



Licensing Sub Committee

Agenda

Tuesday, 9 May 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel

Contact for further enquiries:

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



Public Information

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

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers 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, 9 May 2023

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (PAGES 7 - 8)

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

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

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

2. RULES OF PROCEDURE (PAGES 9 - 18)

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

3. ITEMS FOR CONSIDERATION

3.1 Application for a new Premise Licence for Noodle & Beer, 31 Bell Lane, London, E1 7LA (Pages 19 - 110)

Licensing Objectives:

- The prevention of public nuisance

Representations:

- Environmental Protection

Ward: Spitalfields & Banglatown



3 .2 Application to Review the Premises Licence for (Denni's News) 15 Swaton Road, London E3 4ES (Pages 111 - 210)

Licensing Objectives:

- The prevention of crime & disorder
- The protection of children from harm

Representations:

- Trading Standards

Ward: Bromley South

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, 6 June 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**

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

Committee: Licensing Sub Committee	Date	Classification Unrestricted	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a new Premise Licence for Noodle & Beer, 31 Bell Lane, London, E1 7LA Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Noodle & Beer Ltd (Xiaoxiao Wang)**

Name and Address of Premises: **Noodle & Beer**
31 Bell Lane
London
E1 7LA

Licence sought: **Licensing Act 2003**
Sale by retail of Alcohol (on sales)

Objectors: **Licensing Authority**
Environmental Health

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 Noodle & Beer, 31 Bell Lane, London, E1 7LA. This premises falls within the Brick Lane Cumulative Impact Area.
- 3.2 The applicant has described the premises as: *A small venue with seating for 45. It wishes to provide alcohol for the consumption with food.*
- 3.3 A previous application was made on 28th November 2019 by the same applicant which was heard by the LSC on 25th February 2020. The application was refused. The applicant appealed this decision to the Magistrates Court which was dismissed on the 5th July 2021 as the appellant did not attend on both hearings.

A further application was received by the Licensing Authority on the 15th September 2022 by the same applicant, which due to representations being received was due to be heard by the Licensing Sub Committee on 17th January 2023. On the 12th January 2023 the application was withdrawn by the applicants barrister.

This current application was received by the Licensing Authority on 14th February 2023.

- 3.4 A copy of the application is shown in **Appendix 1**.
- 3.5 The hours applied for are as follows:

Sale of Alcohol (on sales only)

Monday – Sunday 11:30 hours – 22:30 hours

Opening times

Monday – Sunday 11:30 hours – 23:00 hours

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 1st November 2018.

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

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 9**
- 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
Environmental Health	Appendix 7

- 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
 - CIA
- 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. Alcohol to be supplied only for consumption with a meal whilst seated at a table (*police condition enhances this proposed condition*)
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 is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
4. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any visit by a relevant authority or emergency service.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
6. Signage shall be clearly displayed in the premises requesting customers to leave quietly and with respect to the neighbours.
7. 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 for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

9. Staff to have regular training in the prevention of underage sales.

8.0 Conditions Agreed/Requested by Responsible Authority

Conditions agreed with the police – **Appendix 8**

1. The premises shall operate as a restaurant, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

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 9 - 16** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

11.1 There are no financial implications in this report.

12.0 **Appendices**

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Photographs of the premises
Appendix 5	Other licensed venues in the area
Appendix 6	Representations from LA
Appendix 7	Representation from EH

Appendix 8	Condition agreed with Police
Appendix 9	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 10	Licensing Officer comments on public nuisance
Appendix 11	S182 advice on public nuisance
Appendix 12	Licensing Officer comments on crime & disorder
Appendix 13	S182 advice on crime & disorder
Appendix 14	Cumulative Impact Area
Appendix 15	Licensing Policy relating to hours of trading
Appendix 16	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 **Noodle & Beer 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			
31 Bell Lane			
Post town	London	Postcode	E1 7LA

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 44,750.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **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)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the '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)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the '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	Noodle & Beer Ltd
Address	31 Bell Lane, London, E1 7LA

Registered number (where applicable) 11768259
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY					
0	1	0	4	2	0	2	3

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)

The premises is a small venue, seating 45, which has built up a strong reputation based on its food offering with both restaurant critics and customers. It wishes to be able to provide alcohol for consumption with food. The applicant will provide a sample of reviews as material in support of this application.

The applicant recognises the location of the venue within the cumulative impact zone set out in the London Borough of Tower Hamlets Licensing. It has proposed conditions reflective of the operational arrangements in place at the venue at the appropriate parts of this application form intended to show how existing impact will not be negatively added to in the event the application is granted. At least two factors exist in respect of this application which may properly be considered exceptional as set out in Policy so as to justify grant should objections be received. In the event of a hearing, the applicant will produce written submissions in line with Policy and in support of this application.

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)	

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	Y
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:30	22:30			
Tue	11:30	22:30			
Wed	11:30	22:30			
Thur	11:30	22:30			
Fri	11:30	22:30			
Sat	11:30	22:30			
Sun	11:30	22:30			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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

Name	Xiaoxiao Wang
Date of birth	██████████
Address	████████████████████ ████████████████████ ████████████████████
Postcode	██████████
Personal licence number (if known)	██████████

Issuing licensing authority (if known) [REDACTED]

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:30	23:00	
Tue	11:30	23:00	
Wed	11:30	23:00	
Thur	11:30	23:00	
Fri	11:30	23:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

Sat	11:30	23:00	
Sun	11:30	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 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.

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.

An incident log shall kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

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

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

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.

A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused

the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

Staff to have regular training in the prevention of underage sales.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

Signage shall be clearly displayed in the premises requesting customers to leave quietly and with respect for the venue's neighbours.

Staff to be aware of public transport routes to and from the venue and provide such information on request from customers.

No orders to be taken within the last 30minutes of opening hours so as to facilitate a gradual dispersal from the premises and compliance with premises opening hours.

Alcohol to be supplied only for consumption with a meal to be consumed whilst seated at a table.

e) The protection of children from harm

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Checklist:

Please tick to indicate agreement

	I have made or enclosed payment of the fee.	Y
	I have enclosed the plan of the premises.	Y
	I have sent copies of this application and the plan to responsible authorities and others where applicable.	Y
	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	Y
	I understand that I must now advertise my application.	Y
	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).	Y


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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating
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	<p>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).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	06/02/2023
Capacity	Director of applicant company

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

Signature	
Date	
Capacity	

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

Notes for Guidance

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.

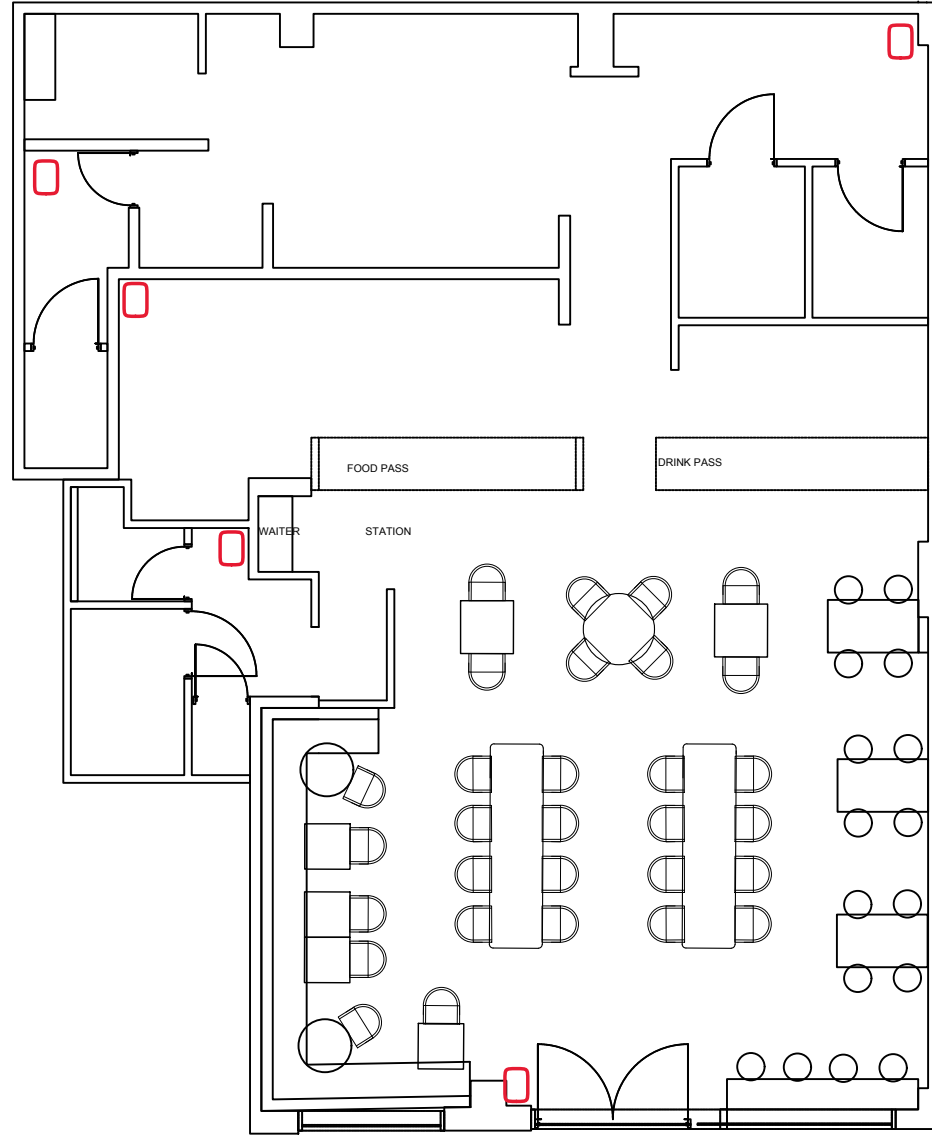
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

