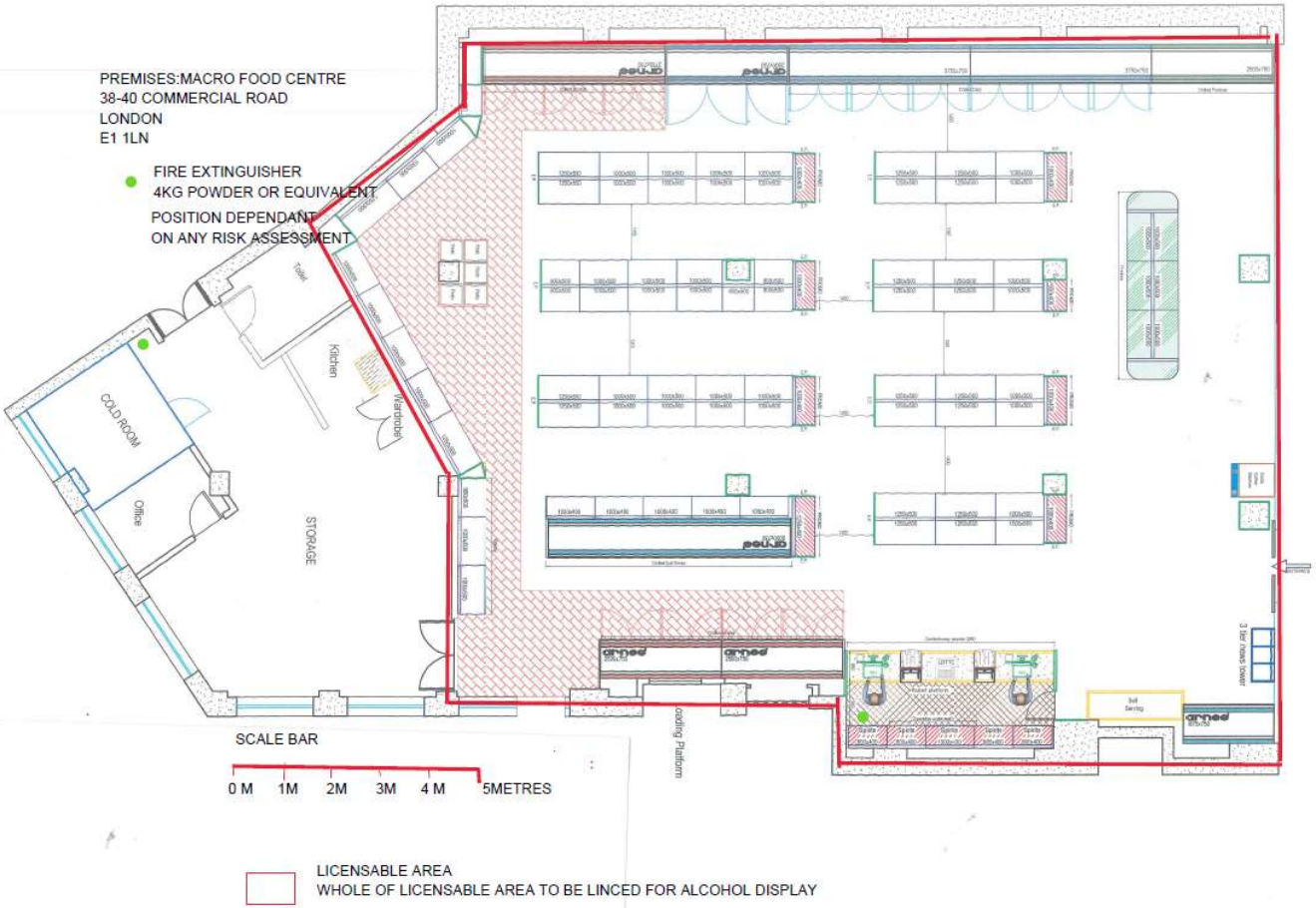
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Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Appendix 2

PREMISES: MACRO FOOD CENTRE
38-40 COMMERCIAL ROAD
LONDON
E1 1LN

- FIRE EXTINGUISHER
4KG POWDER OR EQUIVALENT
POSITION DEPENDANT
ON ANY RISK ASSESSMENT



Appendix 3

Map: 38-40 Commercial Road







Appendix 4

38 – 40 Commercial Road - Nearest licences

Name and address	Licensable activities and hours	Opening hours
<p>(The Gate) 27 Commercial Road Aldgate London E1 1LD</p>	<p>The sale by retail of alcohol (<u>on and off sales</u>) Monday to Sunday, from 10:00 hrs to 00:00 hrs (midnight)</p> <p>The provision of regulated entertainment (<u>Indoors</u>) <u>(Films. Live music, performance of dance and anything of a similar description)</u> Monday to Sunday, from 10:00 hrs to 00:00 hrs (midnight)</p> <p><u>Recorded music (indoors and outdoors)</u> Monday to Sunday, from 10:00 hrs to 00:00 hrs (midnight)</p> <p>The provision of late night refreshments (<u>Indoors</u>) Monday to Sunday, from 23:00 hrs to 00:00 hrs (midnight)</p> <p><u>Non-Standard Timings</u> Sale of alcohol for hotel residents and bona fide guests unrestricted All licensable activities from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>	<p>Monday to Sunday, from 00:00 hrs to 24:00 hrs</p>
<p>(Goodman's Stile) 44 Commercial Road London E1 1LN</p>	<p><u>The supply of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 12:00hrs (midday) to 00:00hrs (midnight) • Thursday from 12:00hrs (midday) to 01:30hrs (the following day) • Friday and Saturday from 12:00hrs (midday) to 03:00hrs (the following day) <p><u>The provision of regulated entertainment in the form of plays (indoors), films (indoors), and live music (indoors)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 19:00hrs to 23:00hrs <p><u>The provision of regulated entertainment in the form of recorded music (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 12:00hrs (midday) to 00:00hrs (midnight) • Thursday from 12:00hrs (midday) to 01:30hrs (the following day) • Friday and Saturday from 12:00hrs (midday) to 03:00hrs (the following day) 	<ul style="list-style-type: none"> • Sunday to Wednesday from 12:00hrs (midday) to 00:00hrs (midnight) • Thursday from 12:00hrs (midday) to 01:30hrs (the following day) • Friday and Saturday from 12:00hrs (midday) to 03:00hrs (the following day)

