

Licensing Sub Committee

Agenda

Tuesday, 16 March 2021 5.30 p.m.

Online 'Virtual' Meeting -

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

Contact for further enquiries:

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Licensing Sub Committee

Tuesday, 16 March 2021

5.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. **DECLARATIONS OF INTEREST (Pages 7 - 8)**

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

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

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

2. **RULES OF PROCEDURE (Pages 9 - 18)**

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

3. **MINUTES OF THE PREVIOUS MEETING(S) (Pages 19 - 52)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 26th January, 2nd & 23rd February 2021.



4. ITEMS FOR CONSIDERATION

**4.1 Application for a New Premises Licence for (Morley's)
60-62 Brick Lane, London E1 6RF**

53 - 156

**Spitalfields
&
Banglatown**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Metropolitan Police
- Environmental Health
- Community Safety Team
- Local Resident(s)

**4.2 Application for a New Premises Licence for (Adana)
267 Bethnal Green Road, London E2 6AH**

157 - 218

Weavers

Licensing Objectives:

- Crime & Disorder

Representations by:

- Licensing Authority

**5. 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: Janet Fasan, 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 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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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 5.30 P.M. ON TUESDAY, 26 JANUARY 2021

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor Peter Golds (Chair)
 Councillor Shad Chowdhury
 Councillor Victoria Obaze

Officers Present:

Nicola Cadzow	– (Environmental Health Officer)	
Ladi Lapite	– (Principal Enforcement Lawyer)	
Kathy Driver	– (Principal Licensing Officer)	
Corinne Holland	– (Licensing Officer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Angela Delbourgo	4.1	(Legal Representative)
Khyrul Chowdhury	4.1	(Applicant)
Kwaku Appiah	4.2	(Applicant)

Representing objectors	Item Number	Role
PC Mark Perry	4.1	(Metropolitan Police)
Nicola Cadzow	4.1	(Environmental Health Officer)
Kathy Driver	4.2	(Principal Licensing Officer)
Duncan Campbell	4.2	(Resident)
Christopher Want	4.2	(Resident)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 1st and 3rd December 2020 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premise Licence for Lime Grill, 332 Burdett Road, London, E14 7DL

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Lime Grill, 332 Burdett Road, London E14 7DL. It was noted that objections had been received on behalf of officers representing the Metropolitan Police and Environmental Health.

At the request of the Chair, Ms Angela Delbourgo, Legal Representative on behalf of the Applicant explained that the applicant was seeking late night refreshments only. There would be no sale of alcohol or regulated entertainment and would only be selling hot food and soft drinks. She said the hours applied for were for 7 days a week from 11pm to 4am. It was noted that the food would be served on the premises and for takeaway and deliveries and there would be no outside tables. Ms Delbourgo explained that there were sofas inside the premises for customers waiting for takeaways so there would be no issues of customers congregating outside the premises.

She explained that Limehouse Kebab and other neighbouring premises had similar hours as proposed and there had been no objections from residents. Ms Delbourgo noted Police's concern related to late night premises and crime and disorder and Environmental Health's concerns about noise and both officers wanting to propose a restriction in the hours and conditions.

It was noted that the Applicant was happy to comply with conditions but not agreeable to reducing the hours applied for. Ms Delbourgo said that the hours applied for were due to customer demand, customers such as minicab drivers and shift workers. She said the hours applied for were crucial to the business. She said the premises are similar to Limehouse Kebab which were not identified as giving problems.

Members then heard from PC Mark Perry, representing the Metropolitan Police, he explained that the premises would attract customers who had been drinking especially during the weekends and people who are likely to be intoxicated and they are more likely to be less aware of their surroundings and have raised voices and are more likely to cause alcohol related crime and disorder and noise nuisance to local residents. He explained that such late

hours in an area with a lot of residential housing would lead to an increase in crime and disorder and public nuisance.

PC Perry said he had spoken to the Applicant and proposed moderate hours with an extension for online orders as the Applicant had stated to him that the hours applied for were for takeaway deliveries via third parties such as UberEats, Deliveroo etc. He said the Applicant should firstly demonstrate that he can run a licensed premises well and then apply for an extension in the future.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, she referred to her statement on page 91 and said she agreed with the proposals made by the Police and also expressed her concern about the excessive hours applied for and the potential of noise breakout during noise sensitive hours. She also suggested a reduction in hours and conditions if members were minded to grant the application.

In response to questions the following was noted;

- In order to comply with licensing objectives, the Applicant would comply with the conditions proposed, have notices, operate CCTV cameras to identify anyone causing problems and request delivery drivers not leave engines idling outside the premises.
- That no residents had objected to the application.
- That customers frequenting the premises would be eating in or takeaway orders for home.
- That there were waste disposal bins outside the premises.
- That approximately 6-7 customers eat inside the premises at any one time.
- That there was a similar licensed premises in close proximity with late hours.

Both parties made concluding remarks.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant and the resident objectors, with particular regard to the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee heard representations made by the Applicant's Legal Representative, that the hours applied for was due to customer demand and to provide for those customers working unsociable hours and welcomed conditions to promote the licensing objectives.

Members also heard objections from Officers representing the Metropolitan Police and Environmental Health, that the hours applied for were beyond the Council's Framework Hours and were far too excessive, and the likelihood that a late night venue would attract people who have been drinking, who are intoxicated and are more likely to be less aware of their surroundings and cause noise nuisance or alcohol related crime and disorder.

Members noted the proposed hours suggested by the Police and supported by Environmental Health and were of the view that the reduced hours put forward would be the most appropriate hours to be granted in order to keep a balance between the objectives of the business, the effects on residents nearby and commensurate to the licensing objectives.

Members were satisfied that the reduction in hours together with the conditions proposed would also help alleviate concerns raised by the responsible authorities and help reduce the risk of any disturbances.

The Sub Committee was therefore satisfied that the granting of the application with the reduced hours and conditions would not negatively impact on the area and the conditions imposed would help promote the licensing objectives.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Lime Grill, 332 Burdett Road, London E14 7UL be **GRANTED in part with conditions**

Late Night Refreshments

Sunday to Thursday from 11:00 hours to 01:00 hours (the following day) –
From 00:00 hours (midnight). This is for delivery only via food ordering websites.

Friday and Saturday from 11:00 hours to 02:00 hours (the following days) –
From 01:00 hours. This is for delivery only via food ordering websites.

Hours premises are open to the Public

Sunday to Thursday from 11:00 hours to 01:00 hours (the following day)
Friday and Saturday from 11:00 hours to 02:00 hours (the following day)

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premises are in operation.
6. Notices shall be displayed in the premises asking customers to leave quietly and respect the needs of local residents.

4.2 Application for a New Premise Licence for Enola's Kitchen, 'Sundial Centre', 11 Shipton Street, London, E2 7RU

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Enola's Kitchen, Sundial Centre, 11 Shipton Street, London E2 7RU. It was noted that objections had been received on behalf of the Licensing Authority and local residents.

At the request of the Chair, Mr Kwaku Appiah, Applicant explained that he was applying for sale of alcohol for the café in the centre to offer customers wine or beer with their meal and to also cater for small events such as funerals or for other small events for service users or older people. Mr Appiah said he was working in conjunction with Peabody Trust, which is in support of the application. It was also noted that events at the centre would include poetry recitals, acoustic guitar playing and that all events would finish by 11pm. The premises have a small capacity of 24 and also offered apprenticeship placements for students and delivery of food. It was a small café and not a bar or pub.

Members then heard from Ms Kathy Driver, Licensing Officer who explained that the representation was in relation to locality of the premises. There were concerns that the premises are in the middle of a densely residential area with narrow streets allowing one car at a time and with an increase of delivery vehicles this would cause disturbances. Ms Driver therefore suggested conditions to be considered such as stewards to manage the outside area and no food or drinks to be consumed outside the premises.

Members then heard from Mr Duncan Campbell and Mr Christopher Want, local residents who both shared similar concerns regarding the hours for sale of alcohol and regulated entertainment and that not a lot of people in the area had been aware of the application otherwise there would have been more objections. They stated that another premises would draw more people into the area which was a predominantly residential area and that there would be more street drinkers, noise and anti-social behaviour. They were both very supportive of the centre but did not want it becoming a late night venue.

In response to questions the following was noted;

- The film club would be for members only and alcohol would only be served accompanied by food.
- The capacity of the premises was 24.
- Shipton street is fairly narrow raising concerns that it would become more congested.
- That the application was advertised by putting the notice up outside the premises and an advert in the newspaper.
- The applicant was aware there had been problems with the previous owners but assured Members that the new management were experienced and had a new way of working.
- There would be staff at the door advising customers to leave quietly, and notices displayed asking customers to leave quietly and respect

the needs of residents. Mr Appiah assured Members that the type of customers that would be frequenting the premises would not be hanging around after any event.

- That only background music would be played.
- That there would be approximately one event per month.
- That there was a dispersal policy in place.
- That there would be no escape of noise as they had tested it with the landlord, the premises had double doors and was double glazed.
- If there was no amplified music then there was no need for regulated entertainment licensing.
- That the hours were late and a compromise was reached with the Applicant for a reduction in hours for the sale of alcohol to 10pm.

Both parties made concluding remarks.

The Licensing Objectives

In considering the application, Members are normally required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Sub-Committee carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant and from one of the objectors and the Licensing Representative representing objectors with particular regard to concerns over the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee noted the representations on behalf of the Licensing Authority and residents in particular regarding the impact of another premises selling alcohol in the local area and the concerns relating to the likely disturbance to residents nearby. However, Members noted that the business model was clear that the premises would not be alcohol led, and that alcohol would be sold ancillary to a meal and there would be no off site sales. It was also noted that the premises are very small with a capacity of 24.

Members welcomed the efforts made by the Applicant in accepting and agreeing to the conditions proposed by the Responsible Authorities and also agreeing to reduce the hours that had originally been applied for. The Sub-Committee believed that a further reduction in the hours for the sale of alcohol to 10pm would create a balance in a residential area where there are concerns of anti-social behaviour. It was also noted that there would only be

background music and unamplified acoustic music played at the premises which would not require regulated entertainment licensing.

The Applicant's agreement during the hearing to a condition to restrict drinks from being consumed outside the premises also gave Members the assurance that the licensing objectives would be upheld.

The Sub Committee was therefore satisfied that the granting of the application with the reduced hours and conditions would not negatively impact on the area and the conditions imposed would help promote the licensing objectives.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Enola's Kitchen, Sundial Centre, 11 Shipton Street, London E2 7RU be **GRANTED in part with conditions.**

Sale of Alcohol (on sales only)

Monday to Sunday from 11:00 hours to 22:00 hours

Regulated Entertainment (in the form of the showing of Films)

Monday to Friday from 12:00 hours to 22:00 hours
Saturday to Sunday from 10:00 hours to 22:00 hours

Hours premises are open to the Public

Monday to Sunday from 08:00 hours to 22:30 hours

Conditions

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

or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. 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.
5. Signage of the 'Challenge 25' policy shall be prominently displayed on the premises.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. All staff will be trained as to their responsibility under the Licensing Act 2003. This training shall be recorded and the records to be available on request to the Police or any authorised officer.
8. There shall be no off sales
9. No alcohol shall be consumed outside the building
10. Alcohol shall only be sold ancillary to a meal.
11. There shall be no congregation of customers outside the premises once the premises are closed to the public.
12. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. This should include the deployment of security/stewards to enable this to be done effectively. The Policy to be agreed with the Licensing Authority and Police.

- 13.No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
- 14.Loudspeakers shall not be placed in the entrance lobby or outside the premises building.
- 15.All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
- 16.Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
- 17.No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, and was in the public interest to do so and did not require representation from parties of the application.

Premises	Extended to:
Greenglow, Railway Arches,296-297 Cambridge Heath Road	30/04
The Breakhouse Café), Unit 17, Bloc Riverbank, 455 Wick Lane, London, E3 2TB	30/04
The Milk Float, Sweet Water Trading Mooring Whit Post Lane Hackney Wick E9 5EN	30/04

The meeting ended at 7.40 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 2 FEBRUARY 2021****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Kahar Chowdhury (Chair)

Councillor Zenith Rahman

Councillor Rajib Ahmed

Officers Present:

Nicola Cadzow	–	(Environmental Health Officer)	
Lavine Miller-Johnson	–	(Licensing Officer)	
David Wong	–	(Legal Services)	
Simmi Yesmin	–	(Democratic Services Committees, Governance)	Officer,

Representing applicants	Item Number	Role
Ziya Merton	3.1	(Licensing Agent)
Corinne Tuplin	3.2	(Legal Representative)
Jack Ma	3.3	(Applicant)
Mohibur Rahman	3.3	(Manager)

Representing objectors	Item Number	Role
Leo Charalambidies	3.1	(Legal Representative)
David Leonard	3.1	(Resident)
Sue Hughes	3.1	(Resident)
Heather Corben	3.1	(Resident)
Michael Wilshire	3.1	(Resident)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for Variation of a Premises Licence for Kilikya, Unit C4 Ivory House, St Katharines Docks, London E1W 1AT

At the start of the hearing, a request was made by Mr Ziya Merton, Licensing Agent representing Mr Ali Berka, Applicant, for an adjournment. Mr Merton informed the Sub-Committee that the Applicant was not present at the meeting due to being in poor health abroad. However it was established at the meeting that the Applicant's Licensing Agent had full instructions to represent on the Applicant's behalf, and was content to proceed, if the Sub-Committee decided not to adjourn.

Members retired in private for a short while and then reconvened. The Chair announced that the request for adjournment had been refused, the Sub-Committee took into consideration the public interest, including the cost impact of an adjournment on all participants, and the fact that Mr Merton had full instructions and could proceed with full instructions to represent the Applicant.

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Kilikya, Unit C4 Ivory House, St Katharine's Docks, London E1W 1AT. It was noted that objections had been received on behalf of individual local residents and a residents' association.

At the request of the Chair, Mr Ziya Merton explained that the application was for off sales of alcohol only, and the hours were only for the licensable hours the premises already had. He said that he appreciates that the premises were a lively, but was a unique bar offering food and drinks. Mr Merton presented that the Applicant would ensure no idling of delivery vehicles, and any alcohol sold being delivered to customers would be sold in sealed containers and only sold ancillary to a meal.

Mr Merton explained that there was a full CCTV camera system in operation. He presented that the Applicant would be happy to consider any conditions which the Committee felt necessary and proportionate. It was noted that there were other premises in the area which could be the cause of the noise nuisance and crime and disorder referred to in residents' written representations. It was noted that the premises had been closed since 6th January 2021, as the applicant was out of the country and did not want the premises open without him being present.

He explained that the introduction of off sales would attract and allow flexibility, making the business more sustainable. In terms of litter, staff would be on duty to patrol the immediate vicinity of the premises on a regular basis, and had 24 hour security to monitor any problems. He said that alcohol would only be sold with a meal, and would help customers avoid the inconvenience of purchasing food from one place and alcohol from another, which also disadvantages the business as customers prefer to get their food and drink

from the same place, which in turn decreases the number of deliveries that would be made as a whole in relation to delivered orders.

In conclusion, Mr Merton concluded that no increase in hours was sought, existing conditions on the licence were sufficient, and the Applicant was happy to accept any further conditions.

Members then heard from Mr Leo Charalambides, Legal Representative, on behalf of the residents' association, the Friends of St Katherine's Dock. He explained that he represented 350 residents as part of the residents' association, and was instructed to put forward their concerns raised in relation to this application. He said the plan submitted with the application was misleading on page 51 of the agenda, as it was an old plan and the premises layout had changed. He said customers congregate in the archway, are noisy and litter in the dock. He said there were 18 licensed premises in the area, and there was a huge amount of littering, which with the increase in the takeaway delivery industry, it has exacerbated the area.

Mr Charalambides presented that delivery drivers congregate, smoke, and bring their motorbikes and bicycles inside the courtyard, causing congestion and adverse impact on the area. It was also presented that, therefore, another set of premises being licensed to deliver as part of its licensed alcohol activities is not suitable for the area which already experiences high levels of public nuisance as a result of delivery drivers and vehicles. It was represented that the Applicant had not sought to address the impact of more delivery drivers and vehicles in the area, and the effects it would have on the pedestrian walkways. Mr Charalambides said that the area had become a delivery hub, and there needed to be a balance of residential community and business interests. He urged Members to reject the application.

Members also heard from Heather Corben and Michael Wilshire, individual local residents who expressed similar concerns to the residents' association, relating to the application, namely concerns over narrow walkways always being congested with delivery drivers, so that residents were unable to walk past with family and children; noise emanating causing noise nuisance; late night crowds congregating causing disturbance to residents. Ms Corben and Mr Wilshire also presented that there were 18 other premises, and granting a further licence would set a precedent for other premises to apply and that the applicant gave them no assurances in how this would not negatively impact on the area.

In response to questions the following was noted;

1. That the plan of the premises supplied by the Applicant was inaccurate as it did not reflect the current layout of the premises.
2. Litter had been associated with the premises, as beer pumps had been brought outside the premises, and the premises had served drinks in florescent coloured cups, so that residents were then able to link the premises the customers who had congregated outside and committed littering with those coloured cups.

