



# Licensing Sub Committee

## Agenda

**Tuesday, 28 March 2023 at 12.00 p.m.  
Council Chamber - Town Hall, Whitechapel**

### Contact for further enquiries:

Farzana Chowdhury, Democratic Services Officer,

farzana.chowdhury@towerhamlets.gov.uk

020 7364 3037

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<http://www.towerhamlets.gov.uk/committee>



## Public Information

### Viewing or Participating in Committee Meetings

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**Please note:** Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

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## **A Guide to Licensing Sub Committee**

The Licensing Sub Committee is made up of 3 Members of the Licensing Committee. In summary, the Sub Committee will determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made.

### **Public Engagement**

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

# London Borough of Tower Hamlets

## Licensing Sub Committee

Tuesday, 28 March 2023

12.00 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 Premise Licence for Chaiwala, 55 Brick Lane, London (Pages 19 - 102)**

Licensing Objectives:

- The prevention of Public Nuisance
- The prevention of Crime and Disorder

Representations:

- Resident
- Environmental Protection





## **Spitalfields & Banglatown Ward**

### **3 .2 Application for a new Premise Licence for Hamlet Pizza, 479 Cambridge Heath Road, London, E2 9BU (Pages 103 - 204)**

Licensing Objectives:

- The prevention of Public Nuisance
- The prevention of Crime and Disorder

Representations:

- Licensing Authority
- Environmental Protection
- Metropolitan Police

## **Bethnal Green West Ward**

### **3 .3 Application to Review the Premises Licence for Bow Supermarket, 163-167 Devons Road, London E3 3QX (Pages 205 - 264)**

Licensing Objectives:

- The prevention of Public Nuisance
- The prevention of Crime and Disorder

Representations:

- Licensing Authority

## **Bromley South Ward**

## **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.

### **Next Meeting of the Licensing Sub Committee**

Tuesday, 11 April 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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# 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**

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

## **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](http://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: <b>Licensing Sub Committee</b>	Date	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Lavine Miller-Johnson</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for Chaiwala, 55 Brick Lane, London, E1 6PU</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant:	<b>Brick Lane Chai Ltd</b>
Name and Address of Premises:	<b>Chaiwala 55 Brick Lane London E1 6PU</b>
Licence sought:	<b>Licensing Act 2003 Provision of Late-Night Refreshments</b>
Objectors:	<b>Environmental Health Residents</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Lavine Miller-Johnson  
020 7364 2665

### 3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Chaiiwala, 55 Brick Lane, London, E1 6PU This premises falls within the Brick Lane Cumulative Impact Area.
- 3.2 The applicant has described the premises as: a restaurant/café with delivery service
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

#### **Provision of Late Night Refreshments** (indoors & outdoors)

Monday – Thursday from 23:00 – 23:30 hours

Friday - Saturday from 23:00 – 24:00 hours

#### **Non-Standard Timings**

The terminal hours shall be extended to 02:00 hours during the holy month of Ramadan and on Eid.

#### **Opening times**

Monday – Thursday from 08:00 hours– 24:00 hours

Friday - Saturday from 08:00 hours – 00:30 hours

Sunday 08:00 – 23:00 hours

- 3.5 Subsequently to the application, the applicant has agreed with Licensing Authority to a reduction of hours as below:

#### **Hours amended for Late Night Refreshment:**

- Monday to Thursday, (No LNR)
- Friday and Saturday, from 23:00 hrs to 00:00hrs (midnight)

#### **Non-standard time:**

- During the holy month of Ramadan and on Eid, from 23:00 hrs to 02:00 hrs the following day.

### 4.0 **Location and Nature of the premises**

- 4.1 The site plan of the venue is included as **Appendix 2**.
- 4.2 Maps showing the vicinity are included as **Appendix 3**.
- 4.3 Photographs of the premises surrounding area included in **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.



## 5.0 Licensing Policy and Government Advice

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

## 6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
- Environmental Health – **Appendix 7**
  - Resident – **Appendix 8**
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Public Health
  - Home office (Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 6.11 The objections relate to:
- Public nuisance
  - Crime and Disorder
  - ASB
  - Public Safety
- 6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the

schedule and incorporate any conditions as necessary to address the licensing objectives.

#### **7.0 Conditions consistent with Operating Schedule**

1. A CCTV system with recording equipment will be installed and maintained at the premises. All recordings used in conjunction with CCTV will: Be of evidential quality in all lighting conditions; Indicate the correct time and date; and Be retained for a period of 31 consecutive days. The premises will liaise and co-cooperate with the Responsible Authorities.

#### **8.0 Conditions Agreed/Requested by Responsible Authority**

##### **Licensing Authorities conditions agreed- See Appendix 9**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team.
  - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
  - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. An incident log shall be kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to an authorised officer of the Council or the Police.
3. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.
4. Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

## 9.0 Licensing Officer Comments

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

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

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

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

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
- ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

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

9.9 In **Appendices 10 – 15** 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

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Photographs of the premises surrounding area
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Representations from EH
<b>Appendix 8</b>	Representation from Resident
<b>Appendix 9</b>	Agreed conditions with LA
<b>Appendix 10</b>	Licensing Officer comments on public nuisance
<b>Appendix 11</b>	S182 advice on public nuisance
<b>Appendix 12</b>	ASB leaving the premises
<b>Appendix 13</b>	Cumulative Impact Area
<b>Appendix 14</b>	Licensing Policy relating to hours of trading
<b>Appendix 15</b>	Planning

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# Appendix 1

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** Brick Lane Chai Ltd

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
Chaiiwala 55 Brick Lane London			
<b>Post town</b>		<b>Postcode</b>	E1 6PU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£0 (not currently rated)</b>

**Part 2 - Applicant details**

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

Name
Brick Lane Chai Ltd
Address
109 Coleman Road Leicester LE5 4LE
Registered number (where applicable)
13706262

Description of applicant (for example, partnership, company, unincorporated association etc.)  Limited Company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start? DD MM YYYY  
A S A P

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

Please give a general description of the premises (please read guidance note 1)  Restaurant/Cafe with delivery service
--

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

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

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

- |  |                            |
|--|----------------------------|
| Provision of regulated entertainment (please read guidance note 2)   | Please tick all that apply |
| a) plays (if ticking yes, fill in box A)                             | <input type="checkbox"/>   |
| b) films (if ticking yes, fill in box B)                             | <input type="checkbox"/>   |
| c) indoor sporting events (if ticking yes, fill in box C)            | <input type="checkbox"/>   |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/>   |
| e) live music (if ticking yes, fill in box E)                        | <input type="checkbox"/>   |

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

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

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

**In all cases complete boxes K, L and M**

**A**

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

**B**

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



**C**

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

**D**

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

**E**

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

**F**

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

# G

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

# H

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

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	23:00	23:30			
	-----	-----			
Tue	23:00	23:30			
	-----	-----	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed	23:00	23:30			
	-----	-----			
Thur	23:00	23:30			
	-----	-----	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri	23:00	24:00			
	-----	-----	The terminal hour shall be extended to 02:00 during the holy month of Ramadan and on Eid.		
Sat	23:00	24:00			
	-----	-----			
Sun					
	-----	-----			

**J**

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

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

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



**K**

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

As far as the applicant is aware none of the proposed activities should give rise to concern in respect of children.

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	24:00	
Tue	08:00	24:00	
Wed	08:00	24:00	
Thur	08:00	24:00	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	23:00	

## M

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

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

The licensing objectives have been considered taking into account the nature of the premises and the proposed style of operation.

We have also considered in detail and taken into account the Statement of Licensing Policy of London Borough of Tower Hamlets.

We have taken into account the Licensing Authority's Framework Hours policy in deciding the hours which you will see are strictly in line with the policy. Therefore, the application has taken into account the Licensing Authority's expectations as expressed in its Policy in relation to hours in this location

This operating schedule has also been prepared on the basis of the hours being within the confines of the Framework Hours and the conditions have been volunteered accordingly.

The premises seem to be within the CIZ. Therefore, we have taken into account:

- that these are very small premises. It can be seen from the plans that the capacity is around 50. This is one (and the first) of example of factors listed in the Policy which the Licensing Authority may consider as exceptional where the premises wish to operate within the Framework Hours.
- the proposed application also falls within the second example listed the Policy as being exceptional i.e. there will be no sale/supply of alcohol.

The application is effectively only for half an hour Mondays to Thursdays and one hour on Friday and Saturday.

The non-standard timings are to cater for the community who wish to socialise later in a non-alcohol venue during the holy month of Ramadan; without the need to apply for TEN's.

The premises will operate in accordance with all relevant legislation.

The premises will liaise and co-cooperate with the Responsible Authorities

### **b) The prevention of crime and disorder**

A CCTV system with recording equipment will be installed and maintained at the premises.

All recordings used in conjunction with CCTV will:

Be of evidential quality in all lighting conditions;

Indicate the correct time and date; and

Be retained for a period of 31 consecutive days.

The premises will liaise and co-cooperate with the Responsible Authorities

**c) Public safety**

The premises will operate in accordance with all relevant legislation which promotes the prevention of public safety objective. For example, the Health & Safety and Food Safety legislation

The premises will liaise and co-operate with the Responsible Authorities.

**d) The prevention of public nuisance**

The premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective. For example, Environmental Protection Act 1990.

Arrangements for the storage and disposal of refuse will not cause a nuisance.

The premises will liaise and co-operate with the Responsible Authorities.

**e) The protection of children from harm**

See box a) above.

**Checklist:**

**Please tick to indicate agreement**


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

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

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

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	13 October 2022
Capacity	Authorised Agent

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

Signature	
Date	
Capacity	

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

Walaiti Rathore  
Licensing Law Consultancy  
3 The Triangle  
NG2 Business Park  
Queens Drive

Post town	Nottingham	Postcode	NG2 1AE
-----------	------------	----------	---------

Telephone number (if any)	[REDACTED]
---------------------------	------------

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

[REDACTED]

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which

combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

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

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

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

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

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

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

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

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

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



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

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

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

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

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

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

### **Home Office online right to work checking service**

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

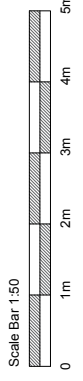
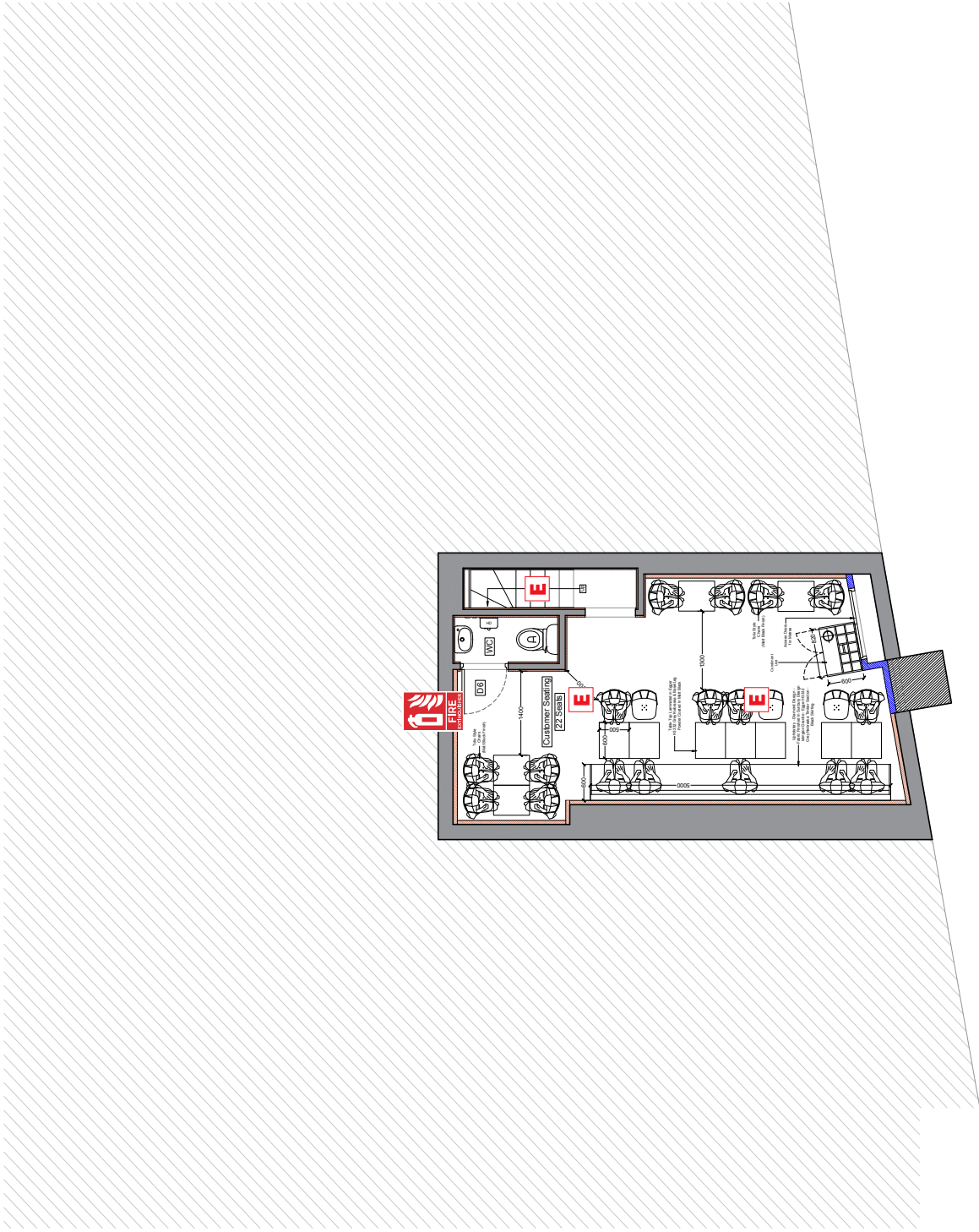
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth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

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

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

# Appendix 2





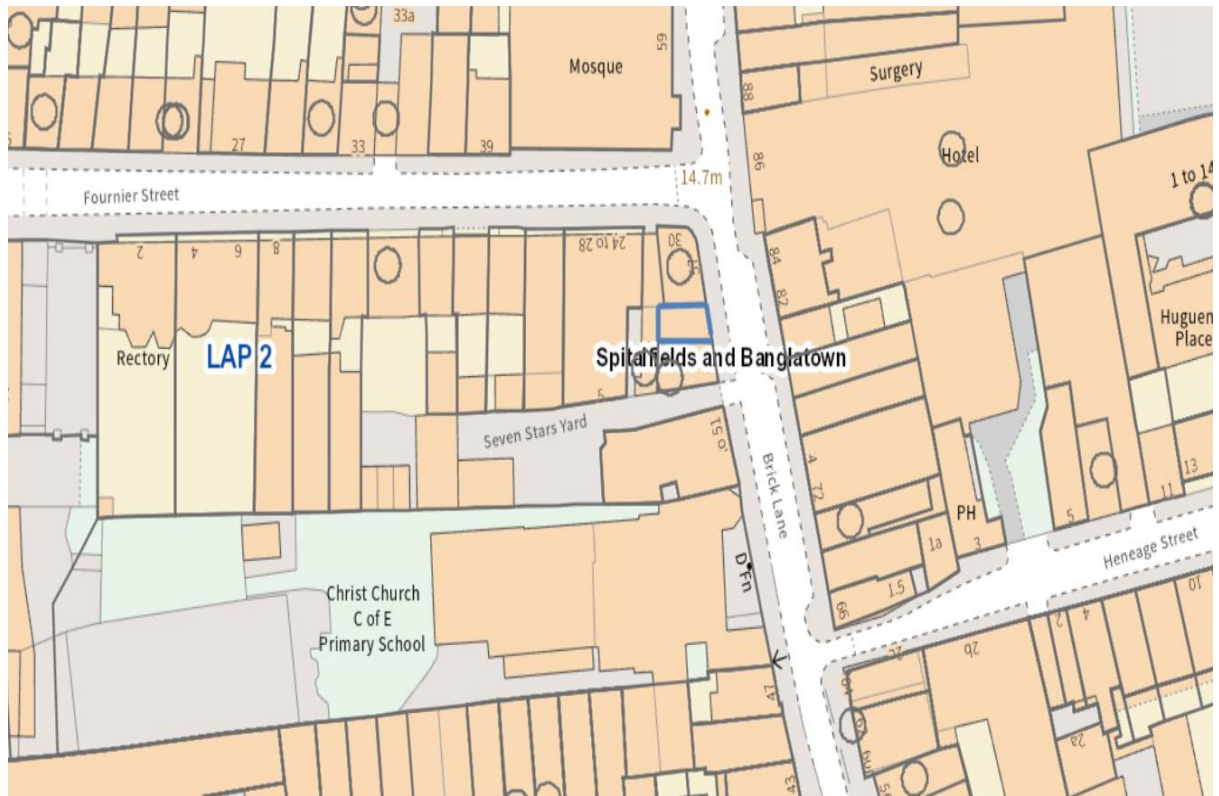
Proposed Basement Plan  
Scale 1:50 @ A2

LEGEND	
	Existing Walls
	Proposed Walls - Metal Stud Partitions 100mm
	Proposed Partition Walls (70mm Allowance) Metal Stud Partitions 50mm & for Partitions 100mm in OSB/R rear board As Applicable
	Door
	Ceiling Height
	Grid Ceiling Height
	Rain Water Pipe
	Down Pipe
	Site Boundary
	Manhole/ Inspection Cover
	North Indicator

Drawn	Date	Scale
SP	01/22	1:50 @ A2
Client	Chaiwala	
Project	Schematic Drawing	
Schematic drawings are indicative and are subject to further inspection and dimension check to reflect the true nature of the site.		
Site Address	55 Brick Lane London	
E1 6PU		
Sheet	Rev	
A2-09	00	