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

52/54 covers



PROJECT

Noodle & Beer

SITE

Liverpool st.
London

DRAWING

floorplan v2

DATE SCALE

Oct 2019 1:100 @ A3

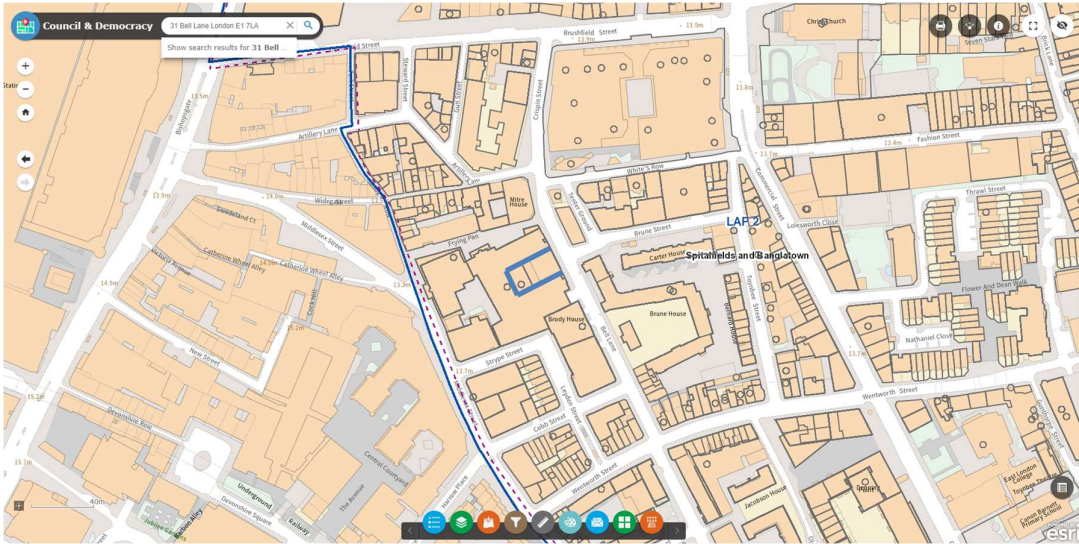
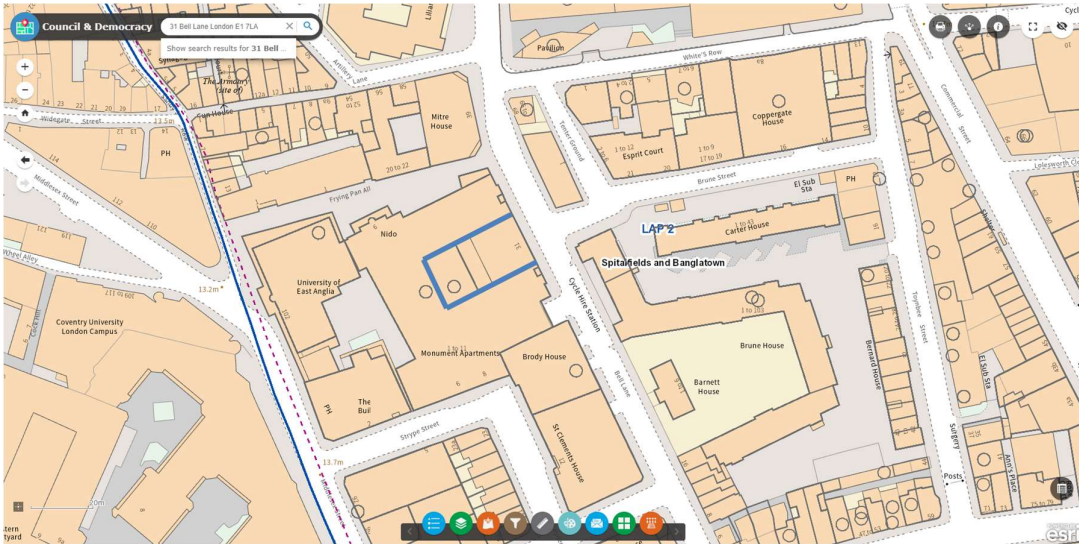
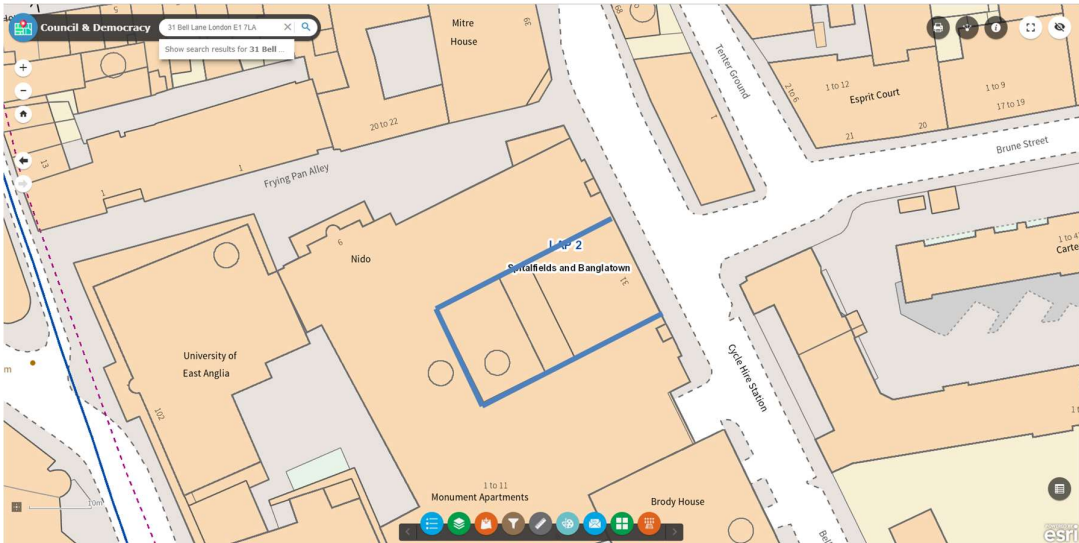
NUMBER AMENDMENT

AN_NB_01

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 All figured measurements are represented in millimetre units.
 DESIGN INTENT ONLY - NOT FOR CONSTRUCTION

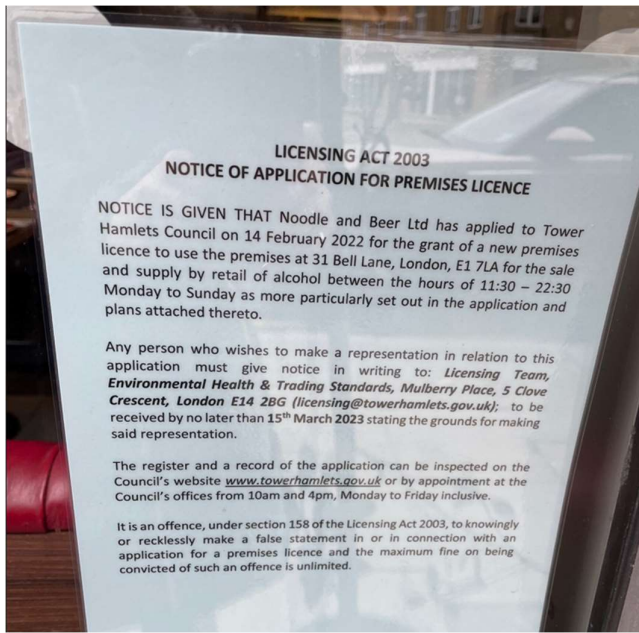
Appendix 3

Noodle & Beer - 31 Bell Lane



Appendix 4

Photos – Noodle & Beer, 31 Bell Lane











Appendix 5

Address	Licensable activities/times	Opening hours
Sainsbury's Unit 5, 31 Bell Lane	<u>Sale of Alcohol by retail (off sales).</u> Monday to Sunday from 09:00 hours to 23:00 hours	Monday to Sunday – 24 hours a day
Rox Burgers 3 Bell Lane	Supply of Alcohol (on sales) <ul style="list-style-type: none"> • Monday to Sunday inclusive 08:00 hrs to 23:00 hrs Late Night Refreshment <ul style="list-style-type: none"> • (Christmas Eve and New Years Eve only) 23:00 hrs until 03:00 hrs the next day Regulated Entertainment: <u>Live Music</u> Friday: 18:00 hrs to 22:00 hrs Saturday: 17:00 hrs to 22:00 hrs Sunday: 14:00 hrs to 16:00 hrs 17:00 hrs to 20:00 hrs <ul style="list-style-type: none"> • (Christmas Eve and New Years Eve Only) until 03:00 hrs the next day <u>Recorded Music</u> <ul style="list-style-type: none"> • Monday to Sunday inclusive, 08:00 hrs to 23:00 hrs 	<ul style="list-style-type: none"> • Monday to Sunday inclusive, 08:00 hrs to 24:00 hrs • (Christmas Eve and New Years Eve only), until 03:00 hrs the next day
Refresh 8 Bell Lane	Alcohol (off sales) <ul style="list-style-type: none"> • Monday to Saturday, from 07:00 hours to 20:00 hours • Sunday, from 07:00 hours to 19:00 hours 	<ul style="list-style-type: none"> • Monday to Saturday, from 07:00 hours to 20:00 hours • Sunday, from 07:00 hours to 19:00 hours
Nilly's Cafe 16 Bell Lane	<u>Sale of Alcohol (On Sales only)</u> Monday to Saturday from 08:00 hours to 22:00 hours Sunday from 10:00 hours to 22:00 hours	<ul style="list-style-type: none"> • Monday to Saturday from 08:00 hours to 22:00 hours • Sunday from 10:00 hours to 22:00 hours
Liberty Lounge 1a Bell Lane	Sale of Alcohol (on sales only) <ul style="list-style-type: none"> • Sunday to Tuesday 12:00 hours - 23:30 hours 	<ul style="list-style-type: none"> • Sunday to Tuesday 12:00 hours - 23:30 hours

	<ul style="list-style-type: none"> • Wednesday 12:00 hours - 00:00 hours (midnight) • Thursday 12:00 hours - 01:00 hours (the following day) • Friday to Saturday 12:00 hours - 02:00hrs (the following day) <p>The Provision of Regulated Entertainment (in the form of Live Music - indoors)</p> <ul style="list-style-type: none"> • Sunday to Tuesday 12:00 hours to 23:30 hours • Wednesday 12:00 hours to 00:00hrs (midnight) • Thursday 12:00 hours – 01:00 hours • Friday to Saturday 12:00 hours to 02:00 hours <p>The Provision of Regulated Entertainment (in the form of Recorded Music - indoors)</p> <ul style="list-style-type: none"> • Sunday to Tuesday 23:00 hours - 23:30 hours • Wednesday 23:00 hours - 00:00 hours (midnight) • Thursday 23:00 hours - 01:00 hours (the following day) • Friday and Saturday 23:00 hours - 02:00 hours (the following day) <p>Late Night Refreshment</p> <ul style="list-style-type: none"> • Sunday to Tuesday 23:00 hours - 23:30 hours • Wednesday 23:30 hours - 00:00 hours (midnight) • Thursday 23:00 hours - 01:00 hours (the following day) • Friday to Saturday 23:00 hours - 02:00 hours (the following day) 	<ul style="list-style-type: none"> • Wednesday 12:00 hours - 00:00 hours (midnight) • Thursday 12:00 hours - 01:30 hours (the following day) • Friday to Saturday 12:00 hours - 02:30 hours (the following day) <p>Non-Standard Times:</p> <ul style="list-style-type: none"> • Sundays before Bank Holidays 12:00hrs - 01:00hrs (the following day) • New Year's Eve 12:00hrs - 09:00hrs (the following day) <p>Morning British Standard Time commences to allow clock going back on hour</p>
--	---	--