3. That the premises was running as a bar during October/November and December 2020.
4. That the disturbance mentioned in representations against the application had not previously been reported to the Council, as residents had maintained a degree of tolerance before being aware of the application, which would lead to increased footfall associated with the licensable activity of alcohol sales in relation to the Applicant's business premises.
5. It was acknowledged by the Applicant's representative that the plan may be out of date, but he pointed out there was no requirement to submit a plan of the premises for a variation application. Nonetheless, it was also noted that the Applicant had chosen to submit a plan, which thus formed part of the application.
6. For deliveries, alcohol would only be sold in sealed containers and ancillary to a meal.
7. That there had been no objection from responsible authorities, and no increase in hours was sought by the Applicant.

Concluding remarks were made by all parties.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant's Licensing Agent, the Legal Representative representing the Residents' Association and other local residents representing themselves objecting to the application, with particular regard to the prevention of public nuisance.

At the start of hearing this application, the Sub-Committee decided upon a request for adjournment made by the Applicant's Agent, who informed the Sub-Committee that the Applicant was not present at the meeting due to being in poor health abroad., However it was established at the meeting that the Applicant's Licensing Agent had full instructions to represent on the Applicant's behalf, and was content to proceed, if the Sub-Committee decided not to adjourn. In refusing the request for an adjournment, the Sub-Committee took into consideration the public interest, including the cost impact of an adjournment on all participants.

The Sub-Committee noted the representations on behalf of the Residents' Association and from other residents asserting that a grant of the application would adversely impact the area, in terms of noise nuisance and other public nuisance, especially litter, increase in delivery drivers and delivery vehicles and congestion in the narrow walkway which from the residents perspective was not designed to accommodate such large footfall of people. The Sub-Committee considered residents' representations that off sales would increase more delivery orders. The Sub-Committee considered representations on behalf of residents that the premises plan on page 51 of the agenda, submitted by the Applicant was incorrect and did not reflect the correct layout of the Applicant's premises and operation of the business.

The Sub-Committee was not satisfied that the Applicant's Representative sufficiently clarified in response to questions, to what extent, if at all, the plan submitted with the application was up to date and accurate with regard to the layout and operation of the Applicant's premises. The Sub-Committee was also not satisfied that the Applicant's Representative sufficiently clarified in response to questions, what measures would be in place to allay the concerns raised by residents regarding public nuisance.

The Sub Committee were therefore not satisfied that the application, if granted, would not uphold the licensing objectives, particularly the prevention of public nuisance.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for Kilikya, Unit C4 Ivory House, St Katherines Dock, London E1W 1AT be **REFUSED**.

3.2 Application for a New Premises Licence for Lucky Dog, 70 Brick Lane, London E1 6RL

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for Lucky Dog, 70 Brick Lane, London E1 6RL. It was noted that an objection had been received on behalf of Environmental Health.

At the request of the Chair, Ms Corinne Tuplin, Legal Representative on behalf of the Applicant explained that it was a small set of premises with 27 covers selling Chinese cuisine for eating in and takeaway, in respect of which the Applicant sought to sell alcohol between 12 midday and 9.45pm, Monday to Sunday with a 10pm closure.

She acknowledged that the premises was in the cumulative impact zone (CIZ). However, Ms Tuplin did not consider that the premises would negatively impact the area, as the Police did not regard these premises as causing issues in the area, hence there had been no representations by them. It was noted that the Applicant was willing to accept the conditions proposed

by Environmental Health in the event of the application being granted. Ms Tuplin said that the premises fell within exceptional circumstances as stated in paragraph 19.8 of the London Borough of Tower Hamlets' Statement of Licensing Policy, namely that these premises were small with a capacity of 27 covers, the hours applied for were within the Council's framework hours, the premises was not alcohol led, but food led, and there was no regulated entertainment.

Ms Tuplin said that there would be regular risk assessments, and notices would be displayed requesting customers to leave quietly and respect the needs of residents. She also made the observation that there were no objections from residents.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer, who referred to her representations on page 127 of the agenda. She said that the application did not provide sufficient information on how granting it would not add to public nuisance in the area, and there was insufficient information in the application regarding the effects on the CIZ.

In response to a question, it was noted that the conditions in the operating schedule and those agreed with responsible authorities would be adhered to, if the application were granted.

Concluding remarks were made by both parties.

The Licensing Objectives

In considering the application, Members are normally required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant's Legal Representative and the Officer representing Environmental Health objecting to the application with particular regard to the prevention of public nuisance.

The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of a premises subject to a licensing application being

in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the applicant to show through their operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub Committee heard from the Applicant's Representative that the Applicant was able to demonstrate exceptional circumstances on the basis that the venue was a small premises with a capacity of 27, it was not alcohol led, alcohol would only be sold ancillary to a substantial seated meal served at the premises, and the hours were within the Council's framework hours, with no off sales and no regulated entertainment. The Sub-Committee was satisfied from the evidence presented that the Applicant intended the use of the premises to be food led premises, the evidence considered including the Applicant's willingness to have conditions consistent with food led premises.

The Sub-Committee considered the representations from Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and the concerns relating to the likely disturbance to residents nearby and public nuisance. However, the above exceptional circumstances, coupled with the Applicant's willingness to accept the conditions proposed by the Environmental Health Officer and the conditions proposed in their operating schedule, gave the Sub Committee the assurance that the concerns raised by the Responsible Authority would be allayed and that what was applied for would not add to the cumulative impact. The Sub-Committee were satisfied that the conditions offered would also promote the licensing objectives.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Lucky Dog, 70 Brick Lane, London E1 6RL be **GRANTED**.

Sale of Alcohol (on sales only)

Monday to Sunday from 12:00 hours to 21:45 hours

Hours premises are open to the Public

Monday to Sunday from 12:00 hours to 22:00 hours

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. 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.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. No off sales of alcohol.

7. Drinking up time: service of all alcohol will cease 15 minutes before the closing of the premises.
8. Alcohol will only be served ancillary to a substantial seated meal for consumption on the premises only.
9. Vertical drinking will not be permitted. Customers will not be permitted to take part finished and or open containers of alcoholic drinks from the premises. Orders for food and beverages shall be taken and dispensed by waiter or waitress service only. Alcohol will not be sold to customers purchasing exclusively takeaway food orders.
10. Anti-social behaviour on the premises: A policy will be in force for the management of large groups i.e. hen and stag parties. The group will be required to nominate a responsible person to liaise with staff.
11. Staff will be trained in dealing with drunken or disruptive behaviour and the procedure for dealing with any such behaviour by patrons.
12. Anti-social behaviour of any kind including strong loud and offensive language, shall not be tolerated. any customer suspected of engaging in, the same shall be asked to leave, Will be escorted to the exit and observed leaving the vicinity of the premises.
13. Anyone attempting to enter the premises visibly under the influence of alcohol or drugs will be refused entry or shall be asked to leave, escorted to the exit and observed leaving the vicinity of the premises.
14. Staff shall implement a dispersal policy outside the premises within the applicant's direct control to reduce risk of public nuisance.
15. Staff shall receive induction training at the commencement of employment. Staff shall receive regular re-training a minimum of four times a year. Staff training records shall be maintained for inspection by the Metropolitan Police and Local Authority Enforcement Officers. Staff training will include underage alcohol sales training procedures for dealing with disruptive behaviour mandatory drug awareness training.
16. Alcohol Designated Public Places Orders: Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be prominently displayed at the exits to the premises.
17. No queuing will be allowed outside the premises. The numbers of customers smoking in front of the premises will be limited and customers will not be allowed to cause a blockage to the public footpath. Staff shall implement a dispersal policy outside the restaurant within the applicant direct control to reduce risk public nuisance.
18. The licensee shall have a policy or procedure in place, which deals with excessive or unreasonable noise nuisance emanating from customers visiting the premises and how this would be managed, if customers are not prepared to abide by the signage around the premises requesting customers to leave the site quietly.

19. The disposal of waste into external receptacles shall not take place between the hours of 23:00 hours and 08:00 hours. No deliveries or waste collections will be taken place between the hours of 23:00 hours and 08:00 hours.
20. The pavement frontage area immediately in the vicinity of the premises will be swept at least twice a day and as and when required (including after the closing of business), To ensure that all litter emanating from the premises is collected and disposed of. Additionally, and at the same time the licensee will also undertake routine inspections of the immediate surrounding area and ensure that any litter emanating from the premises is swept up and disposed of.
21. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500-metre radius of the premises.
22. Clear signage shall be placed in the restaurant window stating that the premises supports the Council's 'No Touting Policy'.
23. Suitable signage shall be displayed around the premises advising customers and staff of the "Challenge 25 policy". This policy shall be brought to the attention of customers at the point of sale for alcohol.
24. All staff shall receive training and regular refresher training regarding the Licensing Act 2003 and the "Challenge 25" identification policy.
25. The date, time and circumstances under which any attempted purchase by a young customer has been refused will be recorded in the incident register. This will be made available for inspection by any police officer community support officer or authorised person upon demand.
26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
27. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access and egress of persons.
28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. To smoke, shall be limited to 5 persons at any one time.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. Only background music shall be played at the premises.

3.3 Application for a New Premise Licence for Tian Tian Market, Unit 2-3, 18 Piazza Walk, London, E1 8ZN

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for Tian Tian Market, Unit 2-3, 18 Piazza Walk, London, E1 8ZN. It was noted that an objection had been made by a local resident.

It was noted that the objector was not present at the meeting, and that nonetheless, the objector's representations would be taken into account as set out in the agenda papers.

At the request of the Chair, Mr Mohibur Rahman, manager of the premises explained that the business was an oriental supermarket, selling oriental foods and drinks, and wanted to sell alcohol as part of the products being sold. He said that all staff would be trained, CCTV cameras were operational at the premises, and they would have one SIA accredited individual on door staff on duty during all hours of operation. He said that the hours applied for were between 7am to 11pm in order to be flexible during public holidays etc. but they currently operate Mondays- Sunday between 10am to 10pm.

In response to questions the following was noted;

1. CCTV cameras were in operation 24 hours a day, and images can also be accessed remotely via laptops or mobile.
2. SIA accredited door staff would help prevent public nuisance and crime and disorder, and deter people from drinking immediately outside the premises.
3. SIA accredited door staff would be hired through an agency who would deal with the shifts/rota/hours they work.
4. Notices asking customers to leave quietly and respect the needs of local residents would be displayed around the premises.
5. The premises would operate a Challenge 25 policy, train staff to check for IDs, and have a refusal and incident book to log any issues/incidents.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before

them and heard oral representations at the meeting made by the Manager of the premises representing the Applicant, and in the absence of the objector Members noted and considered the written objection contained in the agenda pack, with particular regard to the prevention of public nuisance.

Members welcomed the efforts made by the Applicant in accepting and agreeing to the conditions proposed by the Licensing Authority and also noted the hours during which the premises will be operating irrespective of the hours that had originally been applied for, were between the hours of 10am and 10pm. Members were of the view that a reduction in hours and conditions agreed would give assurance that the licensing objectives would be promoted.

Members were satisfied that the reduction in hours for the sale of alcohol would also help allay concerns arising from the local resident objector and reduce the risk of any disturbances.

The Sub Committee was therefore satisfied that in the granting of the application with the conditions imposed, the licensing conditions, particularly the prevention of public nuisance would not be undermined.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Tian Tian Market, Unit 2-3, 18 Pizza Walk, London E1 8ZN be **GRANTED**.

Sale of Alcohol (off sales)

Monday to Sunday from 10:00 hours to 22:00 hours.

Hours premises are open to the Public

Monday to Sunday from 07:00 hours to 23:00 hours

Conditions

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

or authorised council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. 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.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. A minimum of 1 SIA licensed door supervisors shall be on duty, at the premises, at all times whilst it is open for business.
7. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales. This training shall be recorded and the records to be available on request to the Police or any authorised officer.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.20 p.m.

Chair, Councillor Kahar Chowdhury
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.37 P.M. ON TUESDAY, 23 FEBRUARY 2021****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Mohammed Pappu (Chair)
 Councillor Mohammed Ahbab Hossain
 Councillor Kyrsten Perry

Officers Present:

Luke Wilson	– (Legal Services)
Kathy Driver	– (Principal Licensing Officer)
Farhana Zia	– (Democratic Services Officer, Committees, Governance)

Representing applicants	Item Number	Role
Mr Emrah Kangal	4.1	Applicant
Ms Corinne Silva	4.1	Applicant's Wife
Mr Andrew Woods	4.2	Applicant's Legal Representative
Mr Mathew Carver	4.2	Applicant

Representing objectors	Item Number	Role
Mr Duncan Campbell	4.1	Objector

1. DECLARATIONS OF INTEREST

No declarations of pecuniary interests were declared by Members.

2. RULES OF PROCEDURE

The rules of procedure were noted by the members.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub-Committee meeting held on the 12th January 2021 were agreed as an accurate record of the meeting.

4. ITEMS FOR CONSIDERATION

4.1 Licensing Act 2003 Application for a Premises Licence for Hackney Essentials, 146 Columbia Road, London E2 7RG

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for Hackney Essentials, 146 Columbia Road, London E2 7RG. It was noted that objections had been received from local residents.

The Applicant Mr Emrah Kangal, supported by his wife Ms Corinne Silva, explained the business was offering niche products, such as vegan produce, candles, ceramic crafts, and handmade items alongside groceries and was looking to expand its range of products to include the sale of alcohol. The Applicant informed the Sub-Committee they had been advised to apply for a 23:00 hours closing time however they had no intention of operating until 23:00 hours.

Ms Silva explained the history of the shop and said they took over the premises from a friend who was struggling to pay the rent. They had over the summer months established themselves as a business, selling fine foods and handicrafts as well as groceries. They had built up their customer base, which was mainly local residents and had given employment to four local people who had lost their jobs because of the pandemic. Ms Silva added they were an all-female team, except for Mr Kangal, and had several letters of support from local customers. Ms Silva said they were seeking a licence so they could sell carefully selected alcohol brands from local producers and start-ups based in East London. She said the alcohol would complement the existing range of goods sold. Ms Silva emphasised they were not looking to be open late or operate as a standard off-licence.

Mr Kangal said they were a community-based business who wanted to make a positive contribution to the area. He said they had offered deliveries to local customers during the lockdowns, which were greatly appreciated and now wanted to make the business more viable with the sale of niche alcohol products. Mr Kangal said the footfall for the business was an average of 50 to 60 customers per day.

In respect to the concerns raised by the objectors, Mr Kangal and Ms Silva said they hoped these were allayed, as the business had no intention of opening late. They empathised with the concerns raised about street drinking and public nuisance however they believed the type of customer and alcohol they would be selling would not contribute to this behaviour.

Members then heard for Mr Duncan Campbell, objector to the application, who said the objection had been made in light of the application asking for a late night closing time of 23:00 hours. He said local residents welcomed new businesses to the area and hoped Hackney Essential would thrive. However the street scene around Columbia Road and Ezra Street had changed significantly from the late 1980's, when there was just an old-fashioned pub.

Mr Campbell said the number of licenced premises selling alcohol had increased and in recent years this had led to a street drinking culture. He said it was not unusual to see 60 to 70 people, on a hot summer's day, sitting on the pavement drinking late into the night.

Mr Campbell said the problem had been brought to the attention of the authorities, however licenced premises blamed each other for the culture that had arisen and the public nuisance it causes. Mr Campbell said the customers were young middle-class people who did not mind spending £20.00 for a bottle of wine and sitting on the street to drink and socialise. He said the notices asking patrons to leave quietly were not a deterrent, as drunk people took no notice of them.

Mr Campbell said should the licence permit alcohol sales to 23:00 hours, residents were concerned any new owner, if the business passes into new ownership, would exploit this and open later than the timings Mr Kangal was intending to be open. Mr Campbell said the licence should be limited to 20:00 hours or 21:00 hours.

In response to questions the following was noted:

- Precautions such as a Challenge 25 policy, regular training of staff and CCTV were in place to ensure the licensing objectives were upheld and the risk of anti-social behaviour and crime and disorder minimised.
- Mr Kangal offered to reduce the closing hours in his application to 20:00 hours Monday to Thursday, 21:00 hours Friday and Saturday, and 18:00 hours on Sunday

Concluding remarks were made by the parties.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before it and the oral representations at the meeting from the Applicant and the local resident objecting to the application, with particular regard to the licensing

objectives of the prevention of crime and disorder, the prevention of public nuisance and protection of children from harm.

The Sub-Committee noted the Applicant's representation that the business was offering niche products, such as vegan produce, candles, ceramic crafts, and handmade items alongside groceries and was looking to expand its range of products to include the sale of alcohol. The Sub-Committee were informed by the Applicant that he had been advised to apply for a 23:00 hours closing time. The Applicant confirmed that he had no intention of operating until 23:00 hours and offered to reduce the closing hours in his application to 20:00 hours Monday to Thursday, 21:00 hours Friday and Saturday, and 18:00 hours on Sunday.