# Appendix 3

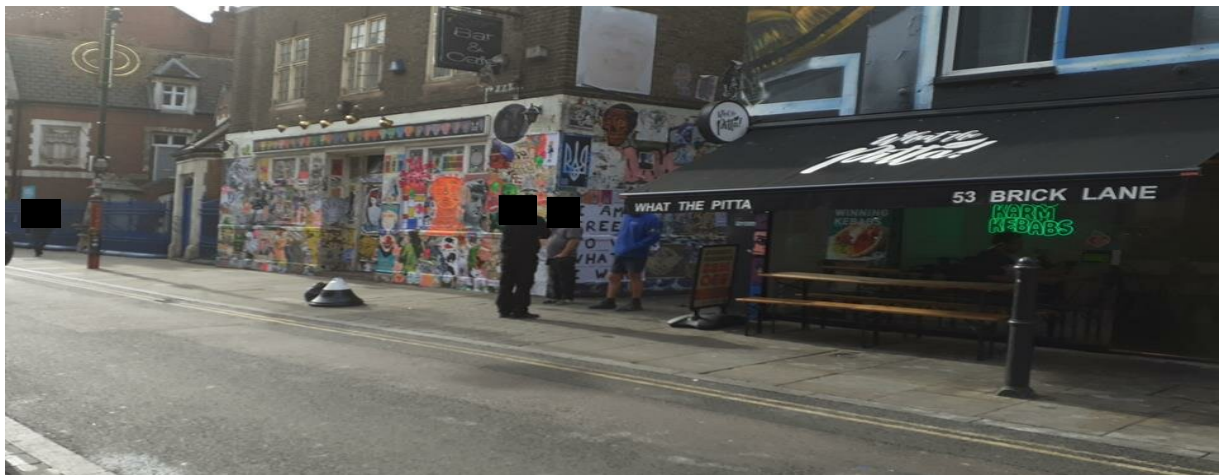
Map of surrounding area



# Appendix 4



Images of surrounding area



# Appendix 5

<b>Address</b>	<b>Licensable activities/times</b>	<b>Opening hours</b>
<p><b>(Seven Stars)</b> Basement and Ground Floor 49 Brick Lane</p>	<p><b><u>The sale by retail of alcohol (on sales)</u></b> Monday - Saturday 10 00 hrs to 02 00 hrs the following morning Sunday 10 00 hrs to midnight</p> <p><b><u>Late Night Refreshment</u></b> Monday - Saturday until 02 00 hrs the following morning Sunday until midnight</p> <p><b><u>The provision of regulated entertainment</u></b> <b>Live Music and the Provision of Facilities for Making Music (Karaoke only)</b> Monday - Saturday 19 00 hrs to 02 00 hrs the following morning Sunday 19 00 hrs to midnight</p> <p><b>Recorded Music</b> Monday - Saturday from 11:00 hrs to 02:00 hrs the following morning Sunday 11 00 hrs to midnight</p>	<ul style="list-style-type: none"> <li>• Monday - Saturday 10: 00 hrs to 02:30 hrs the following morning</li> <li>• Sunday 10:00 hrs to 00:30 hrs the following morning</li> </ul>
<p><b>(Kill the Cat)</b> 43 Brick Lane</p>	<p><b><u>Supply of alcohol – on and off</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Wednesday from 12:00hrs (midday) to 22:00hrs</li> <li>• Thursday to Saturday from 11:00hrs to 23:00hrs</li> <li>• Sunday from 11:00hrs to 21:00hrs</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Wednesday from 12:00hrs (midday) to 22:00hrs</li> <li>• Thursday to Saturday from 11.00hrs to 23.00hrs</li> <li>• Sunday from 11:00hrs to 21:00hrs</li> </ul>
<p><b>(Cost Price)</b> 41 Brick Lane</p>	<p><b><u>The sale by retail of alcohol (off sales only)</u></b></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)</li> <li>• Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)</li> </ul>	<ul style="list-style-type: none"> <li>• Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)</li> <li>• Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)</li> </ul>

<p><b>Chez Elles</b> 45 Brick Lane</p>	<p>The sale by retail of alcohol (on sales)</p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 12:00 hours to 23:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday, from 11:00 hours to 23:30 hours</li> </ul>
<p><b>Brick Lane Coffee Shop</b> 47 Brick Lane</p>	<p><b>Sale of Alcohol (on &amp; off sales)</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 09:00 hours to 23:00 hours</li> </ul> <p><b>Late Night refreshment:</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 23:00 hours to 23:30 hours</li> </ul>	<p>Monday to Sunday from 07:00 hours to 23:30 hours</p>
<p><b>(Morley's)</b> 60 - 62 Brick Lane</p>	<p><b><u>The provision of late light refreshment</u></b></p> <ul style="list-style-type: none"> <li>Monday to Thursday, from 23:00 hours to 23:30 hours</li> <li>Friday and Saturday, from 23:00 hours to 00:00 hours (midnight)</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Thursday, from 11:00 hours to 00:00 hours (midnight)</li> <li>Friday and Saturday, from 11:00 hours to 00:30 hours (the following day)</li> <li>Sunday, from 11:00 hours to 23:00 hours</li> </ul>
<p><b>(Vegan Yes)</b> 64 Brick Lane</p>	<p><b><u>The supply of alcohol (on sales only)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 12:00 hours to 21:30 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday, from 11:30 hours to 21:30 hours</li> </ul>
<p><b>(Sketch)</b> 68 Brick Lane</p>	<p><b><u>The sale by retail of alcohol (on sales only)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 11:00 hrs to 22:30 hrs</li> <li>Sunday, from 12:00 hrs to 22:00 hrs</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Saturday from 11:00 hrs to 23:00 hrs</li> <li>Sunday from 12:00 hrs to 22:30 hrs</li> </ul>
<p><b>(Lucky Dog Chinese Restaurant)</b> 70 Brick Lane</p>	<p><b><u>Sale of Alcohol (on sales only)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 12:00 hours to 21:45 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday from 12:00 hours to 22:00 hours</li> </ul>

<p><b>(Monsoon)</b> 78 Brick Lane</p>	<p><b>The sale by retail of alcohol (on sales)</b></p> <ul style="list-style-type: none"> <li>• Sunday from midday until 23.00 hours</li> <li>• Monday -Wednesday from midday until midnight</li> <li>• Thursday - Saturday from 11:00 hours until 02:00 hours the following day.</li> </ul> <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. 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><b>For provision of Late Night Refreshment:</b> Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight only</p>	<ul style="list-style-type: none"> <li>• Sunday from midday until 23.00 hours</li> <li>• Monday - Wednesday from midday until midnight</li> <li>• Thursday - Saturday from 11:00 hours until 02:00 hours the following day.</li> </ul>
<p><b>(Pepe's Piri Piri)</b> 82-84 Brick Lane</p>	<p><b><u>The provision of late night refreshment</u></b></p> <p>Sunday to Thursday 23:00 – 23:30 hours. Friday &amp; Saturday 23:00 – 01:00 hours the following day.</p>	<ul style="list-style-type: none"> <li>• Sunday to Thursday 23:00 – 23:30 hours.</li> <li>• Friday &amp; Saturday 23:00 – 01:00 hours the following day.</li> </ul>
<p><b>(Shawarma)</b> 84 Brick Lane</p>	<p><b><u>The provision of late night refreshment:</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Wednesday 23:00 hours to 00:00 hours (midnight)</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Wednesday 10:00 hours to 00:30 hours</li> </ul>

	<ul style="list-style-type: none"> <li>Thursday to Saturday 23:00 hours to 02:00 hours</li> <li>Sunday 23:00 hours to 23:30 hours</li> </ul> <p>Non Standard Timings: From the end of permitted hours on New Years Eve until 02:00 hours New Years Day Sundays preceding a Bank Holiday Monday until 02:00 hours.</p>	<p>Thursday to Saturday 10:00 hours to 02:30 hours Sunday 10:00 hours to 00:00 hours (midnight)</p> <p>Non Standard Timings: From the end of permitted hours on New Years Eve until 02:00 hours New Years Day Sundays preceding a Bank Holiday Monday until 02:00 hours.</p>
<p><b>(Masala Restaurant)</b> 88 Brick Lane</p>	<p><b><u>The sale of alcohol (on sales)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Saturday 12:00 hours to 23:30 hours</li> <li>Sunday 12:00 hours to 23:00 hours</li> </ul> <p><b><u>Late Night Refreshment</u></b></p> <ul style="list-style-type: none"> <li>Monday to Saturday until 23:30 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Saturday 12:00 hours to midnight</li> <li>Sunday 12:00 hours to 23:30 hours</li> </ul>
<p><b>(Pride of Spitalfields)</b> 3 Heneage Street</p>	<p><b><u>The sale by retail of alcohol (on sales):</u></b></p> <ul style="list-style-type: none"> <li>Monday - Thursday from 10:30 hours to 01:00 hours the following day</li> <li>Friday and Saturday from 10:30 hours to 02:00 hours the following day</li> <li>Sunday from 10:30 hours to midnight</li> </ul> <p><b><u>Regulated Entertainment consisting of Provision of Recorded Music</u></b></p> <ul style="list-style-type: none"> <li>Monday - Thursday from 10:30 hours to 01:00 hours the following day</li> <li>Friday and Saturday from 10:30 hours to 02:00 hours the following day</li> <li>Sunday from 10:30 hours to midnight</li> </ul>	<ul style="list-style-type: none"> <li>Monday - Thursday from 10:30 hours to 01:00 hours the following day</li> <li>Friday and Saturday from 10:30 hours to 02:00 hours the following day</li> <li>Sunday from 10:30 hours to midnight</li> <li>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in</li> </ul>

	<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>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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# Appendix 6



## **Section 182 Advice by the Home Office Updated on December 2022**

### Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

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

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

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

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

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

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

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

# Appendix 7

## Lavine Miller-Johnson

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**From:** Licensing  
**Sent:** 16 November 2022 16:56  
**To:** Lavine Miller-Johnson  
**Subject:** FW: M153887 - Chaiiwala - 55 Brick Lane, London, E1 6PU

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Onuoha Olere <[REDACTED]>  
**Sent:** 16 November 2022 16:45  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** FW: M153887 - Chaiiwala - 55 Brick Lane, London, E1 6PU

Dear Licensing,

Having considered the premises license application for Chaiiwala, at 55 Brick Lane, London, E1 6PU. I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of Public Nuisance and the prevention of noise generated from within the premises or outside areas of the premises to be causing disturbance to people living above the premises and in the vicinity. Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

There is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance. Condition ***“premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective”***. ***Arrangements for the storage and disposal of refuse will not cause a nuisance”*** ***“The premises will liaise and cooperate with responsible authorities”*** is very general and subjective. Also, there is no consideration of the impact on public nuisance from increase footfall from persons accessing and egressing the premises, obstruction of footpath, idling of any vehicles by your business or drivers associated with your business whilst the premises are in operation, signs and notices, noise emanating from the premise or vibration transmitted through the structure of the premises which gives rise to a public nuisance particularly when considering the premises is in Brick Lane Cumulative Impact Zone.

**Noise Sensitive premises:** residential premises in proximity ( above premises).

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

- Noise breakout from the venue affecting neighbouring residents,
- Access & egress to and from the venue including patrons outside the premises obstructing footpath, whilst the premises is in operation
- Hours of operation
- How to manage idling of vehicles from customers and staff associated with premises during pick up and deliveries

### **CONCLUSION**

Environmental Protection **does not** support the application of 55 Brick Lane, London, E1 for the following reasons:

1. There is great likelihood of disturbance to residential premises from the impact of additional footfall,
2. The applicant has not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance
3. The premises is in Brick Lane Cumulative Impact Zone.
4. Parking and idling of vehicle

If the committee are minded granting this application, I would ask that the following conditions be considered:

- 1 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- 2 Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall be limited to 5 persons at any one time.
- 3 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 public nuisance
- 4 There shall be no idling of any vehicles by business, customers or drivers associated with your premises
- 5 Notices shall be prominently displayed at all exits requesting customers and staff to respect the needs of local residents and businesses and leave the area quietly.

Kind regards

Olere

*Onuoha OLERE*  
***Environmental Protection Officer***  
*Environmental Health & Trading Standards*  
*Place Directorate*  
*London Borough of Tower Hamlets*  
*Mulberry Place, 5 Clove Crescent*  
*London, E14 2BG*  
*Phone - 02073646830*

#### **Section 61 consent**

To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply here:  
[https://www.towerhamlets.gov.uk/lgnl/environment\\_and\\_waste/environmental\\_health/pollution/Guidance-for-Section-61-Applications.aspx](https://www.towerhamlets.gov.uk/lgnl/environment_and_waste/environmental_health/pollution/Guidance-for-Section-61-Applications.aspx)

Click here to see the Tower Hamlets Noise

map: <https://towerhamlets.maps.arcgis.com/apps/webappviewer/index.html?id=ab567dca90424100b0026259e447d911>

# Appendix 8

## Lavine Miller-Johnson

---

**From:** Licensing  
**Sent:** 07 November 2022 16:21  
**To:** Lavine Miller-Johnson  
**Subject:** FW: serious objections on late night refreshments at 55 Brick Lane E1 6pu for chaiiwala

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** mila akter <[REDACTED]>  
**Sent:** 07 November 2022 14:48  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** serious objections on late night refreshments at 55 Brick Lane E1 6pu for chaiiwala

Dear team

We live in [REDACTED] which is just in front of this above subject premise.

Our windows open just in front of the shop. :-)

we highly object to this late night refreshments plan specially for gathering and snacking after 23:00.

Chaiwala is famous for gathering people/crowds during night selling chai and overcrowding.

wherever they got permission they did the same overcrowding at night and made a mesh in the area.

<https://www.nottinghampost.com/news/nottingham-news/indian-street-food-cafe-chaiiwala-5791072>

It will be a nightmare for us to even think of this as we need to go to work early in the morning.

Please please stop this rubbish as he will disturb the whole area in the late night..

regards  
Mila Akter  
[REDACTED]

IN ASSOCIATION WITH PRIDE OF BRITAIN



# Indian street food cafe Chaiiwala allowed to open late despite complaints over 'horrendous' noise

The cafe has before operated beyond its authorised opening hours, prompting complaints from a resident

SHARE 41

By [Joseph Locker](#) Digital News Correspondent

15:01, 16 AUG 2021 | UPDATED 11:17, 17 AUG 2021

Boo







The matter was debated during a lengthy committee meeting on Monday, August 16, where a resident who lives above the street food and Indi objected to the plans.

However the licence to serve late-night refreshment until 1am, with closure by 1.30am, was approved.

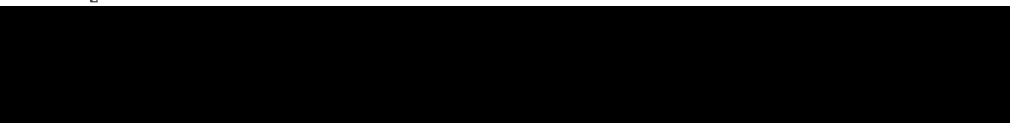
A resident who lives in the flat directly above, questioned the approval of the licence following the month of Ramadan (which took place from A May 12 this year).

During Ramadan she said the cafe had remained open well beyond what was authorised and described the resulting noise as "horrendous", lea contact Environmental Health officer Peter McEvoy to conduct an investigation.

Walaiti Rathore, who represented Chaiiwala during the meeting, admitted the cafe remained open beyond what was unauthorised and said: "Tt operation beyond 11pm, we put our hands up to that, but that's all now been factored in as part of this process, moving forward that's not goin happen and the only hours they will operate are the ones that operate now or the ones as part of this process.

"Yes they did go beyond the hours they were authorised to do but they have now spoken to the responsible authorities."

Combat Siege



The resident added: "To me that was my trial run in this situation and this is why I drafted Mr McEvoy in because I just could not stand the noise pollution coming from downstairs."

Islam Hussain, an employee and shareholder for Chaiiwala, replied: "We are actually a construction group, that is our main area of expertise an was an investment we made as part of the successful operation of our construction business.

"So rather naively we were not experts in licencing or hours of operation, so when we received communication from the council saying you wer [breach] of the licencing law we made every effort to pull the hours back to 11pm, seven days a week.

"I would like to apologise to the resident."

As a result the owners at Chaiiwala applied for an extended opening hours licence.

During the meeting Mr Rathore outlined the cafe's reasons for extending opening hours and said: "There is no logical basis of refusing the appli

"The issues in this case are straight forward but I think it would be helpful for me to set out the background to the application and put it into pe The starting point to note is this is not an application for alcohol or regulated entertainment, this is an application for late-night refreshment.

"You may be aware that Chaiwala is the fastest growing global brand and you may be aware that by brand design and other factors they have p themselves as a concept and space for people who wish to socialise in an alcohol and loud music-free environment and some of their stores na have late-night licenses which they operate successfully and therefore they have a proven track record in this industry."

Mr Rathore says they had liaised with [Nottinghamshire Police](#) and [Environmental Health](#) to come upon a suitable proposal.



late-night refreshment on Friday and Saturday to 1am.

"We also became aware there was only one objection representation. A resident who lives above the premises in a flat.

"We arranged and had a meeting with her with a view to hopefully resolving the matter amicably."

The resident was given the opportunity to come up with a counter-proposal, but Mr Rathore said they had received no official reply.

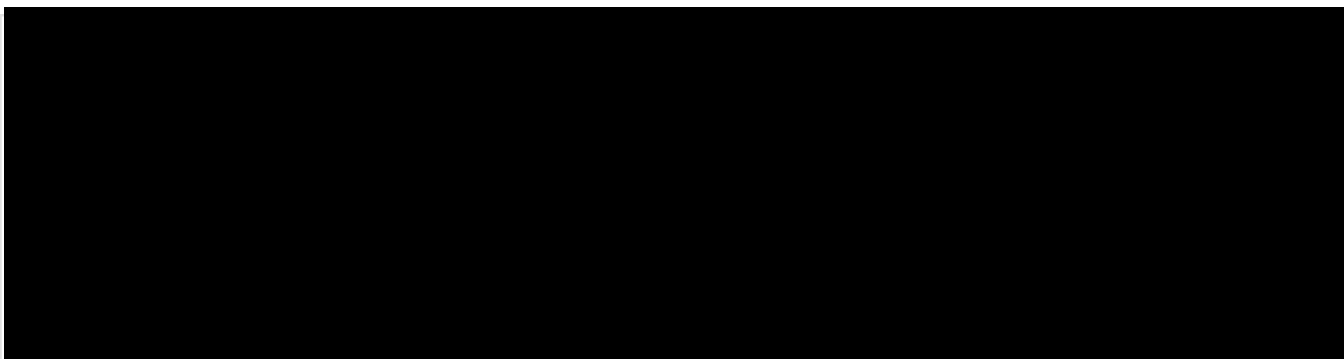
Instead she opposed the proposals, adding: "The noise is absolutely horrendous and that is why I drafted Environmental Health in.

"There is a recording that has been done. Last night I was awoken again. The month of Ramadan I ended up having to come and sleep at my ch house. I shouldn't have to do that."