<p>Nido Spitalfields) 9 Frying Pan Alley Basement, Ground Floor, 32nd Floor and 33rd Floor</p>	<p>Sale of alcohol by retail (on sales)</p> <ul style="list-style-type: none"> Monday to Sunday, from 12:00 hours to 23:30 hours <p>The provision of regulated entertainment - Indoors <u>Films, Live Music, Recorded Music and Performance of dance</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 12:00 hours to 23:30 hours <p>The provision of late night refreshment - Indoors</p> <ul style="list-style-type: none"> Sunday to Wednesday, from 23:00 hours to 23:30 hours Thursday to Saturday, from 23:00 hours to 01:00 hours the following days 	<p>Premises are not open to the public</p>
<p>The Hummingbird Bakery 11 Frying Pan Alley</p>	<p>Supply of Alcohol (On & Off Sales) Monday to Sunday from 08:00 hours to 22:00 hours</p>	<p>Monday to Sunday from 08:00 hours to 22:30 hours</p>

Appendix 6



Place Directorate
Public Realm
Environmental Health & Trading Standards

Head Of Service David Tolley

4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

Tel [REDACTED]
Enquiries to Lavine Miller-Johnson
Email [REDACTED]

Licensing Authority
Corrine Holland
[REDACTED]

15th March 2023

My reference: P/PR/LIC/157297

Dear Sir/Madam,

www.towerhamlets.gov.uk

Licensing Act 2003
Re: Noodles and Beer, Unit 6, 31 Bell Lane London E1 6RL

I am writing in my capacity of Licensing Authority in relation to the premises licence application for the above address.

On 1st November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in and around the Brick Lane/Spitalfields Area. 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.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation and will consider the circumstances of each individual application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late-night refreshment in the Brick Lane/Spitalfields Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone (CIZ).

The effect of this CIZ is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or

Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

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 CIZ if they wish to rebut this presumption.

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.

This application falls within the Cumulative Impact Zone and seeks alcohol for on sale on Monday to Sunday from 11:30 hours to 22:30 hours.

Although the premises capacity is 45 covers, the concern of this Licensing Authority is that the premises is opposite a residential block of which persons leaving in the evening that are under the influence of alcohol is likely to give rise to public nuisance. Furthermore, as I have detailed below, the premises appears to have been carrying out unlicensed activities, namely the sale of alcohol without an authorisation under the Licensing Act 2003 to do so.

On 15th September 2022 an application for alcohol sales was applied for and this application was withdrawn on 12th January 2023. On 14th October 2022 an officer visited the premises in order to check the premises were complying with the notice requirements of the application-

During this visit, the officer noted it appeared to be selling alcohol. The officer noted drinks menus on the tables and alcohol on display including wines, beers and spirits. A male who claimed to be the supervisor refused to give his details. The supervisor called a manager who came back to say apparently the manager had sent out a WhatsApp message yesterday not to sell alcohol, assume in response to the enforcement letter of 13th October 2022, but he was not on the WhatsApp group so was unaware.

The officer then cautioned the supervisor at 15.28hrs. I have included a copy of the warning letter and photos taken during the visit in my representation.

On 7th March 2023 a visit was carried out to check that the blue notice for the current licence application was on display. During the visit, the officer noted there was a drinks menu for alcohol and soft beverages on the table but there was also a sign in the window stating that customers could bring their own drinks and fees would apply. The officer was advised that, this menu was in use for customers to see the list of soft drinks available.

On further inspection, the officer noted that there were bottles of alcohol behind the counter in a fridge and some also displayed on the countertop.

Even if the premise claimed to not currently selling the alcohol, they are committing an offence under **Section 137 (1) of the Licensing Act 2003 to expose alcohol for unauthorised sale:**

- 1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.
- 2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation

In light of this an enforcement letter has been sent to the applicant (see attached).

In considering this application and previous history of this premises I have concerns as to whether this premises will comply with any conditions of the licence if granted or uphold the licensing objectives. As a result, we do not support this application and believe it should be refused.

I therefore ask the Committee to refuse the application.

Yours sincerely,



Licensing Officer



Noodle and Beer Ltd
31 Bell Lane
London
E1 7LA

Place Directorate
Public Realm
Environmental Health & Trading Standards

Head Of Service David Tolley

By email: [REDACTED]

Tel [REDACTED]
Fax 020 7364 0863
Enquiries to Kath Driver
Email [REDACTED]

13th October 2022

www.towerhamlets.gov.uk

My reference P/PR/EHTS/LIC/152976

Dear Sir,

Licensing Act 2003, Sections 136

Premises: Noodle and Beer, Unit 6, 31 Bell Lane, London E1 7LA

This Authority has received a copy of your menu (below) offering of cocktails with vodka, bacardi and other spirits along with various beers with alcohol volume 4.6%/5.9%. It has also been noted on google reviews of a customer attending the premise which quotes “good selection of bottled beers”, see copy of the reviews at the end of this letter.

According to the Council records you do not hold a licence under the Licensing Act 2003. A premises licence application is under consultation however no licence has been granted for the premises and no Temporary Event Notices have been made.

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 (supplying hot food and hot 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.



The best of London in one borough

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

You are advised to cease the unauthorised licensing activity with immediate effect until such time that you have an authorisation.

For further advice please contact your legal representative.

Yours sincerely

[Redacted signature]

Kathy Driver
Principal Licensing Officer

c.c. by email, Police Licensing Unit: [Redacted]

By email: [Redacted]



Jonathan Graham
38 reviews · 2 photos



★★★★★ 2 weeks ago **NEW**

Really tasty food and friendly and knowledgeable staff. Also a good selection of bottled beers. A few more veggie options would be welcome but the dish I did have was fantastic

Like



John F
30 reviews · 51 photos



★★★★★ 3 weeks ago **NEW**

Dine in | Lunch | £30–40

If you like spicy food then Noodle&Beer is right up your street.
The menu gives chilli ratings for it's noodle dishes so if you prefer to go for something less hot then you can.
The food was really tasty and they had a good selection of Asian bottled beers too.



夏日微风鸡尾酒 Summer Breeze Cocktail

热带烈饮 / Sangria £11.50
Miel, apple, lemon, orange, simple syrup

俄罗斯甜丹 / Cosmopolitan £11.00
Vodka, triple sec, cranberry juice, lime

脏脏雪莉 / Dirty Shirley £11.00
Vodka, grenadine, lemonade

椰林飘香 / Piña Colada £11.50
Overproof Caribbean white rum, fresh pineapple, coconut

菠萝莫吉托 / Pineapple Mojito £12.00
Bacardi rum, elderflower, lime juice, mint, lemonade

月度酒单 BEER OF THE MONTH

精心为你们带来世界各地的小众啤酒以增进对美食饮品的了解
Occasionally change a selection of the name of the
aleks beers that we know of, simply because the flavor of the food

女王啤酒 / Empress IPA Country: India Vol. 5.9%	£8.20
金星啤酒 / Estrella Damm Country: Spain Vol. 4.6%	£5.80
自由无酒精啤酒 / Free Damm Country: Spain ABV: 0%	£5.80
幸运圣人啤酒 / Lucky Saint (full strength of beer but low alcohol) Country: Germany ABV: 0.5% (无酒精啤酒)	£5.80

SMALL EATS

爽口酸辣水马 / Black Fungus Salad with Vinegar and Chili	£7.90
黑椒牛肉卷 / Jumbo Beef Flank Spring Rolls (Open)	£8.3
麻辣无骨鸡爪 / Spicy & sear chicken claw salad (Boneless)	£7
酱油牛肉碎碎仔 / Sliced beef with Celery, Garlicy Chili Sauce	£

MAIN DISHES

虾炒面 / Xia-Xia Mian (Spring Exclusive) House special soup noodles with king prawn, pork belly and	
豉汁蒸 / Wu-Wu Mian Blanket noodles, Stir fried frog legs, Bell pepper, Mustard tuber	
牛肉麻婆豆腐盖饭 / Ma-Po Tofu with Minced Beef Flank Rice Stir fried Ma-Po bean curd with chili and beef flank	

没有什么是一瓶啤酒，解决不了的
→ 如果有那就再瓶
There is nothing a bottle of beer can't fix.
If there is then two.

Noodle and Beer
31 Bell Lane
London
E1 7LA

09th March 2023

By email: [REDACTED]

Our reference P/EHTS/LIC/M157297

Dear Mr Wang

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
Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

Tel [REDACTED]
Enquiries to Corinne Holland
Email corinne.holland@towerhamlets.gov.uk

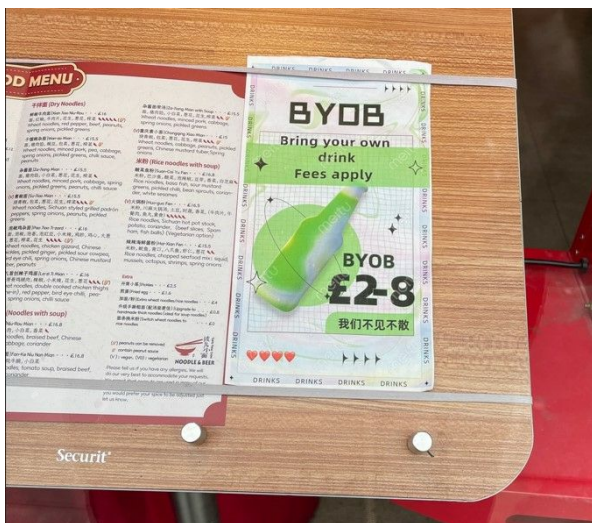
www.towerhamlets.gov.uk



Licensing Act 2003
Premises: Noodle & Beer, 31 Bell Lane, London, E1 7LA

I visited your restaurant on Tuesday 7th March 2023 to check that the blue notice for the current licence application was on display.