The Sub-Committee noted the local residents' concerns about the late opening times applied for and the risk of anti-social behaviour and public nuisance arising from street drinking in the area, however, the Sub-Committee was satisfied that the conditions proposed by the Applicant would adequately address these risks and promote the licensing objectives..

The Sub-Committee was satisfied that the granting of the application on the conditions and reduced hours proposed would uphold the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a new premises licence for Hackney Essential, 146 Columbia Road, London E2 7RG be **GRANTED** with conditions.

The sale by retail of alcohol – Off sales only

Monday to Thursday, from 9:00 hrs to 20:00 hrs

Friday and Saturday, from 9:00 hrs to 21:00 hrs

Sunday from 9:00 hrs to 18:00 hrs.

The opening hours of the premises

Monday to Thursday, from 9:00 hrs to 20:00 hrs

Friday and Saturday, from 9:00 hrs to 21:00 hrs

Sunday from 9:00 hrs to 18:00 hrs

Conditions

- 1.1 Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
- 1.2 The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.
 - a) Cameras must be sited to observe the entrance and exit doors both inside and outside.

- b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - c) Cameras viewing till areas must capture frames not less than 50% of screen.
 - d) Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 - e) Be capable of visually confirming the nature of the crime committed.
 - f) Provide a linked record of the date, time and place of any image.
 - g) Provide good quality images –colour during opening times.
 - h) Operate under existing light levels within and outside the premises.
 - i) Have the recording device located in a secure area or locked cabinet.
 - j) Have a monitor to review images and recorded picture quality.
 - k) Be regularly maintained to ensure continuous quality of image capture retention.
 - l) Have signage displayed in the customer area to advise that CCTV is in operation.
 - m) Digital images must be kept for 31 days.
 - n) Police will have access to images at any reasonable time.
 - o) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require.
 - p) This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer.
 - q) Copies must be made available to Police on request.
- 1.3 All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
- 1.4 The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
- 1.5 All staff will be trained for UNDERAGE SALES PREVENTION regularly.
- 1.6 A register of refused sales shall be kept and maintained on the premises.

4.2 Licensing Act 2003 Application for variation of a Premises Licence for Funk, 142 Columbia Road, London E2 7RG

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for variation of a premises licence for Funk, 142 Columbia Road, London E2 7RG. It was noted that an objection had been received from a local resident.

The Applicant's Legal Representative, Mr Andrew Woods, and the Applicant, Mr Mathew Carver, explained why a variation of the licence was being sought. Mr Woods said the application was seeking an extension to the existing licence to 21:00 hours Monday to Saturday and 19:00 hours for Sunday with the removal of non-standard timings on the licence. Mr Woods said Mr Carver had taken over the premises in October 2020 and was a leading cheese specialist selling exclusively produced artisan cheeses with an offer of wine and beer. Mr Woods stated the Applicant had, between 12th November 2020 to 20th February 2021, applied for Temporary Event Notices (TENs), and had successfully operated until 21:00 hours with no issues or complaints from residents.

Mr Woods said the objection from Mr Crozier was of a general nature and did not relate specifically to the premises. He said they had written to Mr Crozier, but had not received a response. Mr Woods said no representations had been made by the responsible authorities. He referred to the supplementary agenda and said Mr Carver owned several similar cheese outlets in London and referred to the product list and said he hoped this would give the Sub-Committee an idea of the nature of the shop and what it sells.

Mr Carver added that due to the pandemic, his restaurant business had closed and therefore he wanted to keep the supply chain going to support small scale producers. He said his company was based in Hackney Wick and he'd been looking for some time to find a shop in east London to trade from. He said he had run a delivery service throughout the lockdown and found there was great demand for his produce, especially in this locality. He said the current closing times did not make the business viable and many local people were disappointed with the closure time of 19:00 hours. He said through the TEN's he received positive feedback from customers who wanted the shop to stay open until later.

Mr Crozier, the Objector was not in attendance at the meeting. The Chair read out Mr Crozier objection and the concerns cited relating to public nuisance and the number of licenced premises in the area changing the character of the street.

In response to questions the following was noted:

- Mr Woods confirmed that the premises was not a bar, as referred to in the objector's representation. There was no recorded music or any other licensable activity at the premises. The premises is small and unlike a supermarket, people come specifically to buy cheese, wine and/or beer. Precautions such as Challenge 25, regular training of staff and CCTV were in place to ensure the licensing objectives were

upheld, and the risk of anti-social behaviour and crime and disorder minimised.

- No complaints had been received against the premises under the current licence conditions. Cheese was sold with corked bottles of wine which customers took home to enjoy. There had been no issues with customers congregating in the street.

Concluding remarks were made by the Applicant's legal representative.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before it and the oral representations at the meeting from the Applicant and the Applicant's Legal Representative. The Sub-Committee noted the written objection of the local resident, who was not in attendance, with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted the application was for the variation of the existing premises licence to extend the hours for the sale of alcohol and to remove the non-standard timings on the licence. The Sub-Committee noted the business venture involved the selling of exclusively produced artisan cheeses with an offer of wine and beer. The Applicant had successfully demonstrated through Temporary Event Notices (TENs) the demand for the produce sold and that the licensing objectives would be upheld if the extension in hours was granted. The Applicant stated that most of the customers were local residents. It was noted that there had been no complaints or issues regarding the premises since the business opened.

The Sub-Committee noted the local resident's objection and concerns relating to public nuisance but felt these were general concerns about the area rather than specific to the premises.

The Sub-Committee was satisfied that the extension in the hours of operation was reasonable and that the licensing objectives would be promoted by the granting of the application

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a variation of premises licence for Funk, 142 Columbia Road, London E2 7RG be **GRANTED** with conditions.

Sale of Alcohol (off sales)

Monday to Saturday 10:00 hours to 21:00 hours

Sunday 10:00 hours to 19:00 hours

Hours premises is open to the public:

Monday to Saturday 10:00 hours to 21:00 hours

Sunday from 10:00 hours to 19:00 hours

Removal of non-standard timings "From November to December (terminal hour 20:00 hours on Wednesday's and Sunday's".

Conditions

1. To prevent the supply of alcohol to under-age customers, we will apply "Challenge 25".
2. Alcohol bottles will be stored right next to the counter (the further away possible from the door of the premises), so that good vigilance of the product can be retained at all times.
3. The shop is already equipped with window metal shutters that keep the shop front safe at all times.
4. Alcoholic products shall not be displayed on the front window display.
5. CCTV system shall be installed to monitor and record the activities, in order to help prevent crime and disorder.
6. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers shall be displayed.
7. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
8. Customers will be asked not to stand around loudly talking in the street outside the premises and will not be admitted to premises above opening hours.
9. A "Challenge 25" policy shall be in operation. This will ensure anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the 31st July 2021. Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act

2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

The meeting ended at 6.37 p.m.

Premises	Extended to:
Units 37-41, Boxpark Shoreditch, 2-10 Bethnal Green Road, London E1 6GY	31/07
Beefy and Birds (Kyices Kitchen) 76 Brick Lane, London E1 6RL	31/07
Players Social, 1 Crispin place, London E1 6DW	31/07
Diamond chicken & Pizza, 324 Burdett Road, London, E14 7DL	31/07
The Medieval Banquet, Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP	31/07
Quick commerce Limited, 28 Redchurch Street, London, E2 7DP	31/07
Café 92, 92 Manchester Road, London, E14 3BE	31/07

Chair, Councillor Mohammed Pappu
Licensing Sub Committee

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Agenda Item 4.1

Committee: Licensing Sub-Committee	Date 16 March 2021	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 (Morley's) 60-62 Brick Lane, London E1 6RF Ward affected: Spitalfields & Banglatown
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1.0 Summary

Applicant: **SA QSR LTD**

Name and Address of Premises: **Morley's**
60 - 62 Brick Lane
London
E1 6RF

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

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

Representations: **Environmental Health Noise**
Police Licensing
Licensing Authority
Community Safety
Other persons

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Morley's) 60-62 Brick Lane, London E1 6RF.

3.2 The applicant has described the premises as follows:

“Restaurant for eat - in and take away comprising of ground floor, basement , and first floor areas. The basement contains the toilets and storage areas, while the ground & first floor areas are for licensable activities...”

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

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

The sale by retail of alcohol – On and off sales

- Monday to Sunday, from 11:00 hrs to 02:00 hrs the following day

The provision of late night refreshment - Indoors

- Monday to Sunday, from 23:00 hrs to 02:00 hrs the following day

The provision of regulated entertainment – Indoors

Live music and recorded music

- Monday to Sunday, from 23:00 hrs to 02:00 hrs the following day

The opening hours of the premises

- Monday to Sunday, from 11:00 hrs to 02:30 hrs the following day

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, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

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

Responsible authority/other persons	Appendix
Environmental Health Noise - Nicola Cadzow	6
Police Licensing- Mark Perry	7
Licensing Authority - Lavine Miller-Johnson	8
Community Safety - John Fortune	9
Patrick Spottiswoode	10
Christelle Jager-Hafstad	11
Mrs L Baring	12
Joyce Fenton-Douglas	13

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - London Fire Brigade
 - Planning
 - Health and Safety
 - Environmental Health Noise Team
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 Essentially, the relevant 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.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.
- 7.0 Conditions consistent with Operating Schedule (as offered)**
- 7.1 *Two Door Supervisors are to be on duty on Mondays to Sundays, when the Premises is carrying on Licensable activities after 20:00 hours until 30 minutes after the premises has closed*
- 7.2 *A CCTV camera system covering both internal and external to the premises is to be maintained for 31 days and to be provided upon request to either a police officer or an officer of any other responsible authority.*

- a) *A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.*
 - b) *The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.*
 - c) *At all times the premises are open, a person who can operate the CCTV system must be present on the premises who can download images and present them immediately on request to a police officer or other responsible authority.*
- 7.3 *An incident log shall be kept at the premises, and be made available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:*
- a) *All crimes reported to the venue;*
 - b) *All ejections of patrons;*
 - c) *Any complaints received concerning crime and disorder*
 - d) *Any incidents of disorder;*
 - e) *All seizures of drugs or offensive weapons;*
 - f) *Any faults in the CCTV system, searching equipment or scanning equipment;*
 - g) *Any refusal of the sale of alcohol;*
 - h) *Any visit by a relevant authority or emergency service.*
- 7.4 *In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:*
- a) *The police (and, where appropriate, the London Ambulance Service) are called without delay;*
 - b) *All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.*
 - c) *The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and*
 - d) *Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.*
- 7.5 *The venue is to conduct risk assessments for its licensable activities and events. The risk assessment will describe the nature of the licensable activity and, or event, the expected number of people attending, the time the event starts and finishes. If it is a promoted event, crime and disorder risks, and any other risk that would undermine the licensing objectives.*
- 7.6 *If the venue is using any musical artist or promoter, the venue must conduct relevant checks on the artist and promoter.*
- a) *These checks should include looking at the social media of artists and promoters.*
 - b) *They will also contact venues that they have performed at previously to see if there were any issues, which will form part of the risk assessment.*

- c) *The assessment will also include all steps taken to mitigate any identified risks, such as SIA security numbers, searching policy, access and egress plans etc.*
 - d) *All risk assessments will be written down, stored at the venue and made available to Police or Local Authority on request*
- 7.7 *Notices shall be prominently displayed at all public exits requesting customers to respect the needs of local residents and leave the premises and area quietly.*
- 7.8 *No customers will be permitted to drink outside the premises.*
- 7.9 *All doors and windows of the premises shall be kept closed and shut at all times there is any music, live or recorded other than for entry or egress of customers.*
- 7.10 *Sales of alcohol will only be made when a personal licence holder is present at the premises.*
- 7.11 *No vertical drinking in the premises.*
- 7.12 *No more than 5 smokers allowed to smoke outside the premises at any one time.*
- 7.13 *Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the Premises.*
- 7.14 *Incidence record book will be kept, updated, and produced on request to the Police or Officers of Tower Hamlets Licensing Authority.*
- 7.15 *Customers will have access to Phone Numbers of Licensed Taxis, and will be encouraged to pre-book before leaving the Premises to avoid lots of taxis parking.*
- 7.16 *In implementing the dispersal policy at the end of licensable activities each day the premises is open, door supervisors shall ensure patrons leave the premises quietly and promptly, and without congregation at the exit point.*
- 7.17 *Stock deliveries shall be made during the day time (10am - 4pm).*
- 7.18 *Unpleasant cooking odors by the use of an effective extractor will be installed and maintained by carrying out deep cleaning at frequent intervals.*
- 7.19 *Noise break-outs from the premises will be prevented by the Installation of Sound Proofing as recommended by Acoustic Engineers.*
- 7.20 *In addition, Noise breakouts from amplified music will be controlled by the installation of Noise Limiting Devices, which will be set by the Noise*

Nuisance Team of the Tower Hamlets Council's Environmental Health Department.

- 7.21 *Contact details of the DPS, shall be made available to the residents in the area in any event of complaint.*
- 7.22 *The area designated for smoking (outside) shall have not more than 5 Smokers at a time.*
- 7.23 *One of the door supervisors shall ensure noise levels are kept to the barest minimum during smoking.*
- 7.24 *A staff member will be assigned to clear debris / litter, cigarette butts, every 1 hour.*
- 7.25 *A 'Challenge 25' shall be adopted as the age verification policy at the premises.*
- 7.26 *Anyone purchasing alcohol, who appears under 25, will be challenged to produce a photographic ID. The acceptable forms of IDs will be; International Passport, Photo Card Drivers License, Photographic ID with the PASS Hologram. No ID No Sale Policy shall be implemented at the premises.*
- 7.27 *All refusals shall be documented and record of refusals will record the date, time of refusal, and the name of the staff that refused the sale.*
- 7.28 *Training records shall be kept on the premises and made available on request by the Police and authorised officers of Tower Hamlets Council.*

8.0 Conditions in consultation with the Responsible Authorities

8.1 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.
- 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 - 22** 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 6-13	Representations of against the premises
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	Planning
Appendix 19	Licensing Policy relating to hours of trading
Appendix 20	Tower Hamlets Cumulative Impact Zone

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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

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

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.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	CITY VIEW HOUSE
* Street	1 DORSET PLACE
District	STRATFORD
* City or town	LONDON
County or administrative area	
* Postcode	E15 1BZ
* Country	United Kingdom

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	MORLEY'S
Street	60 – 62 BRICK LANE
District	
City or town	LONDON
County or administrative area	TOWER HAMLETS
Postcode	E1 6RF
Country	United Kingdom

Further Details

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

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...

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](#)

Add another applicant

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.

RESTARURANT FOR EAT - IN AND TAKE AWAY COMPRISING OF GROUND FLOOR, BASEMENT , AND FIRST FLOOR AREAS. THE BASEMENT CONTAINS THE TOILETS AND STORAGE AREAS, WHILE THE GROUND & FIRST FLOOR AREAS ARE FOR LICENSABLE ACTIVITIES – LATE NIGHT REFRESHMENTS, RETAIL SALE OF ALCOHOL, AND REGULATED ENTERTAINMENT.

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

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

LIVE MUSIC WILL BE AMPLIFIED AND UNAMPLIFIED. AMPLIFIED LIVE MUSIC WILL BE CONTROLLED BY NOISE LIMITING DEVICES

State any seasonal variations for the performance of live 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 performance of live music 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.

Continued from previous page...

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- 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

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

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.

RECORDED MUSIC WILL BE AMPLIFIED AND UNAMPLIFIED. AMPLIFIED RECORDED MUSIC WILL BE CONTROLLED BY NOISE LIMITING DEVICES

Continued from previous page...

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 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 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

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

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

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 late night refreshments 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.

Continued from previous page...

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

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.

Continued from previous page...

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

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?

Continued from previous page...

- 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.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

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

Continued from previous page...