"I have been assaulted by customers that have been in Chaiiwala, just because I asked them can they move their car please s get on my c

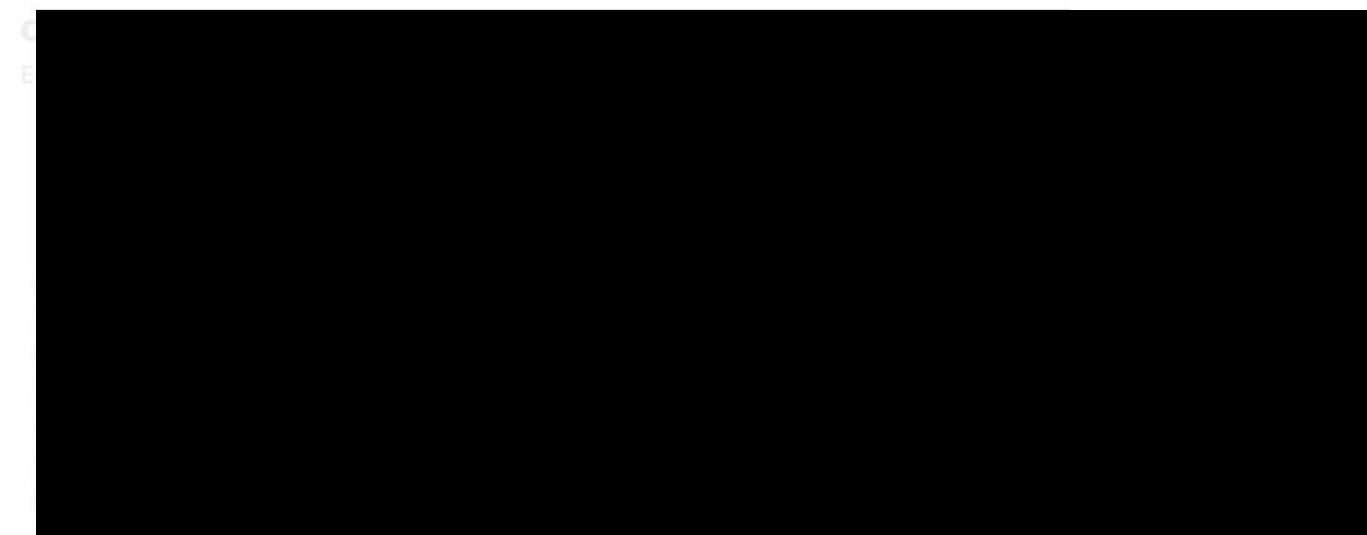
"I have been spat at, I have had coffee thrown at me. This is all in the log with the police report where I have reported it."

Mr McEvoy, who was speaking not on behalf of Environmental Health but instead as part of his responsibility to investigate the noise under the Environmental Protection Act, explained the fundamental problem was that he deemed the noise coming from downstairs was "loud enough to sleep", particularly impact noises which had been identified as the biggest issue.



However Mr Rathore argued the resident's complaints "were not enough to influence a licencing decision" and the committee should therefore on the licencing matter at hand.

He added the premises being regulated would in fact benefit the resident, adding: "She chose, and this is stated in her email to the council, fairl to live in one of Nottingham's busiest if not the busiest mixed-use streets and the problems in the wider area have been there for decades.



"The resident should have or would have known this. All we are asking you to do today is apply a licencing act and that is what you are concern today.

"There seems to be a suggestion there may be a statutory nuisance which is dealt with under a different legislation but not relevant to today's p

"These matters were thoroughly investigated by the both the police and the Environmental Health officer and yet they were still supportive of tl

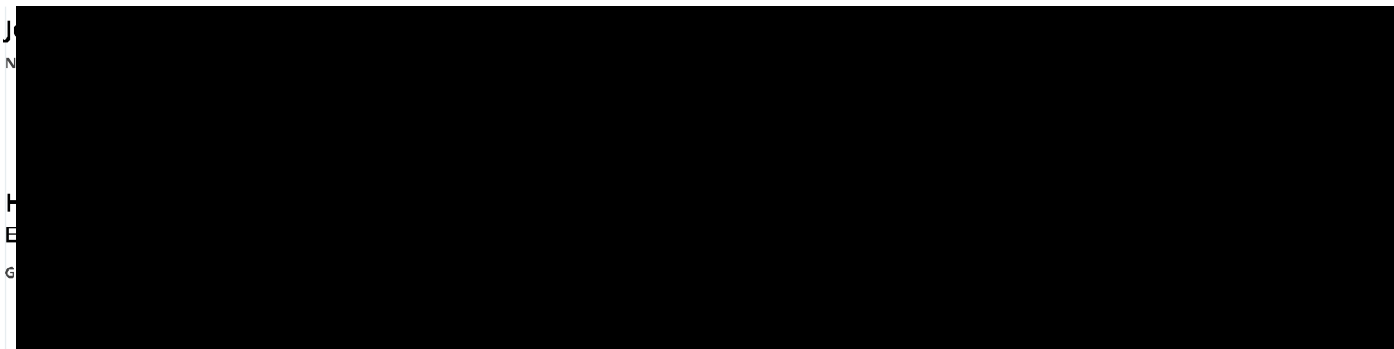
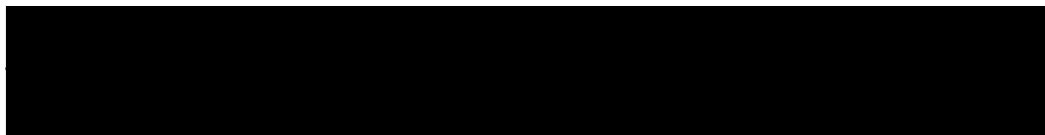
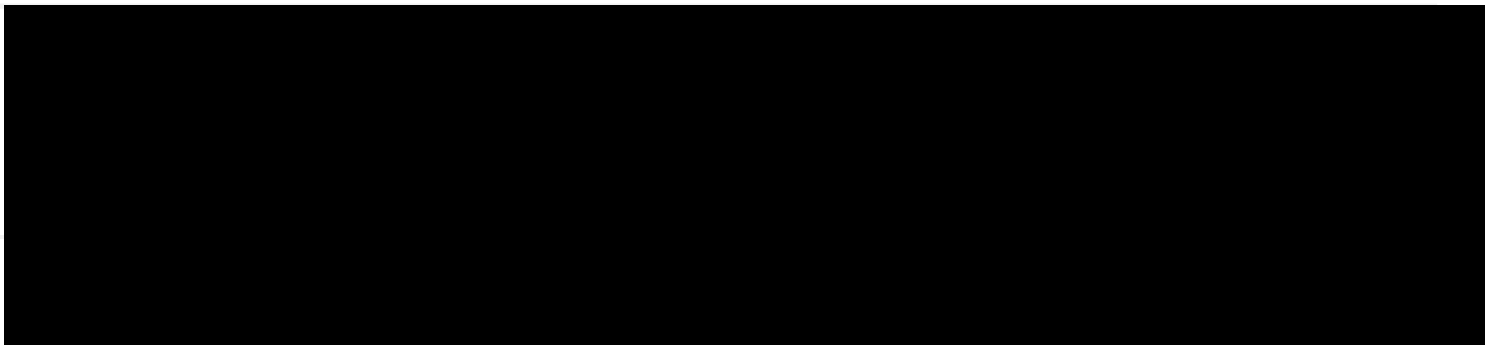


138212091369

After some deliberation councillor Toby Neal, the chairman of the committee, said: "We are agreed that we will allow this licence, condition to a put up for residents' parking.

"The licencing of this puts a lot more onus on the applicant to be a lot more responsible and I believe it will strengthen any cc ; you will ha they have to meet the objectives and you do have a right, as do all other residents, to ask for a review if there is evidence the breach of th

Another condition includes the need for additional CCTV to be installed in due course.



# Appendix 9

## Lavine Miller-Johnson

---

**From:** Mohshin Ali  
**Sent:** 02 December 2022 16:47  
**To:** Lavine Miller-Johnson  
**Cc:** Walaiti Rathore  
**Subject:** LA Rep withdrawn: Chaiiwala), 55 Brick Lane, London E1 6PU  
**Attachments:** RE: LA Rep: Chaiiwala), 55 Brick Lane, London E1 6PU

Dear Licensing Authority,

### **Licensing Act 2003**

#### New premises licence application: (Chaiiwala), 55 Brick Lane, London E1 6PU

The Licensing Authority (acting a Responsible Authority) withdraws the representation made for the above premises on the 16<sup>th</sup> November 2022. To confirm, the applicant has amended the application and agreed to the following times and conditions:

#### Hours amended for Late Night Refreshment:

- Monday to Thursday, (No LNR)
- Friday and Saturday, from 23:00 hrs to 00:00hrs (midnight)

#### Non-standard time:

- During the holy month of Ramadan and on Eid, from 23:00 hrs to 02:00 hrs the following day.

#### **Licensing Conditions:**

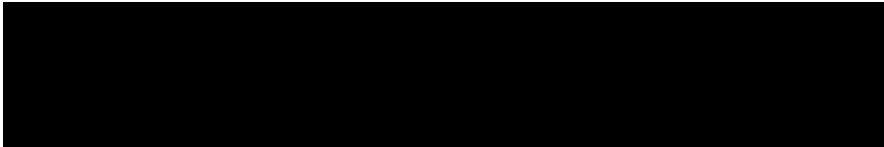
- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team.*
  - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.*
  - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.*
  - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.*
  - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*
- 2. An incident log shall be kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to an authorised officer of the Council or the Police.*
- 3. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.*

4. *Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.*

Kind regards,

**Mohshin Ali**

Senior Licensing Officer  
Licensing and Safety Team  
Environmental Health & Trading Standards  
Place Directorate  
Mulberry Place  
5 Clove Crescent  
London E14 2BG



[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

# Appendix 10

## 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.



# Appendix 11

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

Updated December 2022

## 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 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 12

## **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.

## Page 90

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 13



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

1. The Licensing Authority has adopted a special policy relating to cumulative impact in areas of:
  - Brick Lane
  - Bethnal Green

**This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.**

2. The Council reviewed the Special Cumulative Impact Policy in 2021 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance. As part of the review in 2021, the Council also decided that the concentration of licensed premises within the Bethnal Green area was also having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.

#### Review of Cumulative Impact Assessment - Supporting Evidence

3. In determining the Councils CIAs for the area of Brick Lane and Bethnal Green (Figures One and Two Below) the Council considered the following evidence:
  - Hot spot maps of incidents of crime and disorder and ASB linked to Licence premises in the defined areas for 2017 to 2020.
  - Complaint data from Environmental Health and Trading Standards relating to Noise and Licensing.
  - Licence Application data for the defined areas for 2017 to 2020
  - Results of the Consultation, that included Survey data and comments and written responses.

This evidence is published on our website:

<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&MId=12361>.

## Cumulative Impact Assessments (Brick Lane and Bethnal Green)

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
  5. The Brick Lane and Bethnal Green CIAs aim to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
  6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
    - New Premises Licences applications,
    - New Club Premises Certificates applications
    - Provisional Statements,
    - Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).
- However, it will only apply where the application seeks to permit the Licensable activities of:
- the sale or supply of alcohol for consumption on or off the premises, and/or,
  - the provision of late night refreshment.
7. **This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIAs if they wish to rebut this presumption.**
  8. The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused.
  9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.
  
11. This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:
  - Prevention of Crime and Disorder;
  - Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

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

### **Possible exceptions to the Brick Lane and Bethnal Green Cumulative Impact Assessments**

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
  - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,
  - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),and,
  - Have arrangements to prevent vertical drinking, for example fully seated venues;
  
- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .
  
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

Licensing Authority will **not** consider the following as possible exceptions:

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

### The Cumulative Impact Assessment Areas for the Brick Lane and Bethnal Green

13. The Cumulative Impact Assessment Areas are detailed in the maps below.

Figure One

#### Brick Lane area:

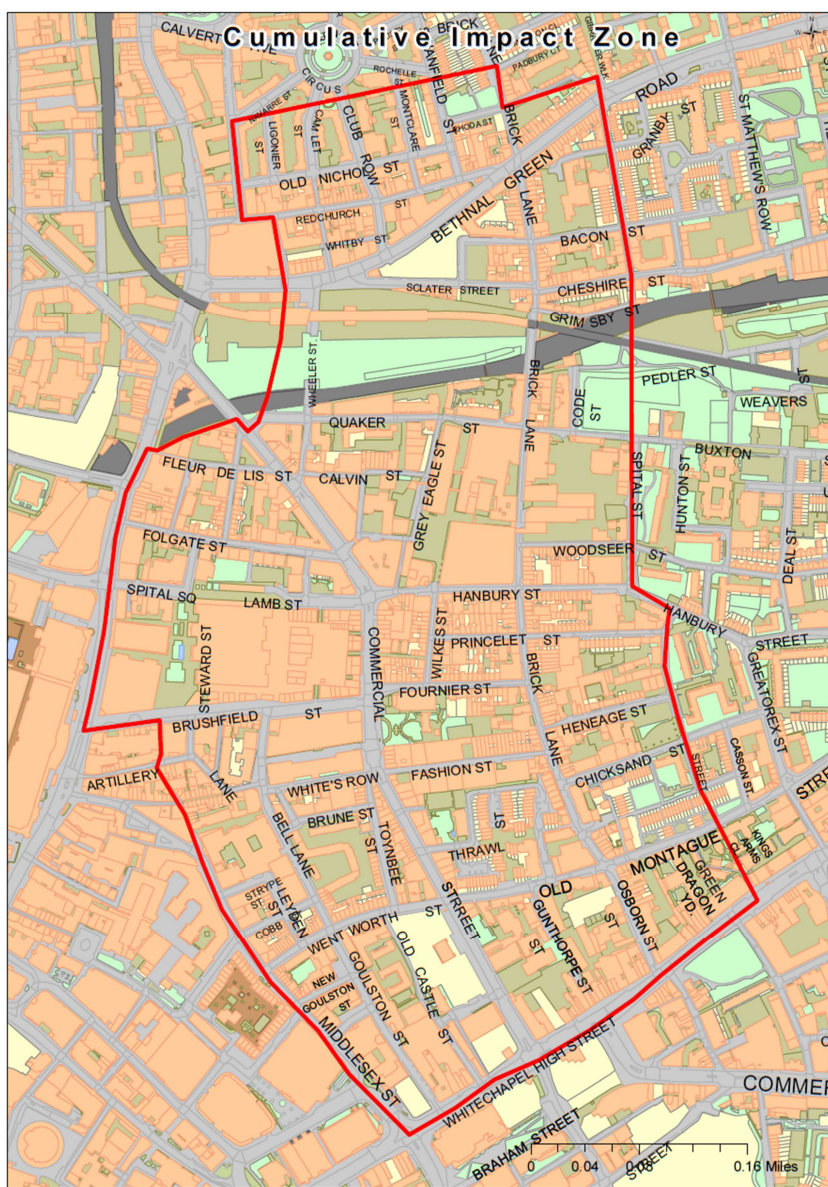
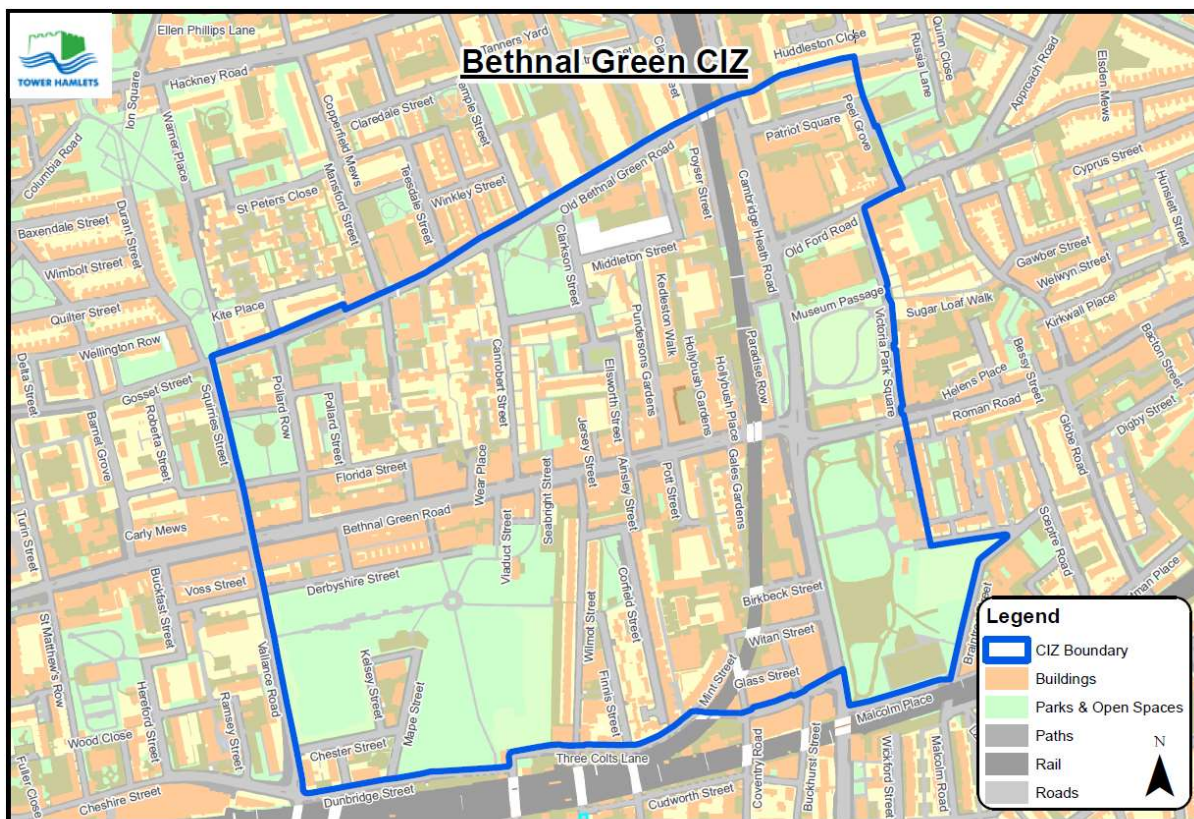


Figure Two:



# Bethnal Green Area



# Appendix 14

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 15



## **Licensing Policy Relating to Hours of Trading**

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

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- Theatres
- Cinemas
- Premises with club premises certificates

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# Agenda Item 3.2

Committee: <b>Licensing Sub Committee</b>	Date	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for Hamlet Pizza, 479 Cambridge Heath Road, London, E2 9BU</b>
Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Ward affected: <b>Bethnal Green West</b>

## 1.0 Summary

Applicant: **Hamlet Pizza Ltd (Feradoon Hamidi)**

Name and Address of Premises: **Hamlet Pizza  
479 Cambridge Heath Road  
London  
E2 9BU**

Licence sought: **Licensing Act 2003  
Provision of Late-Night Refreshments**

Objectors: **Licensing Authority  
Police  
Environmental Health  
Resident**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Corinne Holland  
020 7364 3986

### 3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Hamlet Pizza, 479 Cambridge Heath Road, London, E2 9BU.
- 3.2 The applicant has described the premises as: Kebab and pizza shop.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

#### **Provision of Late-Night Refreshments**

Monday to Sunday – 23:00 hours – 04:00 hours

#### **Opening times**

Not specified on application

- 3.5 This premise previously has a Premise Licence for the provision of Late-Night Refreshments for the following hours:

- Sunday to Thursday, from 23:00 hours to 01:00 hours the following day
- Friday and Saturday, from 23:00 hours to 02:00 hours the following day

A review of this licence was triggered by the Licensing Authority on the 5<sup>th</sup> July 2022 which was heard by the Licensing Sub Committee on 11<sup>th</sup> October 2022. The decision was made to revoke the Premise Licence.