38 – 40 Commercial Road - Nearest licences

<p>(Nisa) 58 Commercial Road London E1 1LP</p>	<p>The sale by retail of alcohol (off sales only)</p> <ul style="list-style-type: none"> Monday to Sunday from 08:00hrs to 00:00hrs (midnight) 	<p>Sunday to Thursday from 08:00hrs to 00:00hrs (midnight) Friday and Saturday from 08:00hrs to 02:00hrs (the following day)</p>
<p>(The Worshipful Company of Gunmakers) 48-50 Commercial Road London E1 1LP</p>	<p>The sale by retail of alcohol: (On sales only) Monday to Sunday, 10.00 to 23.00, and from 10.00 on New Year's Eve to 23.00 on New Year's Day.</p> <p>The performance of live music: Monday to Sunday, 10.00 to 23.00, and from 10.00 on New Year's Eve to 23.00 on New Year's Day. The playing of recorded music: Monday to Sunday, 10.00 to 23.00, and from 10.00 on New Year's Eve to 23.00 on New Year's Day.</p> <p>The performance of dance: Monday to Sunday, 10.00 to 23.00, and from 10.00 on New Year's Eve to 23.00 on New Year's Day.</p> <p>The provision of facilities for making music: Monday to Sunday, 10.00 to 23.00, and from 10.00 on New Year's Eve to 23.00 on New Year's Day.</p>	<p>Monday to Sunday, 09.00 to 24.00, and from 09.00 on New year's Eve to 24.00 on New Year's Day</p>
<p>(The Castle) 44 Commercial Road London E1 1LN</p>	<p>The sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> Monday to Sunday 24 hours <p>The provision of regulated entertainment</p> <ul style="list-style-type: none"> Monday to Sunday Noon to 02 00 hrs 	<p>24 HOURS SEVEN DAYS A WEEK</p>
<p>(Clean Hearts Coffee Limited) 52 Commercial Road London E1 1LP</p>	<p>The sale by retail of alcohol (On sales only)</p> <ul style="list-style-type: none"> Monday to Sunday from 08:00 hours to 20:30 hours 	<p>Monday to Sunday from 08:00 hours to 21:00 hours</p>
<p>(Benugo Cafe) Hult International Business School Ltd 33 Commercial Road London E1 1LD</p>	<p><u>Supply of Alcohol (on and off sales):</u></p> <p>Monday to Saturday 12:00 (Midday) to 23:00 hours Sunday 12:00 (Midday) to 23:00 hours</p>	<p>Monday to Sunday 07:30 hours to 23:00 hours</p>
<p>(Pasta Pit Stop) 77 Alie Street London E1 8NH</p>	<p>The sale by retail of alcohol (On and off sales) Monday to Friday from 11:00 hours to 23:00 hours Saturday from 10:30 hours to 23:00 hours Sunday from 10:30 hours to 22:00 hours</p>	<p>Monday to Friday from 08:00 hours to 23:00 hours Saturday from 10:00 hours to 23:00 hours Sunday from 10:00 hours to 22:00 hours</p>

38 – 40 Commercial Road - Nearest licences

<p>(YoYo Oriental Supermarket) 61a Alie Street London E1 8EB</p>	<p><u>Sale by retail of alcohol (off sales only)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 10:00 hours to 22:00 hours 	<ul style="list-style-type: none"> Monday to Sunday from 10:00 hours to 22:00 hours
<p>(Pilpel) Unite 5 60 Alie Street London E1 8PX</p>	<p>Sale by retail of alcohol (on and off sales)</p> <ul style="list-style-type: none"> Monday to Sunday, from 11:00 hours to 23:00 hours 	<p>Monday to Sunday, from 09:00 hours to 23:30 hours</p>
<p>(Premier Inn Aldgate) 66 Alie Street Goodman's Fields Aldgate London E1 8DE</p>	<p>Sale of Alcohol (On and off sales)</p> <ul style="list-style-type: none"> Monday to Sunday from 10:00 hours to 23:00 hours <p>The Provision of Regulated Entertainment (Films)</p> <ul style="list-style-type: none"> Monday to Sunday from 10:00 hours to 23:00 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> To permit sale of alcohol and such regulated entertainment as authorised until 00:00 hours on Friday, Saturday, Sunday and Monday at Bank Holidays weekends, Christmas Eve, Boxing Day, New Years Day and All Saints Day New Years Eve from 10:00 hours to the terminal hours on New Years Day <p><u>In addition:</u></p> <ul style="list-style-type: none"> The Premises shall remain open for the above licensable activities (including the provision of late night refreshments) 24 hours a day for hotel residents. 	<ul style="list-style-type: none"> Monday to Sunday from 10:00 hours to 23:30 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> To permit sale of alcohol and such regulated entertainment as authorised until 00:00 hours (midnight) on Friday, Saturday, Sunday and Monday at Bank Holidays weekends, Christmas Eve, Boxing Day, New Years Day and All Saints Day New Years Eve from 10:00 hours to the terminal hours on New Years Day <p><u>In addition:</u></p> <ul style="list-style-type: none"> The Premises shall remain open for 24 hours a day for hotel residents.

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 frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this

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

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

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

Appendix 6

Mrs. Fozia

The Licensing Section
Tower Hamlets Council

Date: 23-09-20

Dear Sir/Madam

I am writing regarding the shop which is about to open on 38-40 commercial road.

My shop is located at [REDACTED]. I am writing to object this as this area is populated with many shops and letting another alcohol shop will increase the issues we are already facing in the area, we are a beauty parlour, our clients are largely females, our clients get disturbed by drunk homeless people in the area, and we feel allowing another alcohol premise will only increase this issue, therefore I am objecting to this.

I would like to request no permission be given to open any shop here.

Yours faithfully

[REDACTED]

LBTH
TRADING STANDARDS
29 SEP 2020
LICENSING

Appendix 7

The Licensing Section
Tower Hamlets Council

Date: 23/09/2020

Dear Sir/Madam

I am writing this letter about the new shop opening up on 38- 40 commercial Road London E11LN. It brings great concern to me as it says it's going to have alcohol in the shop, and it also says it may be open 24 hours.

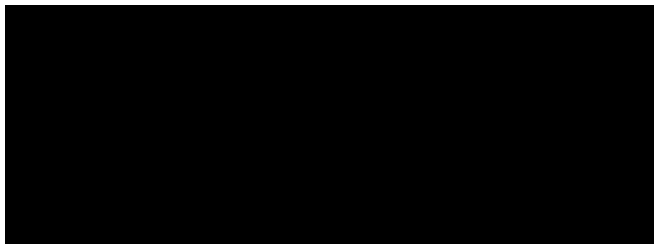
My concern is that this area that I live in is already very loud and there's a lot of homeless people around and there's a lot of drug addict, there's already so many problems in this area and now if this shop does turn into a 24-hour shop which holds a license of selling alcohol it will get just worse. Where I live there is a lot of homeless people that will come under my building drink alcohol and leave the bottles and cans everywhere. You can hear a lot of screaming and shouting.