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 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)

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

We have read and understood Tower Hamlet Council's Licensing Policy (2018-2023) which came into force on the 1st of November 2018; and understand the fact that the Brick Lane area falls within the Cumulative Impact Zone (CIZ), and the area is covered by the Special Cumulative Impact Policy. We wish to reiterate that, granting the application will not negatively add to the cumulative effect on the licensing objectives within the Brick Lane Area. Challenges experienced in the area will be mitigated by adopting measures identified in the risk assessment against the Licensing Objectives. In view of this therefore, We have attached a robust set of proposed conditions. The Business will promote all the four Licensing objectives by firstly complying with other legislations such as: Food Safety Act, Health & Safety at Work Act, Employment Act, etc. In order to prevent crime and disorder both inside and immediately outside the premises, a CCTV System shall be installed at the premises and this will cover all internal & external areas. It will also record images of those coming in and out of the premises, and capable of capturing facial recognitions in all lighting conditions. Apart from preventing and detecting crime, it is also an important tool for public safety at the premises. In terms of public safety, adequate number and types of fire extinguishers are provided as well as fire doors, fire alarm, and smoke alarm systems. All these will be serviced and maintained. Fire drills will be carried out at set frequencies. Staff will be trained on use of fire extinguishers and evacuation procedures. Signage will be displayed to remind patrons to leave the premises quietly and not to disturb the neighbours. Age Verification Policy ("Challenge 25") will be adopted to prevent underage sales of alcohol. Staff will be trained prior to commencing employment and training records containing the nature, content, and frequency of all training, shall be kept on the premises. Records shall be made available for inspection by the Police or authorized officers of Tower Hamlet Council. In order to exercise good management control, Door Supervisors will be employed to control egress and ingress of

Continued from previous page...

patrons to maintain maximum occupancy capacity at all times including the implementation of dispersal policy and zero tolerance policy on drugs.

b) The prevention of crime and disorder

A CCTV shall be installed inside and outside the premises. The Camera will cover both the internal and external parts of the premises. Recording will be constant for 24 hours and kept for a minimum of 31 days the dates and time settings on the CCTV must be correct. A trained member of Staff shall be on duty to operate the system whenever the premises is open. A signage will be displayed at the premises reminding customers of the presence and recording of a CCTV System. All recordings will be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of the current data protection legislation. The Premises is prepared to join OWL (On Line Watch Link) Scheme – A Neighborhood watch to reduce crime by keeping the community safe, and providing an information platform locally, relating to local crime alerts. The premises will operate a zero tolerance policy to drugs. Signage to indicate this will be displayed at strategic places inside the premises. 2 SIA Licensed Door Supervisors will be on duty from 20:00 hours to 02:30 hours, every time the premises is open. One of the door supervisors will patrol the premises and frequently inspect all areas including the toilet areas.

c) Public safety

The premises will maintain adequate temperature and humidity levels for the safety and comfort of customers. This will be achieved by the installation of mechanical ventilation system, which will be serviced and maintained. Fire notices and fire procedures will be clearly displayed at the premises, while highlighting the fire exits signage and exit routes. Emergency lighting systems will be installed and maintained. Fire - Fighting equipment shall be frequently serviced and maintained, while fire drills will be carried out to test alarm systems and implement the Fire procedures. Staff will be trained on evacuation procedures and the use of fire- fighting equipment. An adequately stock First Aid Box shall be provided and kept at the premises. Lighting conditions shall be kept in good order, while all electrical equipment will be tested and certified by qualified professional. Incidence record book will be kept, updated, and produced on request to the Police or Officers of Tower Hamlets Licensing Authority.

d) The prevention of public nuisance

Prominent notices will be displayed near the exit routes requesting customers to leave promptly and quietly. Customers will be reminded to have respect for the neighbors when they are leaving the premises. Customers will have access to Phone Numbers of Licensed Taxis, and will be encouraged to pre-book before leaving the Premises to avoid lots of taxis parking. In implementing the dispersal policy at the end of licensable activities each day the premises is open, door supervisors shall ensure patrons leave the premises quietly and promptly, and without congregation at the exit point. Door Supervisors are also to ensure maximum occupancy capacity is not exceeded at any time. Stock deliveries shall be made during the day time (10am - 4pm). Waste shall be disposed responsibly so as not to disturb the neighbors. Unpleasant cooking odors by the use of an effective extractor will be installed and maintained by carrying out deep cleaning at frequent intervals. Noise break-outs from the premises will be prevented by the Installation of Sound Proofing as recommended by Acoustic Engineers. It is also to be noted that the windows on the first floor are all sound- proof protected. In addition, Noise break-outs from amplified music will be controlled by the installation of Noise Limiting Devices, which will be set by the Noise Nuisance Team of the Tower Hamlets Council's Environmental Health Department. Contact details of the DPS, shall be made available to the residents in the area in any event of complaint. The time and nature of such complaints shall be entered into the incidence record book, and the response action plan of such complaints, shall be made known to the complainant. The area designated for smoking (outside) shall have not more than 5 Smokers at a time. One of the door supervisors shall ensure noise levels are kept to the barest minimum during smoking. A staff member will be assigned to clear debris / litter, cigarette butts, every 1 hour.

e) The protection of children from harm

A 'Challenge 25' shall be adopted as the age verification policy at the premises. Anyone purchasing alcohol, who appears under 25, will be challenged to produce a photographic ID. The acceptable forms of IDs will be; International Passport, Photo Card Drivers License, Photographic ID with the PASS Hologram. No ID No Sale Policy shall be implemented at the premises. All refusals shall be documented and record of refusals will record the date, time of refusal, and the name of the staff that refused the sale. Front line staff will be trained and re-trained on underage prevention sales strategy and confidence to challenge. Training records shall be kept on the premises and made available on request by the Police and authorized officers of Tower Hamlets Council.

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 (£)

315.00

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

OLU OLUSOLA

* Capacity

AGENT

* Date

24 / 11 / 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

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"/>

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

MORLEY's - PREMISES LICENCE APPLICATION

PROPOSED CONDITIONS

1. 2 Door Supervisors are to be on duty on Mondays to Sundays, when the Premises is carrying on Licensable activities after 20:00 hours until 30 minutes after the premises has closed.
2. A CCTV camera system covering both internal and external to the premises is to be maintained for 31 days and to be provided upon request to either a police officer or an officer of any other responsible authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. At all times the premises are open, a person who can operate the CCTV system must be present on the premises who can download images and present them immediately on request to a police officer or other responsible authority.
3. An incident log shall be kept at the premises, and be made available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received concerning crime and disorder
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any faults in the CCTV system, searching equipment or scanning equipment;
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;

- b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
 - c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
5. The venue is to conduct risk assessments for its licensable activities and events. The risk assessment will describe the nature of the licensable activity and, or event, the expected number of people attending, the time the event starts and finishes. If it is a promoted event, crime and disorder risks, and any other risk that would undermine the licensing objectives.



If the venue is using any musical artist or promoter, the venue must conduct relevant checks on the artist and promoter. These checks should include looking at the social media of artists and promoters. They will also contact venues that they have performed at previously to see if there were any issues, which will form part of the risk assessment.

The assessment will also include all steps taken to mitigate any identified risks, such as SIA security numbers, searching policy, access and egress plans etc. All risk assessments will be written down, stored at the venue and made available to Police or Local Authority on request.

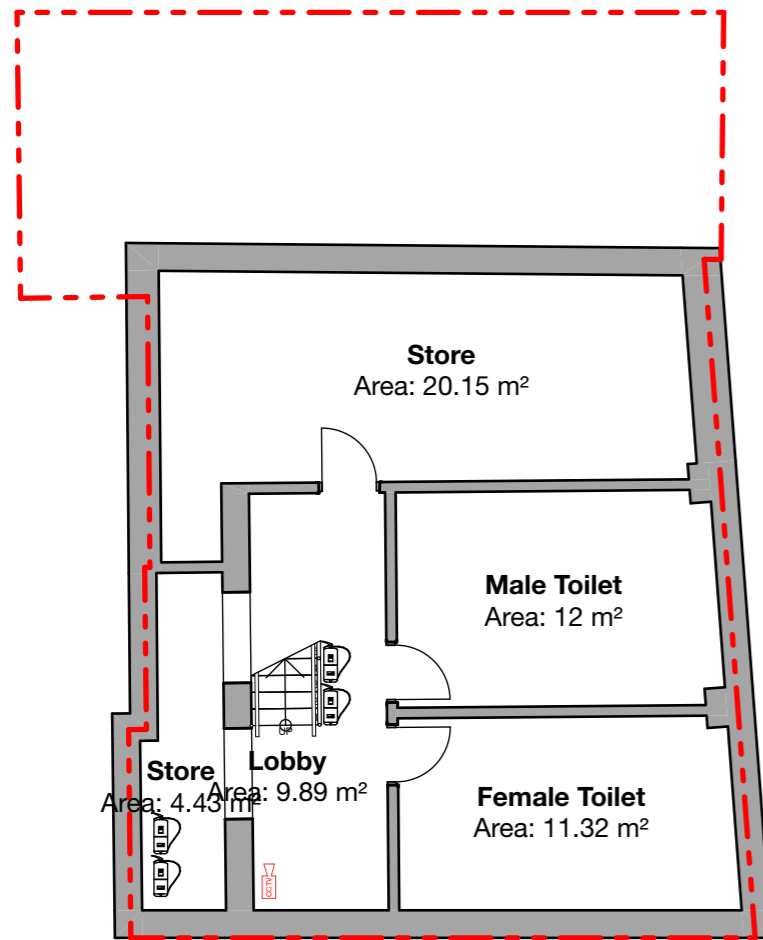
- 6. Notices shall be prominently displayed at all public exits requesting customers to respect the needs of local residents and leave the premises and area quietly.
- 7. No customers will be permitted to drink outside the premises.
- 8. All doors and windows of the premises shall be kept closed and shut at all times there is any music, live or recorded other than for entry or egress of customers.
- 9. No person under the age of 18 years shall be permitted into the premises without being under the supervision of an appropriate adult.
- 10. Sales of alcohol will only be made when a personal licence holder is present at the premises.
- 11. No vertical drinking in the premises.
- 12. No more than 5 smokers allowed to smoke outside the premises at any one time.

13. Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the Premises.