I noticed that the drinks menus were out on the table although I also noticed there was a sign in the window stating 'Bring your own drink – Fees apply. See below:



The drink menus which were on all the tables contain alcoholic drinks as can be seen in the photo below:



A member of your staff stated that they were there for the soft drinks only as they didn't sell alcohol at the moment.

I did also notice behind the bar there were bottles of wine, and what appeared to be alcohol in the fridges behind the counter. There were also some bottles of alcohol on the counter. See photo below:





Under Section 136 (1) of the Licensing Act 2003 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)

It is also an offence under Section 137 (1) of the Licensing Act 2003 to expose alcohol for unauthorised sale:

- 1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.
- 2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

A person guilty of an offence under Section 136 (1) and/or Section 137 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

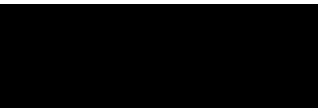
Although there were no customers in your restaurant at the time of my visit by having the alcohol on display and the drink menus on the table suggests alcohol is available to purchase.

You must remove all alcohol from display immediately unless you are operating under a Temporary Event Notice (TEN) or you are granted your Premise Licence.

Enforcement visits will be conducted to ensure compliance. If any offences come to light the Licensing Authority may instigate prosecution proceedings.

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

Yours sincerely



**Corinne Holland
Licensing Officer**

C.c
Police Licensing Unit, 

Appendix 7

Corinne Holland

From: Nicola Cadzow
Sent: 22 February 2023 14:51
To: Licensing; Corinne Holland
Cc: 'MARK.J.Perr [REDACTED]
Subject: 157297 Noodle & Beer 31 Bell Lane, London

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon Licensing,

Having considered the premises license application for Noodle & Beer 31 Bell Lane, London 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 to be causing disturbance to people in the vicinity. Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

Whilst the premises operating hours are within framework hours 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 from the impact on public nuisance from increase footfall from persons accessing and egressing the premises, patrons outside the premise leaving to smoke etc, particularly when considering the premises is in Brick Lane Cumulative Impact Zone.

Noise Sensitive premises: residential premises in close proximity.

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

CONCLUSION

Environmental Protection **does not** support the application Noodle & Beer 31 Bell Lane for the following reasons:

1. There is great likelihood of disturbance to residential premises from the impact of additional footfall
2. The applicant have 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.

Regards

Nicola Cadzow
Environmental Protection Officer
Environmental Health and Trading Standards
4th Floor, Tower Hamlets Town Hall

Appendix 8

Corinne Holland

From: MARK.J.Perry [REDACTED]
Sent: 06 March 2023 11:11
To: [REDACTED]
Cc: Licensing
Subject: RE: Premises License Application Noodle and Beer Bell Lane

Follow Up Flag: Follow up
Flag Status: Completed

Dear Xiaoxiao Wang,

Thanks for getting back to me and agreeing conditions.

Tower Hamlets Council please see below additional condition agreed with the applicant to be added to the conditions proposed by the applicant.

Kind Regards

Mark



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

[REDACTED]
A: Licensing Office, 1st Floor Stoke Newington Police Station



From: xiaoxiao Wang [REDACTED]
Sent: 06 March 2023 10:05
To: Perry Mark J - CE-CU <MARK.J.Perry [REDACTED]>
Subject: Re: Premises License Application Noodle and Beer

Dear Mark,

Thank you very much for your email. I confirm your proposed condition is acceptable; it reflects the manner in which I would hope to operate in the event the licence is granted.

Best regards,

Xiaoxiao Wang

On Mon, Mar 6, 2023 at 09:47 <MARK.J.Perry> wrote:

Hi,

I am PC Mark Perry from Central east Police Licensing, while I have no objection to your application I would like the following condition added to your proposal.

1. The premises shall operate as a restaurant, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Please let me know if this additional condition is acceptable or if you wish to discuss it.

I look forward to hearing from you.

Kind Regards

Mark



PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)



[Redacted]

[Redacted]

A: Licensing Office, 1st Floor Stoke Newington Police Station

Appendix 9

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 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

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 13

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 14

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:

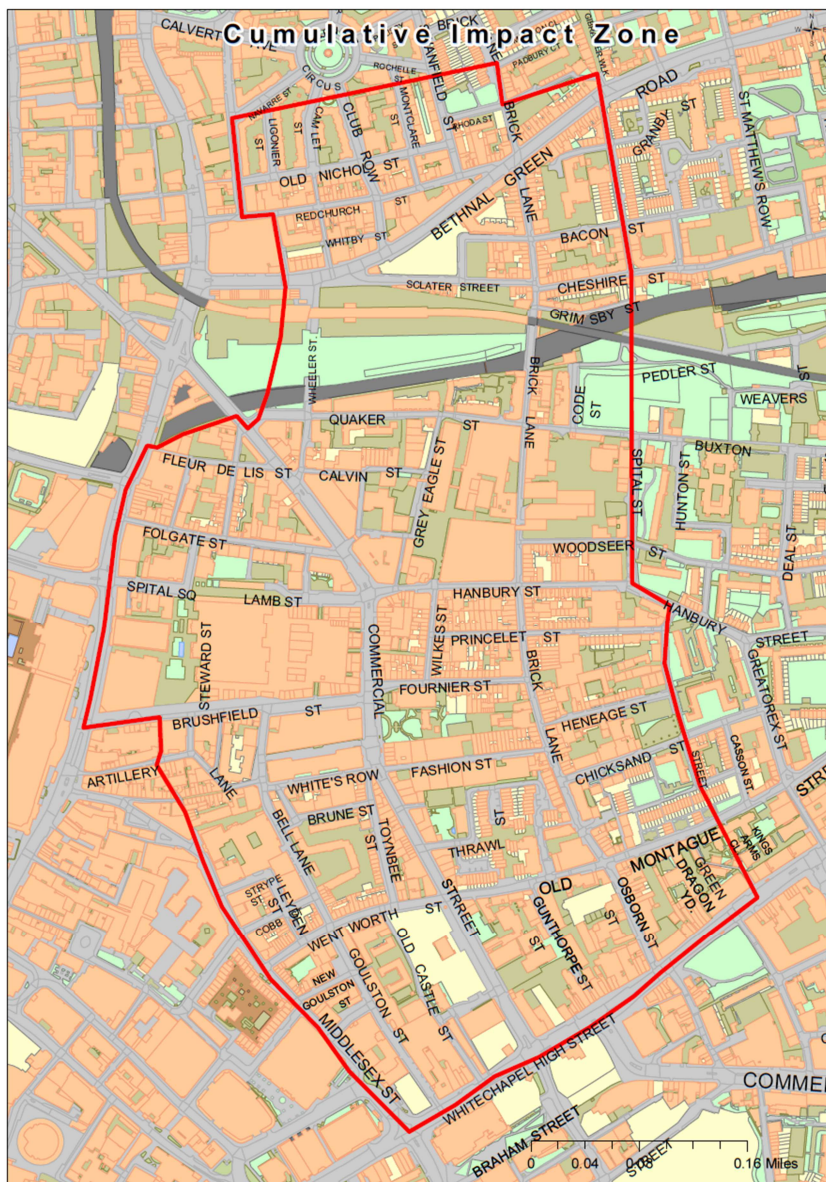
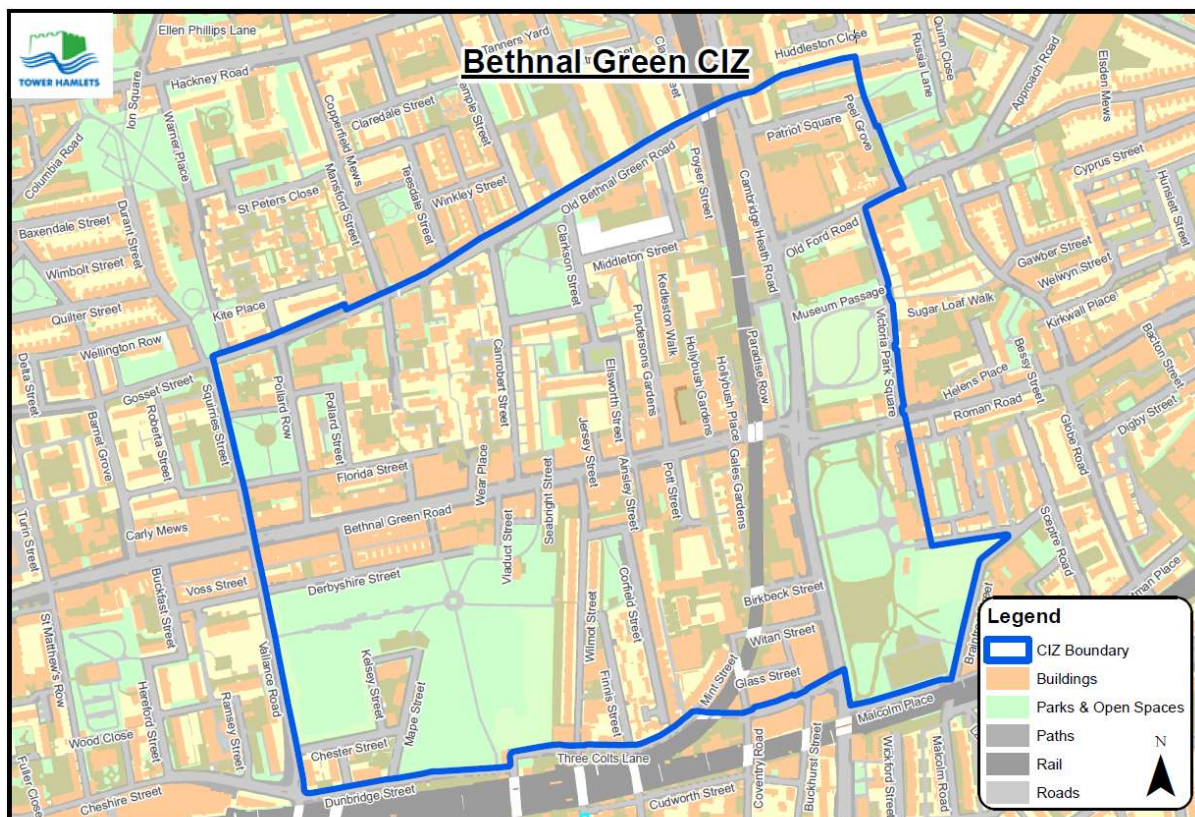
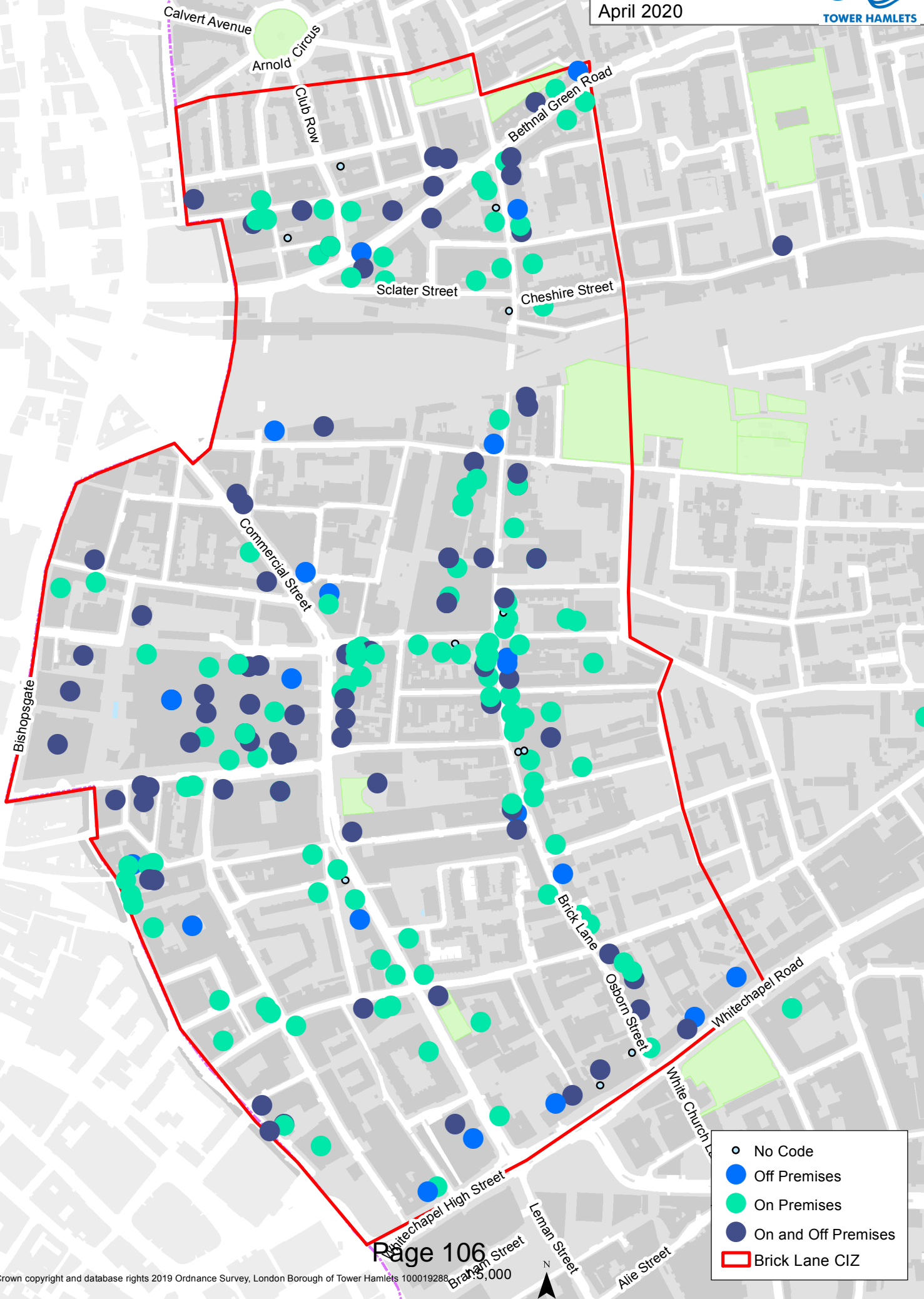