I just want this area to be a better place to live in and to feel safe in and I hope you take this letter into consideration thank you so much

Yours faithfully



Nazzim Ahmed



Appendix 8

21 September 2020

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

We object to the granting of an alcohol licence to Macro Food Centre, 38-40 Commercial Road, London E1 1LN for sale of alcohol for consumption off the premises from Monday to Sunday 00:00 to 24:00 hours.

We have an interest in this application that is greater than the general public because the premises is located within my community.

We object to the application for an alcohol licence on the grounds of:

Prevention of public nuisance – increase in noise nuisance from the premises due to constant flow of customers purchasing alcohol and there would be unacceptable levels of nuisance during late hours. The hours applied for would potentially increase the nuisance to the area.

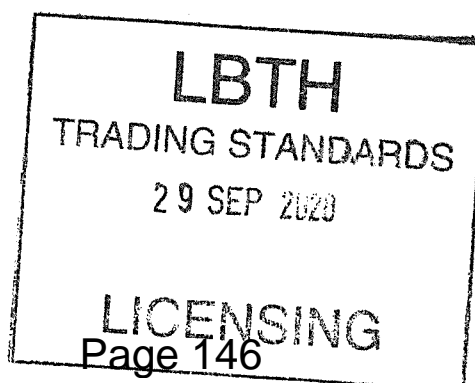
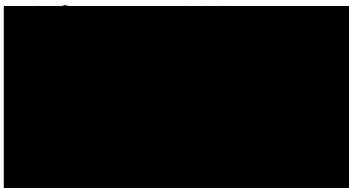
Prevention of crime and disorder – the area already has a prevalence of violence and disorder due to alcohol misuse in public and drugs misuse. There are a lot of homeless persons in the surrounding area who would inevitably attend the premises to purchase alcohol thus exacerbating the problems for the area.

Public safety - it is likely that risk to public safety would be increased by the grant of the licence to sell alcohol 24 hours a day. Increase in foot customers and also those using vehicles would cause safety issue on the public highway (both on the footpath and the actual road).

Hours of opening - twenty four hours sale of alcohol would adversely impact upon the local area, its community and also the surrounding area. The authority must consider the impact of such long opening hours.

Yours faithfully

NFU UK Ltd t/a Low Cost Supermarket



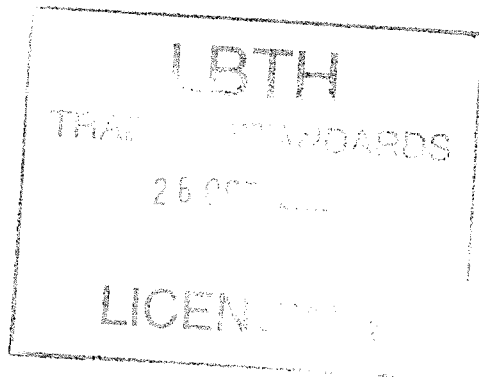
Dear sir/madam

I wrote a letter to you before my address is [REDACTED]
[REDACTED] my shop name is a low-cost supermarket (NFU UK LT) I wrote a letter in regards of a new shop opening up next to my one on commercial road The name of the shop is Marco food centre 38 to 40 commercial Road . but I forgot to write my name on the letter so this is why I'm sending this letter with my name on it thank you so much

Shommey Miah

[REDACTED]

14-10-20



Appendix 9

22 September 2020

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

I object to the granting of an alcohol licence to Macro Food Centre, 38-40 Commercial Road, London E1 1LN for sale of alcohol for consumption off the premises from Monday to Sunday 00:00 to 24:00 hours.

I have an interest in this application that is greater than the general public because the premises is located within my community. I live close by to the premises.

I object to the application for an alcohol licence on the grounds of:

Prevention of public nuisance – increase in noise nuisance from the premises due to constant flow of customers purchasing alcohol and there would be unacceptable levels of nuisance during late hours. The hours applied for would potentially increase the nuisance to the area.

Prevention of crime and disorder – the area already has a prevalence of violence and disorder due to alcohol misuse in public and drugs misuse. There are a lot of homeless persons in the surrounding area who would inevitably attend the premises to purchase alcohol thus exacerbating the problems for the area.

Public safety - it is likely that risk to public safety would be increased by the grant of the licence to sell alcohol 24 hours a day. Increase in foot customers and also those using vehicles would cause safety issue on the public highway (both on the footpath and the actual road).

Hours of opening - twenty four hours sale of alcohol would adversely impact upon the local area, its community and also the surrounding area. The authority must consider the impact of such long opening hours.

Yours faithfully

[Redacted signature area]

Simone Gaillard.

[Redacted address area]

*



Appendix 10

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 01 October 2020 16:34
To: Mohshin Ali
Subject: FW: Objection for alcohol license - 38-40 Commercial Road, E11LN

Follow Up Flag: Follow up
Flag Status: Flagged

From: clean hearts [REDACTED] >
Sent: 01 October 2020 16:29
To: Mayor <Mayor@towerhamlets.gov.uk>; Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objection for alcohol license - 38-40 Commercial Road, E11LN

Hi John,

We would appreciate your support on the subject mentioned below,

I am writing to register my objection for the application for a premises license by 'Daas Trading London Limited' for;

*Marco Food Centre
38-40 Commercial Road
London
E1 1LN*

I would like to object on the ground that granting this license for the premises will not promote the licensing objectives, particularly the prevention of crime, disorder, public nuisance and anti social behaviour.

This community has enough stores which sell alcohol and Tower Hamlets is trying to regenerate the area. Another store is not needed as it will create a very unsafe environment in an area which is notorious for drugs and alcohol abuse.

I have seen on many occasions illegal drugs being used near children in parks and playgrounds in the immediate area, for these vulnerable children such things will seem the norm which we as a community should not be promoting.

Covid 19 has created even more alcohol abuse, and has not helped with the rehab centre's in the area where there are a lot of addicts trying to recovery from their addiction for alcohol or drugs.

I am fully against this application for a premises license.

We have more than enough alcohol selling stores within the area and another would add to the problem'(s), your support in helping fight against another store would be most appreciated by everyone in the community.