Appendix 2

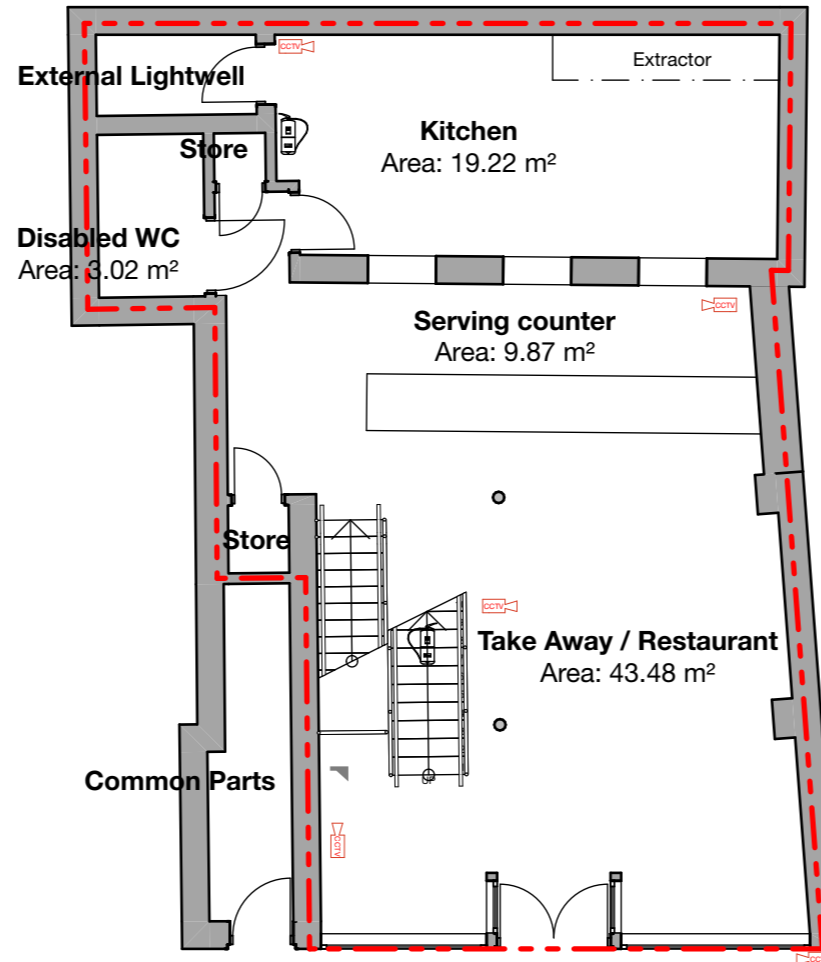
Symbols Key	
	CCTV
	Fire extinguisher

GIA
Area: 62.19 m²



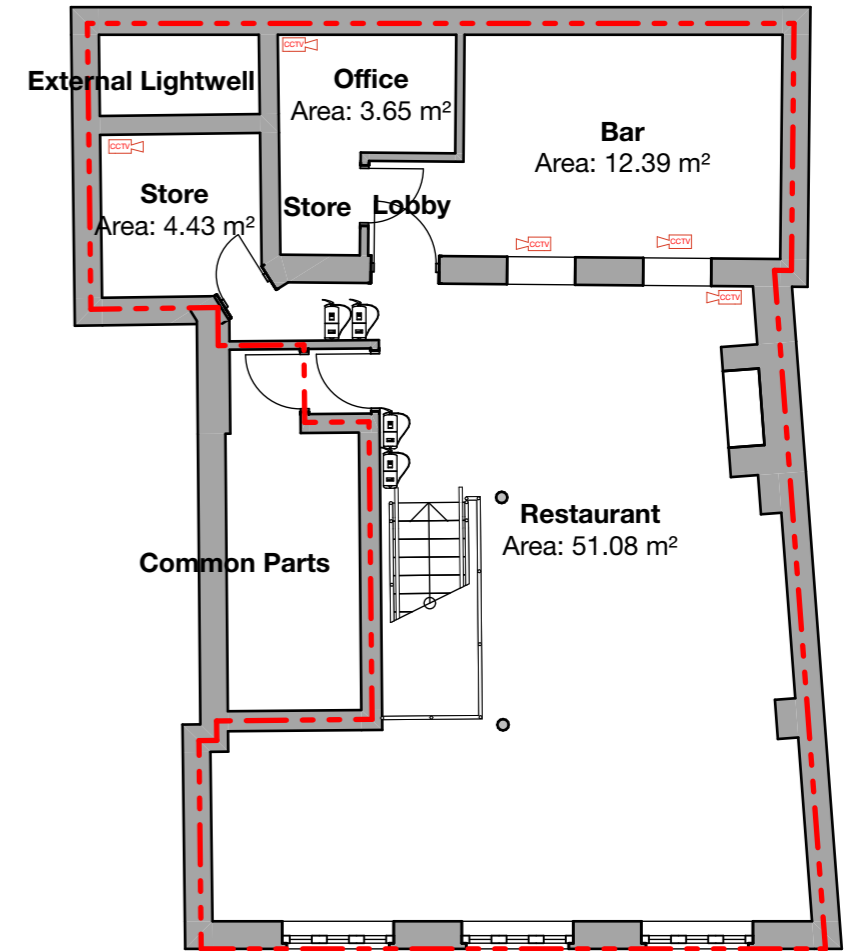
1 Basement
1:100

GIA
Area: 81.44 m²

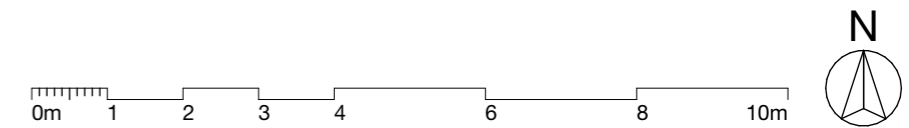


2 Ground Floor
1:100

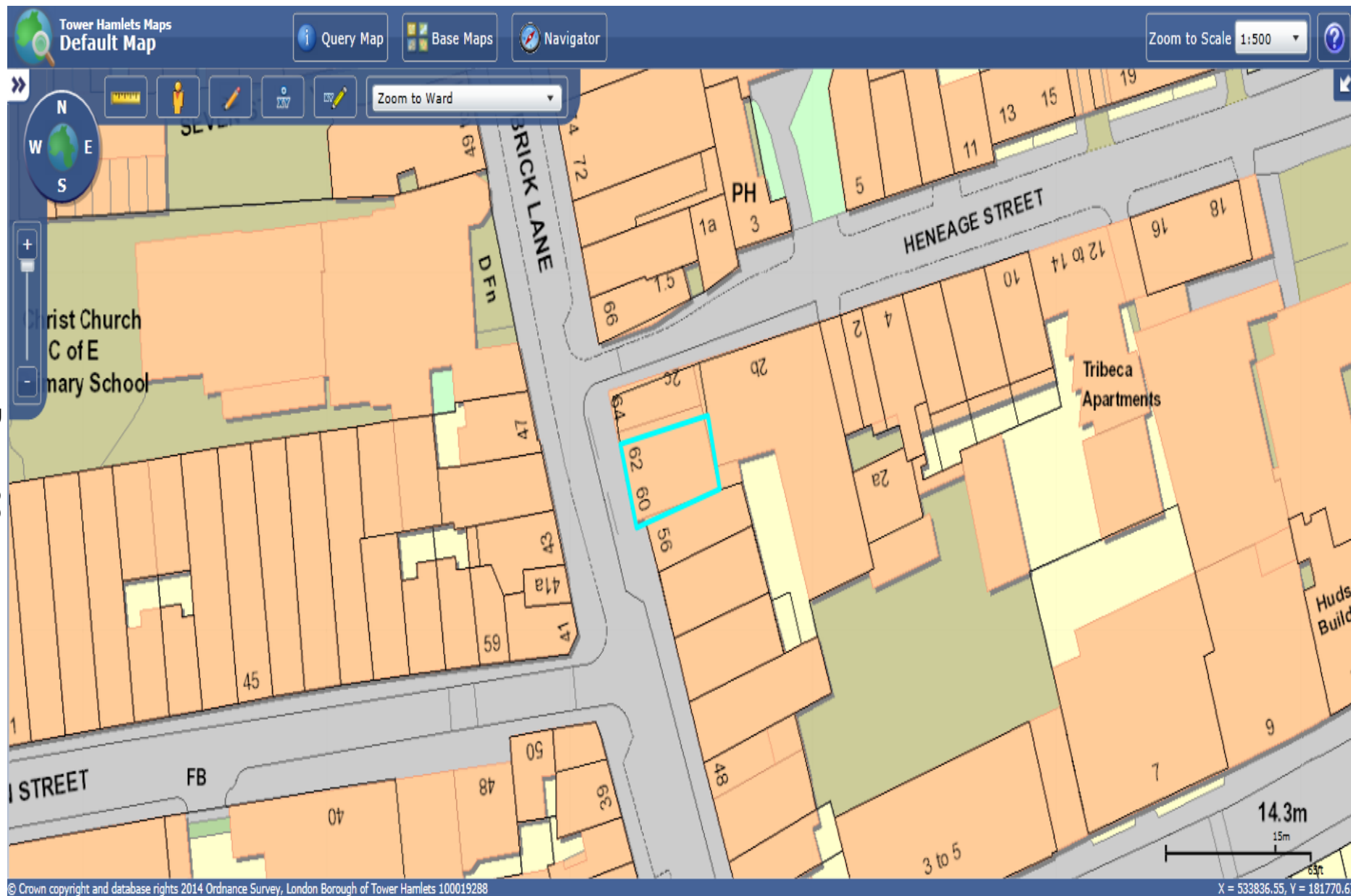
GIA
Area: 78.61 m²



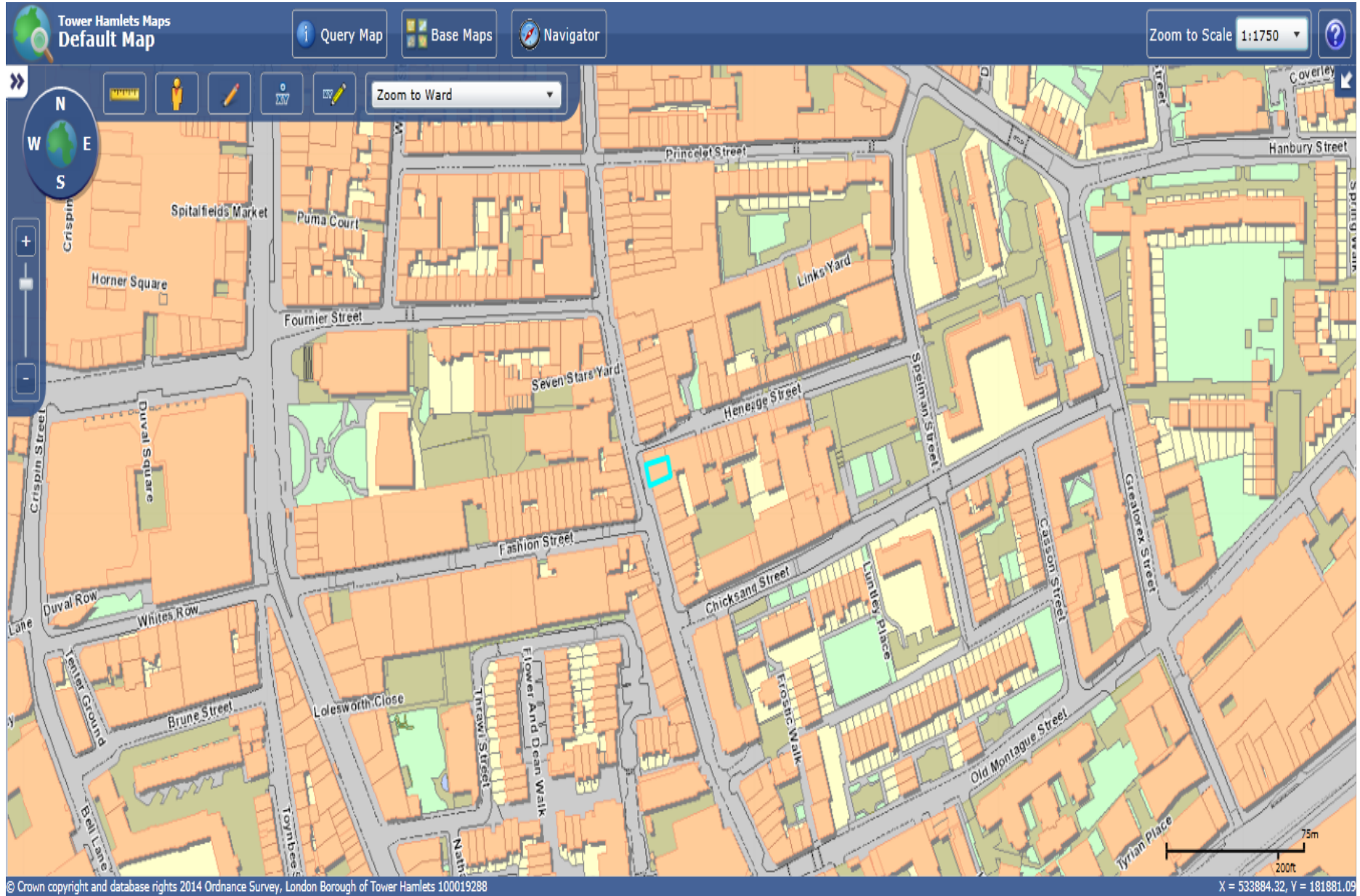
3 First Floor
1:100



Appendix 3



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Appendix 4

Morley's, 60-62 Brick Lane - Nearest licences

Name and address	Licensable activities and hours	Opening hours
<p>(Cost Price) 41 Brick Lane London E1 6PU</p>	<p><u>The sale by retail of alcohol (off sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) • Friday and Saturday, from 11:00hrs to 01:00hrs (the following day) 	<ul style="list-style-type: none"> • Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) • Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)
<p>(Brick Lane Brasserie) 67 Brick Lane London E1 6QL</p>	<p>Alcohol (On sales) and Regulated Entertainment (Recorded Music)</p> <ul style="list-style-type: none"> • Monday to Sunday, 11:00 hrs to 00:00 hrs <p>Late Night Refreshment</p> <ul style="list-style-type: none"> • Monday to Sunday, 23:00 hrs to 00:00 hrs 	<ul style="list-style-type: none"> • Monday to Sunday, 11:00 hrs to 00:30 hrs
<p>(Saffron Restaurant) 53 Brick Lane London E1 6PU</p>	<p>For the sale by retail of alcohol (On sales only): Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours to 01:00 hours the following day Sunday from 11:00 hours to midnight</p> <p>Late Night Refreshment: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 01:00 hours the following day Sunday until midnight</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours to 01:00 hours the following day Sunday from 11:00 hours to midnight</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>
<p>(Dum Dum Donutterie) 43 Brick Lane London E1 6PU</p>	<p>The sale by retail of alcohol (On sales) Monday to Sunday from 12:00 hours to 22:30 hours</p>	<p>Monday to Sunday from 08:00 hours to 23:00 hours</p>
<p>(Seven Stars) Basement and Ground Floor 49 Brick Lane London E1 6PU</p>	<p>The sale by retail of alcohol (On sales) Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 10 00 hrs to 02 00 hrs the following morning Sunday 10 00 hrs to midnight</p> <p>Late Night Refreshment Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 02 00 hrs the following</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 10 00 hrs to 02 30 hrs the following morning Sunday 10 00 hrs to 00 30 hrs the following morning</p>

Morley's, 60-62 Brick Lane - Nearest licences

	<p>morning Sunday until midnight</p> <p><i>The provision of regulated entertainment</i> Live Music and the Provision of Facilities for Making Music (Karaoke only) Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 19 00 hrs to 02 00 hrs the following morning Sunday 19 00 hrs to midnight</p> <p>Recorded Music Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hrs to 02:00 hrs the following morning Sunday 11 00 hrs to midnight</p>	
<p>(Chez Elles) 45 Brick Lane London E1 6PU</p>	<p>Alcohol may be sold or supplied(On sales only)</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm.</p> <p>(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</p> <p>(3) On Christmas Day: 12 noon to 11:30pm;</p> <p>(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;</p> <p>(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.</p> <p>(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) 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;</p> <p>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p> <p>See Mandatory Conditions for details of restrictions.</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>

Morley's, 60-62 Brick Lane - Nearest licences

	(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises; Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.	
(Fuse) Ground Floor 63 Brick Lane London E1 6QL	<u>Sale by retail of alcohol (on and off sales)</u> <ul style="list-style-type: none"> Monday to Sunday from 12:00 hrs to 22:30 hrs 	<ul style="list-style-type: none"> Monday to Sunday from 12:00 hrs to 23:00 hrs
(Vegan Yes) 64 Brick Lane Whitechapel London E1 6RF	<u>The supply of alcohol (on sales only)</u> <ul style="list-style-type: none"> Monday to Sunday, from 12:00 hours to 21:30 hours 	<ul style="list-style-type: none"> Monday to Sunday, from 11:30 hours to 21:30 hours
(Sketch) 68 Brick Lane London E1 6RL	<u>The sale by retail of alcohol (on sales only)</u> <ul style="list-style-type: none"> Monday to Saturday, from 11:00 hrs to 22:30 hrs Sunday, from 12:00 hrs to 22:00 hrs 	<ul style="list-style-type: none"> Monday to Saturday from 11:00 hrs to 23:00 hrs Sunday from 12:00 hrs to 22:30 hrs
(Kill the Cat) 43 Brick Lane London E1 6PU	<u>Supply of alcohol – on and off sales</u> <ul style="list-style-type: none"> Monday to Wednesday from 12:00hrs (midday) to 22:00hrs Thursday to Saturday from 11:00hrs to 23:00hrs Sunday from 11:00hrs to 21:00hrs 	<ul style="list-style-type: none"> Monday to Wednesday from 12:00hrs (midday) to 22:00hrs Thursday to Saturday from 11.00hrs to 23.00hrs Sunday from 11:00hrs to 21:00hrs

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: Licensing
Sent: 14 December 2020 15:21
To: Mohshin Ali
Subject: FW: 134192 New premises license application for Morley's 60-62 Brick Lane London

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nicola Cadzow <[REDACTED]>
Sent: 14 December 2020 12:51
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: mark perry <[REDACTED]>; Olugbemiga Olusola <[REDACTED]>
Subject: 134192 New premises license application for Morley's 60-62 Brick Lane London

Dear Licensing,

I have considered the new premise licence application for Morley's 60-62 Brick Lane London and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, and the hours applied for are well beyond council's framework hours, and consideration has to be given to the fact that the premises is in Brick Lane Cumulative Impact Zone.

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

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

The applicant is proposing licensable activities: Live music, record music, late night refreshment, supply of alcohol as follows:-

- **Monday to Thursday until 02:00 hours, closing 30 minutes later at 02:30 hours (three hours later than framework hours)**
- **Friday an Saturday until 02:00 hours, closing 30 minutes later at 02:30 hours (two and a half hours later than framework hours)**
- **Sunday until 02:00 hours, closing 30 minutes later at 02:30 hours (four hours later than framework hours)**

Also, in the operating schedule it is advised that "Noise break-outs from the premises will be prevented by the Installation of Sound Proofing as recommended by Acoustic Engineers", but there is no evidence provided with this application.

Noise Sensitive premises: residential and commercial premises in close proximity to 60-62 Brick Lane, London.

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

- Noise breakout from the venue affecting neighbouring residents;

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

CONCLUSION

Environmental Protection **does not** support the application 60-62 Brick Lane, London as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought, and consideration has to be given to the fact that the premises is in Brick Lane cumulative impact zone.

If the committee were minded to grant this application I would ask that the condition for the noise team to set the noise limiter be amended to read *“Noise Limiter must be fitted to the musical amplification system set at level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.”*

Kind regards

Nicola Cadzow

Environmental Health Officer
Environmental Protection Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House
London E3 5EQ


www.towerhamlets.gov.uk

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#BlackLivesMatter



Appendix 7

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 17 December 2020 15:57
To: Mohshin Ali
Subject: FW: Objection Premises License Application Morleys 60 - 62 Brick Lane
Attachments: DRUGS POLICY (003).doc; Objection Morleys Brick lane. final version doc.doc

From: MARK.J.Perr [REDACTED] >
Sent: 17 December 2020 08:59
To: Licensing <Licensing@towerhamlets.gov.uk>; Nicola Cadzow <[REDACTED]>; Barry.D.Leban [REDACTED]; indpconsult [REDACTED]; samuel [REDACTED]
Subject: Objection Premises License Application Morleys 60 - 62 Brick Lane

Dear all,

Please see the attached objection and drugs policy for the premises license application for Morleys 60 – 62 Brick Lane. We will be providing additional evidence from the Local Safer Neighbourhood Team

Kind Regards



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email [REDACTED]
A: Licensing Office, 2nd Floor Stoke Newington Police Station

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Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Stoke Newington Police Station
33 Stoke Newington High Street

Email: [REDACTED]
www.met.police.uk

17th December 2020

Dear Sir,

Central East Police Licensing formally object to the application for a premises License for Morley's 60 – 62 Brick Lane, on the grounds of Crime and Disorder, and Public Nuisance.

This is an application for a premises license in the heart of the boroughs Cumulative Impact Zone (CIZ) that wants to be open until 2:30am every day. These are very late hours for a premises in an area with a high levels of crime and disorder, including violent assaults. We are concerned that a new premises here open so late would only lead to an increase in crime, disorder and public nuisance that the CIZ was designed to reduce.

During October and November 2020 in the Spitalfields and Banglatown ward where Brick Lane is situated there were over 500 reported crimes including nearly 80 assaults and 200 thefts. These levels of crime are artificially low due to the restrictions imposed on premises due to Covid regulations, and will almost certainly be higher when the night time economy re opens.

Allowing a premises to sell alcohol, and have regulated entertainment until 2 is in the opinion of the Police only going to lead to an increase in these figures. We say this is because at 2:30 am when the venue finally closes it is likely that the majority of their customers will be those who have been drinking alcohol for many hours, especially during weekends and therefore intoxicated to a higher level. People who are intoxicated are more likely to be less aware of their surroundings and with impaired decision making, which makes them more vulnerable and more likely to be the victims of crime such as theft and assault.

This impaired judgement can also lead to an increased risk of people being involved in violent crime as people become aggressive and confrontational.

On speaking to the applicant we asked what the need was for the business to be open so late. Mr Aduba told us that the reason he wanted the premises to be open so late was that two other venues in Brick Lane, 91 Brick lane and 93 Feet east were open late and he wanted to be able to attract customers leaving those venues to come to his before they left the area.

The concern we have in deliberately going out to attract customers that have been in out in other late night venues, drinking alcohol is that there is an increased chance that these customers will already be intoxicated by the time they enter this new premises or will be after a few drinks. There is a real risk that with this new premises will turn into a "Nightcap" venue where people come to because they know they can get a drink when other venues are closed.

This risk is exacerbated by having regulated entertainment until 2am every night, the music and alcohol will attract those looking for one last drink before they head home. Unfortunately we know from experience that venues attracting these customers tend to result in increased crime and disorder.

We are glad that the venue has offered to have SIA door staff from 8pm till 2:30 am. The fact that they have offered this condition shows they recognise the risk of the premises being open so late. The SIA's duties include checking customers at the door, searching them for drugs as well as stopping drunk or aggressive people from entering the premises, patrolling both the first and second floors and checking the toilets and dealing with any incidents that take place. It is clear that just 2 SIA will not be able carry out all these duties, which leads us to ask if this the risk assessment and operational plan is flawed.

We are also disappointed that they have not said if they will have a search policy, or a dispersal policy and explained how these policies would operate. There are many residents in and around Brick Lane and there are no detailed plans as to how the venue management would prevent their customers causing public nuisance to the local residents. Given how important dispersal will be in also preventing crime and disorder as customers leave, not to of provided a dispersal policy is concerning.

If this is an application for a restaurant then why does the applicant want to have regulated entertainment until 2am, and off sales of alcohol, and why would a restaurant

feel the need to have 2 security staff. Why is has no condition been offered making the sale of alcohol ancillary to the sale of food?

We believe that the application for late night alcohol, and regulated entertainment that is targeting late night revellers in Brick Lane has the potential to be more of a club or late night bar than restaurant.

Granting this would lead to in our opinion lead to an increase in crime and disorder and public nuisance and this application should be rejected.

If the committee were minded to grant this application then we would ask that the premises is restricted to framework hours for sale of alcohol and off sales of alcohol removed from the license. We also ask that regulated entertainment and live music are removed from the license and the following conditions added to the license:

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. A minimum of 4 SIA licensed door supervisors, one of whom will be female shall be on duty at the premises from 18:00 until 30 minutes after the premises has closed on Thursday and Friday and Saturday nights. There will be 2 SIA licensed door supervisors shall be on duty at the premises from 18:00 until 30 minutes after the premises has closed Sunday to Wednesday.
4. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;

- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service.

5. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

6. 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. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

8. The premises will agree to Central East Police Licensing Drug Policy which is attached.

9. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

10. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway

11. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

12. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol

13. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapon or other illegal items onto the premises at any time shall be in place and operate at the premises. This policy must be agreed by Central East Police Licensing.

14. The sale of Alcohol is ancillary to the sale of food.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
[REDACTED]
A: Licensing Office, 2nd Floor Shoreditch Police Station

282 reported crimes in October.

