

Licensing Sub Committee

Agenda

Tuesday, 8 February 2022 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Contact for further enquiries:

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Public Information

Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers will be extremely limited due to the Covid 19 pandemic restrictions. You must contact the Democratic Services Officer to reserve a place, this will be allocated on a first come first served basis. No one will be admitted unless they have registered in advance.

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Licensing Sub Committee

Tuesday, 8 February 2022

6.30 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. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence Tondo Pizza Ltd Unit 2 Hermitage Court London E1W 1NR

PAGE
NUMBER

WARD(S)
AFFECTED

19 - 130

St
Katharine's
& Wapping

Licensing Objectives:

- Public Nuisance

Representations by:

- Local Resident(s)



Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Review triggered by:

- Trading Standards

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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



Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

Further Advice contact: 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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Agenda Item 3.1

Committee : Licensing Sub-Committee	Date 8 February 2022	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Lavine Miller-Johnson Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence Tondo Pizza Ltd Unit 2 Hermitage Court London E1W1NR Ward affected: St. Katherine's and Wapping
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1.0 Summary

Applicant: **Tondo Pizza Limited**

Name and Address: **Tondo Pizza**

Address of Premises: **Unit 2 Hermitage Court**
Wapping High Street
London
E1W1NR

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

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

Representations: **Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Lavine Miller-Johnson
020 7364 2665

3.0 **Background**

This is an application for a premises licence Tondo Pizza Unit 2
Hermitage Court Wapping High Street London E1W1NR

3.1 The applicant has described the premises as follows:

A3 Licence restaurant

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

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

The sale by retail of alcohol – (on & off sales only)

- *Monday to Friday from 12:00 hours – 15:00hours then 18:00 hours to 23:00 hours*
- *Saturday from 12:00 hours to 17:00 hours then 18:00 hours to 24:00 hours*
- *Sundays from 12:00 hours to 17:00 hours then 18:00 hours to 23:00 hours*

The opening hours of the premises

- *Monday to Friday from 12:00 hours – 15:00hours then 18:00 hours to 23:00 hours*
- *Saturday from 12:00 hours to 17:00 hours then 18:00 hours to 24:00 hours*
- *Sundays from 12:00 hours to 17:00 hours then 18:00 hours to 23:00 hours*

3.4 The sale of alcohol is proposed to continue until the premises closes to the public. It is difficult to see how the applicant will ensure that the licence conditions are met. The problem of course is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the licensable activities and the time the premises closes to the public.

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. It was last revised in November 2021.
- 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 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

- Local residents

Name Objectors		
Kay Colin	resident	Appendix 5
David Langworth	resident	Appendix 6
Glyn Owen	resident	Appendix 7
Howard Redgwell	resident	Appendix 8
Ian Bryant	resident	Appendix 9
Jane Earl	resident	Appendix 10
Jane Fothergill	resident	Appendix 11
Jagdish Menezes	resident	Appendix 12
Jason Morris	resident	Appendix 13
Timothy Tyndall	resident	Appendix 14

- 6.2 The applicant has been in communication with Environmental Protection and Licensing Authority following the representations, however, it is not clear if there have been any agreements between them.
- 6.3 All of the responsible authorities have been consulted about this application. They are as follows:
 - The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).

- Planning
 - Health and Safety
 - Environmental Protection (Noise)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.4 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
- 6.5 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 crime and disorder and the prevention of public nuisance.
- 6.6 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.
- 6.7 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 Strong management control and training for all staff
- 7.2 Challenge 25 to be in use
- 7.3 CCTV system installed to monitor entrances, exits and other parts of the premises in order to address the prevention of crime and disorder
- 7.4 A clear and legible notice outside the premises indicating the normal hours under the terms premises licence.
- 7.5 Clear and conspicuous notices warning of potential criminal activity such as theft, that may target customers will be displayed.
- 7.6 Not selling alcohol to drunk or intoxicated customers

- 7.7 A logbook or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; Those required to be made by statute, and information complied to comply with any public safety condition attached to the premises licence that requires the recording or such information.
- 7.8 Noise reduction measures to address the public nuisance objective.
- 7.9 prominent, clear and legible notice will be displayed at the exit requesting the public to respect the needs of the nearby residents and to leave the premises and the area quietly.
- 7.10 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 avoid causing disturbance to nearby residents. Customers will be asked not to stand around loudly talking in the street outside the premises.
- 7.11 Customers will not be admitted to the premises above opening hours.
- 7.12 The movement of bins and rubbish outside the premises will be kept to a minimum after 11:00 pm
- 7.13 Challenge 25 sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving licence or a passport if they wish to buy alcohol.

8.0 Conditions in consultation with the Responsible Authorities

- 8.1 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- 8.2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 8.3 An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
- a) all crimes reported to the venue;

- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service.

8.4 Loudspeakers shall not be located in the entrance lobby or outside the premise building

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

8.6 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.

8.7 The external area shall not be used after 22:30 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons at any one time.

8.8 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.

8.9 A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

9.0 **Licensing Officer Comments**

9.1 The 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 2022 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 15 - 20** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Map and photo of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5-14	Representation of Residents
Appendix 15	Licensing Officer comments on noise while the premise is in use
Appendix 16	Licensing Officer comments on access/egress Problems
Appendix 17	Licensing Officer comments on crime and disorder on the premises
Appendix 18	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 19	Planning
Appendix 20	Licensing Policy relating to hours of trading

Appendix 1



* required information

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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?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

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

Applicant Business

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

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

Registration number

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

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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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

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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...

LTD 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](#)

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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.

A3 licence as Restaurant, the premises is already E class.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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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

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

NO

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

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text" value="████████████████████"/>
	<input type="text" value="██████████"/>
	<input type="text" value="████████████████████"/>
City or town	<input type="text" value="██████████"/>
County or administrative area	<input type="text" value="████████████████████"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text" value="██████████"/>
Issuing licensing authority (if known)	<input type="text" value="the London Borough of Tower Hamlet Licensing Section"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

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

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.

Continued from previous page...

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.

Strong management controls and effective training of all staff so that they are aware of the premises licence and the Requirements to meet the four licensing objectives with particular attention to:

a/ no selling of alcohol to underage people

b/ no drunk and disorderly behaviour on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti-social behaviour

e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.

- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good

- Training for staff on the Licensing Act (Training Record), to make or authorize each sale

- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

- CCTV system installed with recording option available

- Metal grill exterior window shutter will be fixed to ensure that shop front is safe and secure at all times

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be Displayed.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; Those required to be made by statute, and information compiled to comply with any public safety condition attached to the Premises licence that requires the recording of such information.

The log book shall be kept available for inspection when I required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air Condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

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

Continued from previous page...

avoid causing disturbance to nearby resident. Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.

This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

) Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages 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.

Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available the retail unit.

Log Book will be kept upon the premises all the time.

Nothing belong existing Health & Safety requirements

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

* Full name

Gregorio Carullo

* Capacity

Director

* Date

11 / 11 / 2021
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"/>

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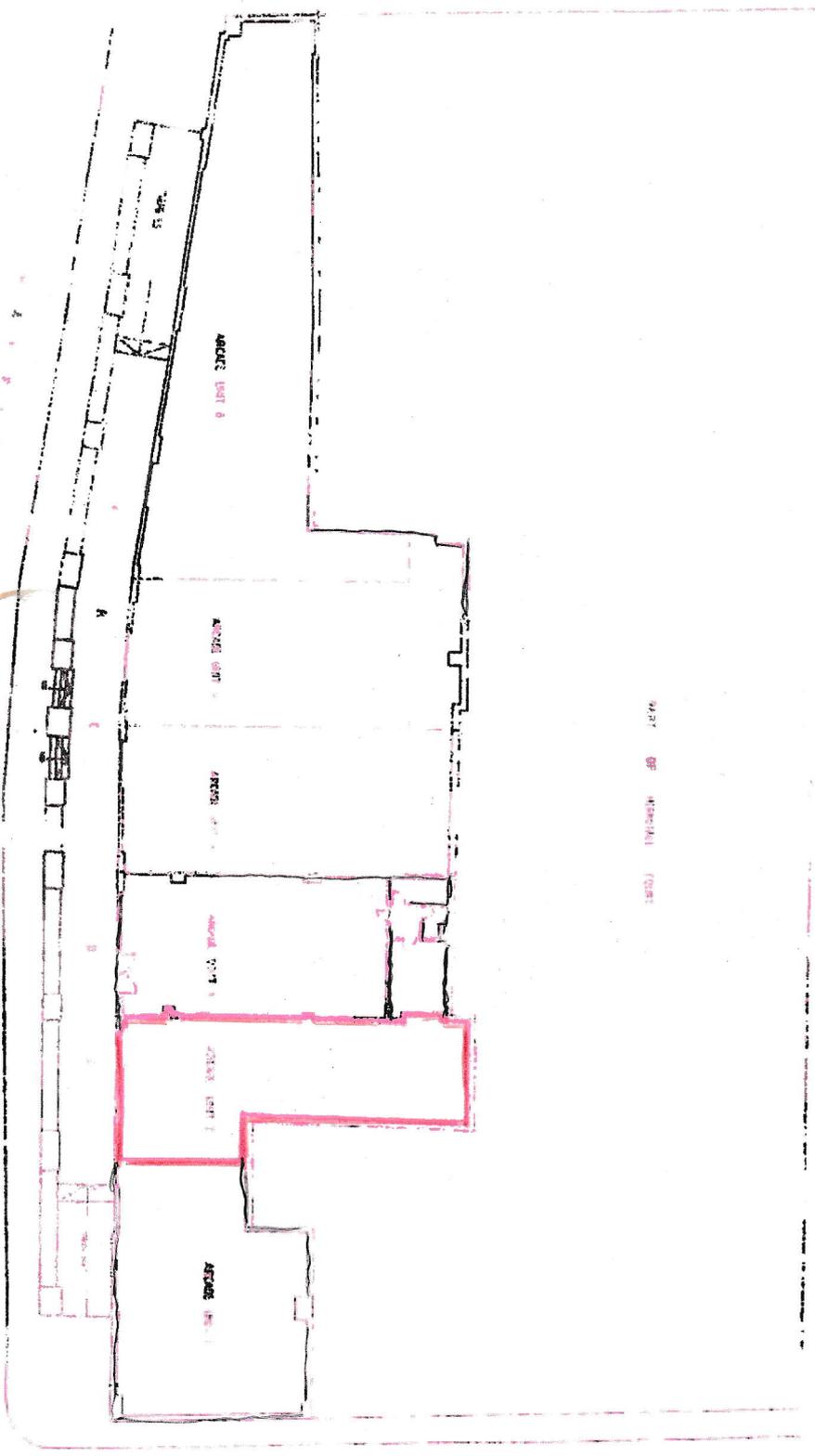
Appendix 2

VAN DYKE STREET

SECOND FLOOR PLAN



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



APARTMENT UNIT 1
APARTMENT UNIT 2
APARTMENT UNIT 3
APARTMENT UNIT 4
APARTMENT UNIT 5
APARTMENT UNIT 6

WILSON STREET

APARTMENT UNIT 2
SECOND FLOOR

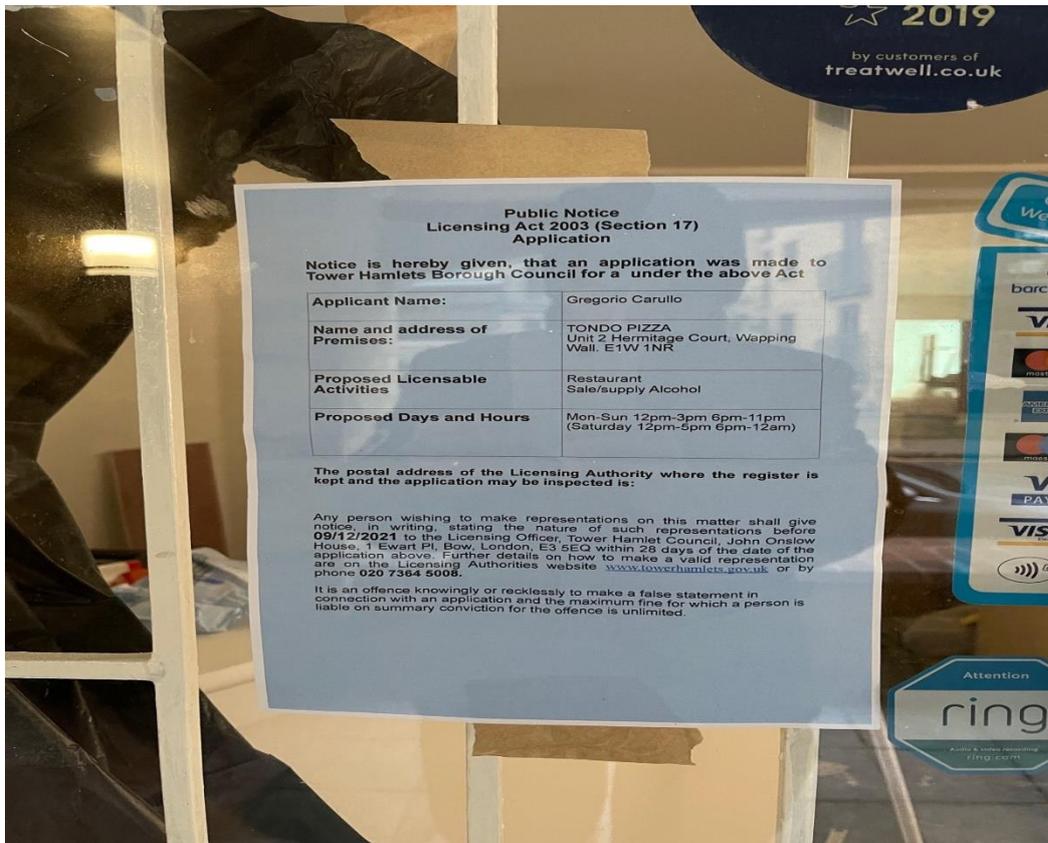
FOR INFORMATION ONLY

Appendix 3

Unit 2 Hermitage Court -Map of local area



Unit 2 Hermitage Court -Map and Photos of the premises









Appendix 4

Nearest licensed venues

<u>Premises Name</u>	<u>Licensable Activities</u>	<u>Opening Hours</u>
<p>(Might Fine Wines) 5 Hermitage Court Wapping High Street London E1W 1PW</p>	<p>The sale by retail of alcohol</p> <p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 08:00 hours to 23:00 hours Sunday from 10:00 hours to 22:30 hours.</p> <p><u>Non standard timings:</u> Good Friday from 08:00 hours to 22:30 hours Christmas Day 12:00 hours to 15:00 hours and 19:00 hours to 22:30 hours.</p> <p>Off sales only</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 08:00 hours to 23:00 hours Sunday from 10:00 hours to 22:30 hours.</p> <p><u>Non standard timings:</u> Good Friday from 08:00 hours to 22:30 hours Christmas Day 12:00 hours to 15:00 hours and 19:00 hours to 22:30 hours.</p>
<p>(Silver Sockeye) Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR</p>	<p>The sale by retail of alcohol – On sales only</p> <ul style="list-style-type: none"> Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day <p>The provision of late night refreshment – indoors</p> <ul style="list-style-type: none"> Monday to Sunday, from 23:00 hrs to 02:00 hrs the following day <p>The provision of regulated entertainment – Indoors and outdoors <u>(Live music and recorded music)</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day <p>On sales only</p>	<ul style="list-style-type: none"> Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day
<p>(Dockers Inn) 97 Wapping Lane London E1W 2RW</p>	<p>The times the licence authorises the carrying out of licensable activities</p> <p>The sale by retail of alcohol: Monday to Thursday from 11:00 hours to midnight Friday and Saturday 11:00 hours</p>	<p>The opening hours of the premises Monday to Thursday from 11:00 hours to 00:30 hours the following day Friday and Saturday 11:00 hours to 02:30 hours the</p>