Kind regards,

Erol Aslan

[REDACTED]

Mohshin Ali

From: Licensing
Sent: 02 October 2020 17:59
To: Mohshin Ali
Subject: FW: Petition for objection of alcohol license for 38/40 Commercial Road
Attachments: Scannable Document on 2 Oct 2020 at 16_05_37.pdf; ATT00001.txt

From: Ortega Ltd [REDACTED] >
Sent: 02 October 2020 16:53
To: Licensing <Licensing@towerhamlets.gov.uk>; CEMailbox-.TowerHamletsLicensing@met.police.uk; FSR-AdminSupport@london-fire.gov.uk; Health and Safety <Healthand.Safety@towerhamlets.gov.uk>; Formsadmin.London@hse.gov.uk; Trading Standards <Trading.Standards@towerhamlets.gov.uk>; Development Control <Development.Control@towerhamlets.gov.uk>; Environmental Health <Environmental.Health@towerhamlets.gov.uk>; Licensing-Child Protection <Licensing-ChildProtection@towerhamlets.gov.uk>; PublicHealth Licensing <PublicHealthLicensing@towerhamlets.gov.uk>; alcohol@homeoffice.gsi.gov.uk
Subject: Petition for objection of alcohol license for 38/40 Commercial Road

Hi,

We have signed a petition in our local community as we believe the premises mentioned opening as a 24 hour store or selling alcohol for 24 hours a day in any way is bad for the community and we would appreciate your support on the subject mentioned below,

we are writing to register my objection for the application for a premises license by 'Daas Trading London Limited' for;

Marco Food Centre
38-40 Commercial Road
London
E1 1LN

We would like to object on the ground that granting this license for the premises to sell alcohol on and off the premises will not promote the licensing objectives, particularly the prevention of crime, disorder, public nuisance and anti social behaviour (the 4 objectives).

This community has enough stores which sell alcohol and Tower Hamlets is trying to regenerate the area. Another store is not needed as it will create a very unsafe environment in an area which is notorious for drugs and alcohol abuse.

We have seen on many occasions illegal drugs being used near children in parks and playgrounds in the immediate area, for these vulnerable children such things will seem the norm which we as a community should not be promoting.

Covid 19 has created even more alcohol abuse, and has not helped with the rehab centre's in the area where there are a lot of addicts trying to recovery from their addiction from alcohol or drugs.

We are fully against this application for a premises license.

We have more than enough alcohol selling stores within the area and another would add to the problem'(s), your support in helping fight against another store would be most appreciated by everyone in the community.

We have attached the signatures collected from the petition and hope our efforts to protect our community and Tower hamlet's from harms way.

Kind regards,

Erol Aslan

PETITION FOR THE OBJECTION OF A SUPERMARKET OPENING UP AT 38/40 COMMERCIAL ROAD

E1 1LN (DAAS TRADING LONDON LIMITED – MARCO FOOD CENTRE)

BUSINESS NAME	NAME	ADDRESS	SIGNITURE	DATE
PROOF HOUSE	R MASSITT	[REDACTED] E1 [REDACTED]	[REDACTED]	21/09/20
GP	S. Chang	[REDACTED] EASTCHURCH	[REDACTED]	22/9/20
MARLIN ALDGATE, MARI PEZEL		[REDACTED] E1 [REDACTED]	[REDACTED]	29/9/20
WEX PHOTO VIDEO	JAMIE DYE	[REDACTED] Commercial road	[REDACTED]	29/9
Screwfix LTD	OZZI	[REDACTED] commercial road	[REDACTED]	29/09/20
IQ student accommodation	60-66	[REDACTED]	[REDACTED]	29/09/20
INA STAR LTD	ADLER STREET	[REDACTED]	[REDACTED]	29.09.20
	Nathaniel Young	Cascades Tower	[REDACTED]	29.09.20
LOW COST SUPERMARKET	ABDUL	[REDACTED]	[REDACTED]	29-9-20
[REDACTED]	COMMERCIAL ROAD	VTIB	[REDACTED]	
Premierinn Larisa	E1 [REDACTED]	[REDACTED]	[REDACTED]	29/09/20
BDE	E1 [REDACTED]	[REDACTED]	[REDACTED]	29/9/20

PETITION FOR THE OBJECTION OF A SUPERMARKET OPENING UP AT 38/40 COMMERCIAL ROAD
E1 1LN (DAAS TRADING LONDON LIMITED – MARCO FOOD CENTRE)

NAME	ADDRESS	SIGNITURE	DATE
Andrew Fitzgerald	E1 [redacted]	[redacted]	29/09/20
Alex Hoban	E1 [redacted]	[redacted]	29/09/20
BOGA GANDI S1	[redacted]	[redacted]	29/09/20
NAZZIM AHMED	E1 [redacted]	[redacted]	30/09/20
SHEHSA KEDAR	[redacted]	[redacted]	29/9/20
Belal Ahmad	Gowers walk	[redacted]	29/9/20
S ROK	Gowers walk	[redacted]	30/9/20.

PETITION FOR THE OBJECTION OF A SUPERMARKET OPENING UP AT 38/40 COMMERCIAL ROAD
E1 1LN (DAAS TRADING LONDON LIMITED – MARCO FOOD CENTRE)

NAME	ADDRESS	SIGNATURE	DATE
Gwerc Jafar	[REDACTED] E1	[REDACTED]	21/9/20
CHAD WEBB	[REDACTED] GOWERS WALK	[REDACTED]	21/9/20
S Chang	[REDACTED] Commercial road	[REDACTED]	22/9/20
BRADLEY	[REDACTED] Gower walk	[REDACTED]	22/9/20
Henry	[REDACTED] delcfield house	[REDACTED]	22/9/20
GRACE MA	[REDACTED] GOWERS WALK	[REDACTED]	22/9/20
Neill Smith	[REDACTED] Commercial	[REDACTED]	22/9/20
Francesca Ignatou	[REDACTED] Building E1	[REDACTED]	23/9/20
JORDAN Lee	[REDACTED] BACKCHURCH LANE	[REDACTED]	23/9/20
Levi Butler	[REDACTED] Charter Gardens	[REDACTED]	23/09/20
Roz Woodroffe	[REDACTED] Skyline Plaza	[REDACTED]	24/09/20
Cintia Polgar	[REDACTED] Henriques Str.	[REDACTED]	24/09/20
Dara	[REDACTED]	[REDACTED]	24/9/20
ANDY PASCO	[REDACTED] BACKCHURCH LANE	[REDACTED]	24/9/20
Alex Hatzidak	[REDACTED] Charter Gardens	[REDACTED]	24/9/20
Daniel Tzenberg	[REDACTED] Wilton Tower E1	[REDACTED]	24/9/20
Sophie Cusson	[REDACTED] Skyline Plaza E1	[REDACTED]	24.9.20
ASIM N	[REDACTED] Harbison E1	[REDACTED]	24/9/20
Selina H	[REDACTED] E153	[REDACTED]	24/9/20
Ching Oyh	[REDACTED] Christian Street	[REDACTED]	24/9/20
Amma DUNSU	[REDACTED] Gowers Walk	[REDACTED]	24.09.20
SHARADA ISLAM	[REDACTED]	[REDACTED]	24.09.20
Alex Monroe	[REDACTED] Naylor East	[REDACTED]	24/9/20
YANN BREDILOT	[REDACTED] HENRIQUES STREET	[REDACTED]	25/9/20