Figure Two:

Bethnal Green Area





- No Code
- Off Premises
- On Premises
- On and Off Premises
- ▭ Brick Lane CIZ

Appendix 15

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 16

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 3.2

Committee: Licensing Sub-Committee	Date:	Classification: UNRESTRICTED	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for (Denni's News) 15 Swaton Road, London E3 4ES Ward affected: Bromley South
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1.0 Summary

Name and	Denni's News
Address of premises:	15 Swaton Road London E3 4ES
Licence under review:	Licensing Act 2003 <ul style="list-style-type: none">▪ Sale by retail of alcohol (off sales only)
Review triggered by:	Trading Standards
Review supported by:	Licensing Authority (RA) Home Office Immigration Enforcement

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

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

Mohshin Ali
020 7364 5498

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for (Denni's News) 15 Swaton Road, London E3 4ES.
- 3.2 A copy of the review application is attached in **Appendix 1**.
- 3.3 Evidence supporting review is attached in **Appendix 2**.

4.0 The Premises

- 4.1 The premises licence was issued on the 3rd February 2009 to Dinesh Kanzaria who is the current licence holder. On the 18th April 2019, Mrs Manesha Sookun became the Designated Premises Supervisor.
- 4.2 A copy of the premises licence is contained in within the evidence supporting the review.
- 4.3 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by Trading Standards.
- 5.2 The review is also being supported by the following:
- Licensing Authority (RA) - See **Appendix 4**
 - Home Office Immigration Enforcement - See **Appendix 5**
- 5.3 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
- 5.4 In the view of the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

6.0 Review Explained

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

could result in the modification of the licence, its suspension, or ultimately, revocation.”

- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 6**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder. **See Appendix 7.**
- 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 8**.
- 6.6 Guidance Issued by the Home Office concerning Public Nuisance **Appendix 9**.
- 6.7 London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance **Appendix 10**.
- 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 Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ.

7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.

7.3 The procedure for a review can be summarised as follows:

- A review is triggered by a responsible authority or interested party
- Consultation is conducted for 28 full days
- Other responsible authorities or interested parties may join in the review
- Members conduct a hearing
- Members make a determination
- All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

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

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

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

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

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

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

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

9.0 **Legal Comments**

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

10.0 **Finance Comments**

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Additional evidence (includes premises licence)
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Representation of Licensing Authority (RA)
Appendix 5	Representation of Immigration Enforcement
Appendix 6	Guidance issued under Section 182 by the Home Office for reviews
Appendix 7	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 8	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 9	Guidance Issued by the Home Office concerning the protection of children from harm
Appendix 10	London Borough of Tower Hamlets Policy in relation to the protection of children from harm

Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Denni's News 15 Swaton Road	
Post town: London	Post code (if known) E3 4ES

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

Mr Dinesh Kanzaria

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

14485

Part 2 - Applicant details

Please tick yes

I am

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

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

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

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

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Alex Brander London Borough of Tower Hamlets Tower Hamlets Town Hall 160 Whitechapel Road London E1 1BJ
Telephone number (if any) <input type="text"/>
E-mail (optional) <input type="text"/>

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

Please tick one or more boxes

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

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

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

The grounds for the review concern the sale of alcohol to people under the age of 18, contrary to the licensing objective of the protection of children from harm.

On 1st August 2022 LB Tower Hamlets Trading Standards carried out an underage sales test purchase operation. The operation involved visiting various food and drinks shops in the borough and instructing a person aged under the age of 18 to attempt to purchase age-restricted products, including alcohol.

Senior Trading Standards Officer Alex Brander led on the operation. Senior Trading Standards Officer Katalin Morath and Licensing Officer Lavine Miller-Johnson also participated in the operation.

Two child volunteers assisted with the operation; Volunteer A (14 year old female) and Volunteer B (12 year old female).

At approximately 11.05 am STSO Brander instructed Volunteer A to attempt to purchase alcohol from Denni's News, 15 Swaton Road, London, E3 4LS. STSO Morath entered the shop first to witness the test purchase. Volunteers A and B entered the shop soon after. On this occasion Volunteer A managed to purchase a 275 ml bottle of WKD Blue (ABV 4%) and a Bounty bar. The cost of the WKD Blue was £1.50. Volunteer A was not challenged for proof of age by the seller during the transaction. Volunteer B was alongside Volunteer A at the time of the purchase. Volunteer B was not challenged for proof of age either.

The sale of alcohol to a person under the age of 18 constitutes an offence under **Licensing Act 2003; section 146 (1)**.

Following the sale, at approximately 11.14 am STSO Brander and STSO Morath entered Denni's News. There was one man working behind the counter. STSO identified him as the man who sold the alcohol to Volunteer A.

The man was having a conversation on a mobile phone when the Trading Standards Officers entered the shop and approached the till counter. The handset was on the counter and the call was on

speakerphone. There were other customers in the shop at the time but no other members of staff.

The Trading Standards Officers introduced themselves to this man and explained that he had just sold the bottle of WKD Blue to an underage person. STSO Morath asked the man if he was the boss. He said he was not and called the boss on his phone. The man passed the phone to STSO Morath and she spoke with the person on the other end of the line. The man on the phone said he was the boss and gave his name as Dinesh Kanzaria, as well as the company details being Dennis Bow Ltd. During this phone conversation Dinesh Kanzaria told STSO Morath that he was the Premises Licence Holder and the Designated Premises supervisor for the shop. STSO Morath advised Mr Kanzaria of the underage sale and that he would be invited to an interview under caution in due course.

STSO Morath asked the shop worker to close the shop temporarily so that the Trading Standards Officers could speak with him without the distraction from customers. The man had keys for the entrance door and locked it. At 11.25 am STSO Morath cautioned the shop worker. The man gave his name as Raul Patel and date of birth as [REDACTED]. He said that Gujarati is his first language. There was an HMRC marked sealed envelope on the till counter containing a document addressed to Mr R Patel, [REDACTED]. STSO Morath asked Mr Patel if the letter was for him, he said it was. Mr Patel was asked if he would open the envelope for the Trading Standards Officers to see it, which he did. The document was a letter from HMRC that contained a tax rebate cheque.

During this conversation Mr Patel became short of breath and his hands started shaking. The Trading Standards Officers asked Mr Patel if he needed to pause to have some water but he said he could continue. STSO asked Mr Patel where he lived and he said he lives at [REDACTED]. He gave his telephone number as [REDACTED]. Mr Patel was still short of breath and was sweating. Mr Patel was asked if he needed some water and he then took a bottle from the shop floor and drank from it. STSO Morath asked Mr Patel if there was a refusals book. Mr Patel found a refusals/training booklet that was tucked away next to a National Lottery terminal.