	<p>to 02:00 hours the following day Sunday from 12:00 hours to midnight</p> <p>Regulated Entertainment:</p> <p><i>Recorded music and anything of a similar description, Indoor Sporting events: Monday, Tuesday, Wednesday, Thursday from 11:00 hours to midnight</i> Friday and Saturday 11:00 hours to 02:00 hours the following day Sunday from 12:00 hours to midnight</p> <p>Live Music: Friday and Saturday from 12:00 hours to midnight Sunday from 12:00 hours to 23:00 hours</p> <p><i>Late Night Refreshment</i> Sunday to Thursday from 23:00 hours to 00:30 hours the following day Friday and Saturday 23:00 hours to 02:30 hours the following day</p> <p>In addition to the above: Christmas Eve, Patron Saints Days and Burns Night from 10:00 hours to 02:00 am the following day.</p> <p>Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day. However, live music to finish at 01:00 hours New Years Day.</p> <p><u>On and off sales</u></p>	<p>following day Sunday from 12:00 hours to 00:30 hours the following day</p> <p>In addition to the above: Christmas Eve, Patron Saints Days and Burns Night from 10:00 hours to 02:30 am the following day.</p> <p>Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>
<p>Pizza Express 78-80 Wapping Lane London</p>	<p>The times the licence authorises the carrying out of licensable activities</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 10:00 hours</p>

<p>E1W 2RT</p>	<p>The sale by retail of alcohol and late night refreshment: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 10:00 hours to midnight. Sunday from 12:00 hours to 23:30 hours</p> <p>Regulated Entertainment consisting of live music and provision of facilities for making music: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 19:00 hours to 22:30 hours.</p> <p>In addition to the above: 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><u>On & off sales</u></p>	<p>to 00:30 hours. 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>M.V. Silver Bonito Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR</p>	<p>The sale by retail of alcohol The provision of regulated entertainment consisting of: <i>Plays, films, live music, recorded music, performance of dance, anything similar to live music recorded music or dance. Making music, dancing, or anything similar to these</i></p> <p>The provision of late night refreshment Monday to Sunday 06 00 hrs to 02 00 hrs the following day</p>	<p>Monday to Sunday 06 00 hrs to 02 00 hrs the following day</p>
<p>The Big Top 15 Wapping Lane London E1W 2DA</p>	<p>The times the licence authorises the carrying out of licensable activities <u>Sale of Alcohol (on & off sales):</u></p>	<p>Monday 09:00 hours – 23:30 hours Tuesday – Thursday 09:00 hours – 00:00 hours (midnight)</p>

	<p>Monday –Thursday 09:00 hours – 23:30 hours Friday – Saturday 09:00 hours – 00:00 hours (midnight) Sunday 09:00 hours – 22:30 hours</p> <p><u>Regulated Entertainment</u> (Films/Live music/Recorded music/ Performance of dance/ anything of a similar description (All indoors and outdoors) plus Indoor sporting events) Monday -Thursday 09:00 hours – 23:30 hours Friday – Saturday 09:00 hours – 00:00 hours (midnight) Sunday 09:00 hours – 22:30 hours</p> <p><u>Late Night Refreshments (indoors & outdoors)</u> Monday -Thursday 23:00 hours – 23:30 hours Friday – Saturday 23:00 hours – 00:00 hours (midnight)</p> <p>Non – standard hours: All licensable activities shall be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p>	<p>Friday – Saturday 09:00 hours– 00:30 hours Sunday 09:00 hours – 23:00 hours</p>
<p>(Il Bordello) Unit G01, Metropolitan Wharf Building 70 Wapping Wall London E1W 3SS</p>	<p><u>The sale of alcohol (on sales)</u> Monday – Friday 12:00 to 23:00 hours Saturday 18:00 to 23:00 hours Sunday 13:00 to 23:00 hours</p> <p>On and off sales. Off sales subject to conditions 12 to 16.</p>	<p>Monday – Friday 12:00 to 23:30 hours Saturday 18:00 to 23:30 hours Sunday 13:00 to 23:30 hours</p>
<p>(Prospect of Whitby) 57 Wapping Wall London E1W 3SH</p>	<p>Supply of Alcohol -Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p>	<p>The times the licence authorises the carrying out of licensable activities: Supply of Alcohol -</p>

	<p>Monday 10 00 hrs until Midnight Tuesday 10 00 hrs until Midnight Wednesday 10 00 hrs until Midnight Thursday 10 00 hrs until 01:00 Friday 10 00 hrs until 01:00 Saturday 10 00 hrs until 01:00 Sunday 10 00 hrs until 01:00</p> <p>Late Night Refreshment Monday until 01:00 Tuesday until 01:00 Wednesday until 01:00 Thursday until 02:00 Friday until 02:00 Saturday until 02:00 Sunday until 01:00</p> <p>On St David's Day, St Patrick's Day, St Georges Day and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.</p> <p>For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Mondays and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.</p> <p>For All Regulated Entertainment, Live Entertainment and Karaoke.</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <p>Monday 10 00 hrs until Midnight Tuesday 10 00 hrs until Midnight Wednesday 10 00 hrs until Midnight Thursday 10 00 hrs until 01:00 Friday 10 00 hrs until 01:00 Saturday 10 00 hrs until 01:00 Sunday 10 00 hrs until 01:00</p> <p>Late Night Refreshment Monday until 01:00 Tuesday until 01:00 Wednesday until 01:00 Thursday until 02:00 Friday until 02:00 Saturday until 02:00 Sunday until 01:00</p> <p>On St David's Day, St Patrick's Day, St Georges Day and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.</p> <p>For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Mondays and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international</p>
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	<p>Monday 10 00 hrs until Midnight Tuesday 10 00 hrs until Midnight Wednesday 10 00 hrs until Midnight Thursday 10 00 hrs until 01:00 Friday 10 00 hrs until 01:00 Saturday 10 00 hrs until 01:00 Sunday 10 00 hrs until Midnight</p> <p>On New Year's Eve from the end of permitted hours 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>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. This 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>significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.</p> <p>For All Regulated Entertainment, Live Entertainment and Karaoke.</p> <p>Monday 10 00 hrs until Midnight Tuesday 10 00 hrs until Midnight Wednesday 10 00 hrs until Midnight Thursday 10 00 hrs until 01:00 Friday 10 00 hrs until 01:00 Saturday 10 00 hrs until 01:00 Sunday 10 00 hrs until Midnight</p> <p>On New Year's Eve from the end of permitted hours 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>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. This 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>
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		<p>The opening hours of the premises</p> <p>Monday 07:00 until 01:00</p> <p>Tuesday 07:00 until 01:00</p> <p>Wednesday 07:00 until 01:00</p> <p>Thursday 07:00 until 02:00</p> <p>Friday 07:00 until 02:00</p> <p>Saturday 07:00 until 02:00</p> <p>Sunday 07:00 until 01:00</p> <p>On St David's Day, St Patrick's Day, St Georges Day and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.</p> <p>For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Mondays and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.</p>
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		Notwithstanding these usual opening times, the premises, in accordance with the converted right, may choose to open to the public at any time for non-licensable activities/purposes.
Postal Address M.V. Silver Sturgeon Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR	The sale by retail of alcohol The provision of regulated entertainment The provision of late night refreshment Monday to Sunday 06 00 hrs to 02 00 hrs the following day On sales only	Monday to Sunday 06 00 hrs to 02 00 hrs the following day
(Captain Kidd) 108 Wapping High Street London E1W 2NA	The times the licence authorises the carrying out of licensable activities Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no	There are no restrictions on the hours during which this premises is open to the public

	<p>permitted hours on the following day, midnight on 31st December).</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>On and off sale</p>	
<p>(Lola Hospitality Limited) 81 Wapping High Street London E1W 5JN</p>	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> Monday to Thursday, from 10:00 hours to 23:00 hours Friday and Saturday, from 11:00 hours to 23:30 hours Sunday, from 12:00 hours to 22:00 hours <p>The provision of late night refreshment - Indoors</p> <ul style="list-style-type: none"> Friday and Saturday, from 23:00 hours to 23:30 hours <p>On sales only</p>	<ul style="list-style-type: none"> Monday to Thursday, from 10:00 hours to 23:30 hours Friday and Saturday, from 11:00 hours to 00:00 hours (midnight) Sunday, from 12:00 hours to 22:30 hours
<p>Urban Baristas) 138 Wapping High Street London E1W 3PA</p>	<p><u>The sale by retail of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Monday to Friday, from 11:30 hrs to 23:00 hrs Saturday, from 09:00 hrs to 23:00 hrs Sunday, from 09:00 hrs to 22:30 hrs 	<ul style="list-style-type: none"> Monday to Sunday from 07:00 hrs to 23:30 hrs
<p>(Town of Ramsgate) 62 Wapping High Street London E1W 2PN</p>	<p>The times the licence authorises the carrying out of licensable activities</p> <p>The sale by retail of alcohol:</p> <p>a) Monday to Sunday from</p>	<p>The opening hours of the premises</p> <p>a) Sunday, Monday, Tuesday and Wednesday:- 09:00 hours to 00:30</p>

	<p>b) 09:00 hours until midnight. On New Year's Eve from the end of permitted hours 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 provision of live music:</p> <p>a) Monday to Sunday from 19:00 hours until 23:00 hours.</p> <p>b) On no more than fifteen non-standard timings per year including bank holidays from 10:00 hours until 02:00 am. Notification to be given to the Police, Licensing Authority and Environmental Health 7 days prior to the event. Permission must be sought and granted by the police at least 7 days in advance, for these hours to be applied.</p> <p>The provision of Recorded Music:</p> <p>a) Sunday to Wednesday from 09:00 hours until midnight</p> <p>b) Thursday to Saturday from 09:00 hours until 01:00 hours the following day</p> <p>c) On no more than fifteen non-standard timings per year including bank holidays from 10:00 hours until 02:00 am. Notification to be given to the Police, Licensing Authority and Environmental Health 7 days prior to the event. Permission must be sought and granted by the police at least 7 days in advance, for these hours to be applied.</p> <p>Note: However, New Years Eve</p>	<p>hours the following day</p> <p>b) Thursday, Friday and Saturday:- 09:00 hours to 01:30 hours the following day</p> <p>On permitted non-standard timings from 10:00 hours until 02:30 am</p>
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	<p>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>On and off</p>	
<p>(IL BORDELLO) 75-81 Wapping High Street London E1 2PL</p>	<p>The times the licence authorises the carrying out of licensable activities</p> <p>Alcohol may be sold or supplied:</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am 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</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

	<p>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>(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;</p> <p>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.</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> <p>On sales only</p>	
<p>M.V. Silver Barracuda Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR</p>	<p>The sale by retail of alcohol</p> <p>The provision of regulated entertainment</p> <p>The provision of late night refreshment</p> <p>Monday to Sunday 06 00 hrs to 02 00 hrs the following day</p> <p>On sale only</p>	<p>Monday to Sunday 06 00 hrs to 02 00 hrs the following day</p>
<p>(Bottega Wapping Restaurant) Metropolitan Wharf 70 Wapping Wall London</p>	<p>The sale by retail of alcohol</p> <ul style="list-style-type: none"> Monday to Sunday from 10:00hrs to 23:00hrs 	<p>Monday to Sunday from 09:00hrs to 23:30hrs</p>

E1W 3SS		
<p>(Wapping Food) Ground floor Wapping Hydraulic Power Station Glamis Road Wapping Wall London E1W 3ST</p>	<p>The times the licence authorises the carrying out of licensable activities</p> <p>Alcohol Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ul style="list-style-type: none"> a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours 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>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p> <p>Supper Hours Certificate Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

	<p>other parts of the premises the hours set out above shall continue to apply. In addition on Christmas Day for the purposes set out under Supper Hours Certificate the permitted hours shall extend between the first and second parts of the general licensing hours</p> <p>The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>Late Night Refreshment Hot drinks and hot food can be served up to 30 minutes after the last permitted sale of alcohol. Thus Monday to Saturday until 00:30 hrs Sunday 12 midnight</p> <p>Regulated Entertainment - Music and Dancing including entertainment of the like kind and public performance of Plays This licence is subject to the standard rules of the Council relating to the management of places of public entertainment and the also the following:</p> <ul style="list-style-type: none"> • Monday to Thursday, 09:00 hrs to 23:00 hrs • Friday and Saturday, 09:00 hrs to 12midnight • Sunday, 09:00 hrs to 10.30pm (Plays to start at 14:00 hrs on Sundays) <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</p>	
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	Eve and 11am on New Years Day. On and off sales	
(Fresh Foods) 87A Wapping Lane London E1W 2RW	The sale by retail of alcohol <ul style="list-style-type: none"> Monday to Saturday from 08:00hrs to 23:00hrs Sunday from 09:00hrs to 23:00hrs Off sales only	<ul style="list-style-type: none"> Monday to Saturday from 08:00hrs to 23:00hrs Sunday from 09:00hrs to 23:00hrs
(Silver Darling X) Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR	Sale of Alcohol <ul style="list-style-type: none"> Monday to Sunday, from 05:00 hours to 04:00 hours the following days Provision for Regulated Entertainment - Indoors (Recorded music) <ul style="list-style-type: none"> Monday to Sunday, from 05:00 hours to 04:00 hours the following days Late Night Refreshments - Indoors and outdoors <ul style="list-style-type: none"> Monday to Sunday, from 23:00 hours to 04:00 hours the following days On sales	The opening hours of the premises <ul style="list-style-type: none"> Monday to Sunday, 24 hours a day
(Smiths by the River) 22 Wapping High Street London E1W 1NJ	<u>Sale of Alcohol by retail.</u> Monday to Thursday 10:00 hours – 23:00 hours Friday & Saturday 10:00 hours – midnight Sunday 10:00 hours – 22:30 hours <u>Late Night Refreshment</u> Friday & Saturday 10:00 hours – midnight On sales	Monday to Thursday 10:00 hours – 23:30 Friday & Saturday 10:00 hours – 00:30 the following day Sunday 10:00 hours – 23:00 hours
(Laksha Bay) 83 Wapping Lane	The times the licence authorises the carrying out of licensable	There are no restrictions on the hours during which

<p>Wapping London E1W 2RW</p>	<p>activities Alcohol may be sold or supplied: (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (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: (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises; (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; (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; (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</p>	<p>this premises is open to the public</p>
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	<p>for consumption with or otherwise as an ancillary to meals served in the licensed premises.</p> <p>See Mandatory Conditions for details of restrictions.</p> <p><i>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.</i></p> <p>On sales</p>	
<p>(Costcutter) 123 Wapping High Street London E1W 3NG</p>	<p>Sales of alcohol</p> <p>Monday to Sunday 07:00 hours – 23:00 hours</p> <p>Off sales</p>	<p>Monday to Sunday 07:00 hours – 23:00 hours</p>
<p>(Pasha) 75 Wapping High Street London E1W 2YN</p>	<p>The times the licence authorises the carrying out of licensable activities</p> <p>The sale by retail of alcohol</p> <p>Monday, Tuesday, Wednesday and Thursday from 10:00 hours to midnight</p> <p>Friday and Saturday from 10:00 hours to 01:00 hours the following day</p> <p>Sunday from 11:00 hours to 23:30 hours</p> <p><i>The provision of regulated entertainment consisting of Recorded Music</i></p> <p>Monday, Tuesday, Wednesday and Thursday from 10:00 hours to midnight</p> <p>Friday and Saturday from 10:00 to 01:00 hours the following day</p> <p>Sunday from 11:00 hours to</p>	<p>Monday, Tuesday, Wednesday and Thursday from 10:00 hours to 00:30 hours the following day</p> <p>Friday and Saturday from 10:00 hours to 01:30 hours the following day</p> <p>Sunday from 11:00 hours to midnight</p> <p>In addition to the above: Bank Holiday Sundays and Christmas Eve until 01:30 hours the following days</p> <p>Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours</p>

	<p>23:30 hours</p> <p><i>The provision of late night refreshment</i></p> <p>Monday, Tuesday, Wednesday and Thursday until midnight Friday and Saturday until 01:00 hours Sunday until 23:30 hours</p> <p>In addition to all the above: Bank Holiday Sundays and Christmas Eve until 01:00 hours the following days</p> <p>Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11 am on New Years Day.</p> <p>On and off sales</p>	<p>between 11pm on New Years Eve and 11 am on New Years Day.</p>
<p>Postal Address M.V. Silver Dolphin Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR</p>	<p>Monday to Sunday 06 00 hrs to 02 00 hrs the following day</p> <p>On sales</p>	<p>Monday to Sunday 06 00 hrs to 02 00 hrs the following day</p>
<p>(Ristorante Paradiso) 1 Wapping High Street London E1W 1BH</p>	<p>The times the licence authorises the carrying out of licensable activities</p> <p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, Good Friday or</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