PETITION FOR THE OBJECTION OF A SUPERMARKET OPENING UP AT 38/40 COMMERCIAL ROAD
E1 1LN (DAAS TRADING LONDON LIMITED – MARCO FOOD CENTRE)

NAME	ADDRESS	SIGNITURE	DATE
RACHEL CAFFREY	[REDACTED]	GOLDPENCE	25.9.20
TOM ROYTH	[REDACTED]	GROWERS WALK	25.09.20
Kelly Nelson	[REDACTED]	Hoop or st	25.09.20
Jonathan Ball	[REDACTED]	"	25.09.20
Tobias Wellner	[REDACTED]	well Building	25.09.20
Ines Pote	[REDACTED]	"	25.09.20
M. BROWN	[REDACTED]	129 BCL.	27.09.2020
R BANSAL	[REDACTED]	ornell b	28.09.20
A Bishop	[REDACTED]	Gowers walk	28.09.20
DRUCK BRAN	[REDACTED]	COKE STREET	22.09.20
MIP CHIAN	[REDACTED]	COMMERCIAL RD.	28/9/20
ACASTAIR HIDEG	[REDACTED]	"	28/9/20
JAMIE DYE	[REDACTED]	Dmm/RD E1	29/9/20
Naima	[REDACTED]	Commercial road	29/9/20
Billy	[REDACTED]	Commercial rd	29/9/20
usman	[REDACTED]	Commercial Rd	29/9/20
Perfect	[REDACTED]	Charlton court	29/9/20
Sulaiman	Morris Road	[REDACTED]	29/9/20
Tahmid	Bruce Road	[REDACTED]	29/9/20
MARCO	ERIC ST	[REDACTED]	29/9/20
Sesilia MARGIN	[REDACTED]	Commercial	25/09/20
Maria G. K.	[REDACTED]	Allen Street	29/09/20
M Samer.	[REDACTED]	Chuson Place	29.9.20
J Green	[REDACTED]	St Mark Street	29/9/20

Jawad
Cherifoufi

[REDACTED]

[REDACTED]

[REDACTED] Sowers walk

[REDACTED]

11/11/20

13-09-20

Rayan
Djebbab

[REDACTED] Education square

ET

[REDACTED]

14/09/2020

Raziah
Begum

[REDACTED]

[REDACTED]

E1

[REDACTED]

13-09-20

Sulman
Ali

[REDACTED]

London, E1

[REDACTED]

[REDACTED]

14/09/20

MD. ALI newaz

[REDACTED]

[REDACTED]

E1

[REDACTED]

13-09-20

MRS RADHA

[REDACTED]

BLAKENHAY TOWER

MRS

[REDACTED]

13/09/20

MR.
Max
Cain

E1

[REDACTED]

Raja news.

[REDACTED]

[REDACTED] 158

13-09-20

Thomas
Kj Soroedw

[REDACTED] Wiverton Town

[REDACTED]

[REDACTED]

Sahel
Hussain

[REDACTED]

[REDACTED] Cassilis road

Rahad
Ahmed

[REDACTED]

ei

Willetor
Juszimono

[REDACTED]

[REDACTED]

16-09-20

RAPHAEL

[REDACTED]

WEGENER

[REDACTED]

16-09-20

E1 [REDACTED]

[REDACTED]

MOHAMMED ISLAM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16/9/2020

E7

NICOLAS

[REDACTED]

E7

[REDACTED]

[REDACTED]

16.09.2020

TAFSINA
ISLAM

[REDACTED]

[REDACTED]

LONDON E1

[REDACTED]

[REDACTED]

10.09.20

David
Pentland

[REDACTED]

[REDACTED]

[REDACTED] alie Street.

[REDACTED]

10.09.20

MARIANA
PARDINHO

[REDACTED]

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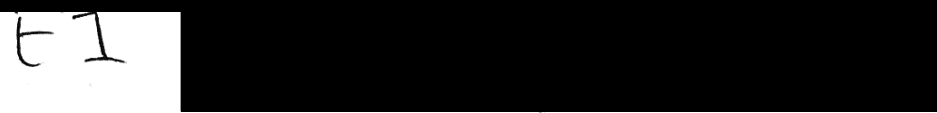
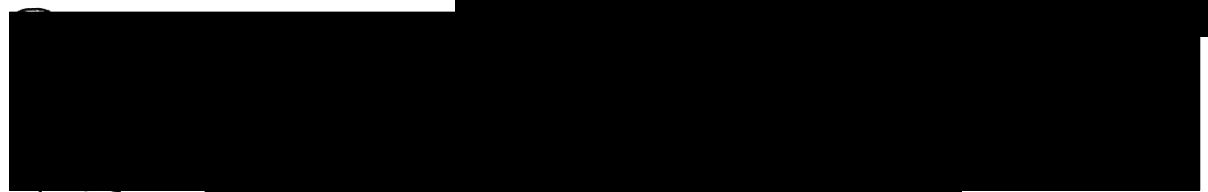