Break down:

37 x Violence against the person

8 x Robberies

43 x Drugs offences

28 x Public order offences

2 x Possession of a weapon

120 x Theft offences

2 x Sex offences

13 x Theft from motor vehicle

11 x Arson and Criminal damage

8 x Offences against society

252 reported crimes in November.

Break down:

41 x Violence against the person

14 x Robberies

31 x Drug offences

16 x Public order offences

5 x Possession of a weapon

89 x Theft offences

3 x Sex offences

21 x Burglaries

11 x Theft from motor vehicle

17 x Arson and Criminal damage

4 x Offences against society

DRUGS POLICY

The premises is to operate a zero tolerance policy towards drugs.

When the premises is running a promoted event where DJ's will be performing, customers as well as artists will be searched for illegal drugs.

This will be a thorough search of customers, including customers bags, jackets, pockets etc. Searching to be done in an area covered by CCTV.

If a guest is found in possession of Drugs/illicit substances and it is believed it is for personal use then the drugs must be seized, the duty manager informed and the drugs must go into a numbered sealable bag. Confiscated drugs must be placed in a safe as soon as practicable. The person is not to be allowed entry to the premises.

The drugs log must then be filled out with the name and SIA number of the person finding and seizing the drugs, date and time of seizure, location of drugs find, description of the drugs , number of drugs and date and time of drugs being locked in the safe.

If the person is suspected of supplying drugs, which Police say is anything over a combination of 4 wraps/pills then the following applies:

- The member of staff, door supervisor or security guard will immediately inform the DPS or other manager on duty.
- The DPS/manager and door supervisor/security guard will ask the individual to step into a quiet area (or if appropriate, a room) and ask the person to turn out their pockets and bags.
- If a personal/bodily search is unavoidable then the Police's assistance will be sought.
- Any drugs found will be confiscated and handed to the DPS or other manager to store and record in accordance with the procedures in this Policy.
- Security guards will (subject to the security guard firm's own policies, procedures, and health & safety requirement) seek to calmly detain suspected drug dealers in the Premises while the Police are contacted.
- However if there is difficulty in this respect with material resistance by the suspected drug dealer and/or if the Police are unable to attend the Premises without delay, to the

extent that the situation in seeking to detain the person becomes unmanageable, the security guards will not use powers of detainment under a citizens' arrest.

- In such cases where the detention of the suspected drug dealer becomes reasonably unmanageable, the premises cannot take responsibility for detaining a person suspected of supplying drugs if they want to leave and the Police have not yet attended the Premises. In such instances the person will be removed from the Premises and a full Incident Report of the incident shall be completed and added to the Premises' Incident Report File.

Drugs are to be sealed in sealable bags.

At the beginning of every month the premises will contact Tower Hamlets Police Licensing and arrange to the licensing officers to come and collect the drugs. A receipt will be signed for at the premises to document that the drugs have been taken by Police.

WEAPONS

When a person is found in possession of a knife or other weapon then the Police are to be called immediately. If safe to do so, and in line with the security company's policies and procedures, the weapon is to be seized and the subject detained.

SIGNAGE

There will be signage in a visible location in the entrance to the premises confirming the following:

- 1) There is to be a zero tolerance to drug use or supply at the premises.
- 2) Drug use and the supply of drugs in the premises is not permitted.
- 3) An enforced search policy identify drugs on customers entering the Premises.
- 4) Persons suspected of being involved in the supply of drugs will be detained, the drugs seized and the Police called.
- 5) No person found with drugs will be allowed onto the premises.
- 6) Entry to the premises may be conditional on searching.
- 7) Any drugs found on customers will be confiscated and given to the Police.

- 8) Any customer refusing a search will be refused entry to the Premises.
- 9) Female customers will be searched by a female door supervisor only.

TOILETS

Toilets are to be checked every 30 minutes during promoted event where DJ's will be performing.

The checks will be to see if there is any drug usage taking place, and will include cubicles and the communal areas.

Any customers acting suspiciously are to be taken to a private area and searched for drugs, if drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

In the toilets all flat surfaces are to be either removed or altered in such a way so as to make it difficult for drugs to be taken on them.

SIA PATROLS

SIA security are required to carry out patrols inside the venue to check on the customers and look for signs of drug use or taking.

Any person found taking drugs are to be taken to a private area and searched for drugs. If drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

Any person who has taken drugs or who looks like they have taken drugs, is to be taken to a private area and searched for drugs with the usual conditions applying. Medical assistance is to be offered and the London Ambulance Service called.

Appendix 8

Place Directorate Public Realm

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

Email: Licensing@towerhamlets.gov.uk

21st December 2020

My reference: LIC/134192

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

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

Tel: [REDACTED]
Fax **020 7364 0863**
Enquiries to **Lavine Miller-Johnson**

Email [REDACTED]

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

New Premises Licence Application: Morley's 60-62 Brick Lane
London, E1 6RF

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application on the grounds of:

- Prevention of Public Nuisance

Cumulative Impact Policy

On 1st November 2013, Tower Hamlets Council adopted a Cumulative Impact Policy in the Brick Lane Area. The Council Cumulative Impact Zone (CIZ) was revised alongside this Statement of Licensing Policy on the 1st November 2018. *Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough (19.3).*

The Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Bethnal Green area is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within the area. The Bethnal Green CIZ aims to manage

the negative cumulative impact of the concentration of licensed premises in the area and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.

The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late-Night Refreshment for the following:

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

The Licensing Authority expects such applications to have regard for and make reference to the CIZ (19.5).

The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused (19.6).

Where representations have been received in respect to applications within the CIZ zones, the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- *Genuinely exceptional circumstances,*
- *Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,*
- *Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),*
- *Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,*
- *Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues (19.7)*

This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.

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

- *small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,*
- *premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,*
- *instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.*

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

- *that the premises will be well managed and run,*
- *that the premises will be constructed to a high standard,*
- *that the applicant operates similar premises elsewhere without complaint (19.8).*

Licensable activities and times

The applicant has applied for the following licensable activities and hours:

The licensable hours applied for are:

Provision of Live & Recorded Music:(Indoors)

Monday to Sunday from 23:00 hours to 02:00 hours

Late Night Refreshment

Monday to Sunday from 23:00 hrs to 02:00 hours

Supply of Alcohol (On and Off sales)

Monday to Sunday from 11:00 hours to 02:00 hours

Hours open to the public

Monday to Sunday from 11:00 hours to 02:30 hours

The hours applied for far exceed the framework hours within the Tower Hamlets Licensing Policy, this premises is situated within the Brick Lane CIZ.

All applications have to be considered on their own merits and the Council has however adopted a set of framework hours (14.8) as follows:

- *Monday to Thursday, until 23:30 hours*
- *Friday and Saturday, until 00:00 hours (midnight)*
- *Sunday, until 22:30 hours*

On a balance of probability, this Authority is concerned by the addition of another premise providing “licensable activities”, potentially adding to the existing anti-social issues in the area. Within close proximity of this premise,

there are some late-night premises for example 93 Feet East. If this premises were to be licensed this would give rise to customers already in high spirits, filtering out of such premises and using this as a stop off to end the night. It is also important to note that, having late night 'Licensable Activities' until 02:00 hours 7 days a week would be unreasonable and unfair to local residents, especially young families, those who work unsociable hour and the vulnerable.

The Home Office guidance under Section 182 of the Licensing Act 2003 (8.42) says:

“Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:


- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.”*

Great consideration has been given to the fact that the premise is in the Brick Lane Cumulative Impact Zone and it has been noted that the applicant has provided minimal information in the Operating Schedule to address particularly the impact that the 'Licensable Activities' will have within the CIZ in regards to Public Nuisance.

It is important to note that when applying for a licence in a CIZ area, applicants need to demonstrate that the granting of their application will not negatively add to the cumulative effect and undermine the licensing objectives.

On considering this application as it stands, The Licensing Authority believes granting this application would undermine the licensing objectives for public nuisance and therefore does not support this application.

Yours faithfully



Lavine Miller-Johnson
Licensing Officer
(Acting as a Responsible Authority)

Appendix 9

Mohshin Ali

From: Licensing
Sent: 21 December 2020 15:59
To: Mohshin Ali
Subject: FW: Morley's, 60 – 62 Brick Lane, London E1 6RF - Objection

From: John Fortune [REDACTED] k>
Sent: 21 December 2020 15:51
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: Tom Lewis [REDACTED]; David Tolley <David.Tolley [REDACTED]>; Calvin McLean [REDACTED]
Subject: Morley's, 60 – 62 Brick Lane, London E1 6RF - Objection

Dear Licensing Team,

I wish to object to the licensing application made by Morley's, 60 – 62 Brick Lane, London E1 6RF. I believe there are reasonable grounds to object to license being granted as this is likely to lead to an increase in Crime, Disorder and ASB, including an increase in noise and nuisance. The area already has high levels of crime and ASB occurring and to increase footfall in the early hours is likely to see a further increase. Residents will also be disturbed by the increased noise from people arriving or leaving the area. We already see this in the area, with people pre-drinking at their cars from several streets away from their intended destination.

I am sure that the applicant will attempt to prevent crime and disorder from within and immediately outside of the premises, but they will have no control on what is occurring just a few streets from the business and this will be in residential areas and on housing estates.

I also object on the bases that there is already sufficient licensed properties in the area catering to the night time economy and the cumulative effect of this see substantial numbers of complaints. I believe that the application made is within the Cumulative Impact Zone. The area where the application is sought does have restaurants, shops and other businesses, it is also a residential area, with flats above some of those premises. Brick Lane itself is surrounded by residential properties and the impact on families will be significant.

Regards

John

John Fortune

Neighbourhood Manager
Safer Neighbourhood Operations
Community Safety & Substance Misuse
Health, Adults & Community Services
London Borough of Tower Hamlets
1st Floor, Toby Club
Vawdrey Close
London, E1 4XL
[REDACTED]

Appendix 10

Mohshin Ali

From: Licensing
Sent: 21 December 2020 16:35
To: patrick spottiswoode
Cc: Mohshin Ali
Subject: RE: Late night Licence application for Morley's Brick Lane (SA QSR)

Dear Sir

You can see the application on our website via the following link:


https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fentertainment.towerhamlets.gov.uk%2FCivica-eLR-3.2_Live%2Fstart.aspx&data=04%7C01%7CMohshin.Ali%40towerhamlets.gov.uk%7Ca737d6a492d3467733e208d8a5ce69e3%7C3c0aec87f983418fb3dcd35db83fb5d2%7C0%7C0%7C637441653235969998%7CUnknown%7CTWFPbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=yHxA5z%2BqRCv8hCgq%2BcFQRqyckvnwvYk3mgwWWQSnvgE%3D&reserved=0

If you put in either the name or address on the search field you should find the application.

I will forward your representation to the officer who is dealing with this application.

Kind regards

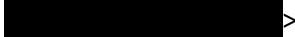
Corinne Holland
Licensing Officer
Licensing and Safety Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House
London E3 5EQ


<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.towerhamlets.gov.uk%2F&data=04%7C01%7CMohshin.Ali%40towerhamlets.gov.uk%7Ca737d6a492d3467733e208d8a5ce69e3%7C3c0aec87f983418fb3dcd35db83fb5d2%7C0%7C0%7C637441653235969998%7CUnknown%7CTWFPbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=QNnAVw2RguYqcFsfHhUlcOdETseeqxqfmZVndtCARU%3D&reserved=0>

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

From: patrick spottiswoode  >
Sent: 21 December 2020 16:20
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Late night Licence application for Morley's Brick Lane (SA QSR)

Dear Sir/Madam

I have not been able to find the relevant section on the T H website that provides details for the application for the licence by SA QSR (Morley's)

Indeed I have only just found out about the application from an announcement tied poorly to a lamppost outside the take-away.

As a resident living but yards away, should i have not received notification of the application in writing?

I understand that the application is for a alcohol licence from 11pm -2am and a Regulated Entertainments Licence also until 2am.

I have to object strongly to this application on the following grounds:

1. The Council has been trying to cut back on very late night licences to prevent drunk and disorderly behaviour on Brick Lane 2. Morley's is a take-away like a McDonalds or a KFC and not a sit-down restaurant. It will result in drinkers spilling onto the pavement and in opportunities for drunk and disorderly behaviour leading to PUBLIC NUISANCE, CRIME AND DISORDER and a threat to PUBLIC SAFETY 3. The Pride of Spitalfields opposite the block where I live already has a late licence and drinkers linger outside the pub smoking and talking until the early hours with occasional disturbance. Another late licensed premises but yards away is going to add to existing PUBLIC NUISANCE and create a hub of noise into the early hours of the morning.
4. There have already been examples of buskers with amplified music, jamming outside Morleys on Sundays - seemingly to get a Morley meal - and blocking what is a very narrow pavement. I am not sure what Regulated Entertainment involves but noise of music will carry, and smokers will inevitably gather outside the premises and linger on the pavement. The narrow nature of the pavement will probably result in smokers spillin around the corner into Heneage St.

The Morley's property backs onto the apartment block where I live. I have not been able to source the licensing plans to see what impact additional noise bleed from the back of the Morley's building might have on residents here.

I do appreciate that Brick Lane is a popular area of eating and drinking but please could local residents' welfare be taken into account? A 2 am licence for drinking and entertainment seems excessively late for such a premises and in opposition to a previously stated council aim to tidy up and moderate public disturbance and nuisance on Brick Lane.

Yours faithfully

Patrick Spottiswoode



Sent from my iPad

Appendix 11

Mohshin Ali

From: Licensing
Sent: 21 December 2020 16:54
To: Christelle Hafstad
Cc: Mohshin Ali
Subject: RE: URGENT: Late night Licence application for Morley's Brick Lane (SA QSR)

Dear Madam

You can see the application on our website via the following link:

<http://alcohol-entertainment.towerhamlets.gov.uk/Civica-eLR-3.2 Live/start.aspx>

If you put in either the name or address on the search field you should find the application.

It is not a requirement under the Licensing Regulations for the licensing authority to send out consultation letters to residents. Although we have done this previously with our current working requirements to work from home this is not currently possible. The legal requirements are that the premises must advertise the application via a blue notice and an advert is placed in the public notices section of the local paper.


I will forward your representation to the officer who is dealing with 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


www.towerhamlets.gov.uk

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From: Christelle Hafstad < >
Sent: 21 December 2020 16:42
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: URGENT: Late night Licence application for Morley's Brick Lane (SA QSR)

Dear Sir/Madam

I have not been able to find the relevant section on the T H website that provides details for the application for the licence by SA QSR (Morley's)

Indeed I have only just found out about the application from an announcement tied poorly to a lamppost outside the take-away.

None of the residents at [REDACTED] Heneage Street, just around the corner, have received a written notification of this application to give us time to voice our objection. This surely is not in line with regulations.

I understand that the application is for a alcohol licence from 11pm -2am and a Regulated Entertainments Licence also until 2am.

I have to object strongly to this application on the following grounds:

1. The Council has been trying to cut back on very late night licences to prevent drunk and disorderly behaviour on Brick Lane
2. Morley's is a take-away like a McDonalds or a KFC and not a sit-down restaurant. It will result in drinkers spilling onto the pavement and in opportunities for drunk and disorderly behaviour leading to PUBLIC NUISANCE, CRIME AND DISORDER and a threat to PUBLIC SAFETY and given the current COVID -19 such take away places become congregations of late night drinkers.
3. The Pride of Spitalfields opposite the block where I live already has a late licence and drinkers linger outside the pub smoking and talking until the early hours with occasional disturbance. Another late licensed premises but yards away is going to add to existing PUBLIC NUISANCE and create a hub of noise into the early hours of the morning.
4. There have already been examples of buskers with amplified music, jamming outside Morleys on Sundays - seemingly to get a Morley meal - and blocking what is a very narrow pavement. I am not sure what Regulated Entertainment involves but noise of music will carry, and smokers will inevitably gather outside the premises and linger on the pavement. The narrow nature of the pavement will probably result in smokers spilling around the corner into Heneage St.

The Morley's property backs onto the apartment block where I live. I have not been able to source the licensing plans to see what impact additional noise bleed from the back of the Morley's building might have on residents here.

I do appreciate that Brick Lane is a popular area of eating and drinking but please could local residents' welfare be taken into account? A 2 am licence for drinking and entertainment seems excessively late for such a premises and in opposition to a previously stated council aim to tidy up and moderate public disturbance and nuisance on Brick Lane.

Sincerely,

Christelle Jager-Hafstad
[REDACTED]

Appendix 12

Mohshin Ali

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 22 December 2020 17:09
To: Mohshin Ali
Subject: FW: Late night Licence application for Morley's Brick Lane (SA QSR)

FYI

From: Lucy Baring [REDACTED] >
Sent: 21 December 2020 18:19
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Late night Licence application for Morley's Brick Lane (SA QSR)

Dear Sir/Madam

I have not been able to find the relevant section on the T H website that provides details for the application for the licence by SA QSR (Morley's)

Indeed I have only just found out about the application from a neighbour who saw an announcement tied poorly to a lamppost outside the take-away. Surely we should have had written notice?