	<p>New Year's Eve, 10 a.m. to 11 p.m.</p> <p>b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.</p> <p>c. On Good Friday, 12 noon to 10.30 p.m.</p> <p>d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</p> <p>e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.</p> <p>f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.</p> <p>g. On New Year's Eve from the end of permitted hours 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>Supper Hours Certificate Alcohol may be sold or supplied for one hour following the hours set out above and to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p> <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</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>	
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<p><i>(Wapping Wines)</i> 101 Wapping Lane London E1 2RW</p>	<p>The sale by retail of alcohol</p> <p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <p>a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d. On Good Friday, 8 a.m. to 10.30 p.m.</p> <p>See Mandatory conditions for drinking up time</p> <p>Off sales</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p>21 Wapping Lane London E1W 2RH</p>	<p>Alcohol</p> <ul style="list-style-type: none"> ▪ Tuesday to Thursday, from 19:00 hours to 23:00 hours ▪ Friday and Saturday, from 19:00 hours to 00:00 midnight <p>Provision of regulated entertainment (plays and recorded music)</p> <ul style="list-style-type: none"> ▪ Tuesday to Thursday, from 19:00 hours to 23:00 hours ▪ Friday and Saturday, from 19:00 hours to 00:00 midnight <p>Live music</p> <ul style="list-style-type: none"> ▪ Tuesday to Thursday, from 20:00 hours to 23:00 hours ▪ Friday and Saturday, from 20:00 hours to 00:00 midnight 	<ul style="list-style-type: none"> ▪ Tuesday to Thursday, from 19:00 hours to 23:00 hours ▪ Friday and Saturday, from 19:00 hours to 00:00 midnight

	<p>Films and performance of dance</p> <ul style="list-style-type: none"> ▪ Tuesday to Thursday, from 19:00 hours to 22:00 hours ▪ Friday and Saturday, from 19:00 hours to 22:00 hours <p>On sales</p>	
<p>Best One Supermarket) 56 - 58 Wapping Lane London E1W 2RL</p>	<p>The sale by retail of alcohol For off sales</p> <p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ul style="list-style-type: none"> a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d. On Good Friday, 8 a.m. to 10.30 p.m. <p>For conditions relating to times re off see Mandatory Conditions</p> <p>Off sales</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Appendix 5

Lavine Miller-Johnson

From: Licensing
Sent: 08 December 2021 12:20
To: Lavine Miller-Johnson
Subject: FW: Representation for Licensing Application for "Tondo Pizza", Hermitage Court, London, E1W 1NR

From: Colin Kay [REDACTED]
Sent: 08 December 2021 06:53
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Representation for Licensing Application for "Tondo Pizza", Hermitage Court, London, E1W 1NR

Tel: [REDACTED]

7th December 2021

The Licensing Officer
Tower Hamlets Council
John Onslow House
1 Evert Place
Bow
London
E3 5EQ

I am writing to make representations regarding the Licensing Application for "Tondo Pizza". I wish to oppose the Application as I believe it conflicts with one of the Council's key licensing objectives to prevent public nuisance.

In terms of background, I am a resident of Hermitage Court. My flat is directly above the proposed pizza restaurant so I am likely to be one of the residents who is most affected by the change of use. I am also a director of the Knighten Street Freehold company (Company number 07616224) that owns the freehold to Hermitage Court within which the application site resides. The company is a resident-led, not-for-profit, company that aims to represent the interests of the residents of Hermitage Court. Hermitage Court is a predominantly residential building containing approximately 100 residential units.

Unlike the other units currently established in the commercial units of Hermitage Court, namely:

- "EA2" Estate Agents
- "Mighty Fine Wines", convenience store and off-license
- "Royal Dry Cleaners"
- "Hermitage Clinic" dentists

"Tondo Pizza" would be the first business centred around on-site, social gatherings and I am concerned the restaurant and associated drinking could pose a nuisance to the residents of Hermitage Court and the surrounding area. The Application states:

1. In Section 15, that the business is allowed to sell alcohol for consumption on **and** off the premises.
2. In Section 17, that the business is allowed to **open until 24:00 on a Saturday night**.
3. In Section 18b, that staff will be trained to prevent drinking at the retail unit (**ex canned or bottled beer**).

Based on this, my interpretation is Tondo Pizza will be a dine-in restaurant that will be open until 23:00 on all days apart from Saturday when it will open until 24:00. It will also operate as a take away by selling alcohol to non-diners for consumption off the premises, and allow non-diners to drink, in the "retail area", any canned or bottled beer they have purchased ("vertical drinking").

My first concern relates to Planning Permission. I am not a planning professional and found the information I came across on-line to be somewhat confusing. .

The Tower Hamlets web site covers "permitted development" for conversions from retail to restaurant. Page 30 lists several conditions including the following. C.2—(1) Where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to— (a) noise impacts of the development, (b) odour impacts of the development, (c) impacts of storage and handling of waste in relation to the development, (d) impacts of the hours of opening of the development, (e) transport and highways impacts of the development.

From another source I understand that premises in use as a shop (Use Class E) are able to change to a café (also Use Class E). The change of use is within the same Use Class, so planning permission will not normally be required, though any work associated with the change may require permission. However, if you wanted to change the use to a public house or takeaway (both 'Sui Generis' uses – i.e. "in a class of its own") planning permission will be required because the proposed use would be in a different use class (or in these cases, no specified use class) to the existing use, and there is no current "permitted development" right to make this specific change of use.

Based on Tondo Pizza's Application it is possible that planning determination or permission may be required. If it is required, I can find no evidence that they have obtained this. It would have helped clarify the situation if Tondo had engaged with Knighten Street Freehold or individual residents of Hermitage Court about their plans and any regulations relating to them, but there has been no contact.

Tondo Pizza will sell alcohol for consumption off site, and allow non-diners to drink beer within their retail unit. We already have a shop selling alcohol for off site consumption which is open until 23:00 daily. This shop (Mighty Fine Wine) is in Unit 5, just three doors away from Tondo Pizza's site. There is also a Waitrose close by as well as the "Town of Ramsgate" public house. I do not believe it is necessary or desirable to have another business selling alcohol, particularly one that would be open to 24:00 on a Saturday and will allow beer to be drunk on the premises without having to purchase a meal. In effect, they'd be operating part of the site as a public (beer) house.

Then there is the question of how much noise will be generated by activities within the restaurant, and how much of this noise may leak into the flats in Hermitage Court. This concern is substantiated by a historical precedent for noise nuisance in 2017 when noise from "Royal Dry Cleaners" caused a persistent nuisance to residents. It was only resolved following an investigation from a special acoustics company ("Munro Acoustics") and subsequent remedial work.

While the application commits to mitigate the noise risks by promising to employ "reduction measures" the exact nature of these has not been specified. As a director of the freehold company, I am concerned the applicant has as yet not sought the consent of the freeholder for the sufficiency of any proposed measures. Nor has he attempted to engage with the residents such as me whose flats are immediately above the unit to ensure the measures are sufficient.

Further, leaseholders of commercial and retail properties in the Hermitage Court building are not permitted to generate any audible noise after 23:00. If Tondo Pizza is granted a license that runs to 24:00 on a Saturday night, this

is highly likely to cause noise disturbance after 23:00 due to customers entering/exiting the premises, and Tondo staff carrying out tidying up activities (such as taking out bins/refuse etc) once service is over for the evening.

There is no mention in the Application of how Tondo Pizza will control customers who, for example, wish to go outside to smoke. The lack of such a policy has the real potential to create a litter, smell and noise problem for Hermitage Court residents.

It appears Tondo Pizza will not sell take away food, but I would like this stated specifically. If they were to do take away food this could generate significant noise nuisance as customers wait for their orders and/or delivery companies (such as Deliveroo and Uber Eats) arrive in vehicles to pick up orders.

Consequently until the requirement for planning determination and/or permission is clarified and the adequacy of the “noise reduction measures” is resolved, I request that the licensing officer refuses the licensing application.

In the event the licensing officer grants the application, I request the hours of operation are limited to 23:00 on all days of the week. This is the current precedent for other businesses in the commercial units of Hermitage Court. For example “Mighty Fine Wines” (<https://mighty-fine-wines.business.site/>). This limit is a key element of the lease and is intended to prohibit activity that could cause “annoyance to any owner tenant or occupier of any Flat in the Building or so as to be audible outside the Premises between the hours of 11 p.m. and 9 a.m.”. Allowing the license to extend beyond 23:00 risks triggering similar requests for the sales of alcohol in this area which I think most residents would not want for fear of the increase in noise and antisocial behaviour that may well come with it.

Further, the Application is not very detailed in some important areas and I would like to see specific conditions included if the license is granted. These are outlined below.

1. All licensable activities and operations are to be restricted to the interior of the premises. The external areas of the premises shall not be used for licensable activities or for any purpose save for access and egress.
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is 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.
4. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
5. 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.
6. There shall be no admittance or re-admittance to the premises after 23.00.
7. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption,
 - (v) which do not provide any takeaway service of food or drink for delivery,

(vi) which do not provide any takeaway service of food or drink after 23.00, and
(vii) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

(viii) Notwithstanding this condition alcohol may be supplied and consumed prior to their meal in any feeder bar area (to be designated on the plan).

8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Patrons should be actively discouraged from causing a blockage to the walkways outside and surrounding the premises.
9. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area that does not fall within the footprint of Hermitage Court.
10. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
11. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (21.00) hours and (09.00) hours on the following day.
14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Yours faithfully

Colin Kay

Sent from [Mail](#) for Windows

Appendix 6

Date: 6 December 2021

Your ref:

Mobile:
E-mail:

The Licensing Officer
Tower Hamlets Council
John Onslow House
1 Ewart Place
London, E3 5EQ

Dear Sir/Madam

Licensing Application – Tondo Pizza – Unit 2, Hermitage Court, E1W 1NR

I live in Capital Wharf which is directly opposite the applicant's proposed site and I wish to object to this licence being granted for the following reasons:

- Wapping High Street is already suffering from congregations of people displaying anti-social behaviours such as littering the streets in the vicinity with fast-food containers and 'legal high' canisters. A pizza restaurant – which, given its tiny footprint, will only ever be a pizza takeaway - will be a further attraction, and source of waste, to attract the very people to exacerbate the situation.
- Wapping High Street is largely cobbled – which is welcome – but is noisy. The street has been relieved of rush hour traffic by an electronic bus gate (16:00 to 19:00) on Wapping High Street, adjacent Hermitage Court. But delivery-bikes can illegally circumnavigate the gate by going around the barrier in Knighten Street (adjacent to Hermitage Court) that prevents cars. The massive increase in delivery bikes serving a pizza takeaway will create unacceptable noise, nuisance and also resentment from those who have to respect the legitimacy of the bus gate.

I trust that you will give this due consideration and deny their application.

Yours faithfully,



David W Langworth

Appendix 7

Lavine Miller-Johnson

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 09 December 2021 13:23
To: Lavine Miller-Johnson
Subject: FW: Representation for Licensing Application for "Tondo Pizza", Hermitage Court, London, E1W 1NR

From: G OWEN [REDACTED]
Sent: 09 December 2021 13:08
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Representation for Licensing Application for "Tondo Pizza", Hermitage Court, London, E1W 1NR

[REDACTED]

9th December 2021

The Licensing Officer
Tower Hamlets Council
John Onslow House
1 Evert Place
Bow
London
E3 5EQ

I am writing to make representations regarding the Licensing Application for "Tondo Pizza". I wish to oppose the Application as I believe it conflicts with one of the Council's key licensing objectives, to prevent public nuisance.

I have owned a flat in Hermitage Court since 1994 and am also a director of the Knighten Street Freehold company (Company number 07616224) that owns the freehold to Hermitage Court within which the application site resides. The company is a resident-led, not-for-profit, company that aims to represent the interests of the residents of Hermitage Court. Hermitage Court is a predominantly residential building containing approximately 100 residential units.

Unlike the other units currently established in the commercial units of Hermitage Court, namely:

- “EA2” Estate Agents
- “Mighty Fine Wines”, convenience store and off-license
- “Royal Dry Cleaners”
- “Hermitage Clinic” dentists

“Tondo Pizza” would be the first business centred around on-site, social gatherings and I am concerned the restaurant and associated drinking could pose a nuisance to the residents of Hermitage Court and the surrounding area. The Application states:

1. In Section 15, that the business is allowed to sell alcohol for consumption on **and** off the premises.
2. In Section 17, that the business is allowed to **open until 24:00 on a Saturday night.**
3. In Section 18b, that staff will be trained to prevent drinking at the retail unit (**ex canned or bottled beer**).

Based on this, my interpretation is Tondo Pizza will be a dine-in restaurant that will be open until 23:00 on all days apart from Saturday when it will open until 24:00. It will also operate as a take-away by selling alcohol to non-diners for consumption off the premises, and allow non-diners to drink, in the “retail area”, any canned or bottled beer they have purchased.

My first concern relates to Planning Permission, and the specific requirements that would need to be met by Tondo Pizza.

The Tower Hamlets web-site covers "permitted development" for conversions from retail to restaurant. Page 30 lists several conditions including the following. C.2—(1) Where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to— (a) noise impacts of the development, (b) odour impacts of the development, (c) impacts of storage and handling of waste in relation to the development, (d) impacts of the hours of opening of the development, (e) transport and highways impacts of the development.

From another source I understand that premises in use as a shop (Use Class E) are able to change to a café (also Use Class E). The change of use is within the same Use Class, so planning permission will not normally be required, though any work associated with the change may require permission. However, to change the use to a public house or takeaway (both ‘Sui Generis’ uses – i.e. “in a class of its own”) planning permission will be required because the proposed use would be in a different use class (or in these cases, no specified use class) to the existing use, and there is no current “permitted development” right to make this specific change of use.

Based on Tondo Pizza’s Application it would seem possible that planning determination or permission may be required. If it is required, I can find no evidence that they have obtained this. It would have helped clarify the situation if Tondo had engaged with Knighten Street Freehold or individual residents of Hermitage Court about their plans and any regulations relating to them, but there has been no contact.

Tondo Pizza plan to sell alcohol for consumption off site, and allow non-diners to drink beer within their retail unit. There is already in Hermitage Court a shop selling alcohol for off site consumption which is open until 23:00 daily. This shop (Mighty Fine Wine) is in Unit 5, just three doors away from Tondo Pizza’s

proposed site. There is also a Waitrose close by as well as the “Town of Ramsgate” public house. I do not believe it is necessary or desirable to have another business selling alcohol, particularly one that would be open to 24:00 on a Saturday and will allow beer to be drunk on the premises without having to purchase a meal. In effect, they’d be operating part of the site as a public (beer) house.

Then there is the question of how much noise will be generated by activities within the restaurant, and how much of this noise may leak into the flats in Hermitage Court. This concern is substantiated by a historical precedent for noise nuisance in 2017 when noise from “Royal Dry Cleaners” caused a persistent nuisance to residents. It was only resolved following an investigation from a special acoustics company (“Munro Acoustics”) and subsequent remedial work.

While the application commits to mitigate the noise risks by promising to employ “reduction measures” the exact nature of these has not been specified. As a director of the freehold company, I am concerned the applicant has as yet not sought the consent of the freeholder for the sufficiency of any proposed measures. Nor have they attempted to engage with the residents.

Further, leaseholders of commercial and retail properties in the Hermitage Court building are not permitted to generate any audible noise after 23:00. If Tondo Pizza is granted a license that runs to 24:00 on a Saturday night, this is highly likely to cause noise disturbance after 23:00 due to customers entering/exiting the premises, and Tondo staff carrying out tidying up activities (such as taking out bins/refuse etc) once service is over for the evening.

There is no mention in the Application of how Tondo Pizza will control customers who, for example, wish to go outside to smoke. The lack of such a policy has the real potential to create a litter, smell and noise problem for Hermitage Court residents.

It appears Tondo Pizza will not sell take-away food, but I believe any such restriction should be made explicit and unambiguous. If they were to do take-away food this could generate significant noise nuisance as customers wait for their orders and/or delivery companies (such as Deliveroo and Uber Eats) arrive in vehicles to pick up orders.