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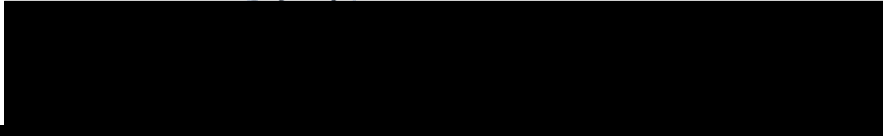
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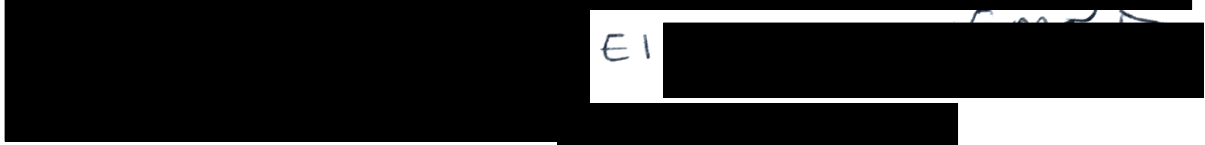
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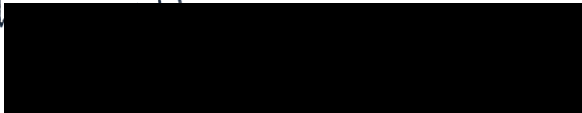
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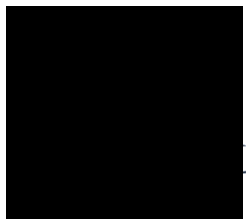
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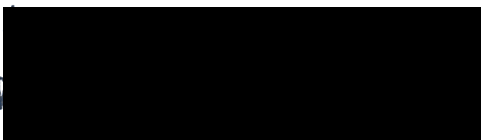
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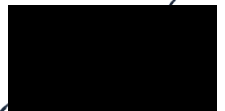
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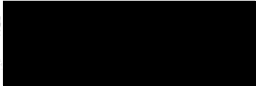
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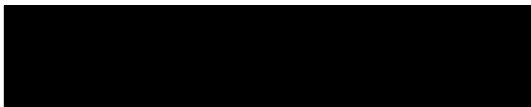
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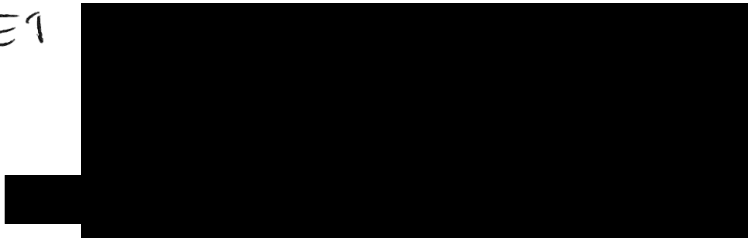


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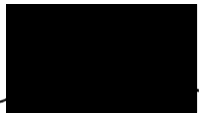


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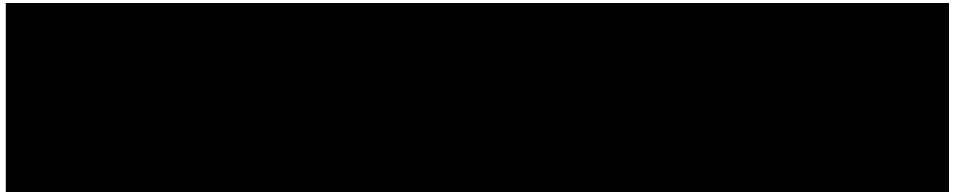


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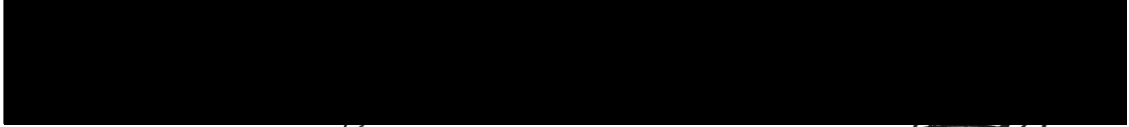


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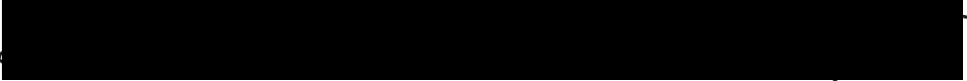


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Appendix 11

23 September 2020

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

We, the petitioners hereof (details as attached) and local residents, object to the granting of an alcohol licence to Macro Food Centre, 38-40 Commercial Road, London E1 1LN for sale of alcohol for consumption off the premises from Monday to Sunday 00:00 to 24:00 hours. .

We have an interest in this application that is greater than the general public because the premises is located within our locality.

We object to the application for an alcohol licence on the grounds of:

Prevention of public nuisance – increase in noise nuisance from the premises due to constant flow of customers purchasing alcohol and there would be unacceptable levels of nuisance during late hours. The hours applied for would potentially increase the nuisance to the area.

Prevention of crime and disorder – the area already has a prevalence of violence and disorder due to alcohol misuse in public and drugs misuse. There are a lot of homeless persons in the surrounding area who would inevitably attend the premises to purchase alcohol thus exacerbating the problems for the area.

Public safety - it is likely that risk to public safety would be increased by the grant of the licence to sell alcohol 24 hours a day. Increase in foot customers and also those using vehicles would cause safety issue on the public highway (both on the footpath and the actual road). The main road (Commercial Road) is a tfl red route with 'red box' parking immediately in front of the premises. Customers would inevitably park to purchase alcohol thereby causing traffic issues.

The duly completed petition is attached to this coversheet.

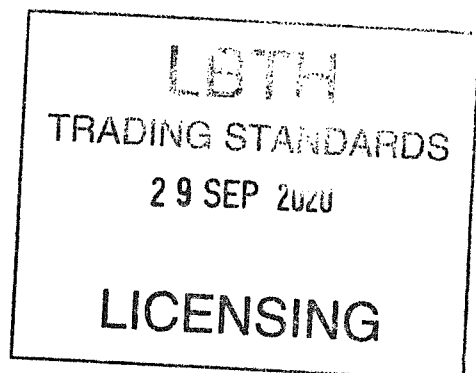
The contact person for this petition is:

Name: MR. HOMAON RASHID

Address:

Postcode:

Email:



Jawad
Chentoufi

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MRS RADHA

MRS

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MR.
Max
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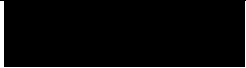
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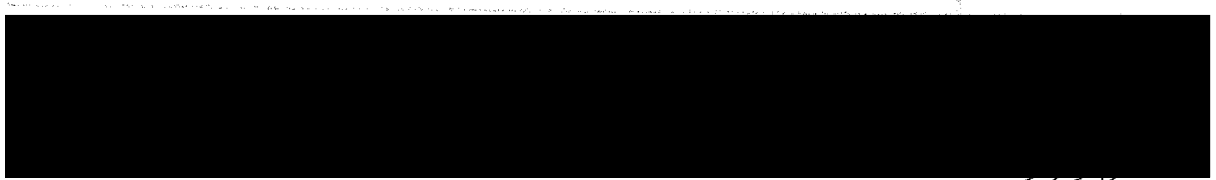
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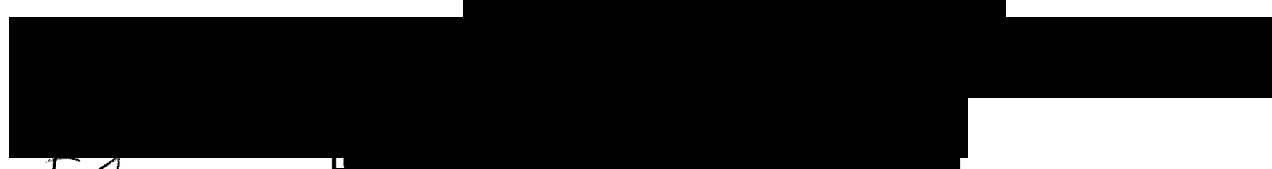


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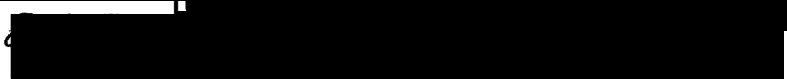
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Mish

dr
@mail.com E1

18-9-20

Thomas
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[REDACTED]

15-09-20

[REDACTED]

@gmail.com

[REDACTED]

Sahel
Hussain

[REDACTED]

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[REDACTED]

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Ahmed

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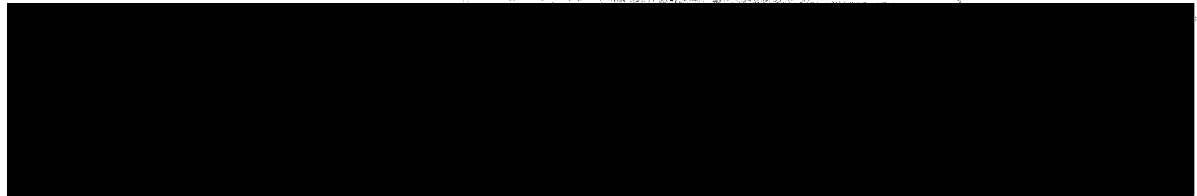
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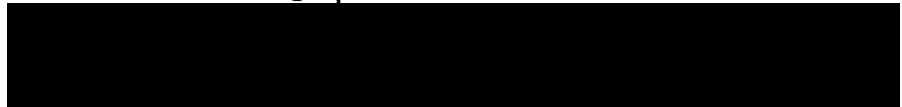
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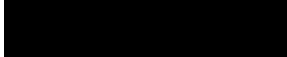
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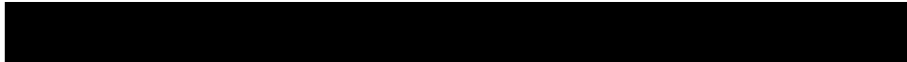
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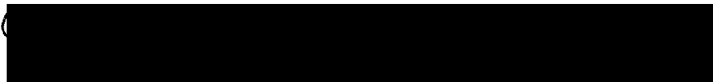
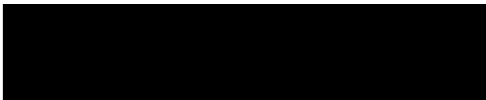
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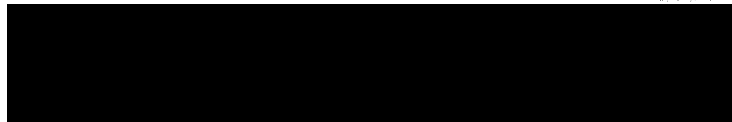
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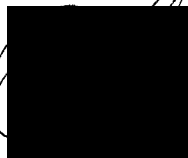
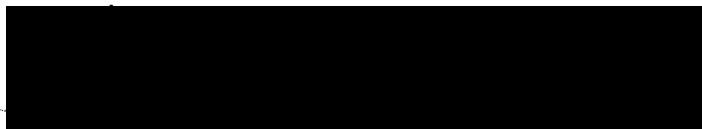
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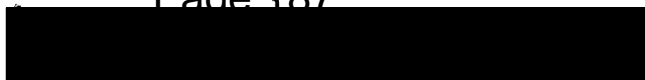


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Keeley
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Amir
Yusuf

[REDACTED]

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11/09/2020

ALI AHMED

[REDACTED]

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Nadir
Chenbahi

[REDACTED]

EI

[REDACTED]

MOHAMMAD

KAYUM

[REDACTED]

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[REDACTED]

17/09/20

Appendix 12

22 September 2020

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

I object to the granting of an alcohol licence to Macro Food Centre, 38-40 Commercial Road, London E1 1LN for sale of alcohol for consumption off the premises from Monday to Sunday 00:00 to 24:00 hours.

I have an interest in this application that is greater than the general public because the premises is located within my community. I live close by to the premises.

I object to the application for an alcohol licence on the grounds of:

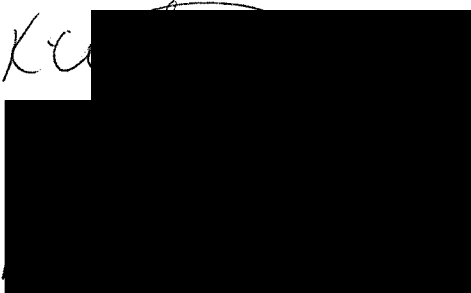
Prevention of public nuisance – increase in noise nuisance from the premises due to constant flow of customers purchasing alcohol and there would be unacceptable levels of nuisance during late hours. The hours applied for would potentially increase the nuisance to the area.

Prevention of crime and disorder – the area already has a prevalence of violence and disorder due to alcohol misuse in public and drugs misuse. There are a lot of homeless persons in the surrounding area who would inevitably attend the premises to purchase alcohol thus exacerbating the problems for the area.

Public safety - it is likely that risk to public safety would be increased by the grant of the licence to sell alcohol 24 hours a day. Increase in foot customers and also those using vehicles would cause safety issue on the public highway (both on the footpath and the actual road).

Hours of opening - twenty four hours sale of alcohol would adversely impact upon the local area, its community and also the surrounding area. The authority must consider the impact of such long opening hours.