### 4.0 **Location and Nature of the premises**

- 4.1 The site plan of the venue is included as **Appendix 2**.
- 4.2 Maps showing the vicinity are included as **Appendix 3**.
- 4.3 Photographs of the premises are included in **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

### 5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1<sup>st</sup> November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 10**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
- **Licensing Authority – Appendix 6**
  - **Police – Appendix 7**
  - **Environmental Health – Appendix 8**
  - **N. Tian – Appendix 9**

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

## 7.0 Conditions consistent with Operating Schedule

1. One SIA registered member of staff will be on duty after 23:00 hours on Sunday to Thursday.
2. Two SIA registered member of staff will be on duty after 23:00 hours on Friday and Saturday.
3. The Licence Holder shall ensure that an incident report book is kept, in which full details of all incidents are recorded. This shall be completed as soon as possible, and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry with details of the following:
  - a) Any incidents of crime & disorder or anti-social behaviour inside or immediately outside the premises;
  - b) Any ejections of customers;
  - c) any refusals to serve customers
  - d) any faults in the CCTV system,
  - e) any visits by the police or an officer of the Local Authority;
  - f) any call to an emergency service.
4. The incident book is to be kept on the premises at all times and shall be produced to a police officer or authorised officer from the Local Authority upon request.
5. No person shall be permitted to bring alcohol into the premises.
6. The Licence Holder shall install a CCTV system at the premises and ensure that it is maintained in working order. The system shall conform to the following points:
  - a) The CCTV shall monitor all the internal areas of the premises to which the public have access and immediately outside the entrance;
  - b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition;
  - c) The recording device shall be located in a secure area or locked cabinet;
  - d) Digital images shall be kept for 31 days and made available to police or authorised officer from the Local Authority upon request.
  - e) All recordings shall be stored for a minimum period of 31 days with date and time stamping
  - f) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
  - g) Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the entire 31 day period.

- h) The CCTV equipment shall have a suitable export method e.g CD/DVD writer so that the police can make an evidential copy of the data they require.
  - i) Should the CCTV become non-functional this shall be reported as soon as possible to the Licensing Authority. Repairs shall commence the next working day r at the availability of the CCTV technician and the Local Authority will be informed when it is complete or if there are any significant delays.
7. 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. The Licence Holder shall insure staff undertake conflict awareness training.
  9. A written record will be kept of all staff who receive such training and a written record will be kept at the premises and made available to a police officer or authorised officer from the Local Authority upon request.
  10. No unaccompanied children under 18 years of age shall be allowed in the premises after 23:00 hours.

#### **8.0 Conditions Agreed/Requested by Responsible Authority**

None

#### **9.0 Licensing Officer Comments**

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

#### **9.2 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)

9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

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

- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 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)
- 9.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 10 – 17** 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

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Photographs of the premises
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6</b>	Representation from LA
<b>Appendix 7</b>	Representation from Police
<b>Appendix 8</b>	Representation from EH
<b>Appendix 9</b>	Resident Representation
<b>Appendix 10</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 11</b>	Licensing Officer comments on public nuisance
<b>Appendix 12</b>	S182 advice on public nuisance
<b>Appendix 13</b>	Licensing Officer comments on Crime & Disorder
<b>Appendix 14</b>	S182 advice on crime & disorder
<b>Appendix 15</b>	ASB leaving the premises
<b>Appendix 16</b>	Licensing Policy relating to hours of trading
<b>Appendix 17</b>	Planning

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# Appendix 1

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

### Please read the following instructions first

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

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

I/We FERADOON HAMIDI Acting Director of Hamlet Pizza Ltd.

*(Insert name(s) of applicant)*

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

### Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description <b>Ground Floor &amp; Basement</b> <b>479 Cambridge Heath Road,</b> <b>London</b>			
<b>Post town</b>	London	<b>Postcode</b>	E2 9BU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 6,900

### Part 2 - Applicant details

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

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	X	please complete section (B)
	ii as a partnership (other than limited liability)		please complete section (B)
	iii as an unincorporated association or		please complete section (B)
	iv other (for example a statutory corporation)		please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

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

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

**(A) individual applicants** (fill in as applicable)

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

--

**Second individual applicant (if applicable)**

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

**(B) Other applicants**

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

Name	HAMLET PIZZA LTD
Address:	479 CAMBRIDGE HEATH ROAD, LONDON, E2 9BU



Registered number (where applicable)	
13923599	
Description of applicant (for example, partnership, company, unincorporated association etc.)	
LIMITED COMPANY	
Telephone number (if any)	██████████
E-mail address (optional)	██

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0 1	1 2	2 0 2 2

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

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Kebab and Pizza shop located at Ground floor &amp; Basement 479 Cambridge Heath Road, London</p>
--

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

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

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

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	

e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)	X
<b><u>Supply of alcohol</u></b> (if ticking yes, fill in box J)	

**In all cases complete boxes K, L and M**

**A**

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

**B**

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

**C**

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

**D**

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

**E**

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

**F**

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



**G**

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

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	x
Mon		??		Outdoors	
				Both	
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat		04 am	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon	11 am	04 am	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	11 am	04 am			
Wed	11 am	04 am		<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)	
Thur	11 am	04 am			
Fri	11 am	04 am	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	11 am	04 am			
Sun	11 am	04 am			

**J**

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

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

<b>Name</b>	Feradoon Hamidi
<b>Date of birth</b>	██████████
<b>Address</b>	479 Cambridge Heath Road, London
<b>Postcode</b>	E2 9BH
<b>Personal licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

**K**

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

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

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>	<p><u>State any seasonal variations</u> (please read guidance note 5)</p>																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Day</th> <th style="width: 15%;">Start</th> <th style="width: 15%;">Finish</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Mon</td> <td style="border-top: 1px dashed black;"></td> <td style="border-top: 1px dashed black;"></td> </tr> <tr> <td style="text-align: center;">Tue</td> <td style="border-top: 1px dashed black;"></td> <td style="border-top: 1px dashed black;"></td> </tr> <tr> <td style="text-align: center;">Wed</td> <td style="border-top: 1px dashed black;"></td> <td style="border-top: 1px dashed black;"></td> </tr> <tr> <td style="text-align: center;">Thur</td> <td style="border-top: 1px dashed black;"></td> <td style="border-top: 1px dashed black;"></td> </tr> <tr> <td style="text-align: center;">Fri</td> <td style="border-top: 1px dashed black;"></td> <td style="border-top: 1px dashed black;"></td> </tr> <tr> <td style="text-align: center;">Sat</td> <td style="border-top: 1px dashed black;"></td> <td style="border-top: 1px dashed black;"></td> </tr> <tr> <td style="text-align: center;">Sun</td> <td style="border-top: 1px dashed black;"></td> <td style="border-top: 1px dashed black;"></td> </tr> </tbody> </table>	Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)</p>
Day	Start	Finish																							
Mon																									
Tue																									
Wed																									
Thur																									
Fri																									
Sat																									
Sun																									

## M

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

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

The Licence holder shall ensure that an incident report book is kept in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry with details of the following:

- a) any incidents of crime and disorder or anti-social behaviour inside, or immediately outside, the premises;
- b) any customers ejected from the premises for any reason;
- c) any refusals to serve customers because they are in possession of alcohol or are highly intoxicated or under the influence of drugs;
- d) any record by problems / repairs to the CCTV;
- e) any visit by a police officer or an officer of the Local Authority;
- f) any call to an emergency service.

The incident report book shall be kept on the premises at all times and shall be produced to a police officer or authorised officer from the Local Authority Upon request.

No person shall be permitted to bring alcohol into the premises.

### **b) The prevention of crime and disorder**

The Licence holder shall install a CCTV system at the premises and ensure that it is maintained in working order.

The CCTV system shall conform to the following points:

1. The CCTV shall monitor all the Internal areas of the premises to which the public have access and the area immediately outside the entrance.
2. Cameras on the entrances shall capture full frame, head and shoulders, images of all people entering the premises i.e. capable of identification of evidential standard in any light conditions.
3. Cameras viewing till area shall capture frames not less than 50% of screen.
4. Cameras overlooking floor areas shall be wide angled to give an overview of the premises.
5. Shall be capable of visually confirming the nature of the crime committed.
6. Shall provide a linked record of the date, time and place of any image.
7. Shall provide images capable of identification of evidential standard in any light conditions – colour during opening times.
8. Shall operate under existing light levels within and outside the premises.
9. Shall have the recording device located in a secure area or locked cabinet.
10. Shall have a monitor to review images and recorded picture quality.
11. Shall be regularly maintained to ensure continuous quality of image capture retention.
12. Shall have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images shall be kept for 31 days and made available to police or an authorised officer from the Local Authority upon request.
14. The equipment shall have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data shall be in the native.

File Format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer shall supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies shall be made available

- to Police and authorised officers from the Local Authority upon request or within 48 hours at the very latest.
15. Staff working at the premises shall be trained in the use of the equipment after four weeks of their probationary period and a log will be kept to verify this. At least one member of staff, so trained, shall be present at the premises at all times when it is open for licensable activities.
  16. Should be CCTV become non- functional this shall ben reported as soon as possible to the Licensing Authority. Repairs shall commence the next working day or at the availability of CCTV technician and I shall inform the local authority when it is completed or if there are any significant delays.

**c) Public safety**

The License holder shall ensure that all staff undertake training in their responsibilities in relation to the sale of food, and in refusing to serve people who are highly intoxicated, violent, threatening, abusive or acting in an anti-social manner. This shall include conflict Awareness training. Staff shall be trained to use the incident book. A Written record shall be kept of all staff who receive such training, and the written record shall be kept at the premises and made available to police and authorised officers from the Local Authority Upon request.

**d) The prevention of public nuisance**

There Shall be one SIA registered member of staff on duty after 11pm on Sunday to Thursday.  
 There shall be two SIA registered members of staff on duty after 11pm on Friday and Saturday.

**e) The protection of children from harm**

No unaccompanied children under 18 years of age shall be allowed in the premises after 11pm.

**Checklist:**

**Please tick to indicate agreement**

•	I have made or enclosed payment of the fee.	x
---	---	---

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.


It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

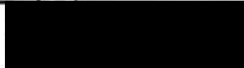
**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[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).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	



	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	13/01/2023
Capacity	NOMINATED DPS

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

Signature	
Date	13/01/2023
Capacity	DIRECTOR.

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

**Notes for Guidance**

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

Signature	
Date	
Capacity	

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

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the

premises; and (b) ensures that each such screening abides by age classification ratings.

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

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.
  15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right 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 which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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).

#### **Home Office online right to work checking service.**

As an alternative to providing a copy of original documents, 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.

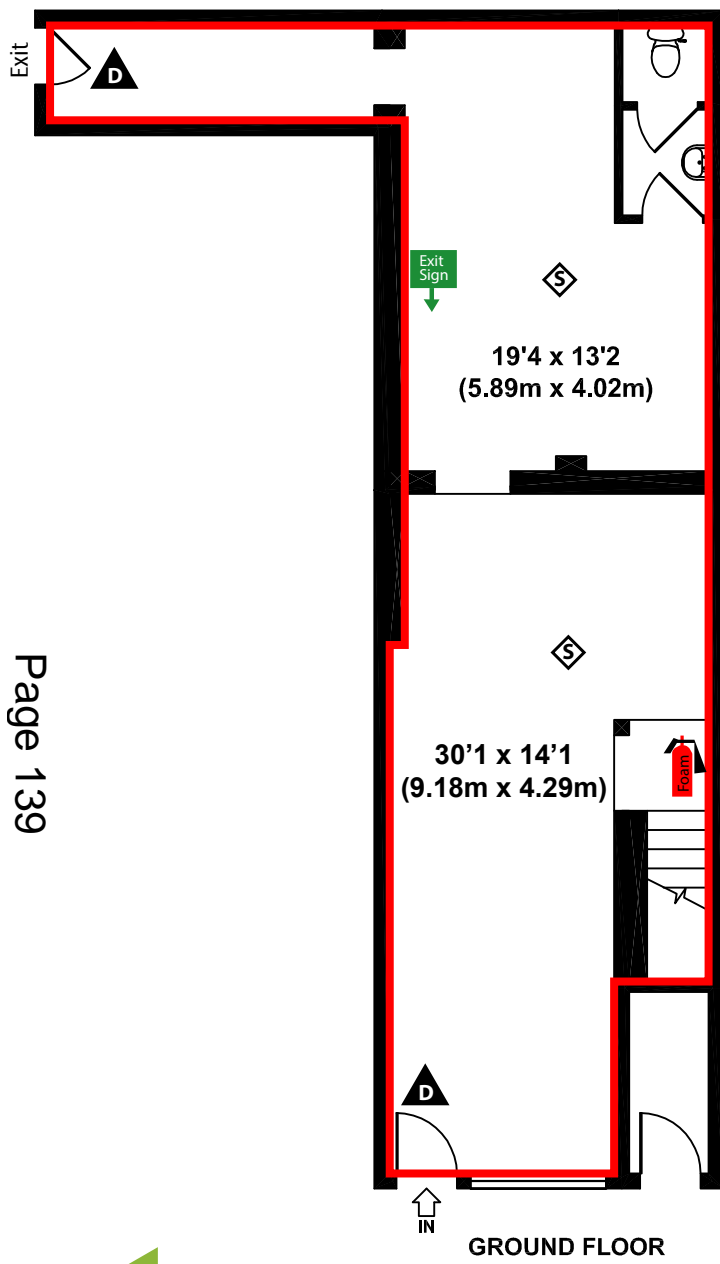
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will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

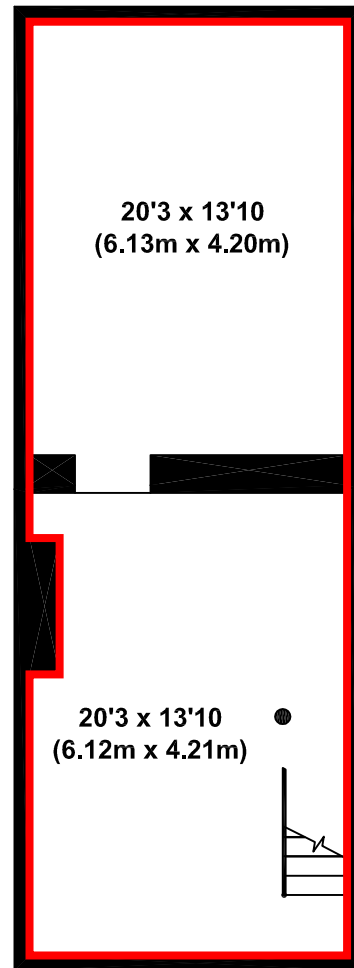
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service.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

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.

# Appendix 2







**GROUND FLOOR**

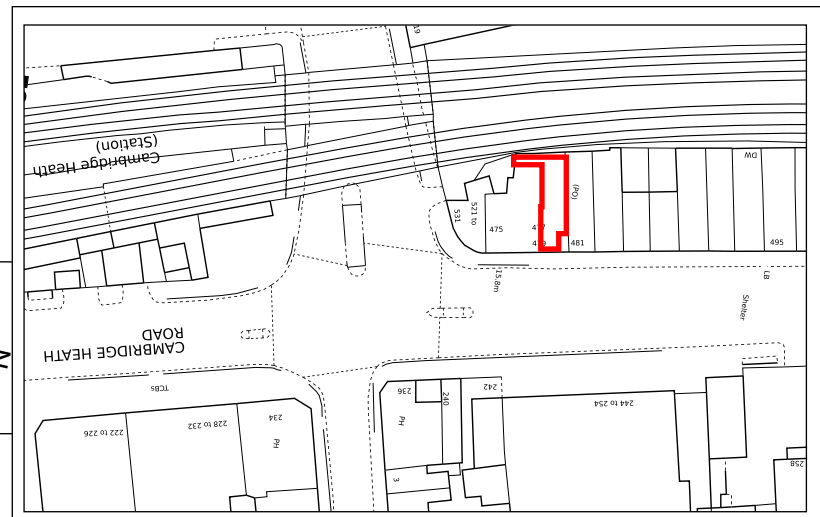


**BASEMENT**

ADDRESS:  
479 Cambridge Heath Road  
London  
E2 9BU

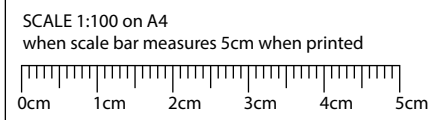


-  Emergency Exit Sign
-  Foam Fire Extinguisher
-  Emergency Exit Via Door
-  Smoke Detector