Consequently until the requirement for planning determination and/or permission is clarified and the adequacy of the “noise reduction measures” is resolved, I request that the licensing officer refuses the licensing application.

In the event the licensing officer grants the application, I request the hours of operation are limited to 23:00 on all days of the week. This is the current precedent for other businesses in the commercial units of Hermitage Court, including “Mighty Fine Wines” (<https://mighty-fine-wines.business.site/>). This limit is a key element of the lease and is intended to prohibit activity that could cause “annoyance to any owner tenant or occupier of any Flat in the Building or so as to be audible outside the Premises between the hours of 11 p.m. and 9 a.m.”. Allowing the license to extend beyond 23:00 risks triggering similar requests for the sales of alcohol in this area which I think most residents would not want for fear of the increase in noise and antisocial behaviour that may well come with it.

Further, the Application is not very detailed in some important areas and I would like to see specific conditions included if the license is granted. These are outlined below.

1. All licensable activities and operations are to be restricted to the interior of the premises. The external areas of the premises shall not be used for licensable activities or for any purpose save for access and egress.

2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is 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.
4. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
5. 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.
6. There shall be no admittance or re-admittance to the premises after 23.00.
7. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption,
 - (v) which do not provide any takeaway service of food or drink for delivery,
 - (vi) which do not provide any takeaway service of food or drink after 23.00, and
 - (vii) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
 - (viii) Notwithstanding this condition alcohol may be supplied and consumed prior to their meal in any feeder bar area (to be designated on the plan).
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the area quietly. Patrons should be actively discouraged from causing a blockage to the walkways outside and surrounding the premises.
9. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area that does not fall within the footprint of Hermitage Court.
10. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
11. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (21.00) hours and (09.00) hours on the following day.
14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Yours faithfully

Glyn Owen

Appendix 8



The Licensing Officer
Tower Hamlets Council
John Onslow House
1 Evert Place
Bow
London
E3 5EQ

1st December 2021

Dear Sir/Madam

Re: License application for "Tondo Pizza" by Gregorio Carullo (the "Application"); and

Re: Site Address: Unit 2, Hermitage Court, Wapping High Street, London, E1W 1NR (the "Relevant Premises")

Executive Summary:

I am writing to oppose the above-mentioned licensing application on the grounds of inappropriateness and nuisance.

Standing to Oppose the Application:

My wife and I are owners of a flat Hermitage Court, which is also our home. We have lived in Hermitage Court since 1993. We are also a shareholder in the Knighten Street Freehold Company Limited (Company number 07616224) (the "**Freehold Company**") that owns the freehold to Hermitage Court within which the Relevant Premises are contained.

Type of Building:

Hermitage Court is a resident building containing approximately 100 residential units. The residential units occupy more than 75% of the site in which Hermitage Court is located. Some of the residential units are located above the Premises. The commercial units within Hermitage Court can have an adverse effect on the well-being of all the residents, who have in the past been subject to tensions resulting in disturbances from noise and also inappropriate use of the commercial units. Resolution of any such matters, once the commercial tenant is in situ can take time and expenses for all those residents who are affected.

Therefore, it is from both the residential and the commercial sides of Hermitage Court necessary to avoid any such problems and that there is a harmonious co-existence, which must always be for the benefit of both parties. However, the opening of a restaurant in the arcade in Hermitage Court is inappropriate as it will likely create a nuisance, is ill-thought out given the construction of the building and is inappropriate.

Background to the Application:

I have approached the application from:

- (a) **The Commercial Leases for Hermitage Court:** the terms of the Commercial Lease the terms of which should have been contained in an underlease between Mr Carullo and his immediate landlord (this is an inviolable requirement of Clause 3.12 of the Commercial Headlease) and the general law which is applicable to Hermitage Court.
- (b) **Experience with the Other Commercial Units:** The previous experiences of the use of the other commercial premises, not only the units in the arcade at the front of Hermitage Court.

The Terms of the Commercial Leases:

- (a) **General Proposition:** I would argue that no licensing application can be granted without having regard to the legal matrix applicable to the Relevant Premises and, more importantly, will breach or encourage the breach of the express terms of the Commercial Lease and the general law applicable to the Relevant Premises and the activity proposed to be carried out on the Relevant Premises.
- (b) **Obligations under the Head Lease:** The Head Commercial Lease provides quite clearly that the obligations and restrictions on the Head Commercial Lessee must be complied with by all commercial sub-lessees. Such compliance stems from the relevant sub-lessee entering into a sub-lease on the same terms as the terms of the Head Commercial Lease. This sub-lease requires approval by the Head Commercial Lessee (which is not the direct lessor of Mr Carullo). (It can be argued that the Freehold Company should also consent.) From my past experience as a director of the Freehold Company, I would doubt that such verification and consent has been obtained from the Head Commercial Lessee.
- (c) **Specific Terms of the Lease applicable to the Relevant Premises:** The following terms of the lease are relevant to the proposed activity to be carried out on the Relevant Premises:
 - (i) **Dangerous Substances:** "No petrol or any other inflammable or dangerous substance shall be stored kept or handled on the Relevant Premises";
 - (ii) **No Machinery:** "No machinery of any kind provided that the Tenant may install and use machinery for heating lighting or ventilating the Relevant Premises or for working lifts and usual office machinery and computers or machinery associated with any light industrial user Provided that the same is property sound insulated";
 - (iii) **Waste:** "Not to throw dirt rubbish rags or other refuse or permit the same to be thrown into the sink baths lavatories

cisterns or waste or soil pipes in the Premises nor to permit such pipes to become blocked”;

- (iv) **No Music:** “No piano pianola gramophone wireless loudspeaker or electrical or mechanical or other musical instrument of any kind shall be played or used nor shall any singing, dancing or the undertaking of any performing arts howsoever described be practised in the Relevant Premises so as to cause annoyance to any owner tenant or occupier of any of Flat comprised in the Building or so as to be audible outside the Relevant Premises between the hours of 11 p.m. and 9 a.m.”;
- (v) **No Nuisance:** “No part of the Relevant Premises shall be used for any act or thing whatsoever which may become a nuisance annoyance or disturbance to the Freeholder or the occupier of any other part of Hermitage Court or the owner or occupier of any neighbouring property ... ”.

These five covenants would suggest that restaurants or similar premises were never envisaged to be allowed at Hermitage Court. The covenant prescribing that no machinery should be installed only provides exceptions which do not relate to machinery found in kitchens, for example. The no music covenant provides a sensible period during which there should be no noise generated which would disturb the quiet enjoyment of the residents, which, it should not be forgotten, include many who work and also children and some retirees. However, a restaurant will generate more noise than most commercial premises will ever generate, and this is disturbing in what is essentially a residential area. Certainly, the Commercial Lease (as do all the leases at Hermitage Court) specifically provides that no act or thing should be permitted which would create a nuisance. It is expected that all lessees will comply with this obligation. I have misgivings that a restaurant can strictly comply with these restrictions.

Experience with the Other Commercial Units:

The experience with the Commercial Units has already been mixed:

- (a) **No. 1 Knighten Street:** This has caused problems with two different tenants. The first was the Pollyanna Training Theatre, whose lessons created a sound nuisance/sound pollution. The matter was only resolved, after many years of dispute, when sound proofing was installed. The succeeding tenants also created a sound nuisance/sound pollution by their activities in and outside No. 1 Knighten Street, even with the assistance of the local authority, the matter was never satisfactorily resolved.
- (b) **WN Studios:** The WN Studios, located in Hermitage Court in the north-east corner have also created sound nuisance with parties during the summer of 2021, which, as I have been told by other flat owners and residents, required the intervention of the licensing authorities of Tower Hamlets to intervene.

- (c) **Royal Dry Cleaners:** The dry cleaners also situated in the arcade, in a similar situation to the proposed pizzeria. Noise from the dry-cleaning machines from "Royal Dry Cleaners" caused a noise disturbance to the residents of flat 5 in Hermitage Court. It was only resolved following an investigation from a special acoustics company ("Munro Acoustics") and subsequent remedial work.
- (d) **Mighty Fine Wines, Convenience Store and Off-License:** This is again a retail unit in the arcade, which has not caused any noticeable problems. It should be noted that its licence to sell alcohol only goes on to 11.00 pm each day (tracking the time period for cessation of noisy activities in the commercial leases, which has been noted above).
- (e) **Other Commercial Premises:** There have been no particular problems with the use of the other commercial units, as they would appear to comply strictly with the terms of the commercial leases, but without any specific enquiry or due diligence on my part.

Tondo Pizza:

"Tondo Pizza" would be the first business centred around a restaurant and associated drinking, which will obviously attract people to the restaurant and could pose (and in my view, will cause) serious problems to the residents of Hermitage Court, as follows:

- (a) **Noise Pollution:** Noise pollution is a great concern at hermitage Court. The noise is likely to arise from the activities inside the restaurant as well as outside with clients coming to and leaving the restaurant. With the modern change in habits, take away meals and their collection and delivery will also increase noise. Even with adequate sound proofing, it is likely that the residents of Hermitage Court will be adversely affected by the activities of the restaurant and its clients. I have a grave concern, as the precedents in respect of other commercial units in Hermitage Court mentioned above have shown, that the tenants of the Relevant Premises will not have installed any adequate sound proofing materials and probably may not have employed an expert to advise them on the appropriate measures to take.

Alcohol consumption, among other matters, may create noisy clients exiting from the restaurant. This would be unacceptable for residents.

- (b) **Odours and Smells:** The arcade, where the units are relatively small, may well give rise to a difficulty for the smell of cooking to dissipate. This may well be covered using extractor fans, but these fans could only take the odours and smells out into the arcade, which is directly under the flats in Hermitage Court. This would be unsatisfactory.
- (c) **Opening and Closing Hours of the Restaurant:** Even if the licensing application is granted, which I strongly believe that it should not be granted, the closing hours should never be permitted to go beyond 11.00 pm on any night of the week. This would align restaurant to the timings in the commercial leases and the general practice of the other commercial lessees.

- (d) **Waste:** It is not obvious where the waste from the restaurant will be stored. The restaurant would not have the right to use the bin rooms for the residential flats, which already suffer from under capacity and would be wholly inappropriate for restaurant waste. Storing waste either outside the restaurant or even inside the restaurant for a period of time (overnight) would not be hygienic, possibly a breach of the Public Health Acts and an attraction to unwanted vermin. An influx of vermin may place additional pressures on the public health services of the local authority, as well as the private contractors used for the eradication of vermin within Hermitage Court.

For all of the reasons set out above, I request that the licensing application be rejected.

Yours faithfully,

Howard Redgwell

Appendix 9

Licensing Officer - Licensing and Safety Environmental Health and Trading Standards Place Directorate 2nd Floor,
Mulberry Place
5 Clove Crescent
London
E14 2BG

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

From: Ian Bryant [REDACTED]
Sent: 09 December 2021 15:47
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Licensing Act Application for "Tondo Pizza", Unit 2, Hermitage Court, Wapping, London.

I am contacting you to object to the above Licensing Act Application, which is in respect of a licensed restaurant, including alcohol off sales.

I am a resident flat owner at Hermitage Court and have been so since 2004. I write in my personal capacity.

I object on the basis of prevention of public nuisance and disturbance.

My following comments are formed from my experience of living at Hermitage Court over many years and with my knowledge of the construction of the building and in particular, the nuisance of noise and disturbance, which will inevitably follow the granting of a Licence for the sale of alcohol, allowing a restaurant to be opened in place of an existing shop.

While there are a number of shop premises located within the Undercroft at Hermitage Court, they are, simply shops.

There is already an off licence within the parade of shops. There are numerous pubs, bars and restaurants in the immediate vicinity of Hermitage Court.

A restaurant, serving alcoholic drinks with meals, also with drinks consumed on the premises without a meal (in effect, a bar) and having off sales of alcohol is a completely different proposition to what currently exists. The proposed premises will act as a focal point for social meetings and gatherings. It is certain that operating a licensed premises in this location will create noise and nuisance to the residents of Hermitage Court. It is difficult to see how it couldn't.

Such a premises in this location could allow visitors to the restaurant to gather, drink and smoke outside, either on the pavement, or from the Undercroft. The Undercroft is a walkway in front of the shops, which forms part of Hermitage Court and provides access to and from the shops and should be kept free of groups of people congregating, drinking and smoking. The Undercroft, I believe, is not part of Tondo Pizza's demised premises.

As well as the external noise, the construction of the building will allow transmission internally, of noise into surrounding flats. Suitable measures must be put in place to prevent this. There are precedents of noise disturbance which has required sound proofing for one of the current shops.

The shop premises were not designed for kitchens, nor restaurant use. There must be serious issues as to how any extraction to the outside from food preparation and cooking could possibly work, without creating both noise and smells, which will impact neighbouring properties, both at Hermitage Court and flats opposite.

The hours of operation of the premises must be limited to 23.00h throughout the week. The application is for opening to 24.00h on Saturdays, which will be out of kilter with the existing shops and I believe, in breach of the terms of the Lease.

While some of these points also relate to Planning Applications, Change of Use and Building Regulations, the principle point remains the same. The shop should remain a shop, and granting a licence for alcoholic consumption, leading to the opening of a restaurant, will significantly impact local residents, both in Hermitage Court and flats opposite, by causing public nuisance and disturbance.

If a licence is to be granted under the Licensing Act 2003, please consider the points made above, to mitigate the impact upon residents, and I would respectfully suggest that no licence should be granted in isolation of all other aspects of Planning Applications, Change of Use and Building Regulations, being fully considered.

Thank you.

I Bryant

Appendix 10



For the attention of the Licensing Officer, Tower Hamlets Council

Dear Sirs

Licensing application for Tondo Pizza, Unit 2, Hermitage Court, London E1W 1NR

Please find below my representation against the granting of a licence for the sale of alcohol from the above premises, on the grounds of concerns about prevention of public nuisance.

I live in Capital Wharf. Our bedrooms face onto Wapping High Street, almost immediately opposite the site of the proposed premises.

I am very disappointed that the Council are proposing to issue a licence to this new venue , given the immense amount of work and public consultation which the Council undertook in respect of traffic and noise in the area which lead to the installation of the bus gate, and which has significantly improved the position.

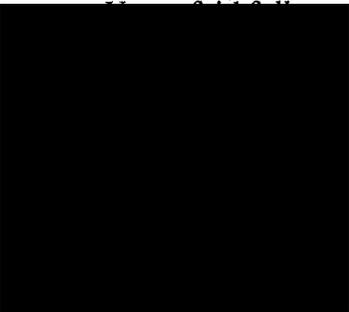
The site was previously a hairdresser/ beauty salon and is a small unit. It sits under a residential block, with the only late-night activity in the small-parade of commercial uses being the general store which closes at 11 pm each night. The layout of the block has a covered area outside the premises concerned. I believe that the new licence is likely to lead to significant additional traffic late at night, as the size of the premises is so small that it is unlikely that customers will be eating in the venue, but rather that it will become a collection point for takeaway drivers from companies such as Deliveroo and Uber. I do not believe that this a genuinely a restaurant, and that the application for this type of licence is a way of evading the need to seek a planning change of use.

I am also concerned about the likely noise nuisance in general, particularly as the application requests a closing time of midnight on Saturday evening. As set out above, this is later than any other set of premises in this area, and, if the license is to be granted, I would respectfully request that the closing time is 11 pm on Saturday as it is for the rest of the week.

I would like to be assured of how the controls on anti-social behaviour, litter and protection of young people is to be enforced.

Please confirm receipt of this letter of representation by emailing me at

 I am copying his letter to our ward councillors, Councillor Denise Jones and Councillor Abdal Ullah



Appendix 11

Jane Fothergill



For the attention of the Licensing Officer, Tower Hamlets Council

Dear Sirs

Licensing application for Tondo Pizza, Unit 2, Hermitage Court, London E1W 1NR

Please find below my representation against the granting of a licence for the sale of alcohol from the above premises, on the grounds of concerns about prevention of public nuisance.

I live in Capital Wharf, fronting onto Wapping High Street, almost immediately opposite the site of the proposed premises. Almost 100 people live here, many of them, like myself, aged 80 or over.