The booklet was a LB Tower Hamlets issued Underage Sales & Responsible Retailer Trader Scheme Refusals & Incident Book for Age Restricted Products. The booklet was marked on the outside with the name and address of the shop as Best One, 20 Stroudley Walk, London, E3 3EW and the date from as 24/10/2021¹.

Above the entrance door, inside of the premises, was a framed personal licence certificate in the name of Miss Manesha Kanzaria.

Behind the till counter is a covered tobacco gantry. On display above this were a number of

¹ Underage sales Responsible Retailer packs were issued by Trading Standards to licensed premises across Tower Hamlets in October 2021. These included a refusals / staff training record book, as well as an information booklet and proof of age signage to display instore. One pack meant for another shop was given to Denni's News and vice versa).

signs, including a poster for acceptable forms of identification, a No ID No Sale poster, and a form headed "Licensing Act 2003 Designated Premises Supervisor Letter of Authorisation." This form detailed the Designated Premises Supervisor as Dinesh Kanzaria, personal licence number 07/00060/LAPER². The form also listed names of people authorised to sell alcohol in the premises and was dated 15th April 2019. Mr Raul Patel's name was not on this list.

The Children and Young Persons Act (Protection from Tobacco) Act 1991 requires that a warning notice containing the statement "It is illegal to sell tobacco products to anyone under the age of 18" be exhibited in a prominent position where it is readily visible to persons at the point of sale of tobacco. Failing to do so is a criminal offence that carries a maximum £1000 fine. Whilst there was such a notice on display above the tobacco gantry, this was obscured by a No Credit notice stuck over it.

There was a CCTV screen showing multiple camera angles on display on the shopfloor in front of the counter.

The shop had an electronic till but this did not have Electronic Point of Sale functionality. There were no notices or signs by the till to prompt staff to ask for identification.

See Appendix I – statement of Alex Brander, Appendix II – statement of Katalin Morath, Appendix III – photograph of Volunteer A, Appendix IV – photograph of Volunteer B, Appendix V – photograph of bottle of WKD, Appendix VI – photograph of seller, Appendix VII – photograph of Manesha Sookun's personal licence credentials, Appendix VIII – photograph of DPS authorisation, Appendix IX – photograph of tobacco gantry, Appendix X – photographs of the refusals / training book, Appendix XI – photograph of the till & Appendix XII – photographs of the alcohol displays.

There was no summary of the premises licence on display, as required under section 57 (3) of the Licensing Act 2003. It is a criminal offence to fail to comply with the requirements of that section, which carries a maximum £500 fine.

The premises licence holder for 15 Swaton Road, E3 4ES (number 14485) is Mr Dinesh Kanzaria. Mr Kanzaria was granted the licence in February 2009 and was the Designated Premises Supervisor until April 2019. Mrs Manesha Sookun assumed the role of DPS from then on. **See Appendix XIII – copy of the premises licence.**

Annex 3 of the premises licence contains the following conditions:

- A Challenge 21 policy shall be implemented.
- CCTV shall be operated and maintained as per the requirements of the Metropolitan Police. The CCTV recordings shall be kept for a minimum period of 31 days and made available to an Authorised Officer or a Police Officer on request.

² Newham Council Licensing has confirmed that Mr Dinesh Kanzaria's personal licence was issued by them.

- A refusals book and incidents book to be kept and maintained.

Later on 1st August 2022 STSO Brander sent a letter to Raul Patel to invite him to an interview under caution. On the 4th August 2022 STSO Brander received an email from someone giving their name as Rahulkumar Jayantibhai Patel. In that email Mr Rahulkumar Patel wrote that he had received the letter sent to [REDACTED] but that he did not work at the shop and had employment elsewhere. He wrote “My name may be given by mistakenly to investigate office, because I m Tennent and I m living at [REDACTED]”. He gave his mobile telephone number as [REDACTED]. Alex Brander recognised this number as being the same number given by the person claiming to be Raul Patel at Denni’s News on the 1st August 2022. The email had attached to it a copy of what appears to be a passport issued by the Republic of India for Mr Rahulkumar Jayantibhai Patel. This document showed a date of birth of [REDACTED] for Rahulkumar Jayantibhai Patel.

On the 5th August 2022 STSO Brander had a telephone conversation with Rahulkumar Jayantibhai Patel. Mr Patel told STSO Brander that he lives behind the shop but post for him gets sent to the shop and the shopkeeper calls him to collect it. He said he knows that shopkeeper as Swami. He said that he works as a social worker and not in the shop. STSO Brander asked him if he knew what his National Insurance number was told [REDACTED]

Later on the 5th August 2022 STSO Brander had a telephone conversation with Dinesh Kanzaria. STSO Brander asked Mr Kanzaria who was meant to be working at the shop at the time of the sale on the 1st August 2022. Mr Kanzaria said that his employee, Mr Ghanshyam Patel should have been working in the shop. Mr Kanzaria said that Ghanshyam Patel had asked a friend to cover the shop whilst he went to the toilet, which was outside the premises. Mr Kanzaria said that the friend of Ghanshyam Patel was not an employee of the business and that he did not know who he was. Mr Kanzaria also said that the CCTV equipment had not been recording for at least two months because of a water leak in the shop. This had not been reported to the Tower Hamlets Licensing team.

Mr Dinseh Kanzaria was interviewed under caution at Tower Hamlets Town Hall on 5th September 2022. In his interview Mr Kanzaria confirmed:

- That he is a director of Dennis Bow Ltd and that company owns the business at 15 Swaton Road.
- His wife, Rasilaben Kanzaria, and daughter, Manesha Sookun, are also directors of the company. He said that he and Manesha Sookun share responsibility for the business and training staff.
- He had heard of Challenge 21 but could not explain its meaning. He was not able to evidence that Challenge 21 was being used effectively in the store.
- He knew of the Refusals Register / Staff Training log book but had not used it as it had another shop’s name and address on it.
- He had not implemented any alternative ways of recording refusals or training.
- He acknowledged that refusals of sales of alcohol are made but had not kept any records of refusals.
- He claimed that he did not know who the person was that sold the bottle of WKD to the child volunteer on the 1st August 2022. He said that the man sometimes comes to the shop and just sits there. Mr Kanzaria did not appear to be that concerned that a stranger had full control of

the shop at the time of the sale.

- Mr Kanzaria gave no explanation as to why the person that sold the alcohol had his telephone number saved in his phone.
- When shown an image of the child volunteers Mr Kanzaria said they looked about 13 or 14 years old.
- Mr Kanzaria had no explanation as to why the tobacco age restriction notice was obscured by the no credit notice.
- Mr Kanzaria said the CCTV recording equipment was not working due to the ongoing water leak and building work on the flats above the shop. The cameras are operational though. The recording equipment had stopped working two or three months previously, but he had not replaced it as he was awaiting Tower Hamlets council insurance to pay out or replace it.

Mrs Manesha Sookun was also interviewed under caution on the 5th September 2022. In her interview she confirmed:

- She is a director of Dennis Bow Ltd.
- She is the Designated Premises Supervisor for Dennis News at 15 Swaton Road. She was unable to provide a satisfactory explanation for what the position entails.
- She shares responsibility for the business with Dinesh Kanzaria, including managing staff.
- There are no written procedures for underage sales.
- She knew of Challenge 21 but could not explain its meaning. She did not realise it was a condition on the premises licence.
- She had coronavirus some months before day of the underage sale and was still suffering the effects of it as well as recently having a baby. Her health had suffered and she was forgetting lots of things now.
- Staff should use a refusals book but she had not been checking to see if it was being completed.
- She had not seen the Tower Hamlets training / refusals log book before.
- She attends the shop twice a week for about an hour or two each time.
- Staff should have personal licences for alcohol but she does not know if they do or not.
- She or Dinesh Kanzaria are responsible for providing staff training.
- Ghanshyam Patel should have been working in the shop on the 1st August 2022.
- She did not recognise the person who sold the alcohol (when shown a photograph of the seller). Claimed she had never seen him before. He is not an employee of the business.
- She said the child volunteers looked about 14 or 15 years old.
- She was aware that it is a legal requirement to display a tobacco notice.
- Said the shop has gone downhill; her father has taken on too much responsibility.
- She did not know why a No Credit notice was stuck to the tobacco notice.
- She acknowledged there had been breaches of the premises licence; put it down to poor health.
- She said there's a flat at the back of the shop but no-one lives there. Staff can use it to rest in.
- She did not know why post for other people was being sent to the shop's address.

Immediately following these interviews Mr Ghanshyam Patel³ was shown a photograph of the seller

³ Ghanshyam Patel had accompanied Dinesh Kanzaria and Manesha Sookun to Tower Hamlets Town Hall.

and was asked if he knew the person's true name. He said he did not.

The sale of alcohol to minors undermines the licensing objective of the protection of children from harm. Alcohol can have a serious detrimental effect on a child's psychological and physical development. It can also impair their decision-making ability, leaving them and others around them vulnerable to risk of harm through serious injury.

It is the opinion of this Responsible Authority that Mr Dinesh Kanzaria and Mrs Manesha Sookun have failed to uphold the licensing objective of the protection of children from harm. This Responsible Authority is deeply concerned that about the overall management of the business. Mr Kanzaria and Mrs Sookun either genuinely don't know who is working in the shop, which means they lack suitable control, or they are not being entirely honest, for whatever reason, about the identity of the person who sold the alcohol to the underage volunteers on the 1st August 2022.

By Mrs Sookun's own admittance there had been breaches of the conditions of the premises licence, including not adhering to a Challenge 21 Policy, not maintaining a refusals register and not keeping CCTV footage.

Furthermore, Dinesh Kanzaria has a history of failing to uphold the licensing objectives at another premises in Tower Hamlets where he is the premises licence holder for. Dinesh Kanzaria received a written warning (dated 2nd September 2009) following an underage sale of alcohol by a staff member at Dennis Off-Licence, 101-103 Brabazon Street, E14 6BL That sale occurred on 30th June 2009 (**see Appendix XIV – copy of written warning**). Dinesh Kanzaria and Rasilaben Kanzaria were both convicted for s.92 Trade Marks Act 1994 offences that occurred on 9th January 2012 at Dennis Off-Licence, 101-103 Brabazon Street. E14 6BL (they had in their possession for supply counterfeit Jacobs Creek wine bottles). Dinesh Kanzaria was fined £300 and Rasilaben Kanzaria was fined £200 (**see Appendix XV – copy of Court Attendance Note**). This Responsible Authority considers this to be failing to uphold the licensing objective of the prevention of crime and disorder.