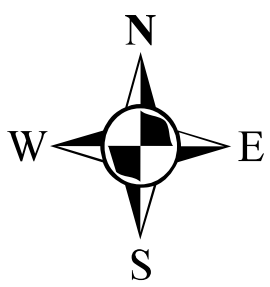
**SITE PLAN SCALE 1:1250**

 RED OUTLINED AREAS SHOW THE DEMISE

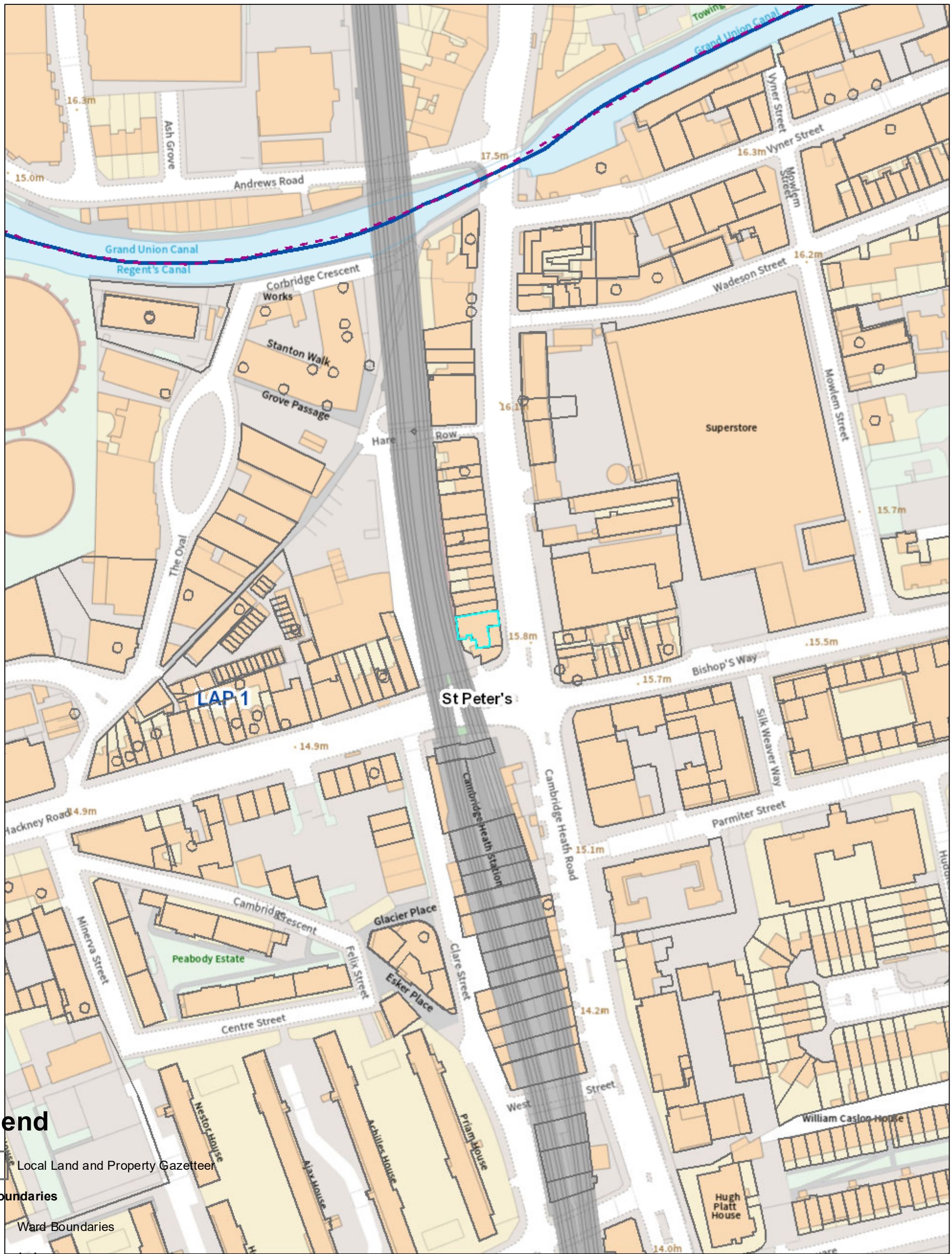


# Appendix 3



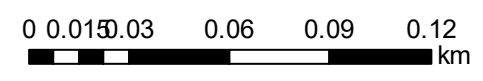


# Map1

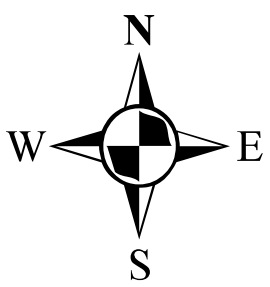


## Legend

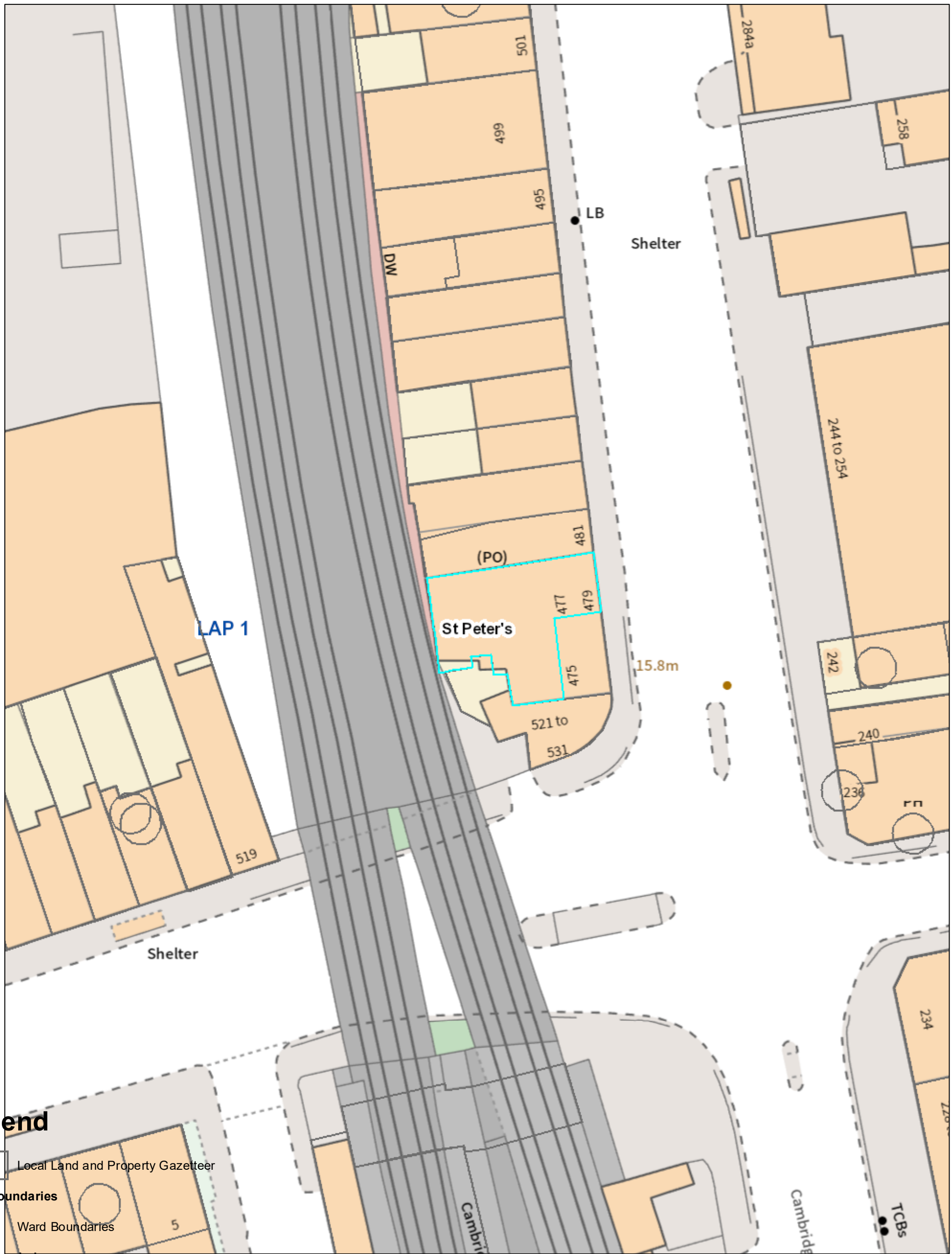
- Local Land and Property Gazetteer
- Ward Boundaries
- LAP Boundaries







# Map2

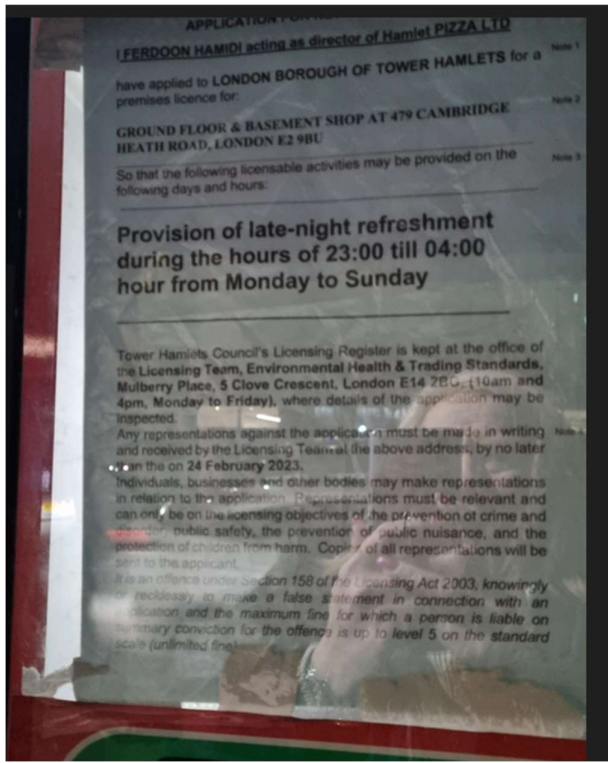


## Legend

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

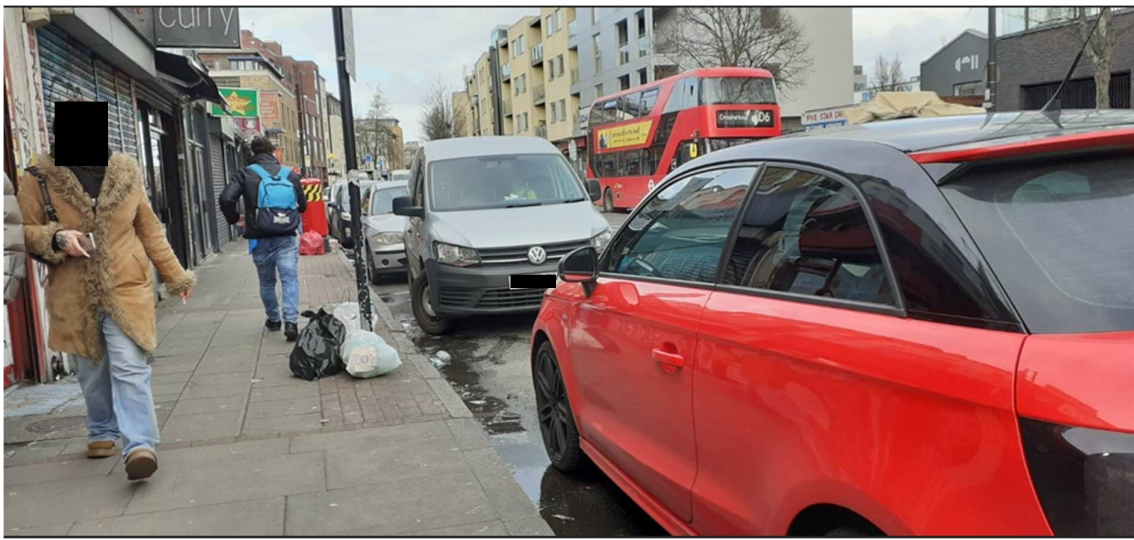
# Appendix 4

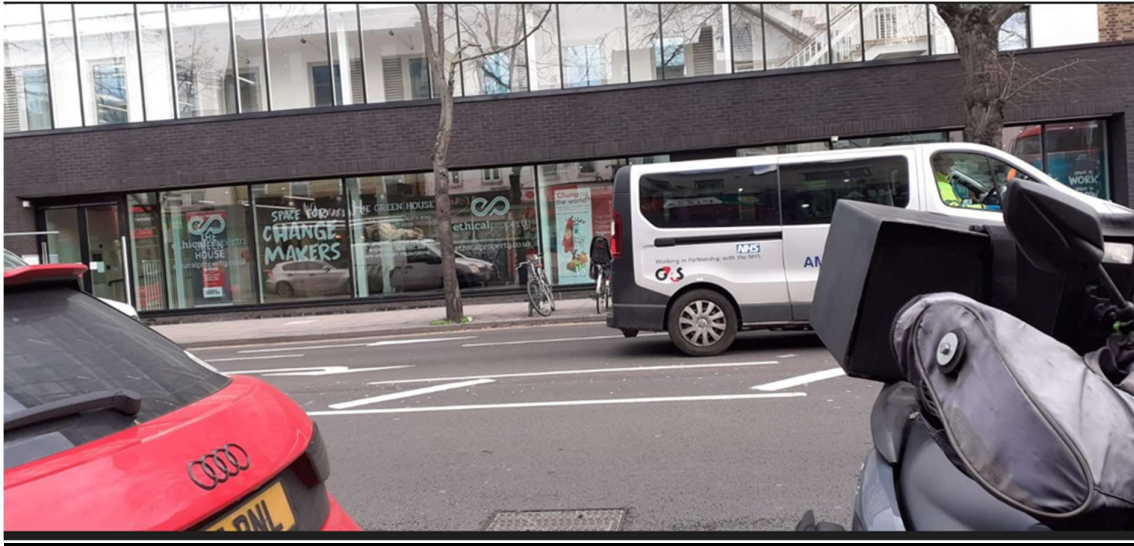
## Photos – 479 Cambridge Heath Road











# Appendix 5



Name and address	Licensable activities and hours	Opening hours
<p><b>(Istanbul Kebab)</b>  <b>240</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9DA</b></p>	<p><u>The Provision of Late Night Refreshments</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday from 23:00 hours to 02:00 hours (the following day)</li> <li>• Friday and Saturday from 23:00 hours to 05:00 hours (the following day)</li> </ul>	<p>Sunday to Thursday from 11:30 hours to 02:00 hours (the following day)</p> <p>Friday and Saturday from 11:30 hours to 05:00 hours (the following day)</p>
<p><b>(Perfect Chicken)</b>  <b>491</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9BU</b></p>	<p><u>The provision of late night refreshment</u></p> <ul style="list-style-type: none"> <li>▪ Sunday to Thursday, from 23:00 hours to 01:00 hours the following days</li> <li>▪ Friday to Saturday, from 23:00 hours to 02:00 hours the following days.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sunday to Thursday, from 10:00 hours to 01:00 hours the following days</li> <li>▪ Friday to Saturday, from 10:00 hours to 02:00 hours the following days.</li> </ul>
<p><b>Metropolis</b>  <b>234</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9NN</b></p>	<p><b>The sale by retail of alcohol (on sales only)</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 09:00 hours to 05:00 hours the following day</li> </ul> <p><b>The provision of regulated entertainment (Films and Live Music – Indoors)</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 09:00 hours to 05:00 hours the following day</li> </ul> <p><u>(Recorded Music and Performance of Dance – Indoors and Outdoors)</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 09:00 hours to 05:00 hours the following day</li> </ul> <p><b>The provision of late night refreshment – Indoors</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 23:00 hours to 05:00 hours the following day</li> </ul>	<p>Monday to Sunday, from 00:00 hours to 00:00 hours the following day (24 hours)</p>
<p><b>(Cousins Snooker &amp; Pool Club)</b>  <b>First Floor</b>  <b>244 - 254</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9DA</b></p>	<p><b>The sale of alcohol (On sales)</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11:00 hours to 23:00 hrs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monday to Sunday from 11:00 hours to 23:00 hrs</li> </ul>

Nearest licences – 479 Cambridge Heath Road

<p><b>(Bestway Cash &amp; Carry)</b>  <b>260</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9DA</b></p>	<p><b>Alcohol (Off sales)</b></p> <ul style="list-style-type: none"> <li>Monday to Friday, from 07:30 hours to 20:00 hours</li> <li>Saturday, from 06:00 hours to 16:00 hours</li> <li>Sunday, from 08:00 hours to 16:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Friday, from 07:30 hours to 20:00 hours</li> <li>Saturday, from 06:00 hours to 16:00 hours</li> <li>Sunday, from 08:00 hours to 16:00 hours</li> </ul>
<p><b>276</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9DA</b></p>	<p><b><u>Sale by retail of alcohol (Off sales only)</u></b>          Sunday to Wednesday from 10:00 hours to 20:00 hours          Thursday from 10:00 hours to 23:00 hours          Friday and Saturday from 10:00 hours to midnight</p>	<p>Sunday to Wednesday from 10:00 hours to 20:00 hours          Thursday from 10:00 hours to 23:00 hours          Friday and Saturday from 10:00 hours to midnight</p>
<p><b>(Princess Café and Kitchen)</b>          282 Cambridge Heath Road</p>	<p><b>The sale by retail of alcohol – On sales only</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 08:00 hours to 22:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday, from 08:00 hours to 22:00 hours</li> </ul>
<p><b>(Organic Mania)</b>  <b>475-477</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9BU</b></p>	<p><b><u>The sale of alcohol (off sales only)</u></b></p> <ul style="list-style-type: none"> <li>Sunday to Wednesday from 08:00hrs to 24:00hrs (midnight)</li> <li>Thursday to Saturday from 08:00hrs to 01:00hrs (the following day)</li> </ul>	<p>Monday to Saturday from 06:00hrs to 02:00hrs (the following day)</p> <p>Sunday from 08:00hrs to 02:00hrs (the following day)</p>

# Appendix 6



Place Directorate  
Public Realm  
Environmental Health & Trading Standards

Licensing Authority  
Tower Hamlets Town Hall  
160 Whitechapel Road  
London  
E1 1BJ

Head Of Service David Tolley

Tower Hamlets Town Hall  
160 Whitechapel Road  
London  
E1 1BJ

22<sup>nd</sup> February 2022

My reference: EHTS/LIC/156602

Tel [REDACTED]  
Fax [REDACTED]  
Enquiries to Kathy Driver  
Email [REDACTED]

Dear Sir,

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Re: Tower Hamlets Pizza, 479 Cambridge Heath Road, London E2 9BU

I am writing in my capacity as Licensing Authority in relation to the premises licence application for the above address and wish to make representation on the grounds of prevention of public nuisance and prevention of crime and disorder.

The above premises has been subject to enforcement action by this Licensing Authority and a number of complaints have been received by residents since 7<sup>th</sup> June 2021.

The premises has had a significant history of operating 24 hours a day without a licence which prompted a number of residents to complain where they were being disturbed by customers and mopeds/delivery vehicles attending the premises throughout the day and night.

The premises held a licence to operate under the name of Haroon HAMIDI for the hours of 1am Sunday to Thursday and 2am Friday and Saturday of which we warned the licence holder and we undertook test purchases for evidence of breaches under the Licensing Act 2003. We witnessed breaches on 11<sup>th</sup> September 2021 at 02:20 hours, 2<sup>nd</sup> April 2022 at 02:16 hours and 28<sup>th</sup> May 2022 at 02:45 hours, this also included breaches of condition for failure to provide CCTV upon request. A number of individuals were linked to the premises by various companies including Haroon HAMIDI, Mr. Islam HAMIDI, Mr. JILLANI and Mr. Umid Hussain KHEL of which all had received warning letters from this Authority to comply with the licence.

Subsequently I triggered a review of the licence on 5<sup>th</sup> July 2022, the matter was heard at a Licensing Sub Committee on 11<sup>th</sup> October 2022 and a unanimous decision was made to revoke the licence. I attach a copy of the decision in **Exhibit A**. Members should note that prior to the item being considered a lawyer representing Mr and Mrs HAMIDI was in attendance at the

Committee however as the licence had been transferred to a Mr. KHEL they confirmed they did not represent Mr. KHEL and was solely representing Mr. and Mrs HAMIDI and therefore they were unable to participate in the hearing.

A new application was submitted on 16<sup>th</sup> November 2022 by Faradoon HAMIDI, the application was deemed invalid due to lack of plans and payment. A further application was submitted on 13<sup>th</sup> December 2022 but was also rejected for incorrect application form. Another application on 20<sup>th</sup> December 2022 was submitted but was rejected due to failure to advertise within timeframe. This latest application was received on 20<sup>th</sup> January 2023 and naturally this Authority has serious concerns this new applicant is linked to the previous licence holders.