I am very worried about the amount of traffic this application for licence will result in if it is granted. I have lived here for 20 years and there has been no such use as proposed in the block opposite during that time. I value our residential setting, and don't want to experience the level of noise and disturbance we used to have before the Council took steps to address it by installing the bus gate

As well as the general late-night noise and disturbance caused by customers and delivery drivers, I am specifically worried about the impact on the parking in the pull in space outside our building. Because of the age of many of the people who live here there is a need for easy access to Capital Wharf for medical services, such as ambulances as well as for our residents who have limited mobility. The growth in delivery drivers and other activities is likely to make this much more problematic

If the licence is to be granted, I would ask the closing time is 11 pm on Saturday as it is for the rest of the week.

I would like to be assured of how the council proposed to monitor the impact of this license, and how they propose to enforce the conditions to ensure that there is no growth in antisocial behaviour, sale of alcohol to minors, or other generalised public nuisance

Yours faithfully



Mrs J Fothergill

Appendix 12

09 December 2021.

By Email only

The Licensing Officer
Tower Hamlets Council
John Onslow House
1 Evert Place
Bow, London, E3 5EQ.
Licensing@towerhamlets.gov.uk

Dear Madams/Sirs,

Opposition to Licensing Application for “Tondo Pizza” at Unit 2, Hermitage Court, Knighten Street, Wapping, E1W 1PW

I refer to the Application for a premises licence under the Licensing Act 2003, submitted by Tondo Pizza Ltd (Reg. No: 13688717) (the “**Applicant**”) over the premises at Unit 2, Hermitage Court, Knighten Street, Wapping, E1W 1PW (the “**Application**”). I write to record my opposition to the Application as it will cause a public nuisance and a health and safety hazard.

I believe that the proposed pizza restaurant, serving food and beverages, and from which takeaway services will inevitably be offered via third parties like Deliveroo and Uber Eats (although the Applicant curiously suggests he himself will not provide delivery/takeaway services), is **not** an appropriate business establishment for this area for several reasons, enumerated below:

- 1) I am a permanent resident (owner) in a flat in the building in which the premises is located: known as Hermitage Court. This is a large block of flats with 97 residential units. Across the road, and on either side of Hermitage Court, are also dozens of residential units in a complex called Cinnabar Wharf / Capital Wharf. This is a sensitive heritage zone, and there has been immense amount of work and public consultation undertaken by the Council in respect of traffic and noise in the area, which ultimately led to the installation of the bus gate, to address the issue. A pizza restaurant – randomly inserted into this area – would be completely counter-productive to this sustained effort.
- 2) The site was previously a hairdresser/ beauty salon and is a very small unit. The layout of the block has a covered area outside the premises concerned. There is extremely low footfall in the area, and for the reasons mentioned above in point (1), extremely low traffic. It therefore seems completely illogical that it would be developed into a true “restaurant” designed to serve eat-in patrons. Rather, it will become a collection point for takeaway drivers from companies such as Deliveroo and Uber. The reality is that the application for this type licence has been made creatively to evade the need to seek a planning change of use because all food delivery services are now provided by third party companies.
- 3) This sort of premises, which seeks permission to operate and serve food and alcohol late into the nights (including until midnight on Saturdays), is inevitably going to generate intolerable amounts of noise and litter. Worst of all, it will attract more of the ever increasing amount of anti-social behaviour – particularly consumption of nitrous oxide gas – that plagues the local riverside gardens and back streets in Wapping. Instead of the Council addressing those issues, this premises if permitted will provide these anti-social miscreants a new ‘meeting spot’ for social gathering or drive-

JAGDISH JOHN MENEZES

B.A.J.L.B. Hons. NALSAR B.C.L. Oxon

by's, and serve as a 'snack hub' to fuel further unwelcome behaviour, all in the middle of a highly residential area, causing increased public nuisance in the locality.

- 4) The commercial use units in the residential block are all of an "office" nature (such as a real estate agency, a co-working space, a dental clinic and a laundry service), which operate during business hours. There are no 'consumer' commercial units for at least 50 metres in any building around the area, until Smith's restaurant on the west side. The only unit operating outside business hours is an off-licence general store in Hermitage Court, next to the premises covered by the Application, which closes at 11 pm each night. Accordingly, the Application seeks to extend the hours of commercial operation, service of food and alcohol, which is uncharacteristic of the area and particularly the residential Hermitage Court block itself. It will no doubt cause noise disturbance to residents, particularly when patrons enter/exit the restaurant or delivery drivers (from Uber, Just Eats etc.) come to collect pizzas for delivery.
- 5) As to noise, the Council is requested to consult its previous records and see that noise-related complaints were previously faced in relation to the laundry business, Royal Dry Cleaners, from the operation of their laundry machinery. The sound-proofing of the walls/floors/ceilings in Hermitage Court is very poor. The prior complaint was resolved only after several complaints by residents to the Council and the laundry operators installed enhanced sound-proofing measures, none of which appear to feature in the Application.
- 6) Yet further, it should be seriously considered whether a business of such a nature should be located in this premises and locality when there are: (i) four pubs in the close vicinity for those patrons in the area requiring food and beverages; (ii) two Italian restaurants, serving pizza and providing eat in dining, also within the close vicinity; (iii) a large Waitrose, which serves chilled pizza for takeaway/home dining; and (iv) several off-licences offering groceries and selling alcohol until reasonable hours for consumption at home.
- 7) Even if there were a justification for a business of such a nature within Wapping, a far more appropriate location would be amidst existing commercial units at Thomas More Square (for example, near the *Pret* or the Waitrose), many of which have fallen vacant over the Covid-19 pandemic and lockdowns. That area is already set up for commercial use, including by restaurants, whereas the premises in which the Applicant seeks to put his pizza place, is not.

For all these reasons, I invite you to **reject** the Application.

Should you be minded to grant the Application (which you should not), I invite you to impose at least the following conditions for the health and safety of the residents and community:

- (i) Hours of operation should be limited to 22:00 on all days of the week.
- (ii) 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.
- (iii) All licensable activities and operations are to be restricted to the interior of the premises. The external areas of the premises shall not be used for licensable activities or for any purpose save for access and egress.

JAGDISH JOHN MENEZES

B.A. LL.B. (Hons.) (NALSAR), B.C.L. (Oxon)

- (iv) The premises shall not be used to provide takeaway services of any nature whatsoever. The premises shall only operate as an 'eat-in' restaurant (1) in which customers are shown to their table; (2) where the supply of alcohol is by waiter or waitress service only; (3) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery.
- (v) No takeaway driver/patron shall be permitted to stand outside the premises, even if waiting for receipt of his/her order/package. No takeaway driver/patron shall be permitted to park their vehicle for any amount of time on Knighten Street.
- (vi) The premises shall 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 footage should be recorded and stored for at least 30 days after recording for access by your team, the Metropolitan Police and other relevant authorities.
- (vii) There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- (viii) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- (ix) No smoking shall be permitted within the area covered by Hermitage Court outside the premises (i.e. the archway immediately outside the entrance to the premises).
- (x) No waste or recyclable materials, including bottles, shall be moved, removed from or placed in areas outside the premises. The licence holder shall ensure regular cleaning every 2 hours, and immediately after operations for the day end, of all litter outside the premises.

I would be happy to provide any further information should you require it. Please could you acknowledge receipt of this letter by email to [REDACTED]

Yours sincerely,

[REDACTED]

Jagdish John Menezes

Copy to:

Ms Marie Harding (*Business Support Officer – Licensing*) [REDACTED]

Appendix 13

Lavine Miller-Johnson

From: Licensing
Sent: 06 December 2021 10:10
To: Lavine Miller-Johnson
Subject: FW: Representation for Licensing application for "Tondo Pizza", Unit 2 Hermitage Court, E1W 1NR

From: Jason Morris [REDACTED]
Sent: 04 December 2021 15:39
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Representation for Licensing application for "Tondo Pizza", Unit 2 Hermitage Court, E1W 1NR

The Licensing Officer
Tower Hamlets Council
John Onslow House
1 Evert Pl
Bow
London
E3 5EQ

Dear Sir/Madam

Re: License application for "Tondo Pizza" by Gregorio Carullo
Site Address: Unit 2, Hermitage Court, Wapping High Street, London, E1W 1NR

I am writing to oppose the above-mentioned licensing application.

I am a resident of Hermitage Court and have been since 1998. I have been a resident of the wider west Wapping area since 1995. I am also a director of the Knighten Street Freehold company (Company number 07616224) that owns the freehold to Hermitage Court within which the application site resides. The company is a resident-led, not-for-profit company that aims to represent the interests of the residents of Hermitage Court. Hermitage Court is a predominantly residential building containing approximately 100 residential units.

I am writing to oppose the application on grounds of the prevention of public nuisance.

Unlike the other units currently established in the commercial units of Hermitage Court, namely:

- "EA2" Estate Agents
- "Mighty Fine Wines", convenience store and off-license
- "Royal Dry Cleaners"
- "Hermitage Clinic" dentists

“Tondo Pizza” would be the first business centred around on-site, social gatherings and I am concerned the restaurant and associated drinking could pose a noise nuisance to the residents of Hermitage Court.

I feel my concern is substantiated by a historical precedent for noise nuisance in 2017 when noise from “Royal Dry Cleaners” caused a persistent nuisance to flat residents. It was only resolved following an investigation from a special acoustics company (“Munro Acoustics”) and subsequent remedial work. If the licensing officer requires further detail, I may be able to provide it subject to the consent of the individuals involved.

While the application commits to mitigate these risks by promising to employ “noise reduction measures”, as a director of the freehold company, I am concerned the applicant has as yet not sought the consent of the freeholder for the sufficiency of any proposed measures. Nor, as far as I am aware, has he attempted to engage with the residents whose flats are immediately above the unit to ensure the measures are sufficient.

Until the adequacy of the “noise reduction measures”, in light of the historical precedence, is resolved, I request that the licensing officer refuses the licensing application.

In the event the licensing officer is inclined to grant the application, I would kindly ask him/her to consider limiting the hours of operation to 11pm on all days of the week. This is the current precedent for other businesses in the commercial units of Hermitage Court. For example “Mighty Fine Wines” (<https://mighty-fine-wines.business.site/>). Indeed, this limit is enshrined in the lease that prohibits activity that could cause “annoyance to any owner tenant or occupier of any Flat in the Building or so as to be audible outside the Premises between the hours of 11 p.m. and 9 a.m.”. Allowing the license to extend beyond 11pm risks triggering a “race to the bottom” for the sales of alcohol in this area which I think most residents do not want to see for fear of the antisocial behaviour it has the potential to generate.

Thank you for considering my concerns.

Jason Morris

Appendix 14

Timothy Tyndall

[REDACTED]

For the attention of the Licensing Officer, Tower Hamlets Council

Dear Sirs

Licensing application for Tondo Pizza, Unit 2, Hermitage Court, London E1W 1NR

I wish to make a representation against the granting of negotiations for the sale of alcohol from the above premises, on the grounds of concerns about prevention of public nuisance.

I live in Capital Wharf, with my property fronting onto Wapping High Street, almost immediately opposite the site of the proposed premises.

I am concerned that this application is likely to generate a range of nuisances, including increased traffic from delivery drivers from companies such as Deliveroo and Uber. Given that the council has understood the impact of traffic in the area, by creating the bus gate, I am surprised that there is now an approach to undertake an activity which is likely to generate significant traffic. The times of operation of this facility, and the times of the operation of the bus gate also overlap, and therefore I'm concerned about traffic waiting outside the premises.

I am also concerned about the likely noise nuisance in general, particularly as the application requests a closing time of midnight on Saturday evening. This is later than any other set of premises in this area, and if the license is to be granted, I would respectfully request that the closing time is 11 pm on Saturday as it is for the rest of the week.

I would like to be assured of how the council proposed to monitor the impact of this license, and how they propose to enforce the conditions to ensure that there is no growth in antisocial behaviour, sale of alcohol to minors, or other generalised public nuisance

Yours faithfully

[REDACTED]

Timothy Tyndall

Attempted to:

Delivered by Hand

5 December 2021

not accepted at John Onslow House

nor at Roman Road IDEA store on 6/12/21

Appendix 15

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 16

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 17

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Section 6 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the Council is recommended (Annexe D).

The key role of the Police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 18

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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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 19

Planning

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

Appendix 20

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

In considering the applicability of 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

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Agenda Item 3.2

Committee: Licensing Sub-Committee	Date: 8 February 2022	Classification: UNRESTRICTED	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 to Review the Premises Licence for (Old Ford Mini Market) 389 Old Ford Road, London E3 2LU Ward affected: Bow East
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1.0 Summary

Name and	Old Ford Mini Market
Address of premises:	389 Old Ford Road London E3 2LU
Licence under review:	Licensing Act 2003 <ul style="list-style-type: none">▪ Sale by retail of alcohol (off sales only)
Review triggered by:	Trading Standards

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		Mohshin Ali 020 7364 5498

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for (Old Ford Mini Market) 389 Old Ford Road, London E3 2LU. The review was triggered by Trading Standards.
- 3.2 A copy of the review application is attached in **Appendix 1**.
- 3.3 Evidence supporting review is attached in **Appendix 2**.

4.0 The Premises

- 4.1 The premises licence was issued on 29th September 2005. On the 5th August 2019, Mr Raj Singh Jani became the licence holder and Designated Premises Supervisor.
- 4.2 A copy of the premises licence is contained in within the evidence supporting the review.
- 4.3 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by Trading Standards.
- 5.2 Only representations that relate to the following licensing objectives are relevant:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.3 In the view of the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”

- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 4**. It is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that "The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted."
- 6.4 In relation to its advice on representations the home office has also advised that "there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations." It has also issued revised guidance about Crime and Disorder. **See Appendix 5.**
- 6.5 Members should also note the Council's Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 6.**
- 6.6 Guidance Issued by the Home Office concerning Public Nuisance **Appendix 7.**
- 6.7 London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance **Appendix 8.**
- 6.8 The Home Office has advised that in relation to reviews " Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation. "
- 6.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing & Safety Team Leader is the delegated officer who deals with this on behalf of the Licensing Authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

- 6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

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

8.0 Licensing Officer Comments

- 8.1 When licence holders or designated premises supervisors move, leave a premises or dispose of their premises they remain responsible in law until they have informed the licensing authority and surrendered the licence or arranged a transfer, which may involve notification to the Police as well. Any licensees or designated premises supervisors who are not sure what to do should contact the licensing authority. Please note that should the DPS cease to work/be employed by the premises the Licensing Authority will consider that there is no DPS for those premises. This consideration shall apply regardless of whether that person is still named on the Premises Licence, or whether they have asked for their name to be removed from it. This consideration shall apply until such time that an application is received to nominate a new premises supervisor. In such cases, the Licensing Authority shall expect no sales of alcohol to take place until an application to vary the DPS has been submitted to the Licensing Authority. (27.1 Licensing Policy)

8.2 Members must consider all the evidence and then decide from the following alternatives:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

8.3 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.

8.4 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.

8.5 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”

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

9.0 **Legal Comments**

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

10.0 **Finance Comments**

10.1 There are no financial implications in this report.

11.0 Appendices

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

Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

**London Borough of Tower Hamlets,
Licensing Service, Mulberry Place (AH), PO BOX 55739,
5 Clove Crescent, London E14 1BY**

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

**I, Alex Brander, apply for the review of a premises licence under section 51 /
apply for the review of a club premises certificate under section 87 of the
Licensing Act 2003 for the premises described in Part 1 below (delete as
applicable)**

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Old Ford Mini Market 389 Old Ford Road	
Post town: London	Post code (if known) E3 2LU

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

Mr Raj Singh Jani

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

132148

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Alex Brander London Borough of Tower Hamlets Mulberry Place 5 Clove Crescent London E14 2BG
Telephone number (if any) <input type="text"/>
E-mail (optional) <input type="text"/>

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

Please tick one or more boxes

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

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

The Trading Standards Service, as the Local Weights and Measures Authority, is designated a 'responsible authority' for the purposes of the Act and is making representations in relation to the prevention of crime & disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The grounds for the review concern the storage of illegal tobacco products on the premises, contrary to the licensing objective of the prevention of crime and disorder, as well as the supply of alcohol after licensable hours, contrary to the licensing objective of the prevention of public nuisance.