I understand that the application is for a alcohol licence from 11pm -2am and a Regulated Entertainments Licence also until 2am. Why would a take-away without tables want such a licence?

I have to object strongly to this application on the following grounds:

1. The Council has been trying to cut back on very late night licences to prevent drunk and disorderly behaviour on Brick Lane
2. Morley's is a take-away like a McDonalds or a KFC and not a sit-down restaurant. It will result in drinkers spilling onto the pavement and in opportunities for drunk and disorderly behaviour leading to PUBLIC NUISANCE, CRIME AND DISORDER and a threat to PUBLIC SAFETY
3. The Pride of Spitalfields opposite the block where I live already has a late licence and drinkers linger outside the pub smoking and talking until the early hours with occasional disturbance. Another late licensed premises but yards away is going to add to existing PUBLIC NUISANCE and create a hub of noise into the early hours of the morning.
4. There have already been examples of buskers with amplified music, jamming outside Morleys on Sundays - seemingly to get a Morley meal - and blocking what is a very narrow pavement. I am not sure what Regulated Entertainment involves but noise of music will carry, and smokers will inevitably gather outside the premises and linger on the pavement and round the corner, because there is very little space on the pavement - which will mean directly in front of our door.

I realise that Brick Lane is a popular area of eating and drinking but please could local residents' welfare be taken into account? The council has previously stated that they aim to tidy up and moderate public disturbance and nuisance in the area. A 2 am licence for drinking and entertainment would be in direct contravention of this stated aim.

Yours faithfully
Mrs L Baring
[REDACTED]

Appendix 13

Mohshin Ali

From: Licensing
Sent: 23 December 2020 12:39
To: Mohshin Ali
Cc: Lavine Miller-Johnson
Subject: FW: OBJECTIONS - Licence Application SA QSR Ltd / Morley's 60-62 Brick Lane

From: Joyce Fenton-Douglas [REDACTED]
Sent: 22 December 2020 21:50
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: OBJECTIONS - Licence Application SA QSR Ltd / Morley's 60-62 Brick Lane

Licence Application SA QSR Ltd / Morley's 60-62 Brick Lane

OBJECTIONS

Retail Sale of Alcohol

Morley's is situated only metres away from The Pride of Spitalfields pub in Heneage Street and my concern is that customers will buy alcohol from Morley's and then join those drinking outside the pub making crowd management difficult. We have experienced a similar situation in the past, where those drinking in the street [often alcohol bought cheaply elsewhere] have crowded the pavement outside our homes, and we were finally obliged to seek mediation through the licensing department to get the situation under control.

Late Night Refreshments / Regulated Entertainment

This is a densely populated area with many residential apartments - our homes are situated immediately behind 60-62 Brick Lane - and late night refreshments and entertainment will add to what is already an unacceptable level of antisocial behaviour - excessive noise, drug dealing and taking, vomit and urine in the streets, petty vandalism and even violence.

There is no clear indication that the premises, which have a considerable number of windows, have been sound proofed.

Cumulative Impact Zone

As the council recognises, the area is already saturated with such licensed premises, the effect of which is detrimental to the quality of life of local residents as well as putting an unacceptable strain on police and other agencies. Late night eateries providing cheap food have been identified as being a particular problem for residents of neighbouring streets - surely licensing such premises for off-sales of alcohol and late night provision of alcoholic refreshments and entertainment is unacceptable as it will only make an already challenging situation worse.

NOTICE

As a resident of a property situated immediately behind these premises, and therefore highly likely to be affected by this application, I would expect to receive notice of such by mail, is that not usual as with pLanning applications? Furthermore, the sign placed in the street does not indicate an email address for comments, only a postal address - surely it is valid to comment via email?

Please confirm receipt of my comments.

Kind Regards,

Joyce Fenton-Douglas
Resident
[REDACTED]

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

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 19

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 20

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

- 19.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

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

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

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

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

19.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.

19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues).

19.8 This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.

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

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

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

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

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

19.9 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

The Cumulative Impact Zones:

Figure One

Brick Lane area:

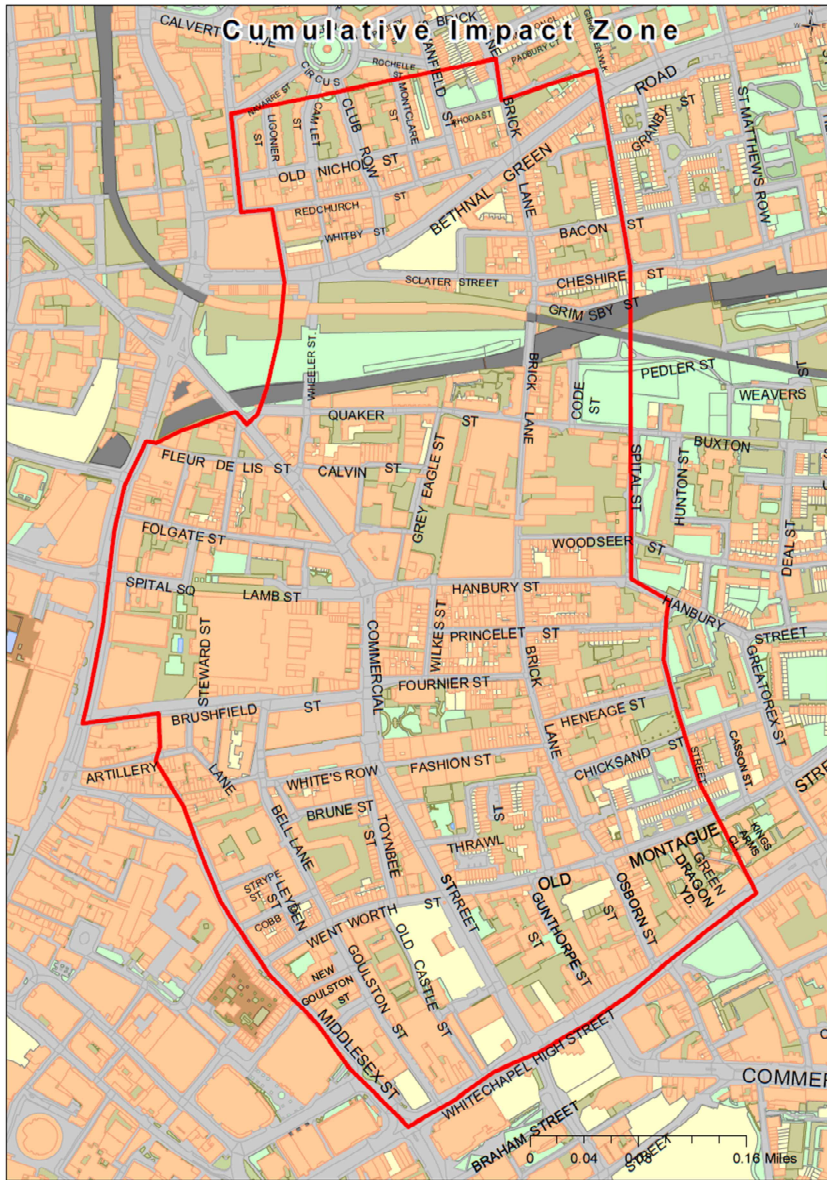
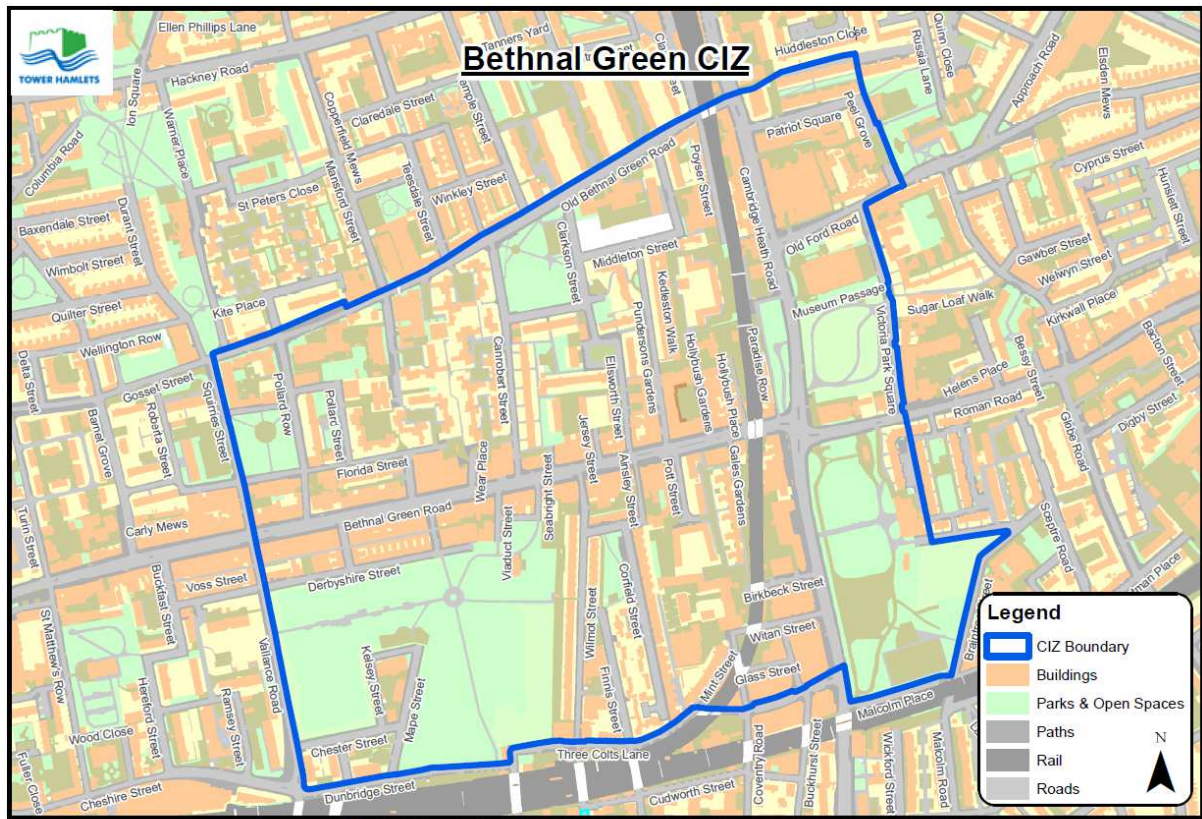


Figure Two:
Bethnal Green Area



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Agenda Item 4.2

Committee : Licensing Sub-Committee	Date 16 March 2021	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 (Adana) 267 Bethnal Green Road, London E2 6AH Ward affected: Weavers
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1.0 Summary

Applicant:	Adana Trading Limited
Name and	Adana
Address of Premises:	267 Bethnal Green Road London E2 6AH
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none">• The provision of late night refreshment
Representations:	Licensing Authority (RA)

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Adana) 267 Bethnal Green Road, London E2 6AH.

3.2 The applicant has described the premises as:
“Restaurant and takeaway”.

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

3.4 The licensable activities and timings that have been applied for are as follows:

The provision of late night refreshment - (Indoors)

- Monday to Sunday, from 23:00 hrs to 02:00 hrs the following day

The opening hours of the premises

- Monday to Friday, from 14:00 hrs to 02:00 hrs the following day
- Saturday and Sunday, from 12:00 hrs to 02:00 hrs the following day

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 This hearing is required by the Licensing Act 2003, because relevant representation has been made by the Licensing Authority acting as a Responsible Authority (see **Appendix 5**).
- 6.2 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.3 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
- 6.4 Essentially, the relevant party opposes the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of crime and disorder.
- 6.5 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.
- 6.6 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 *“Closing restaurant at 10pm then only collection available, our collections are only ubereats and deliveroo”*

LICENSING OFFICER COMMENTS: Members may wish to ask the applicant to clarify and confirm what licensable hours are being sought.

7.2 “CCTV in operation”

LICENSING OFFICER COMMENTS: Members may wish to consider the following rewording:

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

8.0 Conditions in consultation with the Responsible Authorities

Conditions agreed with Environmental Health Noise Team (see **Appendix 6**):

- 8.1 *No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.*
- 8.2 *No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*

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 7 - 10** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Representation of Licensing Authority (RA)
Appendix 6	Conditions agreed with EH Noise Team
Appendix 7	Licensing Officer comments on crime and disorder on the premises
Appendix 8	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 9	Planning
Appendix 10	Licensing Policy relating to hours of trading

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Appendix 1



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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We ADANA TRADING LIMITED
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Adana 267 BETHNAL GREEN ROAD			
Post town	LONDON	Postcode	E2 6AH

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£ 19,000

Part 2 - Applicant details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

E-mail address (optional)	
----------------------------------	--

(B) OTHER APPLICANTS

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

Name ADANA TRADING LIMITED
Address 267 BETHNAL GREEN ROAD, LONDON, E2 6AH
Registered number (where applicable) 11159048
Description of applicant (for example, partnership, company, unincorporated association etc.) COMPANY
Telephone number (if any) [REDACTED]
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? 02-11-2020 DD MM YYYY

02	11	20	20
----	----	----	----

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

--	--	--	--

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>RESTAURANT AND TAKEAWAY</p>

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) REFRESHMENTS / NO ALCAHOLE		
Mon	23-00	02-00			
Tue	23-00	02-00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) N/A		
Wed	23-00	02-00			
Thur	23-00	02-00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) EVERY DAY AND WEEK AS STATED		
Fri	23-00	02-00			
Sat	23-00	02-00			
Sun	23-00	02-00			

J

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

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

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

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) N/A
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) N/A
Mon	1400	0200	
Tue	1400	0200	
Wed	1400	0200	
Thur	1400	0200	
Fri	1400	0200	
Sat	1200	0200	
Sun	1200	0200	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Closing restaurant at 10pm then only collection available, our collections are only ubereats and deliveroo, no safety issue or problems have occurred or should.

CCTV in operation

b) The prevention of crime and disorder

Shutter is down half way down to the public only open for deliveries ubereats etc...

CCTV in operation

c) Public safety

public safety aint an issue due to only uber eats drivers collection food to deliver.

CCTV in operation

d) The prevention of public nuisance

ubereats driver have gone through a DBS check and are working for there wages never had nuisance with ubereats or deliveroo

CCTV in operation

e) The protection of children from harm

the licence we are requiring have nothing to do with children on if they answer the door to the deliver partners and our food containers are sealed properly and not sharp to harm anyone.

CCTV in operation

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	MOHAMMED RAHMAN
Date	20-11-2020
Capacity	Director of company

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

- 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.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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

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

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

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of [permanent residence in the UK](#) or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

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

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

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

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

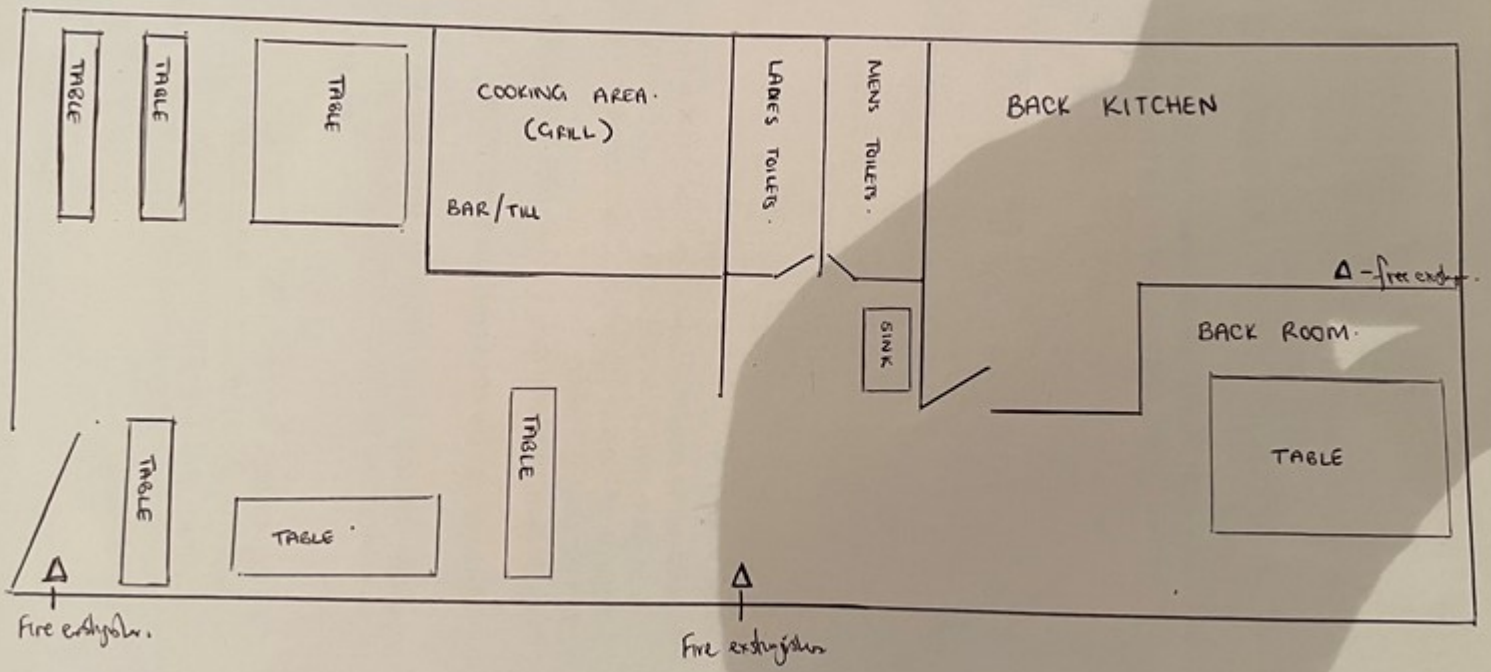
Home Office online right to work checking service