Mr. Faradoon HAMIDI was sent a warning letter on 1<sup>st</sup> September 2022 as soon as he took over as director of Hamlet Pizza Ltd, see **Exhibit B**.

On 18<sup>th</sup> December 2022 officers were tasked to undertake a test purchase, at this time the licence had been revoked and no appeal had been submitted to the Court. At midnight the officers entered the premises and ordered a pizza, they were supplied around 15 minutes later. The staff became angry and was shouting at the officers and became intimidating. The officers had to leave before the situation escalated. We were aware of residents feeling intimidated by the persons on the premises and this visit confirms those feelings expressed by them. In addition I note the blue notice had additional wording placed on the notice that stated "Persons making representation will have to appear at the Licensing Sub Committee" I feel this was added as a way to intimidate persons who may wish to object to the application and to put them off making one. The case officer requested this paragraph to be removed from the notice.

I attach as **Exhibit C** complaints we have received from residents and have continued up to January this year. This situation has become very frustrating for the residents and we realise that some residents may not wish to make objection due to the nature of the persons within this business. Whilst the legislation prevents us from closing the business we ask that this application is refused to prevent it from operating later than 11pm, the evidence I have given shows the business has no regard to the legislation or the residents in the vicinity. The hours applied for exceed the hours permitted by their planning permission which is 2am. Any increase in hours will affect the residents and the hours or conditions are unlikely to be complied with.

This Authority is currently pursuing legal action for unauthorised licensable activities and breaches of condition, the new applicant has already shown a disregard to the legislation by operating beyond 11pm, please refuse this application.

Yours sincerely,



Kathy Driver

**Principal Licensing Officer**

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# EXHIBIT A

**LONDON BOROUGH OF TOWER HAMLETS****RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 11 OCTOBER 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Leelu Ahmed (Member)

Councillor Sabina Akhtar (Member)

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION****3.1 Application to Review the Premise Licence for (Tower Hamlets Pizza)  
479 Cambridge Heath Road, London, E2 9BU**The Licensing Objectives

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

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

Consideration

The Sub-Committee considered an application for review by Kathy Driver representing the Licensing Authority in relation to the late night refreshment licence for Tower Hamlets Pizza, 479 Cambridge Heath Road, London E2 9BU. The Premises are currently authorised for the provision of late night refreshments as follows:

Sunday to Tuesday            23:00 hours to 01:00 hours (the following day)  
Friday and Saturday        23:00 hours to 02:00 hours (the following day)

From the evidence presented by Ms. Driver and PC Mark Perry, Metropolitan Police the Sub-Committee were very concerned about the number of repeated offences of trading past the existing licensed hours. This concern was exacerbated by the fact that from the evidence presented with the application, the business was advertising the sale of hot food beyond licensed hours on its website, as well as via online delivery platforms.

The Sub-Committee also considered evidence of noise disturbance to local residents from persons attending the premises beyond the licensed hours for late night refreshment, so as to give rise to public nuisance.

The Sub-Committee were disappointed that the Premises Licence Holder, Mr. Khel was absent from this meeting without explanation, as this meant that they were unable to ask him questions about why the above non-compliances had occurred. The decision made therefore had to be without having any evidence from Mr. Khel. The Sub-Committee decision was made on the basis of the evidence for the application. There was no basis for considering an adjournment given to the Sub-Committee by the Premises Licence Holder, Mr. Khel, and under regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, where a party who has not indicated that they will not be attending a Licensing Sub-Committee hearing, fails to attend or be represented at the hearing, the Sub-Committee may proceed in that party's absence. Whilst noting the attendance of Mr. and Mrs. Hamidi and the trainee lawyer representing them, the Sub-Committee could not hear from any of those individuals, because none of them could say that they had authorisation from Mr. Khel to speak on his behalf, and the trainee lawyer confirmed that his instructions came from Mr. and Mrs. Hamidi, hence none of these individuals could be said to represent Mr. Khel.

Due to the repeated failure to keep to the licensed hours for the provision of late night refreshment, and failure to uphold the licensing objectives, the Sub Committee had no trust or confidence in the Premises Licence Holder's ability to continue to operate under the licence without the issues stated above recurring. So serious was this, that in the circumstances, the Sub-Committee felt that nothing short of revocation of the licence would ensure that the licensing objectives would no longer be compromised by the Premises Licence Holder's business. premises licence with immediate effect.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a review of the premises licence for Tower Hamlets Pizza, 479 Cambridge Heath Road, London E2 9BU be **GRANTED with the revocation of the premise licence with immediate effect.**

### **3.2 Application for a New Premise Licence for Limehouse Library Hotel, 638 commercial Road, London, E14 7HS**



### **The Licensing Objectives**

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

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

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard the oral representations at the meeting virtually and in person from the Applicants and an objector.

The Sub-Committee noted the concerns raised by the resident objectors in relation to the potential increase in noise and public nuisance, as residential dwellings were in close proximity as well as lack of privacy and quiet enjoyment of their own homes. It was noted that the main concerns related to the open terrace area, but the Sub-Committee were assured that appropriate measures would be taken to ensure any noise breakout would be kept to a minimum, as there was no actual bar area on the terrace, there were hotel rooms adjoining the terrace area, and therefore it would not be in the hotel's interest to have noise emanating from that particular area.

As a matter of evidence, the Sub-Committee could only consider evidence of actual events, not speculation as to what might happen.

The Sub-Committee noted the Applicant's agreement to a condition that there be no vertical drinking in the terrace area. The Sub-Committee took into account the Applicant's comment that a duty manager would be present at all times when the terrace area is in use. The objector requested a reduction in the hours for the use of terrace area, the applicants did not feel this would be justified as the terrace area was the only open area in the hotel and the hours applied for in their opinion offered the best balance for residents and guests of the hotel.

Members noted number of robust conditions offered by the Applicant in the operating schedule. They also considered that a reduction in the use of the terrace area to 23:00 hours from Mondays to Sundays provided a reasonable and proportionate limit on the hours in which any noise would come from the terrace area.

Members were confident that the reduction in the hours applied for the terrace area, together with the robust set of conditions offered and agreed with

Responsible Authorities, would ensure that the licensing objectives would be promoted.

Therefore, Members made a unanimous to grant the application with conditions.

Accordingly, the Sub-Committee unanimously;

### **RESOLVED**

That the application for a New Premises Licence for Limehouse Library Hotel, 638 Commercial Road, London E14 7HS be **GRANTED with conditions.**

#### **Sale of Alcohol (on sales)**

Monday to Sunday 24 hours – Lobby Lounge for Hotel Guests

#### Restaurant

Monday – Wednesday 12:00 – 23:30 hours

Thursday – Saturday 12:00 – 00:00 hours (midnight)

Sunday 12:00 – 23:00 hours

#### Terrace Area

Monday – Sunday 12:00 – 23:00 hours

#### Ballroom

Monday – Sunday 09:00 – 00:00 hours (midnight)

#### **Provision of Regulated Entertainment**

Live Music (indoors) – In the basement ballroom only

Monday – Sunday 09:00 – 00:00 hours (midnight)

#### Non-Standing timings

Christmas Eve & New Year's Eve 09:00 – 01:00 hours

#### Recorded Music (indoors & outdoors)

Monday – Sunday 06:30 – 00:00 hours (midnight)

#### Lobby Lounge – (unamplified background music)

Monday to Sunday 24 hours a day

#### Restaurant – (unamplified background music)

Monday – Wednesday 06:30 – 23:30 hours

Thursday – Saturday 06:30 – 00:00 hours (midnight)

Sunday 06:30 – 23:00 hours

#### Terrace Area - (unamplified background music)

Monday – Wednesday 09:00 – 23:30 hours

Thursday – Saturday 09:00 – 00:00 hours (midnight)

Sunday 09:00 – 23:00 hours

#### Ballroom (amplified music)

Monday – Sunday 09:00 – 00:00 hours (midnight)

#### Non-Standing timings

Christmas Eve & New Year's Eve 09:00 – 01:00 hours

**Performance of Dance (indoors in the ballroom)**

Monday – Sunday – 12:00 – 00:00 hours (midnight)

**Non-Standing timings**

Christmas Eve & New Year's Eve 09:00 – 01:00 hours

**Late Night Refreshments (Indoors)**

Monday – Sunday – 23:00 – 00:00 hours (midnight)

**Non-Standing timings**

Christmas Eve & New Year's Eve 23:00 – 01:00 hours

**Opening times**

Monday – Sunday – 24 hours (00:30 hours to non residents)

**Conditions**

1. The ballroom will be hired for private use only. All functions will be pre-booked, and no members of the general public will be permitted entry.
2. The premises shall install and maintain a comprehensive CCTV system. 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 are open and conducting licensable activities. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours. Notices shall be displayed advertising that CCTV is in operation.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - (a) All crimes reported
  - (b) All ejections of patrons
  - (c) Any complaints received
  - (d) Any incidents of disorder
  - (e) Any faults in the CCTV system.
  - (f) Any refusal of the sale of alcohol
  - (g) Any visit by a relevant authority or emergency service.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
5. No deliveries will be received or removal of rubbish, especially glass, take place between 23.00 and 08.00 daily.

6. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.
7. Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.
8. The premises will display publicity materials relating to the Challenge 25 scheme.
9. Loudspeakers shall not be in the entrance lobby or outside the premise building or at the roof top bar.
10. All windows and external doors shall be kept closed after **21:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance or to affect neighbouring properties
12. No substantial deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
13. No idling of vehicle by drivers, delivery vehicles passengers, pick up or uber drivers outside the hotel or at Norway Place or use the residential parking of Earl Atlee and Park Height Court building thereby giving rise to noise that would cause public nuisance or affect the residents.
14. After 22:00 hours daily, patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall be limited to 10 persons at any one time.
15. Patrons are to use the entrance by Norway Place and not gather or congregate by Wharf Place which is the exit access road for the residents.
16. Notices shall be prominently at all exits requesting and advising patrons to respect the needs of residents and businesses and leave the area quietly
17. The garden in front of the hotel forecourt is to be used as smoking designated area.
18. There shall be no vertical drinking in the terrace area.

**4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

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

<b>Premises</b>	<b>Extended to:</b>
Kilikya's Café Bar Restaurant, Unit C4, Ivory House, East Smithfield, London, E1W 1AT	<b>31/01/23</b>
Noodle & Beer, Unit 6, 31 Bell Lane, London, E1 7LA	<b>31/01/23</b>
Marios, Unit 3a, 139 Three Colt Street London E14 8AP	<b>31/01/23</b>
Jack the Chipper, 96 Whitechapel High Street, London, E1 7RA	<b>31/01/23</b>

The meeting ended at 8.20 p.m.

# EXHIBIT B



Place Directorate  
Public Realm  
Environmental Health & Trading Standards

Head Of Service David Tolley

Tel 020 [REDACTED]

Enquiries to Kath Driver

Email [REDACTED]

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Mr. Feradoon HAMIDI  
479 Cambridge Heath Road  
London  
E2 9BU

1<sup>st</sup> September 2022

My reference P/PR/EHTS/LIC/PSU10195

Dear Sir,

**Licensing Act 2003, Sections 136**

**Premises: Pizza Pizza/Tower Hamlets Pizza, 479 Cambridge Heath Road, London E2 9BU**

This Licensing Authority have noted your have taken over as Director of Hamlet Pizza Ltd at the above address.

I write to advise you that the premises licence held at the above address is licensed under the individual name of the previous Director, Mr. Khel and not under the company name. Therefore only Mr Khel has authority to utilise the premise licence in place at the above address.

The premises licence only permits the following hours for late night refreshment:

- Sunday to Thursday, from 23:00 hours to 01:00 hours the following day
- Friday and Saturday, from 23:00 hours to 02:00 hours the following day

I should also advise you that we are currently investigating these premises for legal action for unlicensed late night refreshment and the premises licence is under review of which a Committee hearing has been programmed in the coming weeks of which this Licensing Authority are seeking revocation of licence.

We are continuing to receive reports that the premises are trading beyond 2am and therefore as Director of a company linked to the premises I must warn you below of the offences of undertaking unlicensed activities under Section 136 of the Licensing Act 2003.



The best of London in one borough

**Tower Hamlets Council**  
Town Hall  
Mulberry Place  
5 Clove Crescent  
E14 2BG

**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 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine or both.**

Should you wish to discuss any of the above, please do not hesitate to contact me.

Yours sincerely



**Kathy Driver  
Principal Licensing Officer**

c.c. by email, Police Licensing Unit: 



# EXHIBIT C

Please find below extracts from residents complaints about the business operation

Complaints from resident A:

13/4/22	Tower hamlet pizza 479 Cambridge Heath Road London E2 9BU is open without a license 7 days a week. I would like the tower hamlet council to take action against them as they have made life hell for us resident round the clock. They are trading illegally beyond 23:00 hours and must be stopped.
18/4/22	We were awake all night the same way as we have been for long long time.
20/5/22	Please for the sake of God close this pizza place at midnight or before as life is hell. It's 4:30am and there are countless drunken people, thugs, delivery drivers and many more people here making life hell for us and we can not sleep.

Complaints from resident B:

28/3/22	Please take my email very seriously as I do not want this to end up someone getting hurt or worse. am writing in regards to the pizza place on 479A Cambridge heath Road E29BU which Called with few different names Pizza Pizza. Tower hamlet pizza, city pizza and maybe more.
28/3/22	...but can not concentrate on our .. we can not get sleep at night and the noise is absolutely crazy. > This pizza place is open 7 days a week at least UNTILL 6:30 or even 7 am. > The noise from their bikes, staff and customers mostly drunk people which is attracted there at late hours of morning is so loud that we can not get even an hour of proper sleep at any night of the week specially weekends. > We can not take it anymore at the same time can not afford to relocate due to financial hardship as well as not having enough time due to long working hours. > I have mentioned few times that I will report them to the council, but their answer is "we don't give a s***"
4/4/22	There is another point which I would like to add in addition to my previous emails is that the licensed issued under the name of Pizza Pizza, but their sign board and names of the business is different and i think that is illegal itself. They use few different names online specially on justeat, ubereat, delivroo etc etc. They are operating with at least two names that I am aware so far, Tower hamlets pizza and pizza pizza and they are open at least until 6am 7 days a week.
10/4/22	They have closed the Bussiness and start operating under different name Tower Hamlet Pizza. The license you have mentioned in your previous email is for Pizza Pizza which does not exist even if it did, the timing is Sunday to Thursday is UNTILL 1:30 am, Friday and Saturday until 2:30am NOT 7am.

	They have not got the late night license to operate beyond 23:00 hours. I find it extra ordinary as why the Tower Hamlet enforcement and licensing team can not taking any action against this illegal place in any way shape or form....
7/5/22	Its 05:18 in the morning and we are all awake as there are more than 10 motorbikes waiting for food to be collected from this place and many many customers inside ordering food.... there are so much noise and all it is people making extremely loud noise.
9/5/22	They are illegally operating after 11pm all the way to 6 or 7 am even if they don't need license after 5am. Wait until someone die before you take action
14/5/22	Its 04:06 am and already the fight is going on for at least an hour inside the hamlet pizza which 479 cambridge heath road E29BU. How you expect us to live like this when they are open illegally 24/7. ...
26/5/22	The pizza place of course gone worse as every single morning around 3 or 4am there is fights and arguments with the uber, delivroo and justeat delivery drivers as well as people taking drugs. All I am trying to say is our life is hell as a direct result of this pizza place running 24/7 illegally. All the takeaways in the area close at 11pm or latest Midnight. The only place open is tower hamlet pizza
8/6/22	We are still waiting for the council to take action against Hamlet pizza people of 479 Cambridge heath road. They are making even more noise as well many fights and arguments goes on every single nights of the week.
3/7/22	Why are you all at Tower hamlet council are keeping blind eyes as well don't care about tower Hamlet pizza.  Please for the love of Jesus Christ enforce the law and do not allow them to operate illegally beyond their hours as we are living in hell. They are making noise round the clock on early hours of morning 7 days a week.  The noise from their bikes, staff and alot of drunk people buying pizza is far too much for us to handle. We are totally depressed and our livelihood is shuttered.