On the 19th October 2021 Trading Standards Officer James Grier carried out a routine inspection for tobacco products at the premises known as Old Ford Supermarket¹, 389 Old Ford Road, London, E2 2LU. The inspection occurred at around 15:00 hours. During the course of the inspection TSO Grier found a box under the shop's counter that contained 260 packets of Benson & Hedges Gold cigarettes and 80 packets of Marlboro Gold cigarettes. The Benson & Hedges cigarettes were suspected to be counterfeit. The supply of (including being in possession for supply) of counterfeit cigarettes constitutes criminal offences under the **Trade Marks Act 1994** (penalties for which can include custodial sentences and substantial fines). The Marlboro cigarettes were suspected to be illicit in their nature as they did not comply with the health warning labelling requirements of the **Tobacco & Related Products Regulations 2016**, nor were they in Pantone 448c colour (plain packaging) as required by the **Standardised Packaging of Tobacco Products Regulations 2015**. – see **Appendix I: statement of James Grier and Appendix II: photographs of cigarettes**. Both these sets of Regulations are intended to reduce the prevalence of smoking by the population, particularly with regard to young people. The supply of cigarettes that do not comply with these Regulations can seriously undermine that intention.

The person in charge of the business at the time of inspection was Mr Raj Singh Jani. Mr Jani is the premises licence holder and holds the position of the Designated Premises Supervisor. Mr Jani is also the sole director of the company that owns the business; Harjani & Son Ltd. Under caution Mr Jani admitted that he knew the cigarettes were counterfeit.

During the inspection the Trading Standards Officer was accosted by a member of the public as he was going about his duty. The member of the public appeared to the Trading Standards Officer to be under the influence of alcohol. The Trading Standards Officer also observed Mr Jani take a can of beer from display and hand this to another member of the public who was waiting outside.

¹ Please note: the premises is called Old Ford Mini Market on the premises licence

As the cigarettes are counterfeit and illicit it is highly unlikely that any duty would have been paid on them. This deprives the UK Treasury of tax revenue which can then be used to fund vital health and smoking cessation services. It is an offence under section 144 of the **Licensing Act 2003** for a person to knowingly keep or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. In the case of licensed premises, persons include the holder of the premises licence and the designated premises supervisor.

LB Tower Hamlets Trading Standards is currently progressing an investigation into these suspected criminal offences.

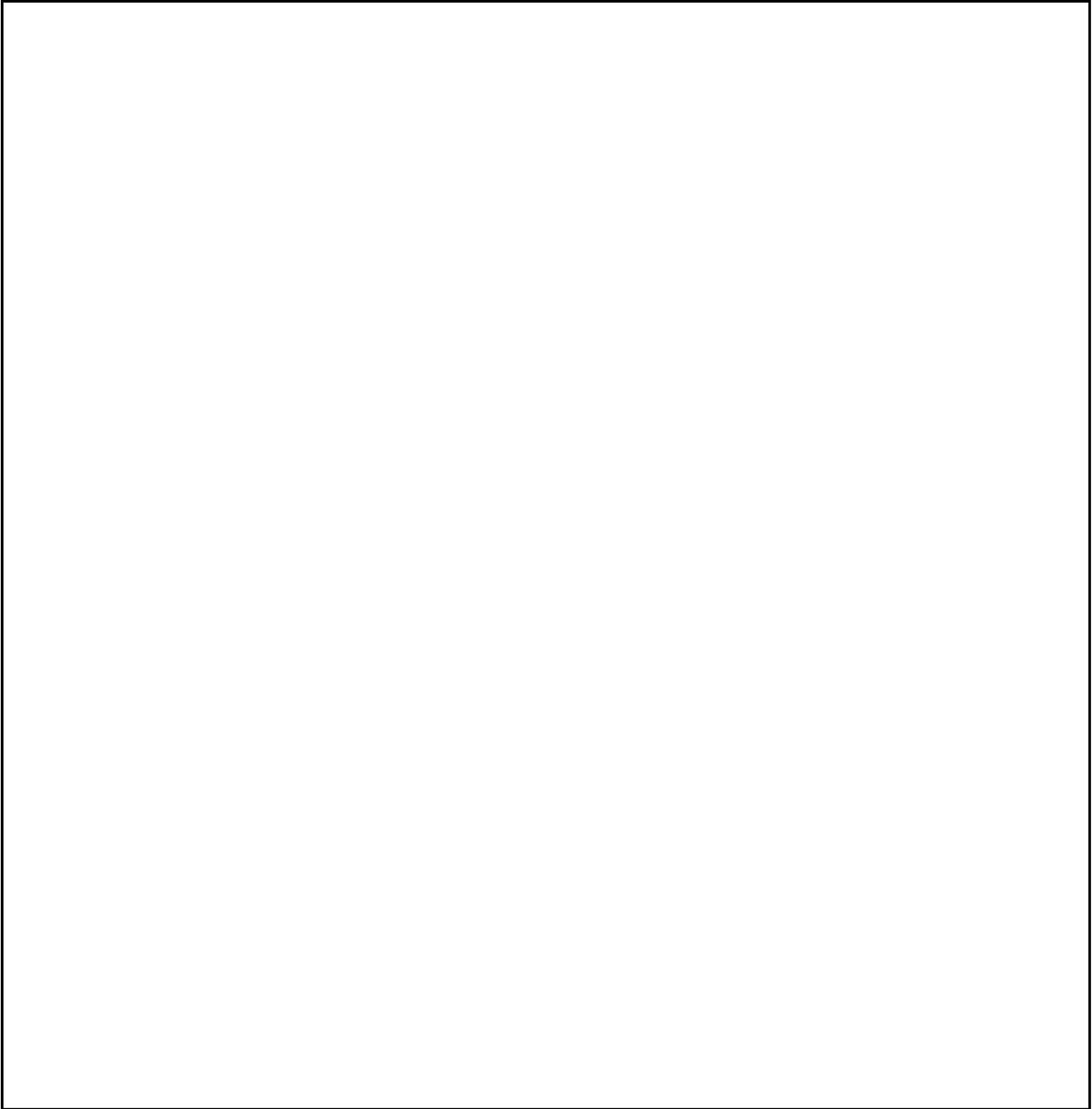
Home Office guidance issued under s.182 of the Licensing Act 2003 mentions certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously². This includes the use of licensed premises for the sale and storage of smuggled tobacco and alcohol. The guidance goes on to state “Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

LB Tower Hamlets carries out a programme of activity to ascertain if licensed premises are selling alcohol outside of their permitted hours. Part of this activity is to test purchase alcohol from premises. The premises licence for 389 Old Ford Road, E3 2LU (Old Ford Mini Market) permits the premises to sell alcohol between the hours of 08:00 and 23:00, Monday to Sunday. On 29/10/2021 at approximately 23:12 hours an officer from LB Tower Hamlets was sold a can of Carlsberg lager at Old Ford Mini Market. This sale was made outside of permitted licensing hours – see **Appendix III – statement of Amran Ali** and **Appendix IV – statement of Ibrahim Hussain with exhibits**. Not only is the sale of alcohol outside of permitted hours a breach of the licence, therefore constituting a crime, it can also contribute to individuals causing a public nuisance through excess noise and litter, especially where a premises is situated in a predominantly residential area (such as Old Ford Mini Market).

This Responsible Authority is aware that following the sale of alcohol outside of permitted hours the premises licence holder was sent a warning letter by the council’s Licensing team. This is standard practice for a first-time known offence of this nature. The premise licence holder had responded to indicate that he would like to have his licensing hours extended to 23:30 but as of 17/11/2021 this has not been done via the submission of a minor variation application. In any case, this Responsible Authority would be concerned that if an extension was granted the premises would still sell alcohol beyond that point too.

It seems clear to this Responsible Authority that the premises licence holder has a blatant disregard for complying with the law or the conditions of his licence. As he is failing to uphold the licensing objectives of the prevention of crime and disorder as well as the prevention of public nuisance, this Responsible Authority is seeking a revocation of the premises licence.

² Paragraph 11.27 in Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018



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

Please tick ? yes

If yes please state the date of that application

Day	Month	Year

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

. N/A

Please tick yes

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

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

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

Part 3 – Signatures (please read guidance note 3)

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



Signature
.....
Date: 17/11/2021
.....
Capacity:Senior Trading Standards Officer
.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

Appendix 2

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

URN: [] [] [] []

Statement of:
James Grier

Age if under 18 (if over insert "over 18"): Over 18

Occupation:
Trading
Standards
Officer

This statement (consisting of Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Name / Signature:

[Redacted Signature]

Date: 2nd Nov 2021

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

I James Grier am a Trading Standards Tobacco Control Officer contracted by the London Borough of Tower Hamlets Environmental Health and Trading Standards Service. I am authorised and qualified on all aspects of Consumer Law including investigations and enforcements. I am authorised to enforce various legislation including the Consumer protection Act 2015, the Tobacco & Related Products Regulations 2016, Standardised Packaging of Tobacco Products Regulations 2015, and the Trademarks Act 1994.

On 19th October 2021, I carried out a routine Tobacco Inspections at various retailers trading in London Borough of Tower Hamlets. The purpose of the tobacco inspection is to check compliance of The Tobacco and Related Products Regulations 2016 lay out what combinations of health warnings are required on packets of cigarettes and pouches of hand rolling tobacco.

Signed: [Redacted] (witness)

Date: 2nd Nov 2021

(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.

Signed: Date:)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

Regulation 5 states that every packet of cigarettes should carry the following smoking cessation information "Get help to stop smoking at www.nhs.gov.uk/quit" Regulation 11 states any combination of health warnings must be in English.

At approximately 15.00hrs, I entered **Old Ford Supermarket 389 Old Ford Road. E2 2LU** and took an overview of the general store selling groceries, tobacco and alcohol. The shop front is long and narrow with a storage shelving area at the rear displaying wines, beers and spirits.

I introduced myself to an IC4 male who identified himself as **Raj Singh Jani, owner/Director Harsjani & Sons Ltd t/a Old Ford Supermarket**. I explained to Mr Jani the reason for my visit and produced a Code B notice with the request to inspect the premises. I commenced my search at the back of the counter to where Mr Jani was positioned. I noticed directly underneath the counter a white carton box containing **260 Benson & Hedges Gold and 80 Marlboro Gold cigarettes**. On close inspection of the Benson & Hedges Gold cigarettes I concluded they were of a counterfeit nature. The Marlboro Gold cigarettes were non - compliant with the Tobacco & Related Products Regulations 2016. **Mr Jani confirmed when questioned that he knew the Benson & Hedges cigarettes were counterfeit.**

I went to the rear of the shop directly in view of the front entrance and counter area to record seizure of the counterfeit & illicit cigarettes found in the white carton box, sealed in evidence bag **N02631801**. Mr Jani was asked to come to the rear of the shop to question him under caution with regards to the counterfeit cigarettes found.

When I had finished recording evidence given by Mr Jani in my notebook, I continued to record actions in the Tobacco Inspection Report and Receipt notice.

Signed:  (witness)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

At this same time, I witnessed two IC3 males enter the premises and approached Mr Jani at the counter. The description of 1st Male 6ft 5inches tall slim build approximately 25yrs of age. 2nd IC3 male was 6ft tall of medium build. The IC3 males came to the rear of the store to where I was positioned and noted they appeared to be intoxicated.

I continued to record my tobacco reports when both males came close up to me from behind. I immediately turned round as the 1st IC3 male pushed me slightly and grabbed the evidence bag containing the counterfeit cigarettes. I politely asked the IC3 male to continue with his shopping as this was private with the owner of the business. The IC3 male complied with my request and moved away. When both IC3 males left the premises, Mr Jani came over in my direction and advised me to place the evidence bag securely in my rucksack.

On further observation, Mr Jani had taken a can of beer from the display shelf and gave this to another IC3 male who was waiting outside of the store.

At approximately 16.10hrs I concluded my inspection and produced a copy of Code B Notice, Tobacco Inspection Report and receipt for the seized cigarettes. I noted as I left Old Ford Supermarket some IC4 Asian males approximately 20yrs of age, standing in a group to the right hand - side of the shop entrance, smoking what I concluded by the aroma a cannabis / tobacco substance. I proceeded safely to my vehicle and drove away without any issues.

Signed:  (witness)

Date: 2nd Nov 2021

(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.)

Signed: Date:)

.....







Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, r 16.2

URN:

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Statement of: **Amran Ali**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Health and Safety Officer**

This statement (consisting of **2** Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Name / Signature:



Date: **16th November 2021**

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

Statement

I am employed by the London borough of Tower Hamlets Council as a Health and Safety Officer within the Environmental Health and Trading Standards Service. I am an authorised officer as designated by the Health and Safety at Work etc. Act 1974. My day-to-day duties include carrying out inspections in commercial premises to assess compliance with health and safety legislation as well as investigating accidents and complaints. I also licence businesses that carry out special treatments and deal with cases of infectious diseases. On occasions, I work with my licensing colleagues to undertake surveillance and test purchase visits during late nights to check whether businesses are compliant with licensing legislations. These mainly relate to Late Night Refreshment licence, checking the conditions of premises alcohol licence and businesses trading without a licence or where a licence had been revoked.

On the 29th of October 2021, I was on shift with colleague Ibrahim Hussain, a Licensing Officer, to check and carry out test purchases from a number of premises in the Borough. At **23.12 hours**, Ibrahim and I entered the off-licenced premises we know to be **Old Ford Mini Market, 389 Old Ford Road, E3 2LU**, to carry out a test purchase of alcohol as the premises licence only permits the sale of alcohol up to 23.00 hours. I walked towards the alcohol fridge and picked up a can of Carlsberg and took it to

Name / Signature:



Date: **16th November 2021**

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, r 16.2

the counter. There were two Asian males behind the counter, one of whom was serving me and charged me £1.20 for the alcohol drink which I paid in cash. I asked him for a receipt which was provided. I then left the premises at **23.15 hours** and Ibrahim followed out behind me.

We did not go back in the premises to identify ourselves as council officers, as we were specifically instructed not to do so due to a recent altercation with trading standards officers on a previous visit. Therefore, we went straight to my car where we both made notes in our own notebooks. I exhibit a copy of my notes as **AMA.OFMM.001**. In the car, I looked carefully at the receipt and noticed the time on the receipt was incorrect as it was ahead. I estimated the time to be around 7-8 minutes ahead than the actual time.

I later placed the can of Carlsberg and the receipt in an evidence bag which I exhibit as **AMA.OFMM.002**. The sealed evidence bag is stored securely in the office in Mulberry Place, 5 Clove Crescent, London E14 2BG.

During the test purchase, Ibrahim took photographs of the premises. Upon reviewing of those photographs, I noted the premises sign above the entrance as, **OldFord Super Market & Newsagent**. However, the business name on the premises licence is **Old Ford Mini Market**.

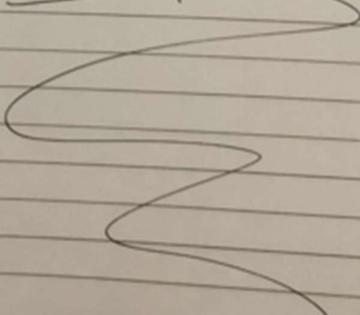
Name / Signature: _____



Date: 16th November 2021 _____

29/10/21 I and Ibrahim
entered the premises,
Old Ford Mini Market,
389 Old Ford Road at
11.12 pm to carry out
a test purchase of alcohol.
I went to the alcohol
fridge and picked up
a can of Carlsberg
and took to the counter
to pay. There were 2
asian males behind the
counter. I paid £1.20
for the alcohol can
and requested a receipt,
which was provided.
I then left the premises
at 11.15 pm and made
my notes in the car and
Ibrahim took photographs

of the can of alcohol
and receipt. I noted
the time on the
receipt was incorrect
as it was approximately
7-8 minutes ahead.
We did not identify
ourselves after the test
purchase, to give caution,
as we were not to due to
allegations with officers
on a previous visit.



Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, r 16.2

URN:

--	--	--	--

Statement of: **Ibrahim Hussain**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Licensing Officer**

This statement (consisting of **2** Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Name / Signature:



Date: **15/11/2021**

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

Statement

I am Ibrahim Hussain and I am employed by the London Borough of Tower Hamlets as a Licensing Officer in the Licensing Section of Environmental Health & Trading Standards. I have been a Licensing Officer since 3rd March 2020 and I am duly authorised under the Licensing Act 2003. I am also aware of the systems used for issuing and storing records in relation to the above Act and I am authorised to access records to look at the history of premises. This includes test purchase operations for the breach of all licensable activities.

I was informed by Kathy Driver, Principal Licensing Officer that the off Licence at Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU trading beyond the licensable hours for sales of alcohol and if found trading beyond licencing hours test purchase and leave the premises but do not give a verbal warning which can be done separately by letter to the licence holder where staff could be unsafe to the officer. As a result of this, I instructed the Operation Dymock Officers to visit the premises and test purchase where I was one of the officers was working with my colleague Amran Ali (AMA) from Health & Safety Officer of Environmental Health and Trading Standards.

I can confirm that the premises known as Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU was licensed under the Licensing Act 2003 on the 29th September 2005 and the Minor Variation issued on 27th October 2020. I produce Exhibit **IH/012** which shows the premises licence was authorised for the following licensable activities and timings:

Name / Signature:



Signature Witnessed by:

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, r 16.2

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday from 08:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday from 08:00 hours to 23:00 hours

On the 29th October 2021 at 2312 hours, my colleague Amran Ali (AMA) from Health & Safety Officer of Environmental Health and Trading Standards and I worked a Dymock Operation shift when we test purchase and Amran bought one can of Carlsberg for £1.20 paid in cash from Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU. Amran requested to provide a payment receipt which was given where served time 13 minutes beyond normal time compared to work mobile phone. No verbal warning or record of notice was given where staff could be unsafe to officers. I took pictures of the premises where the alcohol was stored, I exhibit the pictures as exhibits IH.001 to IH.011.

On 15th November 2021, a warning letter was sent by post to the premises and to the licence holder address to Mr. Raj Singh Jani, [REDACTED] who is also the designated premises supervisor (DPS). I exhibit the letter as exhibits IH/WL/001. An email was sent to the licence holder [REDACTED], Licensing police cemailbox-.towerhamletslicensing@met.pnn.police.uk and Alex Brander Senior Trading Standards Officer. I exhibit the letter as exhibits IH/WL/002.

Name / Signature: _____

Signature Witnessed by: _____



Lic No:
132148

(Old Ford Mini Market)
389 Old Ford Road
London
E3 2LU

Licensable Activities authorised by the licence
Retail sale of alcohol

See the attached licence for the licence conditions

Signed by [REDACTED]
Head of Environmental Health and Trading Standards

Date: 29/09/05

Minor Variation 27/10/20



Part A - Format of premises licence

Premises licence number

132148

Part 1 - Premises details

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

(Old Ford Mini Market)
389 Old Ford Road
London

Post town

London

Post code

E3 2LU

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday from 08:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday from 08:00 hours to 23:00 hours

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

Off sales only

Part 2

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

Mr Ra Singh Jani

[REDACTED]

Tel: [REDACTED] Mobile: [REDACTED]

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

N/A

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

Mr Ra Singh Jani

[REDACTED]

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

London Borough of [REDACTED]

[REDACTED]

Annex 1 - Mandatory conditions

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

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

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

3.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where —

- (i) **P** is the permitted price
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

None

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

[Conditions agreed between the police and the licensee at Thames Magistrates Court on 22nd July 2010 during appeal proceedings].

1. A digital CCTV system shall be installed incorporating recording and viewing facilities. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
2. The CCTV coverage shall include coverage of all public entrances and exits from the premises; the area directly in front of the entrance to the premises; the till area and all the areas where alcohol is stored and displayed.

3. The CCTV system shall be installed to ensure the quality of the recordings and recorded images and a complete audit trail maintained.
4. The CCTV system shall comply with all other essential legislation and in particular that signs informing of the CCTV recording are prominently displayed.
5. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
6. All staff on duty are to be trained in the use of the CCTV viewing facility so that Police or Local Authority officers can view the images upon immediate request.
7. There must be someone at the premises who can download the images and provide a copy recording or a request by Police or Local Authority officer within no later than 48 hours of such request.
8. The premise licence holder will engage and operate the Challenge 25 scheme along with a “no ID no sale policy”. Staff will not sell alcoholic drinks to any person who appears to be under 25 unless they can provide photographic ID evidence showing them to be over 18.
9. All refusals of sales of alcohol or other age restricted products are to be recorded in a refusal register.
10. Reasonable and adequate staff training to be carried out and properly documented in relation to: (i) dealing with incidents and prevention of crime and disorder: (ii) sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc.) prior to being allowed to sell alcohol.
11. All training records, incident and refusal registers are to be retained for 12 months and made available to Police and Local Authority licensing officers upon reasonable request (incident book/refusal register may be one of the same).
12. Refresher training to be satisfactorily completed every six months for all staff and documented with the training records.
13. The premises licence holder shall not purchase any goods from door-to-door sellers.
14. The premises licence holder shall ensure all receipts for goods brought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable
- iii. Seller's VAT details, if applicable.

15. There shall be a premises licence holder present at the premises at all times.

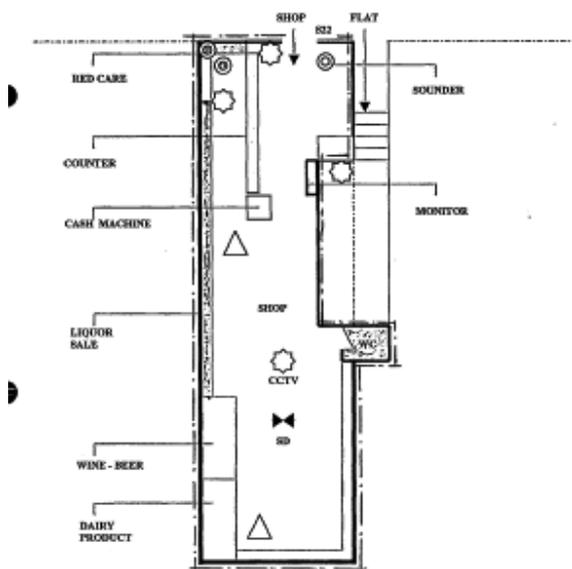
16. Only a personal licence holder shall purchase alcohol for the premises

17. The premises licence shall be suspended until the 22nd October 2010 (alcohol may not be sold until the 23rd October 2010).

Annex 4 - Plans

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

5th August 2005





Part B - Premises licence summary

Premises licence number

132148

Premises details

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

(Old Ford Mini Market)
389 Old Ford Road
London

Post town

London

Post code

E3 2LU

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday from 08:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday from 08:00 hours to 23:00 hours

Name, (registered) address of holder of premises licence

Mr Ra Singh Jani



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

Off sales supplies

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

N/A

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

Raj Singh Jani

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

No



I identify this exhibit as that refer
to in the statement signed by me
Exhibit number: IH.001
Date: 29th October 2021
Name: Ibrahim Hussain
Signed: [REDACTED]

I identify this exhibit as that refer
to in the statement signed by me
Exhibit number: IH.002
Date: 29th October 2021
Name: Ibrahim Hussain
Signed: [REDACTED]

Page 167



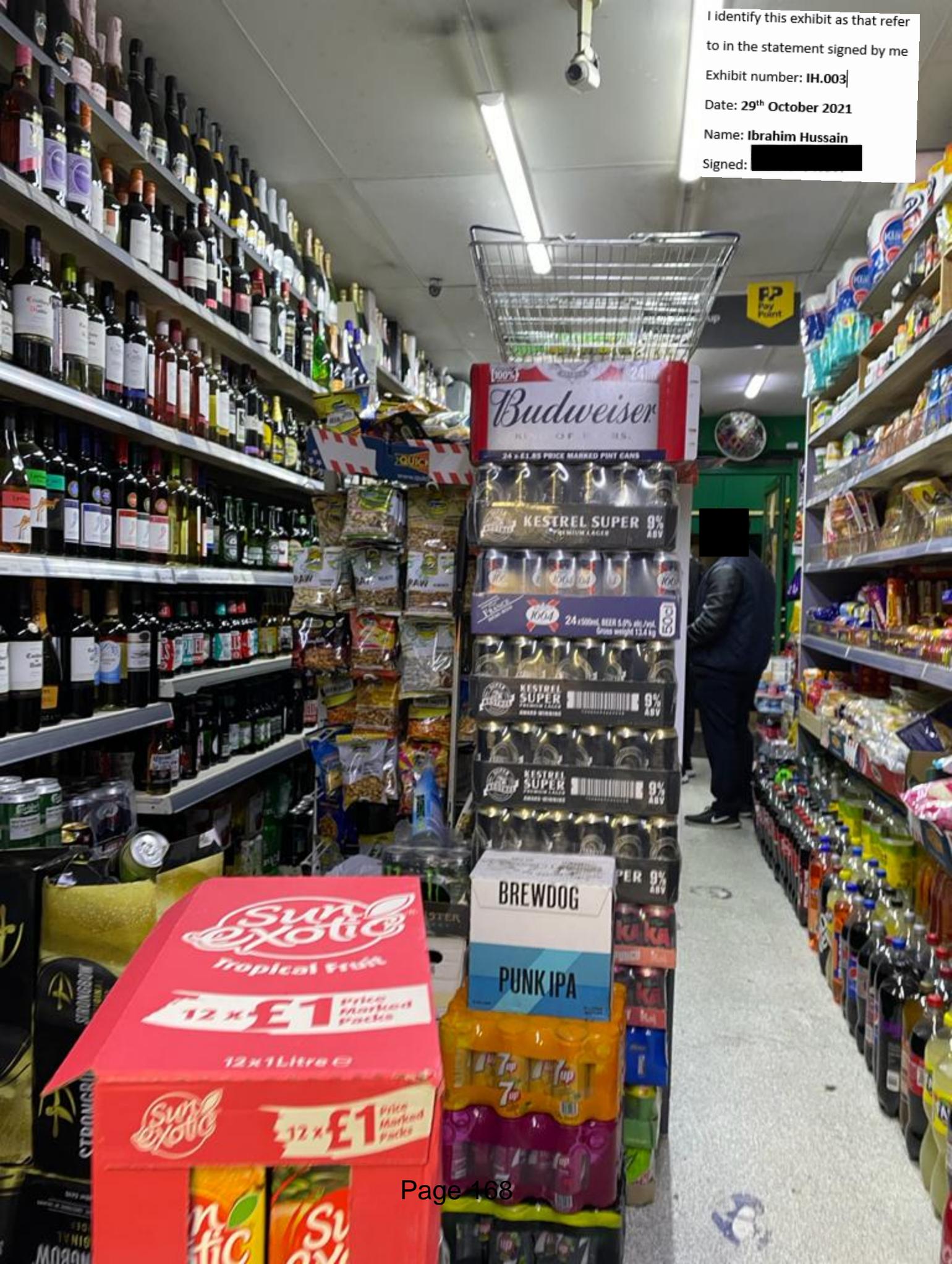
I identify this exhibit as that refer
to in the statement signed by me

Exhibit number: IH.003

Date: 29th October 2021

Name: Ibrahim Hussain

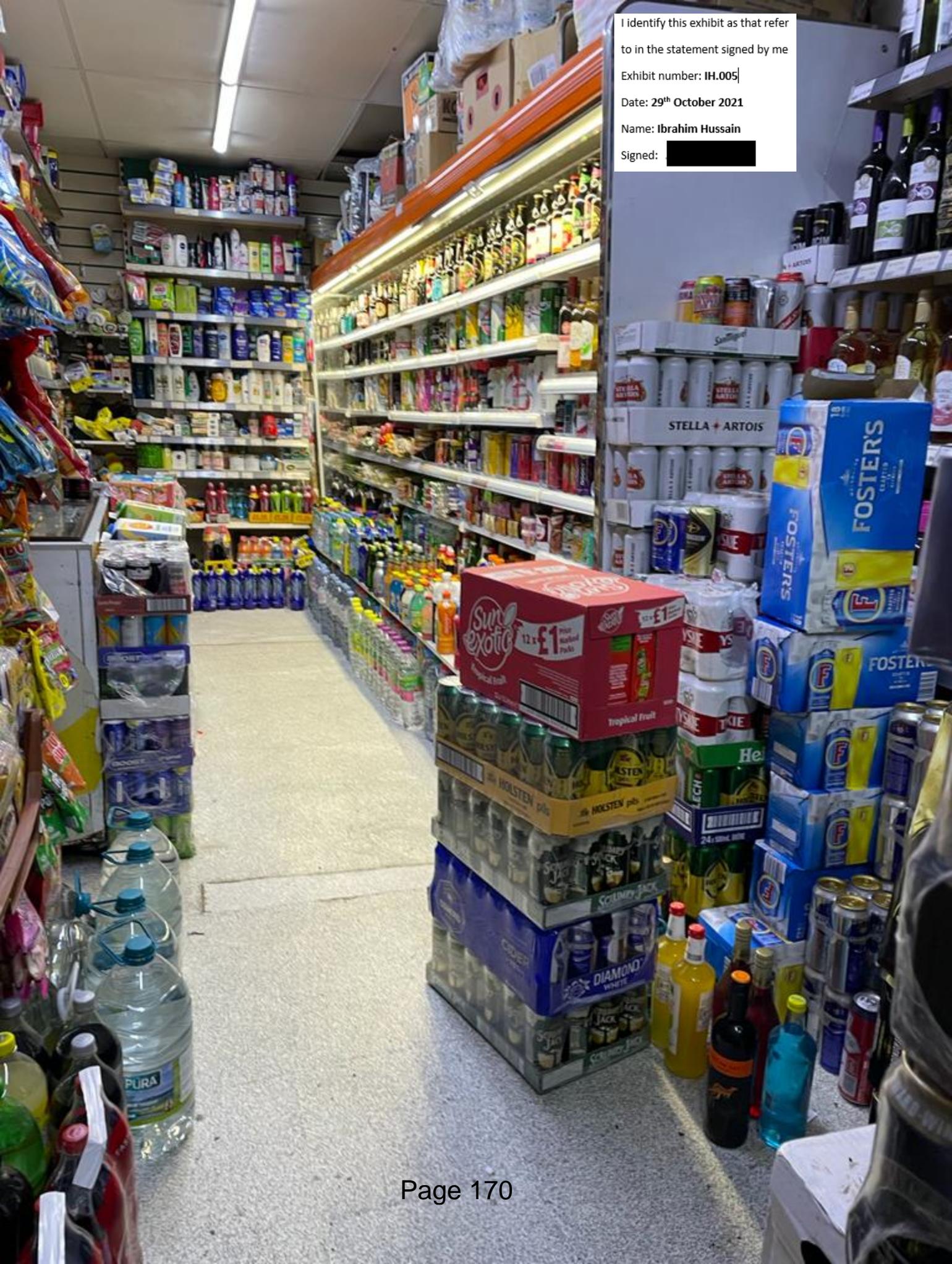
Signed: [REDACTED]