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

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

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

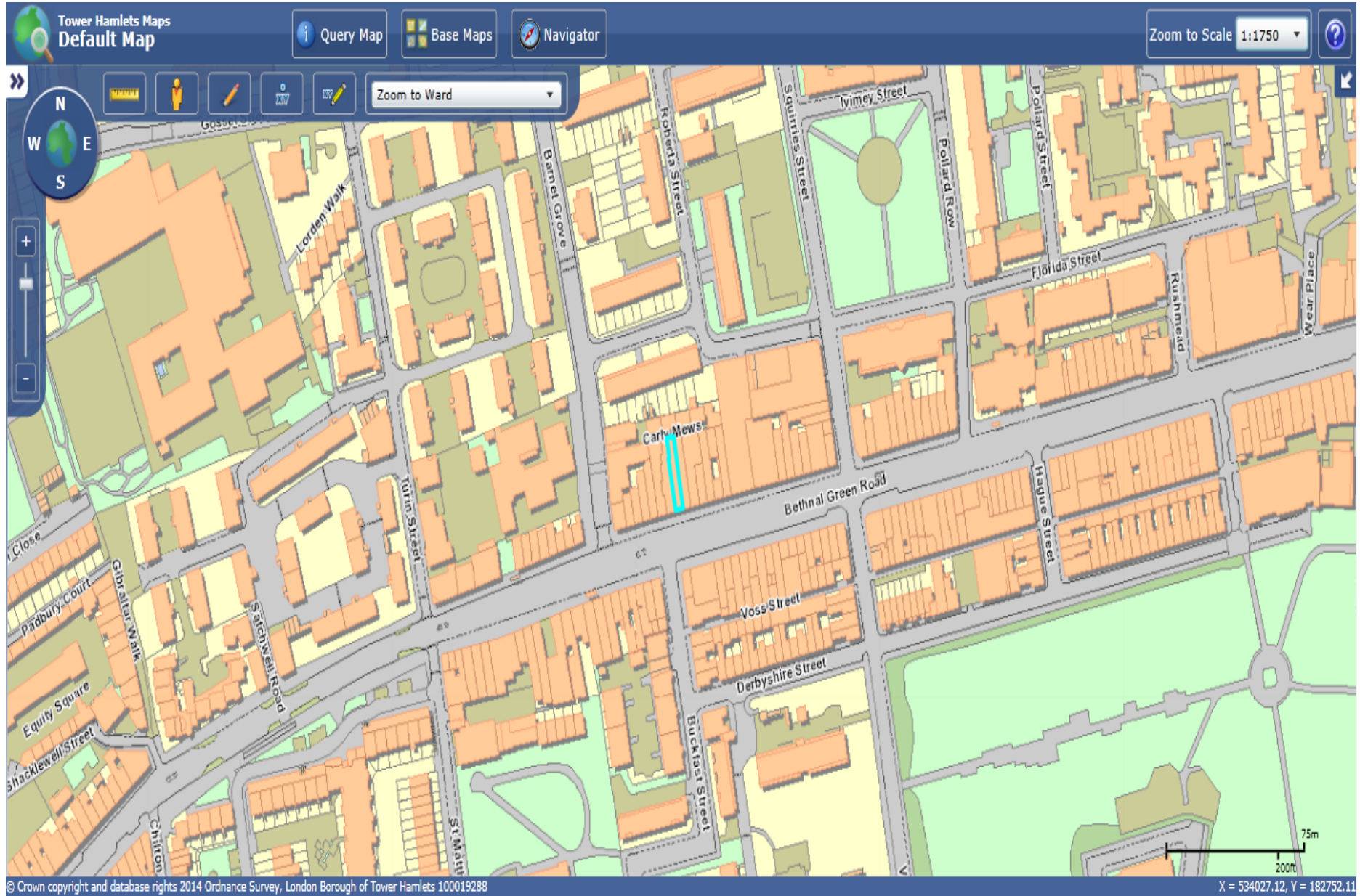
Appendix 2



Appendix 3

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Appendix 4

Adana, 267 Bethnal Green Road - Nearest licences

Name and address	Licensable activities and hours	Opening hours
(Favourite Chicken Ribs) 255 Bethnal Green Road London E2 6AH	Late Night Refreshment <ul style="list-style-type: none"> On Monday to Thursday, 23:00 hrs to 00:00 hrs (midnight) On Friday and Saturday, 23:00 hrs to 01:00 hrs 	<ul style="list-style-type: none"> On Monday to Thursday, 11:00 hrs to 00:00 hrs (midnight) On Friday and Saturday, 11:00 hrs to 01:00 hrs On Sunday 11:00 hrs to 23:00 hrs
(Dominos Pizza) 269 Bethnal Green Road London E2 6AH	The provision of late night refreshment – Indoors and outdoors <ul style="list-style-type: none"> Sunday to Wednesday, from 23:00 hrs to midnight Thursday to Saturday, from 23:00 hrs to 01:00 hrs the following day 	<ul style="list-style-type: none"> Sunday to Wednesday, from 11:00 hrs to midnight Thursday to Saturday, from 11:00 hrs to 01:00 hrs the following day
(Everton’s Carib Restaurant and Bar) 235 Bethnal Green Road London E2 6AB	<p>Sale of Alcohol (On sales)</p> <ul style="list-style-type: none"> Sunday to Thursday from 12:00 hours to 22:30 hours Friday and Saturday from 12:00 hours to 23:30 hours <p>The Provision of Regulated Entertainment - Indoors (Films, Live Music, Recorded Music and Provision of facilities for Making Music)</p> <ul style="list-style-type: none"> Sunday to Thursday from 12:00 hours to 22:30 hours Friday and Saturday from 12:00 hours to 23:30 hours <p>The Provision of Late Night Refreshments</p> <ul style="list-style-type: none"> Friday and Saturday from 23:00 hours to 23:30 hours 	<ul style="list-style-type: none"> Sunday to Thursday from 12:00 hours to 23:00 hours Friday and Saturday from 12:00 hours to midnight
(Gourmet San) 261 Bethnal Green Road London E2 6AH	<p>The sale by retail of alcohol(On sales only) Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 12:00 hours to midnight</p> <p>The provision of late night refreshment: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday until midnight</p>	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 12:00 hours to 00:30 hours the following day
(Pizza Point) 280 Bethnal Green Road London E2 0AG	<p><u>The Provision of Late Night Refreshments</u> Sunday to Thursday from 23:00 hours to 00:00 hours (midnight) Friday and Saturday from 23:00 hours to 02:00 hours</p>	Sunday to Thursday from 11:00 hours to 00:00 hours (midnight) Friday and Saturday from 11:00 hours to 02:00 hours
(Bethnal Green Convenience Store) 239 Bethnal Green Road London E2 6AB	<p><u>The sale by retail of alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> Sunday to Thursday, from 09:00 hours to 23:00 hours Friday and Saturday, from 09:00 to midnight 	<ul style="list-style-type: none"> Monday to Sunday, from 08:00 hours to midnight

Appendix 5

Place Directorate Public Realm

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

Email: Licensing@towerhamlets.gov.uk

15th December 2020

My reference: LIC/133598/CH

Dear Sir/Madam,

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

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

Tel [REDACTED]
Fax **020 7364 0863**
Enquiries to **Corinne Holland**

Email [REDACTED]

www.towerhamlets.gov.uk

Licensing Act 2003

New premises licence application: Adana, 267 Bethnal Green Road,
London, E2 6AH

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application on the grounds of:

- *crime and disorder*

The licensable hours applied for are:

Late night refreshment (indoors):

Monday to Sunday 23:00 hrs – 02:00 hrs

On 9th July 2020 the Licensing Authority received a complaint from a member of the public that this premise was opening regularly until midnight when there was no premise licence authorising this.

On the 14th August 2020 one of my colleagues sent a warning letter to the premises informing them of the complaint and the requirement to have a premise licence in order to provide hot food and drink between 23:00 -05:00 hours. They also informed them of the enforcement compliant checks we undertake for such allegations.

This letter also pointed out that the hours of trading published on their website was midnight which in itself shows they are advertising being open beyond 23:00 hours.

I attach the letter dated 14th August 2020.

Further to this on the evening of 30th August 2020 a Trading Standards Officer attended the premises at 23:15 hours and purchased two Turkish Pizzas. The officers then spoke to the manager and informed them they cannot take orders at the premises, or online, after 23:00 hours.

A further letter was sent by the Licensing Authority on 6th October 2020 to the premises informing them of the offence and that any further offences will be liable to a prosecution. I attach a copy of this letter.

The hours applied for far exceed the framework hours within the Tower Hamlets Licensing Policy, although it is noted that the premises is situated on a busy main road.

All applications have to be considered on their own merits and the Council has however adopted a set of framework hours (14.8) as follows:

- *Monday to Thursday, until 23:30 hours*
- *Friday and Saturday, until 00:00 hours (midnight)*
- *Sunday, until 22:30 hours*

Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.

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

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

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

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

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

f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

The following screen shot from the internet (taken on 15th December 2020) of the premises website still shows the business advertising as operating until midnight seven days a week. As this was pointed out in their warning letter dated 6th October 2020 any responsible management would have amended the hours if in fact they weren't operating to these times.

Best Turkish Restaurant & Takeaway in Bethnal Green, London

Local Turkish Restaurant & Takeaway in Bethnal Green, London E2 serving near Whitechapel E1, Clerkenwell EC1M, Poplar E14

Just imagine relaxing in your favourite comfy chair and dreaming about what mouthwatering Turkish food you could be devouring tonight? If only you could order online through our new website by just a few clicks. Adana located on 267 Bethnal Green Road, London E2 6AH and have someone else cook your meal and deliver it for you. Browse the menu and see what you fancy, it really is that simple.

QUICK LINKS	OPENING HOURS	DELIVERY POSTCODE	CUISINE TYPE
Order Online	Mon: 6:00 PM - 11:59 PM	E1 - Aldgate, Bishopsgate, Whitechapel, Shoreditch, Spitalfields, Shadwell, Stepney, Mile End, Portsoken	TURKISH
Reservation	Tue: 6:00 PM - 11:59 PM	E14 - Poplar, Isle of Dogs, Limehouse, Canary Wharf, Blackwall, Cubitt Town	MEDITERRANEAN
Gallery	Wed: 6:00 PM - 11:59 PM	E1W - Wapping	
Contact Us	Thu: 6:00 PM - 11:59 PM	E2 - Bethnal Green, Haggerston, Shoreditch, Cambridge Heath	
	Fri: 6:00 PM - 11:59 PM	E3 - Bow, Bromley-by-Bow, Old Ford, Mile End, Three Mills, London Gas Museum	
	Sat: 6:00 PM - 11:59 PM	E8 - Hackney Central, Dalston, London Fields	
	Sun: 6:00 PM - 11:59 PM	E9 - Homerton, Hackney Wick, South Hackney, Hackney	

GET IN TOUCH

[f](#) [@](#)

FOOD HYGIENE RATING

5

Despite a warning from the Licensing Authority this premises continued to trade beyond 23:00 hours showing a blatant disregard the law and therefore it is felt there is a likelihood that they cannot be trusted to abide by their hours and conditions if they were granted a Premise Licence.

The Licensing Authority believes granting this application would undermine the licensing objectives for crime and disorder and therefore does not support this application.

Yours faithfully



Corinne Holland
Licensing Officer
(Acting as a Responsible Authority)

Adana
267 Bethnal Green Road
London
E2 6AH

PLACE Directorate

**Environmental Health and Trading
Standards**

Head of Service David Tolley

Date: 14th August 2020
Reference: P/EHTS/L/C100233

Tel: [REDACTED]
Fax: **020 7364 6901**
Enquiries to: Vincent Fajilagmago
Email: [REDACTED]

www.towerhamlets.gov.uk

Dear Sir/Madam

Complaint: 267 Bethnal Green Road, London, E2 6AH, Licensing Act 2003

We have received a complaint that you have facilities to cater for hot food potentially between 23:00 hours and 05:00hours.

To provide hot food in this way would require a Licence for Late night refreshments which can be obtained by following this link:

https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/alcohol_and_entertainment.aspx or contacting our office using the details above.

As this is currently a complaint our initial search online shows that you are advertising opening hours up to 0.00am on your website.

Therefore, it is imperative to maintain trading hours as permissible without the late night licence and correct your information or apply for a late night licence.

This letter serves as a Written Warning for the above offence.

Please note that late night teams are deployed throughout Tower Hamlets for compliance checks and test purchases for such offences.

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

Should you wish to discuss this matter further please contact me via the contact details above.

Yours faithfully,

Vincent Fajilagmago
Licensing Officer
Licensing and Safety Team
Environmental Health and Trading Standards

Adana
267 Bethnal Green Road
London
E2 6AH

PLACE Directorate

**Environmental Health and Trading
Standards**

Head of Service David Tolley

Date: 6th October 2020
Reference: P/EHTS/L/C100233

Tel: [REDACTED]
Fax: **020 7364 6901**
Enquiries to: Vincent Fajilagmago
Email: [REDACTED]

www.towerhamlets.gov.uk

Dear Sir/Madam

Premises: 267 Bethnal Green Road, London, E2 6AH, Licensing Act 2003

Licensing Act 2003, Sections 136 and 137

This Licensing Authority has warned you of unauthorised activity in a letter dated 14th August 2020.

Officers have since visited your premises and on 1st September between 11pm and 12am were able to purchase hot food.

Any further breaches witnessed will lead to the matter being referred to our legal department for prosecution.

I must remind you;

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation.

A person guilty of an offence under section 136 and 137 of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

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

I would strongly suggest that you contact your legal representative for further advice.

Yours sincerely

**Vincent Fajilagmago
Licensing Officer
Licensing and Safety Team
Environmental Health and Trading Standards**

Appendix 6

Mohshin Ali

From: Licensing
Sent: 16 December 2020 11:05
To: Mohshin Ali
Subject: FW: 133598 New premises license application for Adana 267 Bethnal Green Road, London

From: Nicola Cadzow <[REDACTED]>
Sent: 16 December 2020 08:34
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: 'MARK.J.Perry [REDACTED]' <MARK.J.Perry [REDACTED]>; mahameed ali [REDACTED]
Subject: 133598 New premises license application for Adana 267 Bethnal Green Road, London

Dear Licensing,

I have no objection to the new premises license application for Adana 267 Bethnal Green Road, London, following confirmation by the applicant (also see email trail below), to the addition of the noise conditions below:

1. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Kind regards

Nicola Cadzow
Environmental Health Officer
Environmental Protection Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House
London E3 5EQ

[REDACTED]
www.towerhamlets.gov.uk

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#BlackLivesMatter



From: mahameed ali [REDACTED] >
Sent: 15 December 2020 14:42
To: Nicola Cadzow <[REDACTED]>
Subject: Re: 133598 New premises license application for Adana 267 Bethnal Green Road, London

Good arfterrn

Yes I agree with the conditions as stated on your email.

Sent from my iPhone

On 15 Dec 2020, at 2:37 pm, Nicola Cadzow [REDACTED] > wrote:

Mr Ali,

Thank you for your email.

Just to be clear are your confirming that you agree with the conditions as per my email today 1.23pm.

Kind regards

Nicola Cadzow
Environmental Health Officer
Environmental Protection Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House
London E3 5EQ

[REDACTED]
www.tower-amets.gov.uk

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<image001.jpg>

From: mahameed ali [REDACTED] >
Sent: 15 December 2020 13:38
To: Nicola Cadzow <[REDACTED]>
Subject: Re: 133598 New premises license application for Adana 267 Bethnal Green Road, London

Good afternoon

I can confirm regarding the noise there will be no vehicles outside the premises while business is in progress also the noise inside no high level of noise at all as we only provide food from the grill and no Alcohol served on the premises.

Any questions feel free to get in touch

Many thanks

Afzol
Adana

Sent from my iPhone

On 15 Dec 2020, at 1:23 pm, Nicola Cadzow
[REDACTED] > wrote:

Dear Mr Ali

I am looking at your license application for Adana 267 Bethnal Green Road, London and wish for the following noise conditions to apply as below:

1. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

I await your confirmation at your earliest convenience, bearing in mind that last date for representation is the 18th December 2020, and I do not want to be in a position to put in an objection to your license

Kind regards

Nicola Cadzow
Environmental Health Officer
Environmental Protection Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House
London E3 5EQ



www.towerhamlets.gov.uk

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<image001.jpg>

Appendix 7

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 8

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.

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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 9

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one of more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and 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 10

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

In considering the applicability of 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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