#### Resident C

16/5/22	I would like the council to take immediate legal action against this pizza takeaway as they are never close. They are serving people round the clock 7 days a week none stop. Although I am aware of the pizza places legally operating until 11pm. This pizza takeaway attracted a lot of dodgy, drug dealers, drunk and very dangerous people and there are fights every single nights of the week.  We are living a nightmare and there is nothing we can do other than the council to take action and close the place exactly at 11pm so we could live in peace.
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	<p>As far as we are aware there were someone stabbed few days ago and ended up in hospital luckily he survived.</p> <p>We have family, kids, work and want to live a normal life, but the place turned our lives upside down and should be shut immediately after 11pm</p>
17/5/22	<p>.. We need you to take action as we are suffering every single night specially between midnight to 5 or 6am.</p>
20/5/22	<p>.. It's 04:15 and for the past 4 hours or so we are awake and can not sleep because of this business that you have taken money and don't want to take action against. How could you expect us to take kids to school, work or function as normal when you are awake all night every night....</p>
22/5/22	<p>Another weekend spent in hell as we couldn't sleep all night all the way to 6:30am.</p> <p>Saturday morning I went to the pizza place at 3:50, this morning/ Sunday mornings I went to speak to them at 3:13am, but all I got abuse from these disgusting thugs. They are dealing with drugs and are very dangerous people. The people coming around 3 or 4 am are all drug dealers. I have called the police and they advice me to contact the useless council as it's their duty to stop these people trading illegally..</p>
25/5/22	<p>The email is regarding the pizza place called Hamlet pizza or towers hamlet pizza also called pizza pizza of 479 Cambridge heath road E29BU which is open round the clock without having the license to operate beyond 23:00 hours.....</p> <p>We are living a life full of nightmares and can not get an hour of sleep ..They are open 24/7 and attract a lot of drug dealers, drunk people, delivery drivers, thugs etc etc and making a lot of noise all the way to 6 or 7am. The worst time is around 3 or 3:30 to 5am.</p> <p>First you made an excuse and now you are making another excuse of new ownership. I am sure someone in the council is advising them what to do to avoid being punished for operating illegally. They are the same people for at least 14 years or so based on the information from the neighbours and local shops.</p> <p>Please for the sake of God do make sure they are close by 23:00 hours and let us live in peace. We have kids and they are behind at school due to lack of sleep.</p>
4/6/22	<p>Yet another night from hell as these people get only worse. Please we are begging you to take action please against The hamlet pizza place at 479 Cambridgeheath road E29bu</p>
5/6/22	<p>Once again we and a night from hell as the hamlet pizza is still open from yesterday 10:30am all the way until now non stop....</p>
10/6/22	<p>Any idea if the Hamlet pizza ever close as they are open 24/7? We are sick and tired of them and for the sake of God make sure they operate under the hours they are permitted NOT 24/7</p>
13/6/22	<p>Once again I am writhing in regards to Hamlet pizza as they are trading between 10:00 to 08:00 seven days a week.</p> <p>..they owner .. is an extremely nasty and dangerous individual ...</p>
21/6/22	<p>Please for the love of God shut this pizza place as we are living a nightmare life. We have kids and we need to take them to school and we need to work.</p>

	<p>It's 1:30am but their bikes and customers and staff is making life impossible. WE CAN NOT SLEEP AS THE NOISE IS ABSOLUTELY LOUD AND CRAZY.</p>
27/6/22	<p>I am writing once again about these disgusting people at tower hamlet pizza as they are getting worse by the day and non stop 7 days a week 24 hours a day.</p> <p>This morning at 3:40am there was a bad fight and a lot of these thugs were screaming and I am pretty sure someone must've got hurt. ... they are extremely rude and disgusting. They said the shop is sold last week to another person and he was even worse than the previous owner.</p> <p>They are all 6 or 7 brothers working at the same place and keep changing the ownership to avoid local authorities, but they are the same people as it was confirmed by many other businesses next to them.....</p>
3/7/22	<p>I just asked the people working at the pizza place about their closing time which they replied " we are open 11am to 8am".</p>
20/7/22	<p>It's months past but still no action has been taken against the Tower hamlet pizza and they made life worthless for us.</p> <p>I don't know why you/ Tower Hamlet council always come up with a excuse rather than taking action.</p> <p>Please update me on the situation as we have to decide to stay or look to find another accommodation and live in peace.</p>
21/9/22	<p>They are operating illegally 7 days a week from 11am to 7 or 8am.</p> <p>They are 3 or 4 different businesses under one roof paying nothing in terms of tax, vat etc etc other than making our lives hell</p>
10/12/22	<p>I have written countless time about the pizza pizza/ Hamlet or tower hamlet pizza operating all night every single night.</p> <p>For the sake of God do something and stop them trade illegally beyond their license hours. Our lives has turned into nightmare and can not afford to move.</p>
07/01/23	<p>I don't know where to start and where to finish as the pizza place which I have complained countless time still trading the same way as the used to.</p> <p>I cry almost every night as my kids can't sleep and we are awake all night every night.</p> <p>They are open round the clock and I have called the police, but despite police shutting their shop on 2 occasions to disperse the drunk people.</p> <p>Why can't you or don't you want to take action ?</p>

# Appendix 7



Tom Lewis  
Head of Licensing  
Tower Hamlets Council

**HT - Tower Hamlets Borough**

Licensing Office  
Shoreditch Police Station

Email: [REDACTED]  
[www.met.police.uk](http://www.met.police.uk)

24<sup>th</sup> February 2023

Dear Sir,

Central East Police Licensing formally object to the application for a Premises License for Hamlet Pizza, 479 Cambridge Heath Road, E2 9BH. This objection is on the grounds of preventing crime and disorder, and public nuisance.

This is an application for a late night refreshment license for a premises that had its license revoked on the 11<sup>th</sup> October 2022 by Tower Hamlets Council Licensing Sub – Committee because “the Sub-Committee were very concerned about the number of repeated offences of trading past the existing licensed hours”.

At the review hearing the premises license the then license holder was not present, however Mr Hamidi was there and tried unsuccessfully to speak on behalf of the premises.

We believe the applicant for this application is also connected to the previous owner, in that the owner of the previous license was from Hamlets Pizza, and the new applicant is the acting director of Hamlet Pizza.

Sadly Hamlet Pizza has not learnt the lesson of the previous review, and under the management of the applicant Mr Hamidi has continued to trade past its hours. In part due to complaints from local residents, Tower Hamlets Council Licensing have conducted test purchases at the premises. The premises has breached the licensing act and sold hot food past its hours.

Of great concern is the fact that the staff of premises became hostile and aggressive to Tower Hamlets Council Staff when they conducted the test purchase, forcing them to leave the premises. This corroborates complaints of intimidation and aggression by staff at Hamlets Pizza made by local residents to the council.

This totally unacceptable behaviour, and by itself should give the Licensing Sub Committee serious cause for concern about the applicant and the way he operates his premises.

Local residents have continued to complain about the noise nuisance and anti-social behaviour caused by the premises. This will only be exacerbated if the premises is allowed to operate later hours.

We believe there are no conditions that can be applied to the license to mitigate the risks posed by this application as the premises management has shown total disregard to the licensing act by blatantly trading past its hours. If the premises cant be trusted to follow the law by closing on time, then we have no faith they will abide by any conditions set by this committee.

For all the above reasons we ask that this application is rejected.

Kind Regards

Mark



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



# Appendix 8

## Corinne Holland

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**From:** Nicola Cadzow  
**Sent:** 25 January 2023 11:19  
**To:** Corinne Holland  
**Subject:** FW: MAU REPRESENTATION 156033 - Hamlet Pizza, Swift Pizza, Tower Hamlets Pizza 479 Cambridge Heath Road, London

Nicola Cadzow  
Environmental Protection Officer  
Place Directorate

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**From:** Nicola Cadzow  
**Sent:** Thursday, January 5, 2023 10:13 AM  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** 'MARK.J.Perry [REDACTED] Kathy Driver <Kathy.Driver@[REDACTED]>; Feradoon.hamid [REDACTED]>  
**Subject:** MAU REPRESENTATION 156033 - Hamlet Pizza, Swift Pizza, Tower Hamlets Pizza 479 Cambridge Heath Road, London

Dear Licensing,

I have considered the premises license application for Hamlet Pizza, Swift Pizza, Tower Hamlets Pizza 479 Cambridge Heath Road, London and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity. The applicant is proposing licensable hours well beyond the Council's framework hours.

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

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

The applicant's is proposing Licensable Activities: Late Night Refreshment:

- **Seven days a week until 04:00 hours in the morning an increase in the Council's Framework hours as follows**

<b>Monday to Thursday</b>	<b>from 23:30 hours, an increase of four and a half hours</b>
<b>Friday and Saturday</b>	<b>from Midnight, an increase of four hours</b>
<b>Sunday</b>	<b>from 23:00 hours (LNR is only required from 23:00 hours), an increase of five hours on framework hours.</b>

Also, there is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance, nor consideration of the impact on public nuisance from increase footfall from persons accessing and egressing the premises, particularly when considering the late hours applied for by the applicant.

**Noise Sensitive premises:** residential and commercial premises in close proximity to 479 Cambridge Heath Road, London

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

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

## **CONCLUSION**

Environmental Protection **does not** support the application for Hamlet Pizza, Swift Pizza, Tower Hamlets Pizza 479 Cambridge Heath Road, London, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

Nicola Cadzow  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets  
Mulberry Place Town Hall  
5 Clove Crescent  
London E14 2BG

  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

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**Please Note : Tower Hamlets Council are in the process of moving to a new office in Whitechapel. As from 13th February 2023 Licensing and the Environmental Protection (Noise) Team will be working at:  
Tower Hamlets Town Hall  
160 Whitechapel Road  
London  
E1 1BJ**

**License Committee Hearings will also be held here.**

### **Housing Licensing Consultation**

We are currently consulting on the smaller HMO property licensing scheme (additional licensing), whether to renew the designation and extend it boroughwide. Please let us have your views at [Additional Licensing Scheme consultation](#) | [Let's Talk Tower Hamlets](#) and complete the questionnaire – Thank you

# Appendix 9

## Corinne Holland

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**From:** Licensing  
**Sent:** 15 February 2023 10:21  
**To:** Corinne Holland  
**Subject:** FW: Representation about the Licensing\_CLC/EHTS/LIC/156602

---

**From:** nicolas tian [REDACTED]  
**Sent:** 14 February 2023 22:02  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Representation about the Licensing\_CLC/EHTS/LIC/156602

Dear officer

Hope you are doing well.

I am the tenant of the current flat, I received the Licensing letter of Hamlet Pizza, Swiff Pizza, Tower Hamlets Pizza, 479 Cambridge Heath Road London, E2 9BU about premises licence of late night refreshments (supply hot food after 11pm).

And I have some concerns about the licensing, because there is a ventilation pipe next to my flat's kitchen window and the vibrations and noises made from the pipe usually will be heard very clearly with the rumble in the whole flat. During the daytime I will go to work so it won't be a problem, but after my day off, especially when it comes to after 10pm, it will interfere with watching movies, shows at home, and also prevent sleep if I choose to go to bed before 12pm.

The ventilation will stop around 12pm each day, that's something I can cope with. I have no intention to stop them supplying hot food. It's really nice sometimes, just when the license allows supplying food after 11pm does it mean the ventilation will run for the whole night? So that's something I'm really worried about.

Please find in the attachments about the footage of the ventilation pipe next to my kitchen window and the noises from that.


- 1, Video on 10th Jan 2023, 3AM (and screenshot of the recording time)
- 2, Video on 24th Jan 2023, 10PM (and screenshot of the recording time)


Please let me know if this is relevant and I hope this situation can be solved if there is someone who can help.

Nicolas Tian  
[REDACTED]

My Ref: CLC/EHTS/LIC/156602

Kind regards,  
Nicolas

 [\\_100123\\_3AM.MOV](#)

 [240123\\_10PM.MOV](#)

[Screenshot 2023-02-14 at 21.53.51.png](#)



[Screenshot 2023-02-14 at 21.55.41.png](#)









# Appendix 10

## **Section 182 Advice by the Home Office Updated on December 2022**

### Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

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

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

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

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

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

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

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

# Appendix 11

## 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.

# Appendix 12

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

Updated December 2022

## 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 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 13

## 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 14

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

Updated December 2022

## 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 evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.



# Appendix 15

## **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.

### **Page 199**

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 16

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 17

## **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.



# Agenda Item 3.3

Committee: <b>Licensing Sub-Committee</b>	Date:	Classification: <b>UNRESTRICTED</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Title: <b>Licensing Act 2003</b>  <b>Application to Review the Premises Licence for Bow Supermarket, 163-167 Devons Road, London E3 3QX</b> Ward affected: <b>Bromley South</b>
--	---

## 1.0 Summary

Name and Address of premises: **Bow Supermarket**  
**163-167 Devons Road**  
**London**  
**E3 3QX**

Licence under review: **Licensing Act 2003**  
▪ **Sale by retail of alcohol**

Representations: **Licensing Authority**

## 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"><li>Guidance Issued under Section 182 of the Licensing Act 2003</li><li>Tower Hamlets Licensing Policy</li><li>File</li></ul>		<b>Kathy Driver</b> <b>020 7364 5171</b>

### 3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Bow Supermarket, 163-167 Devons Road, London E3 3QZ. The review was triggered by Licensing Authority.
- 3.2 A copy of the review application is attached in **Appendix 1**.

### 4.0 The Premises

- 4.1 The premises licence was issued on 26<sup>th</sup> September 2005. The premises licence holder and DPS is Mr. Cem Yesil. Mr. Yesil became licence holder on 5<sup>th</sup> March 2019 and DPS on 2<sup>nd</sup> December 2019. A copy of the current licence is contained in **Appendix 2**.
- 4.2 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 the Licensing Authority.
- 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 interested party and 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](http://www.homeoffice.gov.uk). It was last revised in December 2022.

- 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 The home office has also issued guidance about the prevention of public nuisance this is contained in **Appendix 7.**
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **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 The Governments advice in relation to reviews is contained in **Appendix 4**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a period
- Revoke the licence completely

8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions

does not have a reasonable prospect of ensuring that the licensing objectives are met.

- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

## 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

<b>Appendix 1</b>	Copy of the review application
<b>Appendix 2</b>	Current Premises Licence
<b>Appendix 3</b>	Maps of the premises and surrounding area
<b>Appendix 4</b>	Guidance issued under Section 182 by the Home Office for reviews
<b>Appendix 5</b>	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
<b>Appendix 6</b>	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
<b>Appendix 7</b>	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
<b>Appendix 8</b>	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

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# Appendix 1

This form should be completed and forwarded to:

**London Borough of Tower Hamlets  
Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG**

**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 ...Corinne Holland..... *(Insert name of applicant)* **apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>  Bow Supermarket 163-167 Devon's Road	
<b>Post town</b> London	<b>Post code (if known)</b> E3 3QX

**Name of premises licence holder or club holding club premises certificate (if known)** Mr Cem Yesil

**Number of premises licence or club premises certificate (if known)** 27383



**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) x
- 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**

**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  Corinne Holland Licensing Authority Mulberry Place 5 Clove Crescent London E14 2BG
Telephone number (if any) 0207 364 3986
E-mail (optional) <a href="mailto:licensing@towerhamlets.gov.uk">licensing@towerhamlets.gov.uk</a>

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

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

On the 4<sup>th</sup> August 2021 the Licensing Authority received a complaint from a local resident that Bow Supermarket, 163 -167 Devon's Road was open regularly until 01:30-02:00 hours. It was *quote* - 'attracting big crowds of people outside and inside the shop making life hell for residents'.

This shop holds a Premise Licence to sell alcohol (off sales) for the following times:

On Weekdays, other than Christmas Day 8.00am to 11.00 pm (weekdays refers to Monday to Saturday)

On Sundays, other than Christmas Day 10.00am to 10.30pm

On Christmas Day 12.00 noon to 3.00pm and 7.00pm to 10.30pm

On Good Friday 8.00am to 10.30pm

There are no restrictions on their Licence for their opening hours.

The Premise Licence Holder has been Mr Cem Yesil since 5<sup>th</sup> March 2019 and he has also been the Designated Premises Supervisor since 2<sup>nd</sup> December 2019.

On Saturday 4<sup>th</sup> December 2021 the police attended the premises at 23.10 hours and believed a customer left the shop carrying what appeared to be a bottle of Courvoisier brandy in a plastic bag. The police entered the premises and spoke to a member of staff called Caner, who stated he was currently in charge but his brother was the owner of the shop. The police also noticed that there was no Premise Licence summary on display, which is a requirement under the Licensing Act. Caner eventually found some documentation and was advised to get the licence on display. Whilst the officers were in attendance they witnessed another member of staff selling a bottle of whiskey to another customer. Caner was advised regarding selling alcohol out of the licensable hours.

On the 17<sup>th</sup> April 2022 enforcement officers working on behalf of the Licensing Authority attended Bow Supermarket at 00.14 hours and purchased a can of Guinness, an alcoholic drink. The officers spoke to the Premise Licence Holder and Designated Premises Supervisor Cem Yesil and informed him of the offence. The officers completed a 'record of contact form' and handed a copy to Mr Yesil. See

**Attachment 1**

On the 14<sup>th</sup> June 2022 a warning letter was sent to Mr Yesil at the premises, his home address and via email pointing out the offence of selling alcohol beyond his hours. Within this letter he was also advised that his licence doesn't contain suitable conditions and therefore he was requested to complete a minor variation to add these conditions onto the licence in order to uphold the licensing objectives. The letter is attached in **Attachment 2**. The conditions requested are shown in **Attachment 3** (with the addition of condition 10).

Having had no response from the letters/email I telephoned the shop on 21<sup>st</sup> July 2022 but got no reply but shortly after my call was returned by Mr Yesil. As a result of our conversation I emailed him a application/guidance pack to complete a minor variation together with the conditions I required.

On the 1<sup>st</sup> August 2022 I received an email from Mr Yesil completing the minor variation form but within the application he had applied to extend his licensable hours from 07.00 hours – 01.00 hours every day.

On the 1<sup>st</sup> August 2022 I returned his email stating he could not apply to increase his hours for the sale of alcohol via a minor variation and this would require a full variation to be applied for. I attached the guidance pack for a full variation. As he explained to me he did not have a copy of his licence and therefore I informed him how to apply for a copy. I advised him at this stage that I would seek a review of his licence if he didn't voluntarily add the conditions onto his licence via a variation.

Unfortunately due to heavy workloads the fact that a minor/full variation had not been applied for was not chased up until 2<sup>nd</sup> November 2022 when I emailed Mr Yesil asking if he intended to submit a variation to which I received no response.

I telephoned Mr Yesil on the 9<sup>th</sup> November 2022 to which he returned my call. He stated his solicitor was dealing with this matter. I told him that no application had been received. I checked on our licensing records and could see that a solicitors firm had applied for a copy of the licence on 25<sup>th</sup> August 2022, which was supplied to them, but nothing further had been received.

Mr Yesil stated that he had some family issues so he had not been on top of things but I told him that I would seek a review of his licence if nothing was received by the end of the following week. He called me back stating his solicitors would apply within the next two weeks.

To date I have received no further communication from him and no minor or full variation has been submitted. Mr Yesil has not shown himself to be a responsible retailer.

Despite the delay from the initial offence the Licensing Authority has attempted to communicate with Mr Yesil on numerous occasions to give him the opportunity to

voluntarily add conditions to his licence. As no variation application has been forthcoming, the Licensing Authority have been left with no option but to submit this review to add them in order to strengthen the existing Premise Licence and uphold the licensing objectives.

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

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**

Not applicable

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 19/12/22  
.....

Capacity .....

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

**Notes for Guidance**

- 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.



# ATTACHMENT A



Premises / Business Name: BOW SUPERMARKET / KARACANE LIMITED

Licence Holder / DPS / Person Seen: COM YESIL A.O.S.