In 2011 a Fixed Penalty Notice was issued to a staff member at Dennis Beckton, 2-6 East Ham Manor Way, E6 5NG following an underage sale of alcohol there. This is another shop, situated in Newham, that Mr Kanzaria is responsible for.

In more recent history, on the 21st December 2022 a bottle of alcohol was sold to a 14 year old during a Trading Standards test purchase at Dennis Off-Licence, 101-103 Brabazon Street. The sale was made by a member of staff and the investigation into that offence is ongoing. Mr Kanzaria was not present in that shop at the time of the sale.

Whilst there is some scope to add conditions to the premises licence at 15 Swaton Road, this Responsible Authority feels that this alone will not suffice to ensure that the licensing objectives are upheld. The true identity of the person that sold alcohol to the underage volunteer on the 1st August 2022 remains unknown. Coupled with the lack of confidence in the management of the business by Dinesh Kanzaria and Manesha Sookun this authority seeks a revocation of the premises licence.

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

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: 27/02/2023

.....
Capacity: Senior Trading Standards Officer
.....

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

Notes for Guidance

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

Appendix 2

**Dinesh Kanzaria / Denni's News
15 Swaton Road, E3 4ES**

List of Appendices

Appendix I – Statement of Alex Brander

Appendix II – Statement of Katalin Morath

Appendix III – Photograph of Volunteer A

Appendix IV – Photograph of Volunteer B

Appendix V – Photograph of bottle of WKD

Appendix VI – Photograph of seller

Appendix VII – Photograph of Manesha Sookun's personal licence

Appendix VIII – Photograph of DPS authorisation

Appendix IX – Photograph of tobacco gantry

Appendix X – Photographs of Refusals / Training log book

Appendix XI – Photograph of till

Appendix XII – Photographs of alcohol displays

Appendix XIII – Copy of premises licence

Appendix XIV – Copy of written warning sent to Dinesh Kanzaria

Appendix XV – Copy of Attendance Note

Witness Statement

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

URN:

Four empty boxes for URN entry.

Statement of: Alex Brander

Age if under 18 (if over insert "over 18"): Over 18 Occupation: Senior Trading Standards Officer

This statement (consisting of 8 Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Name / Signature:

Alex Brander /



Date: 30/09/2022

Tick if witness evidence is visually recorded:

Empty box for tick mark

(Supply witness details on last page)

Statement

I am employed by London Borough of Tower Hamlets as a Senior Trading Standards Officer, based at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG.

On 1st August 2022 I was involved in an underage sales test purchase operation. The operation involved visiting various premises in the borough that sell age-restricted products and instructing a person under the age of 18 to attempt to purchase a specified product from the business. I was accompanied in the operation by Senior Trading Standards Officer Katalin MORATH and Licensing Officer Lavine MILLER-JOHNSON. At the start of the operation I briefed the officers on their roles. I assigned STSO MORATH a

Signed: ... (witness)

Date: ...30/09/2022

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

Signed: ... Date: ...)

Witness Statement

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

test purchase witnessing role, along with myself, and assigned LO MILLER-JOHNSON a chaperone role. We had two female volunteers assisting us with the operation. For the sake of anonymity I shall refer to them as Volunteer A (date of birth [REDACTED] 2008) and Volunteer B (date of birth [REDACTED] 2009). I produce a redacted copy of Volunteer A's proof of age document as exhibit AB/VA/1 and a redacted copy of Volunteer B's proof of age document as exhibit AB/VB/1. At the operation briefing I asked Trading Standards Officer Bridget RUSHMOOR to authorise the child volunteers to attempt to purchase alcohol during the operation. TSO RUSHMOOR did not participate in the operation any further. During the operation briefing I measured the height of Volunteer A; 168 cm and Volunteer B; 159 cm. I took photographs of the volunteers to show what they looked like on the day. I produce photographs of Volunteer A as exhibits AB/VA/2-3. I produce a photograph of Volunteer A alongside STSO MORATH as exhibit AB/VA/4. I produce photographs of Volunteer B as exhibits AB/VB/2-3. I produce a photograph of Volunteer B alongside STSO MORATH as exhibit AB/VB/4. I produce a photograph of Volunteer A and Volunteer B together as exhibit AB/VAVB/1.

At 11.05 am I instructed Volunteer A to enter Denni's News, 15 Swaton Road, London, E3 4ES and attempt to purchase a bottle of WKD. I also instructed STSO MORATH to witness the test purchase. STSO MORATH entered the premises first, shortly followed by Volunteer A and B. At 11.06 am I saw Volunteers A and B exit the shop. They approached me and Volunteer A handed to me a 275 ml bottle of WKD and a dark chocolate Bounty Bar. The label on the bottle of WKD indicated that it contained 4% ABV. I took two photographs of the bottle of WKD and produce these as exhibits AB/DN/2-3. I placed the bottle of WKD and the Bounty Bar into an evidence bag, number N00078345. I produce the bottle of WKD and Bounty Bar as exhibit AB/DN/1.

At 11.14 am I entered Denni's News, 15 Swaton Road, London, E3 4ES, together with STSO MORATH. There was one male of South Asian appearance working behind the counter. I describe this male as

Signed: ... [REDACTED](witness)

Date: ...30/09/2022.....

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

Signed: Date:)

Witness Statement

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

looking approximately 40 years old. He was wearing a green top and had dark, thinning hair. STSO MORATH identified him as the person who sold the bottle of WKD to Volunteer A. The man was having a conversation on a mobile phone when we entered the shop and approached the till counter. The handset was on the counter and the call was on speakerphone. STSO MORATH introduced us to the man behind the counter and explained to him that he had just sold the bottle of WKD to a person under the age of 18. There were other customers in the shop but there did not appear to be any other members of staff present. STSO MORATH asked the man if he was the boss. He said he was not and called the boss on his phone. He passed the phone to STSO MORATH and she spoke with him. I could was standing next to STSO MORATH and could hear the conversation. The boss gave his names as Dinesh KANZARIA and company details as Dennis Bow Ltd. Dinesh KANZARIA gave his telephone number as [REDACTED]. He said his date of birth is [REDACTED] and home address is [REDACTED]. He said he was the DPS and Premises Licence Holder. I heard STSO MORATH explain to Dinesh KANZARIA that a sale of alcohol to a person under the age of 18 had occurred, that we would speak with the staff member about it and that we would invite him into our office for an interview. After the call with Dinesh KANZARIA ended I took a photograph of the outside of the shop and produce this as exhibit AB/DN/4. Inside the premises above the entrance door was a framed personal licence certificate in the name of Miss Manesha KANZARIA. I took a photograph of this personal licence certificate and produce this image as exhibit AB/DN/5. I also noticed the statutory tobacco age restriction notice on display above the tobacco gantry had been obscured by a "No Credit. Please don't ask". The top of the tobacco notice had also been tucked under bottles of spirits. On either side of the tobacco notice was a poster about acceptable forms of ID and a small "No ID No Sale" poster. The front of the tobacco gantry displayed a price list for tobacco products. I took two photographs of the tobacco gantry which I produce as exhibits AB/DN/6 and AB/DN/7. Exhibit AB/DN/6 also shows the shop worker identified by STSO MORATH as the seller of

Signed: ... [REDACTED](witness)

Date: ...30/09/2022.....

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

Signed: Date:)

Witness Statement

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

the alcohol. STSO MORATH asked the shop worker to close the shop temporarily so that we could speak with him without the distraction from customers. The man had keys for the entrance door and locked it. At 11.25 am STSO MORATH cautioned the shop worker. I heard the man giving his name as Raul PATEL. He said that Gujarti is his first language. There was an HMRC marked sealed envelope on the till counter containing a document addressed to Mr R PATEL, [REDACTED]. STSO MORATH asked Mr PATEL if the letter was for him, he said it was. Mr PATEL was asked if he would open the envelope for us to see it, which he did. The document was a letter from HMRC that contained a tax rebate cheque. There was a National Insurance number on the letter which read [REDACTED]. During the course of this conversation Mr PATEL became short of breath and his hands started shaking. We asked Mr PATEL if he needed to pause to have some water but he said he could continue. STSO asked Mr PATEL where he lived and he said he lives at [REDACTED]. He gave his telephone number as [REDACTED]. Mr PATEL was still short of breath and was sweating. We asked Mr PATEL if he needed some water and he then took a bottle from the shop floor and drank from it. STSO MORATH asked Mr PATEL if there was a refusals book. Mr PATEL found a refusals/training booklet that was tucked away next to a National Lottery terminal. I went behind the counter and took a photograph of the booklet in situ. I produce this photograph as exhibit AB/DNRB/1. The booklet was a LB Tower Hamlets issued Underage Sales & Responsible Retailer Trader Scheme Refusals & Incident Book for Age Restricted Products. The booklet was marked on the outside with the name and address of the shop as Best One, 20 Stroudley Walk, London, E3 3EW and the date from as 24/10/2021. The date to section was blank. I took a photo of this cover which I produce as exhibit AB/DNRB/2. I looked through the booklet and noticed that no entries had been made in it. I took a photo of the blank first page of the "Record of refusals" section and produce this as exhibit AB/DNRB/3. I made an entry on the first page of the "Record of refusals" section to indicate that I had seen it then took a photograph of it. I produce this

Signed: ... [REDACTED](witness)

Date: ...30/09/2022.....

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

Signed: Date:)

Witness Statement

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

photograph as exhibit AB/DNRB/4. I took a photograph of the reverse side cover which I produce as exhibit AB/DNRB/5. I took a photograph of the blank first page of the "Record of Training" section and produce this as exhibit AB/DNRB/6. I made an entry on the first page of the "Record of Training" section then took a photograph of it. I produce this photograph as exhibit AB/DNRB/7. I then took a series of photographs of the other blanks pages in the booklet which I produce as exhibit AB/DNRB/8. I took photographs of the alcoholic products on display in the shop and produce these as exhibits AB/DN/8-11. Exhibits AB/DN/10 and AB/DN/11 show 275 ml bottles of WKD on display, price marked at £1.50. The shop had an electronic till but this did not have Electronic Point of Sale functionality. There were no notices or signs by the till to prompt staff to ask for identification. I took a photograph of the till and produce this as exhibit AB/DN/12. Also on display next to the tobacco age restriction notice was a document headed "Licensing Act 2003". This document listed the name of the DPS and their personal licence number; Dinesh KANZARIA and 070060/LAPER. The document states that the premises name is Dennis Bow Ltd and the premises licence number is 14485. The document is an authorisation for two members of staff, namely Tarun PATEL and Chirag PATEL, to sell alcohol. The document was signed by D KANZARIA and dated 15 APR 2019. I took a photograph of this document and produce this as exhibit AB/DN/13. I took a close up photograph of the "No ID No Sale" poster on display at the top of the tobacco gantry and produce this as exhibit AB/DN/14. I took a close up photograph of the valid form of ID poster that was on display at the top of the tobacco gantry and produce this as exhibit AB/DN/15; . The alcohol premises licence for the premises was not on display.