Yours faithfully

KC


ABDUL MUMIN

[REDACTED]

[REDACTED]

LONDON E1 [REDACTED]

24-09-20

[REDACTED]

Moustosir God

[REDACTED]

E1

[REDACTED]

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95/09/200

LAILA B. WIAH

[REDACTED]

203

[REDACTED]

LONDON E1 [REDACTED]

25/9/202

[REDACTED]

Saleh

[REDACTED]

[REDACTED]

LONDON E1 [REDACTED]

28-09-20

[REDACTED]

Rus

[REDACTED]

London E1 [REDACTED]

[REDACTED]

[REDACTED]

28-09-20

[REDACTED] gmail.com

Stephanie
Smythe

[REDACTED]

[REDACTED]

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Elena
Herrero

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Appendix 13

Mohshin Ali

From: Corinne Holland
Sent: 05 October 2020 11:19
To: [REDACTED]
Cc: Mohshin Ali
Subject: RE: Macro food Centre, 38-40 Commercial Road

Dear Robert

Thank you for confirming that your opening hours have now reduced, and are now Monday – Sunday 06:00 – 00:00 hours (midnight), which are the same hours for the sale of alcohol as agreed with the police.

I will inform the processing officer for the Licensing Authority.

If your hours for the sale of alcohol and your opening hours are the same a condition regarding covering over the alcohol is not required.

The licencing authority therefore have no objection to this application.

Kind regards

Corinne Holland
Licensing Officer
Licensing and Safety Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House
London E3 5EQ

[REDACTED]

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From: robertjordan [REDACTED]
Sent: 04 October 2020 16:04
To: Corinne Holland [REDACTED]
Subject: Re: FW: MACRO FOOD CENTRE, 38-40 COMMERCIAL ROAD,LONDON, E1 1LN

They are not opening after midnight

open 6 am

Can we agree

Outside of licensed hours for the sale of alcohol, the premises licence holder must ensure that customers are made aware that alcohol must not be sold outside those hours by;

(d) Covering alcohol from view and displaying notices prominently within the premises advising customers that alcohol must not be purchased outside licensed hours

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

From: "Corinne Holland" [REDACTED]

To: "[REDACTED]" >

Sent: Thursday, 1 Oct, 2020 At 14:47

Subject: FW: MACRO FOOD CENTRE, 38-40 COMMERCIAL ROAD,LONDON, E1 1LN

Dear Robert

In conjunction with the reduction in hours for the sale of alcohol in agreement with the police will the shop still be open 24/7?

If so the alcohol is required to be covered over/secured whilst the shop is open but the alcohol sale is prohibited.

Would your client accept the following condition (or a proposed variation from yourself):

Outside of licensed hours for the sale of alcohol, the premises licence holder must ensure that customers are made aware that alcohol must not be sold outside those hours by;

- (a) removing alcohol from view
- (b) locking the beer and wine fridge
- (c) ensuring no alcohol is available for self-service; and
- (d) displaying notices prominently within the premises advising customers that alcohol must not be purchased outside licensed hours.

Kind regards

Corinne Holland

Licensing Officer

Licensing and Safety Team

Place Directorate

London Borough of Tower Hamlets

John Onslow House

London E3 5EQ



www.towerhamlets.gov.uk

Follow us on:

From: Licensing <Licensing@towerhamlets.gov.uk>
Sent: 18 September 2020 16:17
To: Mohshin Ali [REDACTED]
Subject: FW: MACRO FOOD CENTRE, 38-40 COMMERCIAL ROAD,LONDON, E1 1LN

From: [MARK.J.Perry](#) [REDACTED]
Sent: 18 September 2020 14:25
To: [robertjordan](#) [REDACTED]
Subject: RE: MACRO FOOD CENTRE, 38-40 COMMERCIAL ROAD,LONDON, E1 1LN

Hi Robert,

Thanks for getting back to me so quickly and agreeing the hours for the sale of alcohol from 06:00 – 00:00 7 days a week.

Tower Hamlets Council Licensing please see hours agreed with the applicant.

Kind Regards

Mark



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

[REDACTED]
A: Licensing Office, 2nd Floor Stoke Newington Police Station

From: [robertjordan](#) [REDACTED]
Sent: 18 September 2020 13:51
To: Perry Mark J - CE-CU <[REDACTED]>
Subject: MACRO FOOD CENTRE, 38-40 COMMERCIAL ROAD,LONDON, E1 1LN

DEAR PC Perry

Applicant happy to amend hours to 06:00hours to 24:00hours Monday to Sunday

ROBERT JORDAN BSc(Hons)

PR RETAIL CONSULTANTS LTD

[REDACTED]

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Appendix 14

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 15

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 16

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 17

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 18

Safety Problems

General Advice

Members need to bear in mind the substantial amount of primary legislation in this area, and to only impose conditions where they are both proportionate to identified problems and not adequately covered by primary legislation.

The larger and more complex a premises before Members, the more likely it is that specific conditions will be proportionate and necessary.

Licensing Policy

Premises should be constructed so as to minimise public safety risks. (See 7.1).

The Licensing Authority expects applicants to seek advice from both the relevant Health and Safety body and also the Fire and Emergency Planning Authority. (See 7.2). The applicant should identify where existing legislation is not adequate. (See 7.3).

The Licensing Authority will consider attaching conditions to ensure public safety and these may include Conditions drawn from the Model Pool of Conditions relating to public safety. (See Appendix 2 Annex E, F and J of the Licensing Policy). In particular Members may wish to consider the following headings: (this list is not exhaustive):

Annex E

- Adequate arrangements for people with disabilities, inc. their awareness of them.
- Escape routes
- Safety checks
- Curtains, hangings, decorations, upholstery etc.
- Accommodation limits
- Fire action notices
- Emergency procedures
- Water
- Emergency vehicle access
- First aid
- Lighting
- Temporary electrical installations
- Alterations to the premises
- Special effects

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

The public safety objective “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 a relevant premises rather than public health, which is addressed in other legislation” (2.6). For example, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.7, 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 2.11-2.12, 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).

Safe capacities “should only be imposed where necessary for the promotion of public safety or the prevention of disorder.” (2.11). Therefore, conditions of a fire certificate must not be reproduced.

Other Legislation

- The Health and Safety at Work Act 1974, and various Regs.
- The Regulatory Reform Order (Fire Safety) 2005.

Other Guidance

- Model National and Standard Conditions for Places of Public Entertainment and Assoc. Guidance
- The Event Safety Guide
- Managing Crowds Safely
- 5 Steps to Risk Assessment
- Safer Clubbing
- Safety Guidance for Street Art etc.
- Various BS and ISO standards

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 which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

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 framework 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