Address: 163-169 DEVON ROAD  
EB 3QX

Tel. No: [REDACTED]

Email: [REDACTED]

Intelligence Lead Visit (1L)

Compliance Visit (Proactive 1L)

Revisit (1R)

Notice Check (1N)

Visiting Officer (s): LEKANE OLUMU & NISHAH ASOOL

App Officer Initials: LOL & AAK

Position: EHO & ETO

Signature: [REDACTED] Time of visit: 00:14

Tel: 020 7364 5008 Email: licensing@towerhamlets.gov.uk

Offence of Licensing Act 2003	Section	ACTION REQUIRED:
<input type="checkbox"/> Unauthorised sale of alcohol [No Licence] [Suspended Licence] *strikeout as appropriate	136	<input type="checkbox"/> Cease Sale By Retail of Alcohol with immediate effect
<input type="checkbox"/> Unauthorised Provision of Late Night Refreshment (hot food or drink between 23:00 and 05:00 hours) [No Licence] [Suspended Licence] *strikeout as appropriate	136	<input type="checkbox"/> Cease the Provision of Late Night Refreshment with immediate effect
<input type="checkbox"/> Unauthorised Regulated Entertainment [No Licence] [Suspended Licence] *strikeout as appropriate	136	<input type="checkbox"/> Cease Regulated Entertainment with immediate effect.
<input checked="" type="checkbox"/> Sale of Alcohol outside licensed hours	136	<input type="checkbox"/> Remove all Alcohol from Sale
<input type="checkbox"/> Provision of Late Night Refreshment (hot food or drink between 23:00 and 05:00 hours) outside Licence hours	136	<input type="checkbox"/> Display Part 2 Summary of the Premises Licence
<input type="checkbox"/> Alcohol displayed for unauthorised Sale [No Licence] [Suspended Licence] [Outside Licensed Hours] *strikeout as appropriate	137	<input type="checkbox"/> Ensure a copy of the full Premises Licence is available for inspection on the premises
<input type="checkbox"/> Keeping Alcohol on the premises for unauthorised Sale [No Licence] [Suspended Licence] [Outside Licensed Hours] *strikeout as appropriate	138	<input type="checkbox"/> Ensure a letter of authorisation signed by the DPS is on the premises to enable staff to sell alcohol on their behalf
<input type="checkbox"/> Breach of licence condition(s) (specify condition text box below)	136	<input checked="" type="checkbox"/> Licensable activity must only be carried out within the hours detailed on your Premises Licence
<input type="checkbox"/> Selling Alcohol with no authorisation from DPS / No DPS present	136	<input checked="" type="checkbox"/> Alcohol must only be Displayed for Sale within the licence hours detailed on your Premises Licence
<input type="checkbox"/> Failure to display Premises Licence Summary	57	<input type="checkbox"/> Cease the Sale by Retail of Alcohol until a DPS is in place and named on the Premises Licence
<input type="checkbox"/> Failure to produce the full Premises Licence	57	<input type="checkbox"/> Comply with all conditions stated on the Premises Licence, in particular ones found to be in breach detailed on second sheet
<input type="checkbox"/> Sale of Alcohol to a person who is drunk	141	<input type="checkbox"/> See Action detailed on second sheet
<input type="checkbox"/> Allowing disorderly conduct on licensed premises	140	
Other Offences NOT Licensing Act 2003 (please insert legislation here)		

**ACTION TAKEN BY LBTH:**

No further action  Advice  Warning Issued by way of this report  Revisit needed  Alcohol seized

Licence holder / DPS cautioned

Person seen: COM YESIL

Signature: [REDACTED]

Position in business: DPS & DIRECTOR

Date: 17/01/2022

Premises Business Name/Address:

ROW SUPERMARKET 113-167 ORTON ROAD FR 304X



If you feel the action is not justified you should contact the Team Leader of the Licensing and Safety Team within 14 days of this report.

Action:

I LEARN EDWARD LITTLE AND MI... ASKED ABOUT... ENTERED YOUR PREMISES AT 11PM ON 17TH APRIL 2022. I PICKED UP A CAN OF BUSINESS ORIGINAL AND TOOK IT TO THE COMPTON STORE I WAS SERVED BY GINGER FETIC ON 2/9/98. I GAVE HIM £200 AND HE GAVE ME CHANGE OF 30P.

I THEN INTRODUCED MYSELF AS A CIVIL OFFICER AND INFORMED YOU THAT YOU ARE VIOLATING ALCOHOL LICENCE... CONDITIONS HOURS (10PM TO 11PM) YOU MUST ENSURE THAT YOU STOP SELLING ALCOHOL AND DRINKS ACCEPTED AT 11PM YOU MUST BE AWARE THAT IF YOU HAVE BEEN WARNED... BEFORE THE CIVIL JUSTICE SERVICE PROSECUTOR RECOMMENDS THIS MATTER.

YOU CONFIRMED YOUR NAME AS SEN YESU OZUO 29/10/87 AND CONFIRMED THAT YOU ARE THE DIRECTOR AND MGR. YOU WILL BE CONTACTED BY THE LICENSING DEPARTMENT WHO WILL DECIDE ON THE ACTION THEY WILL TAKE.

This visit report is to inform you of any offences under the Licensing Act 2003, or any associated legislation, and what action must be taken in light of the offences. You must take steps to ensure these offence(s) do not reoccur. The absence of any comments on this report does not indicate compliance with the Licensing Act 2003 and any associated legislation. Failure to comply with the Licensing Act 2003, which includes the conditions and hours detailed on any Licence may result in prosecution.

Visiting Officer:

SEAN OZUO & ALICIA... Date: 17/4/2022 Time: 00:37

Signature of Licensee / DPS / Person Seen

\*Circle as appropriate

[Redacted Signature]

Date: 17/4/2022 Time: 00:37

ACTION TAKEN BY LBTH:

- No further action [ ] Advice [ ] Warning Issued by way of this report [ ] Revisit needed [ ] Alcohol seized [ ] Licence holder / DPS /manager cautioned [ ]

# ATTACHMENT B

**Mr Cem Yesil  
Bow Supermarket  
163-167 Devons Road  
London  
E3 3QX**

**Place Directorate  
Public Realm**

**Environmental Health & Trading Standards**

Head Of Service **David Tolley**

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

14<sup>th</sup> June 2022

By email: [REDACTED]

Our reference P/EHTS/LIC/C110909/CH

Tel **020 7364 3986**  
Enquiries to Corinne Holland  
Email [corinne.holland@towerhamlets.gov.uk](mailto:corinne.holland@towerhamlets.gov.uk)

Dear Mr Yesil

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

### **Licensing Act 2003**

#### **Out of hours sale of alcohol: Bow Supermarket, 163-167 Devons Road, London, E3 3QX**

The Licensing Authority received a complaint that you were operating beyond your licensable hours. You are licensed for the following hours:

#### **Sale of Alcohol (off sales only)**

On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.  
On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.  
On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.  
On Good Friday, 8 a.m. to 10.30 p.m.

In response to this complaint, you were visited by Enforcement Officers at 00:14 hours on the 17<sup>th</sup> April 2022 who managed to purchase alcohol (a can of Guinness). This is 1 hour 14 minutes after your permitted licenced hours ceased.

You are both the Premise Licence Holder and Designated Premises Supervisor and were on the premises at the time of this sale. You must have been fully aware that the alcohol was on display for sale beyond 23:00 hours. It is your responsibility to ensure you and your staff abide by the hours on the Premise Licence at all times. There is no excuse for this.

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.

The ACT covers;

1. **the sale by retail of alcohol** (off or on sales)

2. the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
3. the provision of regulated entertainment (with or without a licence to sell alcohol)
4. the provision of late-night refreshment (selling hot food and drinks after 23:00 hours and before 05:00 hours)

**A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.**

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

It has been noted that you do not have any suitable conditions on your licence therefore as well as issuing this warning letter I request that you submit a minor variation to the Licensing Authority within the next 14 days to add the enclosed relevant conditions to your Premises Licence in order to uphold the licensing objectives. Details of how to do this are on our website. There is an £89 charge.

[https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol\\_and\\_entertainment/minor\\_variations.aspx](https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/minor_variations.aspx)

It is also noted that as you do not have any opening hours on your licence and having been open beyond 11pm at the time of the officers visit, the alcohol must be covered/locked outside of licensing hours to show members of the public it is not available to purchase.

If you choose not to apply for a minor variation the Licensing Authority will have no option but to review your licence. The Licensing Sub-committee can decide any of the following courses of action:

- 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.

Further enforcement visits will be conducted.

You are being issued a warning, by way of this letter on this occasion, together with the request for a minor variation, for conducting unlicensed activities but if any further offences come to light the Licensing Authority may instigate another course of action, namely a prosecution.

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

Yours sincerely



**Corinne Holland**  
**Licensing Officer**

C.c

Police Licensing Unit, [cemailbox-towerhamletslicensin@met.police.uk](mailto:cemailbox-towerhamletslicensin@met.police.uk)

Premises Licence Holder – Cem Yesil, 

# ATTACHMENT C



**Bow Supermarket, 163-167 Devons Road, London, E3 3QX**

**Conditions Requested**

1. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
2. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
3. The premises shall install and maintain a comprehensive CCTV system. 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.
4. 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.
5. 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) any incidents of disorder;
  - c) any faults in the CCTV system,
  - d) any refusal of the sale of alcohol;
  - e) any visit by a relevant authority or emergency service.
6. All alcohol shall be secured behind lockable grills/screens when the shop is open for business beyond the hours for licensable activities.
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

8. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available to the police or authorised officer upon request.
9. There will be a prominent signage near the door to the premises reminding the customers to leave the area quietly.
10. All alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or immediately outside.

# Appendix 2

**(Bow Supermarket)  
163-169 Devons Road  
London  
E3 3QX**

**Licensable Activities authorised by the licence**

Retail sale of alcohol

**See the attached licence for the licence conditions**



**Signed by**            **David Tolley** \_\_\_\_\_  
**Environmental Health & Head of Trading Standards**

**Date: 26<sup>th</sup> September 2005**



**Part A - Format of premises licence**

Premises licence number

27383

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(Bow Supermarket)  
163-169 Devons Road  
London

**Post town**  
London

**Post code**  
E3 3QX

**Telephone number**  
0207 531 4959

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

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

In this condition, permitted hours means:

a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.

- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
  - c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
  - d. On Good Friday, 8 a.m. to 10.30 p.m.
- See Mandatory conditions for drinking up time

**The opening hours of the premises**

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

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

Off sales only

**Part 2**

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

Mr Cem Yesil  
18 Woodmead  
Grange Road  
London  
N17 0ET

**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**

Cem Yesil

[Redacted address and telephone number]

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

Licence No:

Issuing Authority:

[Redacted licence number and issuing authority]

## 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



**Part B - Premises licence summary**

**Premises licence number**

27383

**Premises details**

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

**(Bow Supermarket)  
163-169 Devons Road  
London**

**Post town**  
London

**Post code**  
E3 3QX

**Telephone number**

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:  
a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.  
b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.  
c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.  
d. On Good Friday, 8 a.m. to 10.30 p.m.  
The above restrictions do not prohibit:  
(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;  
(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;  
(c) the sale of alcohol to a trader or club for the purposes of the trade or club;  
(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary Of State or an authorised mess of members of Her Majesty's naval, military or air forces

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Mr Cem Yesil  
18 Woodmead  
Grange Road  
London  
N17 0ET

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

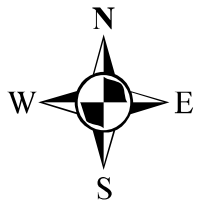
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Cem Yesil**

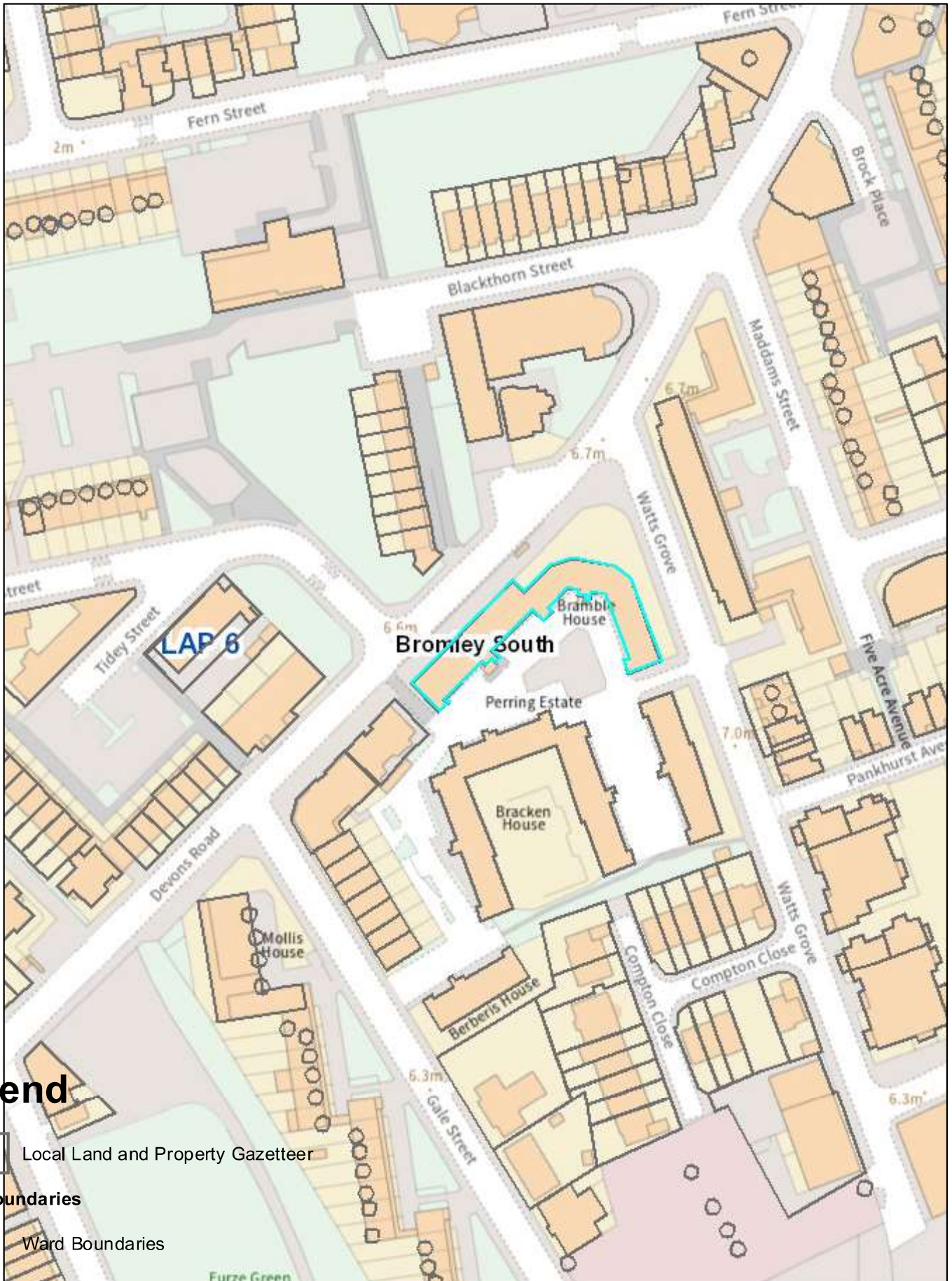
State whether access to the premises by children is restricted or prohibited

No



# Appendix 3

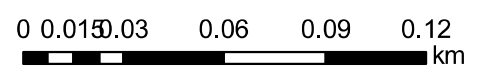


# 163-167 Devons Road

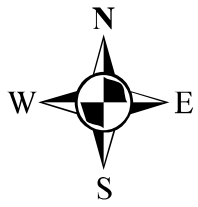


## Legend

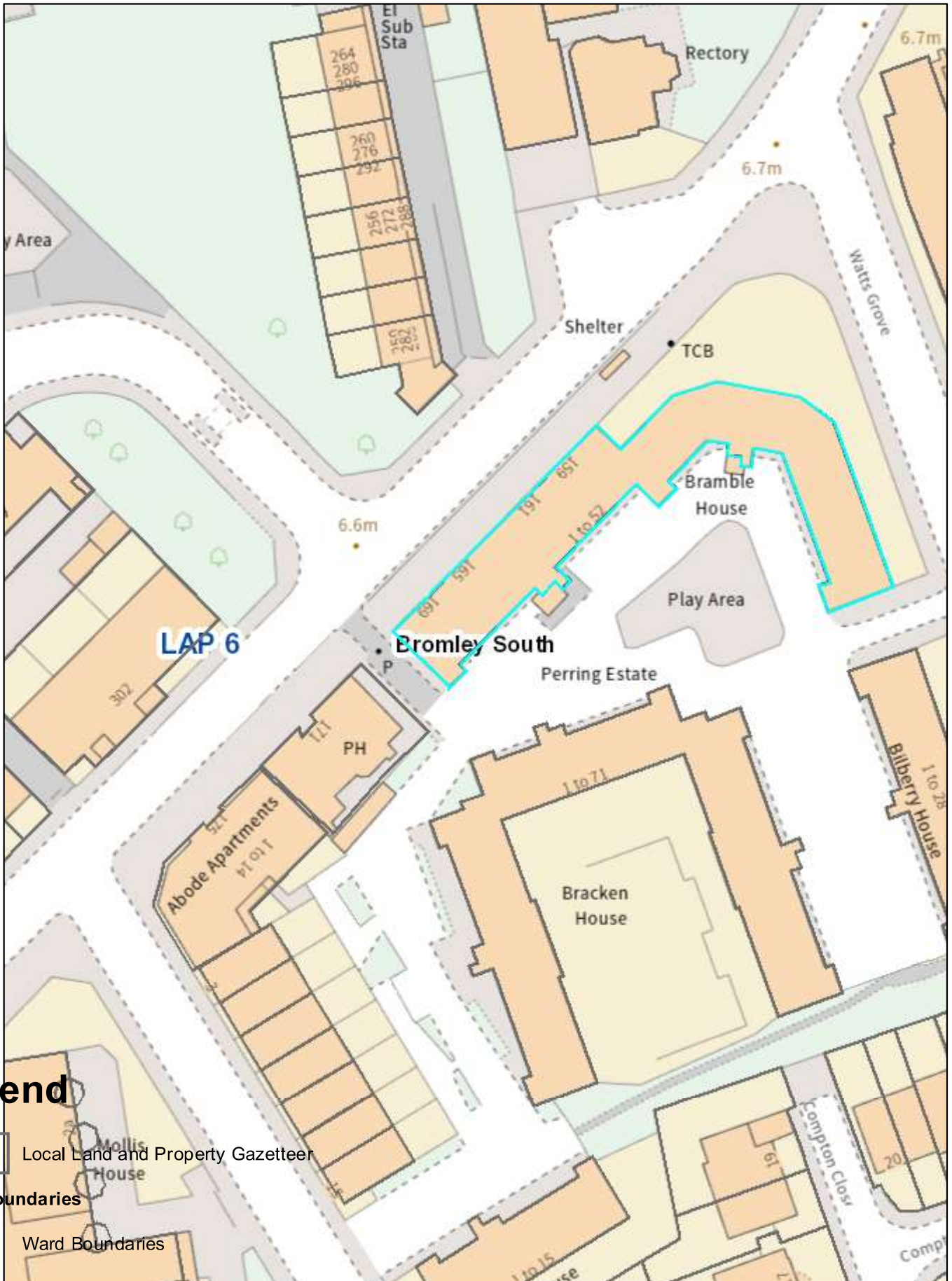
-  Local Land and Property Gazetteer
- Ward Boundaries**
-  Ward Boundaries
- LAP Boundaries**
-  LAP Boundaries







# 163-167 Devons Road



## Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward 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. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise the review application.
- 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 relevant 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, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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 or illegal working compliance 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](http://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)<sup>10</sup>;
  - 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 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.

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<sup>10</sup> See chapter 16 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 December 2022

## Crime and disorder

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

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online 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 December 2022

## 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 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.