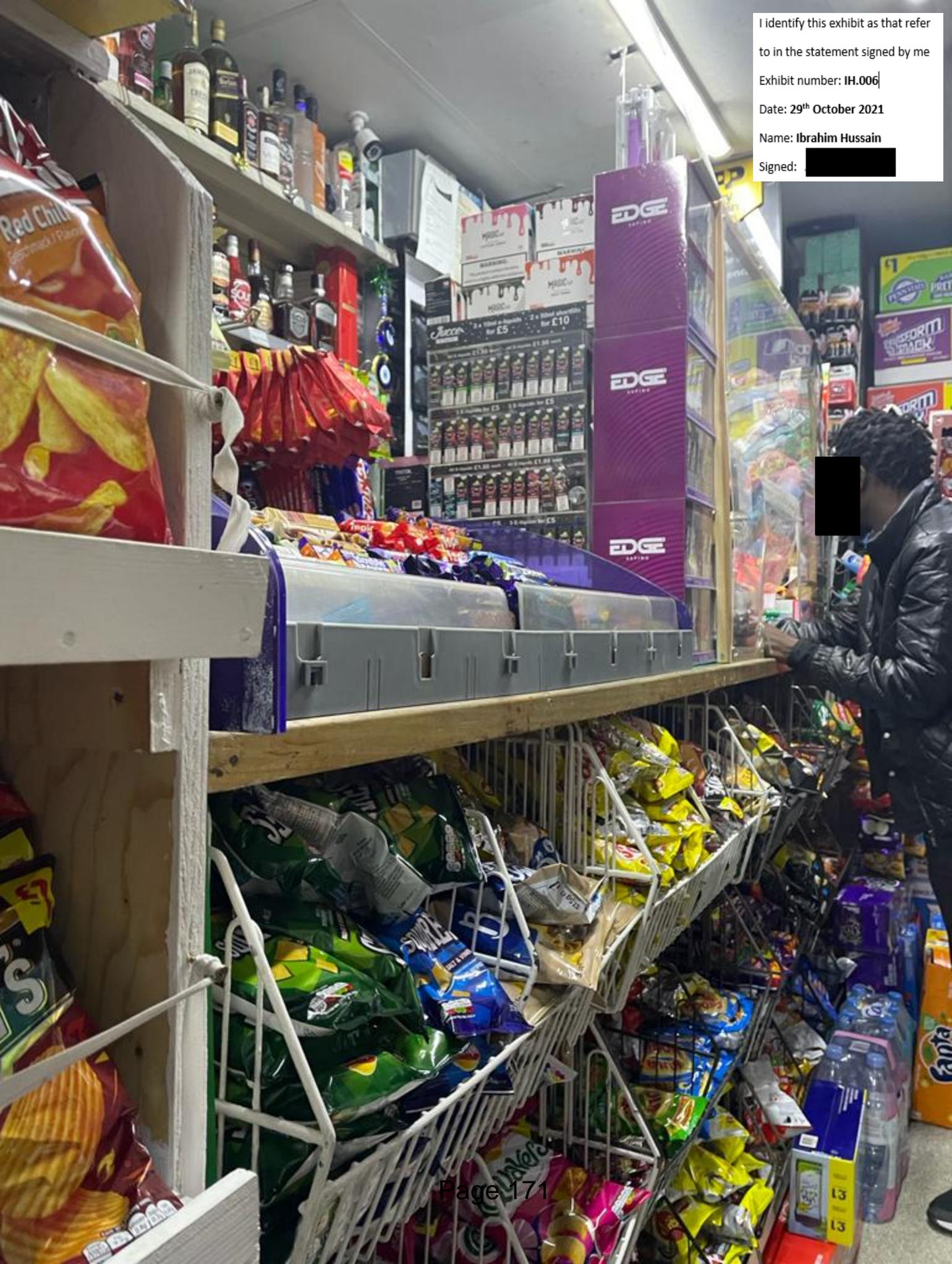


I identify this exhibit as that refer
to in the statement signed by me
Exhibit number: IH.004
Date: 29th October 2021
Name: Ibrahim Hussain
Signed: [REDACTED]

I identify this exhibit as that refer
to in the statement signed by me
Exhibit number: IH.005
Date: 29th October 2021
Name: Ibrahim Hussain
Signed: [REDACTED]



I identify this exhibit as that refer to in the statement signed by me
Exhibit number: IH.006
Date: 29th October 2021
Name: Ibrahim Hussain
Signed: [REDACTED]





I identify this exhibit as that refer
to in the statement signed by me

Exhibit number: IH.007

Date: 29th October 2021

Name: Ibrahim Hussain

Signed: *Ibrahim*



I identify this exhibit as that refer
to in the statement signed by me

Exhibit number: IH.008

Date: 29th October 2021

Name: Ibrahim Hussain

Signed: [REDACTED]



I identify this exhibit as that refer
to in the statement signed by me
Exhibit number: IH.009
Date: 29th October 2021
Name: Ibrahim Hussain
Signed: [REDACTED]

***** End of Report *****

OLDFORD SUPERMARKET
389 OLDFORD ROAD
BOW
E3 2LU

Sales Receipt
29/10/2021 23:25:09 1111 1

Item	Qty	Total
TOBA CCO	1	1.20
(1 items)		
Payments		
Cash		1.20
Sale Total		1.20
Paid Total		1.20
Change		0.00

I identify this exhibit as that refer
to in the statement signed by me
Exhibit number: IH.010
Date: 29th October 2021
Name: Ibrahim Hussain
Signed: [REDACTED]



***** End of Report *****

OLDFORD SUPERMARKET
389 OLDFORD ROAD
BOW
E3 2LU

Sales Receipt
29/10/2021 23:25:09 1111 1

Item	Qty	Total
TOBA CCO	1	1.20
(1 items)		

Payments

Cash	
Sale Total	1.20
Paid Total	1.20
	1.20
Change	0.00

I identify this exhibit as that refer
to in the statement signed by me
Exhibit number: IH.011
Date: 29th October 2021
Name: Ibrahim Hussain
Signed: [REDACTED]



I identify this exhibit as that refer
to in the statement signed by me
Exhibit number: IH/WL.001
Date: 15/11/2021
Name: Ibrahim Hussain

Signed: [REDACTED]



Mr Raj Singh Jani
[REDACTED]
[REDACTED]

PLACE Directorate
Public Realm

Environmental Health & Trading Standards
Licensing & Safety Team

By Email: [REDACTED]

Tel: [REDACTED]
Fax: [REDACTED]
Email: licensing@towerhamlets.gov.uk

15th November 2021

www.towerhamlets.gov.uk

Reference: P/EHTS/LIC/EVU-079515/IH

Dear Sir/Madam,

Licensing Act 2003: Section 136

Premises: Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU

Licence no. 132148

The Licensing Authority has recently received a complaint that you are opening beyond your licensable hours. On the 29th of October, the council officers visited the premises at 2312 bought one can of Carlsberg for £1.20 that was paid in cash and receipt provided by the cashier.

I remind you that your licensable hours are:

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday from 08:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday from 08:00 hours to 23:00 hours

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

Off sales only



The best of London in one borough

Tower Hamlets Council

John Onslow House

1 Ewart Place

London

E3 5EQ

Enforcement visits will be made and if you are found to be breaching your licence enforcement action will be taken, in the form of a prosecution and/or a review of the licence.

I must advise you that 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 of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

Please be advised that you have a duty to comply with the four licensing objectives, namely:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

Please be advised that local residents, local businesses, ward councillors and responsible authorities, including the Licensing Authority can trigger a review of your premises licence if any of the above licensing objectives are not being promoted.

I would welcome any comments you may wish to make in regards to the above.

Yours sincerely



Ibrahim Hussain
Licensing Officer

CC:

- **Police** by email; cemailbox-towerhamletslicensing@met.pnn.police.uk
- **DPS**: Mr Raj Singh Jani, 
- **Premises**: Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU

Ibrahim Hussain

From: Ibrahim Hussain
Sent: 15 November 2021 16:32
To: 'Raj [REDACTED]'
Cc: Police; Alex Brander
Subject: Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU
Attachments: OldFordRd389.001.pdf

Dear Licence Holder

Premises: Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU

Please find attached letter regarding about the above premises licence.

Kind regards

Ibrahim Hussain
Licensing Officer
Licensing and Safety Team
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets
2nd Floor, Mulberry Place
5 Clove Crescent
London
E14 2BG

I identify this exhibit as that refer
to in the statement signed by me
Exhibit number: **IH/WL/002**
Date: **15/11/2021**
Name: **Ibrahim Hussain**

Signed: [REDACTED]

[REDACTED]

Licensing Hotline 020 7364 5008
Licensing General Email: licensing@towerhamlets.gov.uk
Please visit our web page for application forms and guidance at
www.towerhamlets.gov.uk/licensing
www.towerhamlets.gov.uk

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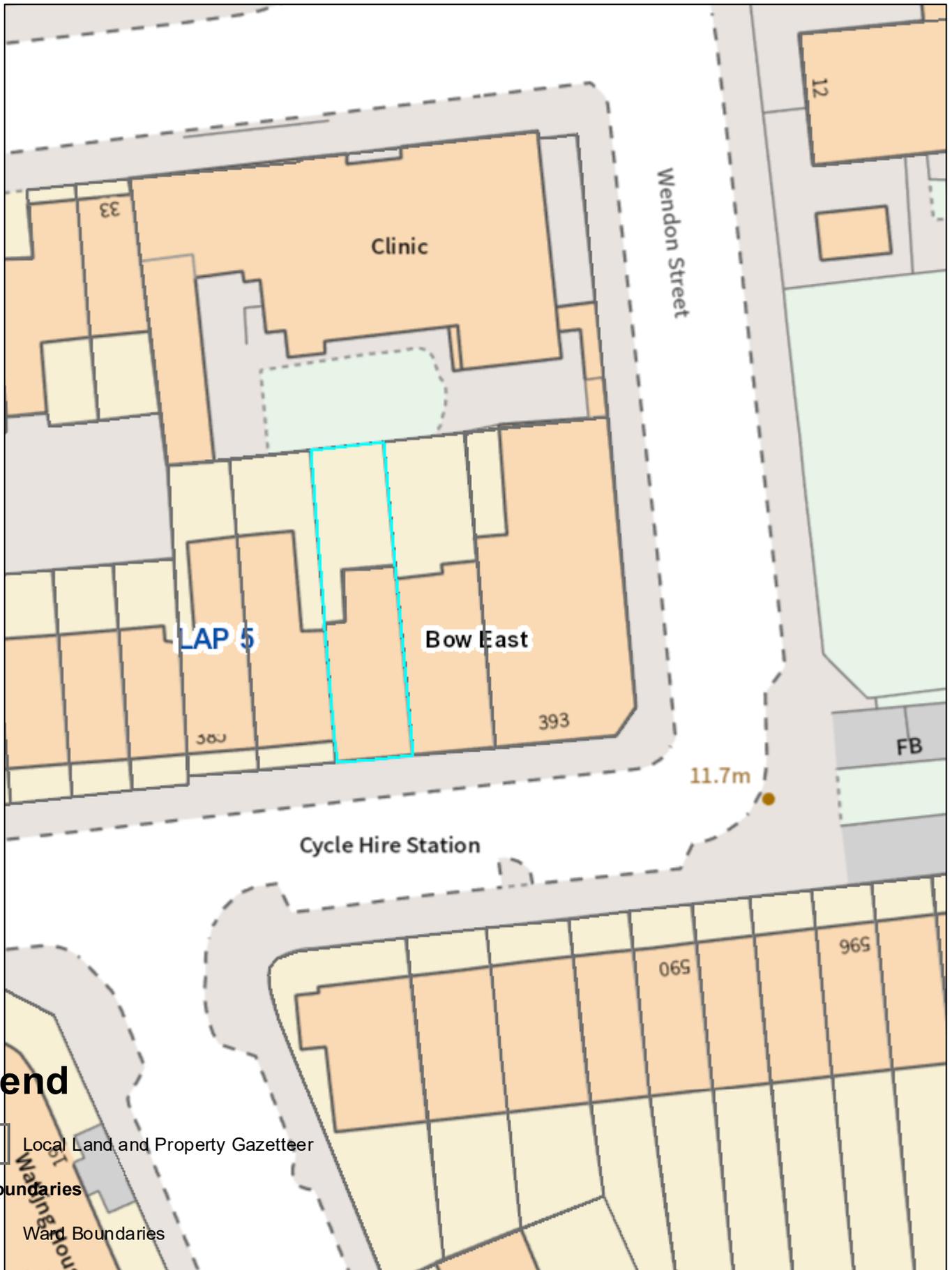
**We all have a part to play
to keep ourselves and our loved
ones safe. Be ready to get your vaccine.**
www.towerhamlets.gov.uk/coronavirus

KEEP TOWER HAMLETS SAFE
TOWER HAMLETS

Appendix 3



389 Old Ford Rd

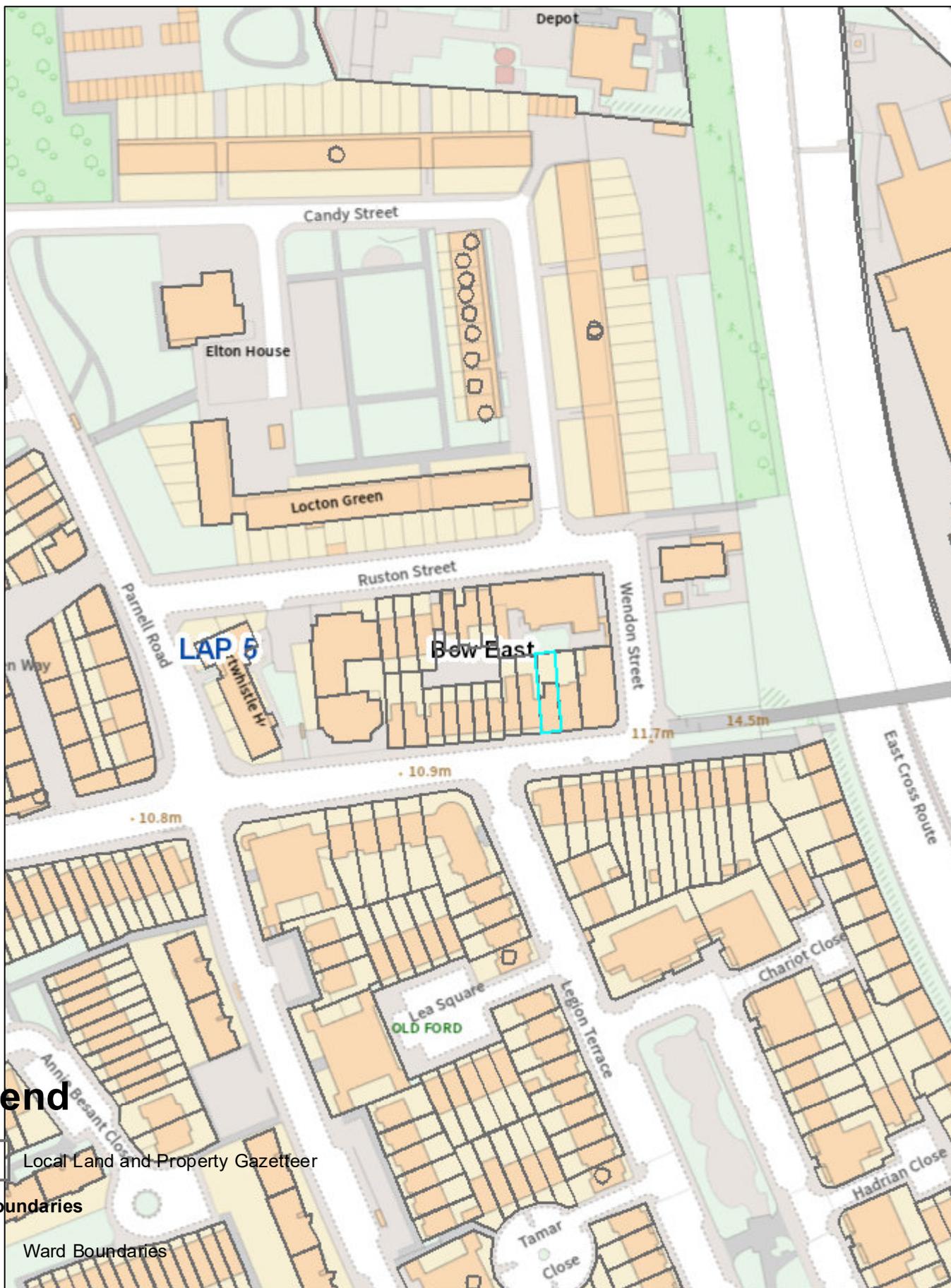


Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries
- LAP Boundaries



389 Old Ford Rd



Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries
- LAP Boundaries

Appendix 4

11. Reviews

The review process

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

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

Repetitious grounds of review

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

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

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

Powers of a licensing authority on the determination of a review

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

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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

Reviews arising in connection with crime

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

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

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

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

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

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

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

Appendix 5

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

Updated April 2018

Crime and disorder

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

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

Appendix 6

Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

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

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

7.8 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting the licensing objectives and is committed to working with them.

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

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

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

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

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

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

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

Smuggled goods

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

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery to provide traceability.
- 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - i. Seller's name and address
 - ii. Seller's company details, if applicable
 - iii. Seller's VAT details, if applicable
 - iv. Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

Olympic Park – Football Ground

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
 - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
 - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Appendix 7

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

Updated April 2018

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 8

Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.