At 11:45 am Officer Morath and I left the premises.

Later that day at Tower Hamlets Town Hall I checked the premises license records for 15 Swaton Road, London, E3 4ES. The current premises licence is licence number 14485, for Denni's News. The holder of

Signed: ... [redacted](witness)

Date: ...30/09/2022.....

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

Signed: Date:)

Witness Statement

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

the premises licence is Mr Dinesh Kanzaria. The Designated Premises Supervisor Mrs Manesha Sookun. I produce a copy of the licence as exhibit AB/PLH/1.

On this day I also interrogated the Companies House website and found a record for Dennis Bow Ltd, company number 08875612. The registered office address for the company is 15 Swaton Road, London, E3 4ES. The company directors were given as Dinesh Chandra Narendra KANZARIA, Rasilaben Dineshchandra KANZARIA and Manesha Dinesh SOOKUN. I produce a printout of the Companies House details for Dennis Bow Ltd as exhibit AB/DBL/1.

Also on the 1st August 2022 I sent separate invitation to an interview under caution letters to Dennis Bow Ltd, Mr Dinesh KANZARIA, Mrs Manesha SOOKUN and to Mr Raul PATEL. I produce a copy of the letter sent to Raul PATEL as exhibits AB/PI/1.

On the 4th August 2022 I received an email from someone giving their name as Rahulkumar Jayantibhai PATEL. In this email Mr Rahulkumar PATEL wrote that he had received the letter I sent to 15 Swaton Road, London, E3 4ES but that he did not work at the shop and had employment elsewhere. He wrote "My name may be given by mistakenly to investigate office, because I m Tennent and I m living at [REDACTED]". He gave his mobile telephone number as [REDACTED]. I recognise this number as being the same number given by the person claiming to be Raul PATEL at Denni's News on the 1st August 2022. I produce a printout of this email as exhibit AB/RKP/1. The email had attached to it a copy of what appears to be a passport issued by the Republic of India for Mr Rahulkumar Jayantibhai PATEL. This document provides a date of birth of [REDACTED] for Rahulkumar Jayantibhai PATEL. I produce a printout of this attachment as exhibit AB/RKP/2.

At 10:25 am on the 5th August 2022 I had a telephone conversation with Rahulkumar Jayantibhai PATEL. Mr PATEL told me that he lives behind the shop but post for him gets sent to the shop and the

Signed: ... [REDACTED](witness)

Date: ...30/09/2022.....

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

Signed: Date:)

Witness Statement

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

shopkeeper calls him to collect it. He said he knows that shopkeeper as Swami. He told me he works as a social worker and not in the shop. I asked him if he knew what his National Insurance number was and he told me [REDACTED].

At 12:25 pm on the 5th August 2022 I had a telephone conversation with Dinesh KANZARIA. Mr KANZARIA confirmed receipt of the letter I had sent to him. I asked Mr KANZARIA who was meant to be working at the shop at the time of the sale on the 1st August 2022. Mr KANZARIA told me that his employee, Mr Ghanshyam PATEL should have been working in the shop. Mr KANZARIA told me that Ghanshyam PATEL had asked a friend to cover the shop whilst he went to the toilet which was outside the premises. Mr KANZARIA told me that the friend of Ghanshyam PATEL was not an employee of the business and that he did not know who he was. Mr KANZARIA also told me that the CCTV equipment had not been recording for at least two months because of a water leak in the shop. This had not been reported to the Tower Hamlets Licensing team.

On the 5th September 2022 I conducted an audio recorded interview under caution with Dinesh KANZARIA and Tower Hamlets Town Hall. The second officer in the interview was STSO Morath. Mr KANZARIA was assisted by a Gujarati interpreter. The interview began at 1:27 pm, there was a pause 2:41 pm to change discs, it commenced again at 2.47 pm and ended at 3:23 pm. I produce the master copy CD-R as exhibit AB/DK/1 and a transcript of the interview as exhibit AB/DK/1A. In his interview Mr KANZARIA produced a letter from Camelot dated 24/08/2022. The letter related to a mystery shopper visit to 15 Swaton Road on 17/08/2022. I produce this letter as exhibit AB/NL/1.

Also on the 5th September 2022 at Tower Hamlets Town Hall I conducted an audio recorded interview under caution with Manesha SOOKUN. The second officer in the interview was STSO Morath. The interview began at 3:37 pm and ended at 4:32 pm. I produce the master copy CD-R as exhibit AB/MS/1 and a transcript of the interview as exhibit AB/MS/1A.

Signed: ... [REDACTED](witness)

Date: ...30/09/2022.....


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

Signed: Date:)

Witness Statement

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

Immediately after these interviews I spoke with Mr Ghanshyam PATEL in the Tower Hamlets Town Hall reception area. Mr Ghanshyam PATEL had accompanied Mr KANZARIA and Mrs SOOKUN to the Town Hall. I showed Mr Ghanshyam PATEL an image of the seller of the alcohol at Denni’s News on the 1st August (exhibit AB/DN/6) and asked if he knew the name and contact details of the man in the photo. Mr Ghanshyam PATEL said “No”. Mr Ghanshyam PATEL also said “He’s a customer. You can stay here so I can go to the toilet.” END.

Signed: ... (witness)

Date: ...30/09/2022.....

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

Signed: Date:)

Witness Statement

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

URN:

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Statement of: Katalin Morath

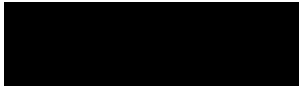
Age if under 18 (if over insert "over 18"): Over 18

Occupation: Senior Trading Standards Officer

This statement (consisting of 3 Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Name / Signature:

Katalin Morath



Date: 6th September 2022

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

Statement

My name is Katalin Morath and I am employed as a Senior Trading Standards officer at London Borough of Tower Hamlets Trading Standards Service. On 1st August 2022 I assisted my colleague Alex Brander a Senior Trading Standards Officer with an operation to test for the sale of age restricted products to our volunteers who were under the age of 18. On the day they attempted to purchase alcohol, cigarettes and vapes containing nicotine.

Assisting was Licencing Officer Lavine Miller and two volunteers who I shall refer to as Volunteer A and volunteer B. Volunteer A was age 14, date of birth [REDACTED] 2008 and Volunteer B was 12, date of birth [REDACTED] 2009. Alex Brander measured the volunteers' height before we went out and took photographs of them on their own and standing next to me.

Signed: ... [REDACTED] .(witness)

Date:6th September 2022.....

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

Signed: Date:)

Witness Statement

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

At 11.05 am Alex Brander instructed the volunteers to go into Denni's News, 15 Swaton Road, London, E3 4ES and I was going to observe the test purchase. I went into the shop followed by the volunteers. I saw Volunteer A go over to the drinks and pick up a bottle of WKD Blue and a bounty chocolate and put it on the counter. I stood to the left hand side of the volunteers and observed them making the test purchase. When she put it down she said, 'just that'. Volunteer A handed the money over to pay and Volunteer B took the change. Volunteer A picked up the WKD and bounty after the sale. An Asian male wearing a green jumper served the volunteers. He did not ask the volunteers for their age or identification before making the sale. He was having a hands free conversation on his mobile phone throughout the transaction. The volunteers left the shop and I purchased some snacking seeds and left the premises. When I went over to where my colleagues and the volunteers were they had given Alex Brander their purchases. The WKD Blue they had purchased was a 275ml bottle 4% alc.

At 11.14 I went back into the shop with my colleague Alex Brander and I identified the same male behind the counter who had sold the WKD to our volunteers. He was still on the phone when we went back into the shop. I introduced us and explained that he had sold a bottle of WKD to our volunteer who was under eighteen. I asked if he was the DPS and he said he wasn't. He called the owner on his phone and when he handed me the phone it said 'Boss Man'. I spoke to a man who said he was the owner Dinesh Kanzaria, date of birth [REDACTED] and home address [REDACTED]. He said the business was a Limited Company, Dennis Bow Ltd. I explained to him that our volunteers who were under 18 had been sold a bottle of WKD. As there were lots of customers coming into the shop we asked the seller to close the shop. He locked the shop so that we could speak to him.

Signed: ... [REDACTED] (witness)

Date:6th September 2022.....

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

Signed: Date:)

Witness Statement

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

At 11.25 I cautioned the seller who had a panic attack as soon as he was asked for his personal details. He seemed unable to breathe and was shaking and sweating profusely. Eventually he advised that he was the person in a letter on the counter which was addressed to Raul Patel and wasn't opened. I asked him if he would open his letter and show it to us which he did. I noted the address on the letter down as [REDACTED] but now know that the address should have been [REDACTED]. The letter was from HMRC and I noted down some of the details. There was a tax reference No 120/AA67658 and a National Insurance number on the letter which was [REDACTED]. He also gave us his date of birth as [REDACTED].

Alex Brander took some photographs of the front of the shop and signage whilst we were there. There was no till prompt facility on the till as it was a type where you manually entered amounts rather than scanning products. I asked the man if he had a refusals book at the shop. He looked behind the counter and found a book refusals and Incident Book for Age Restricted Goods issued by London Borough of Tower Hamlets behind the counter. The date from was 24th October 2021 and the name and address on the front was Best One, 20 Stroudley Walk, London, E3 3EW. There were no entries in the book. My colleague Alex Brander took photographs of the book. The seller gave his phone number as [REDACTED]. We left the premise at 11.45.

On 5th September 2022 I assisted Alex Brander with two PACE interviews for Dinesh Kanzaria and Manesha Sookun. After the interviews Alex Brander spoke to a man called G Patel in the reception area of our office building. Alex Brander showed him a photograph of the seller (Exhibit AB/DN/6). He asked him if he recognised the person and he said 'He's a customer, you can stay here so I can go toilet'. When asked his name he said 'He told me Patel.'

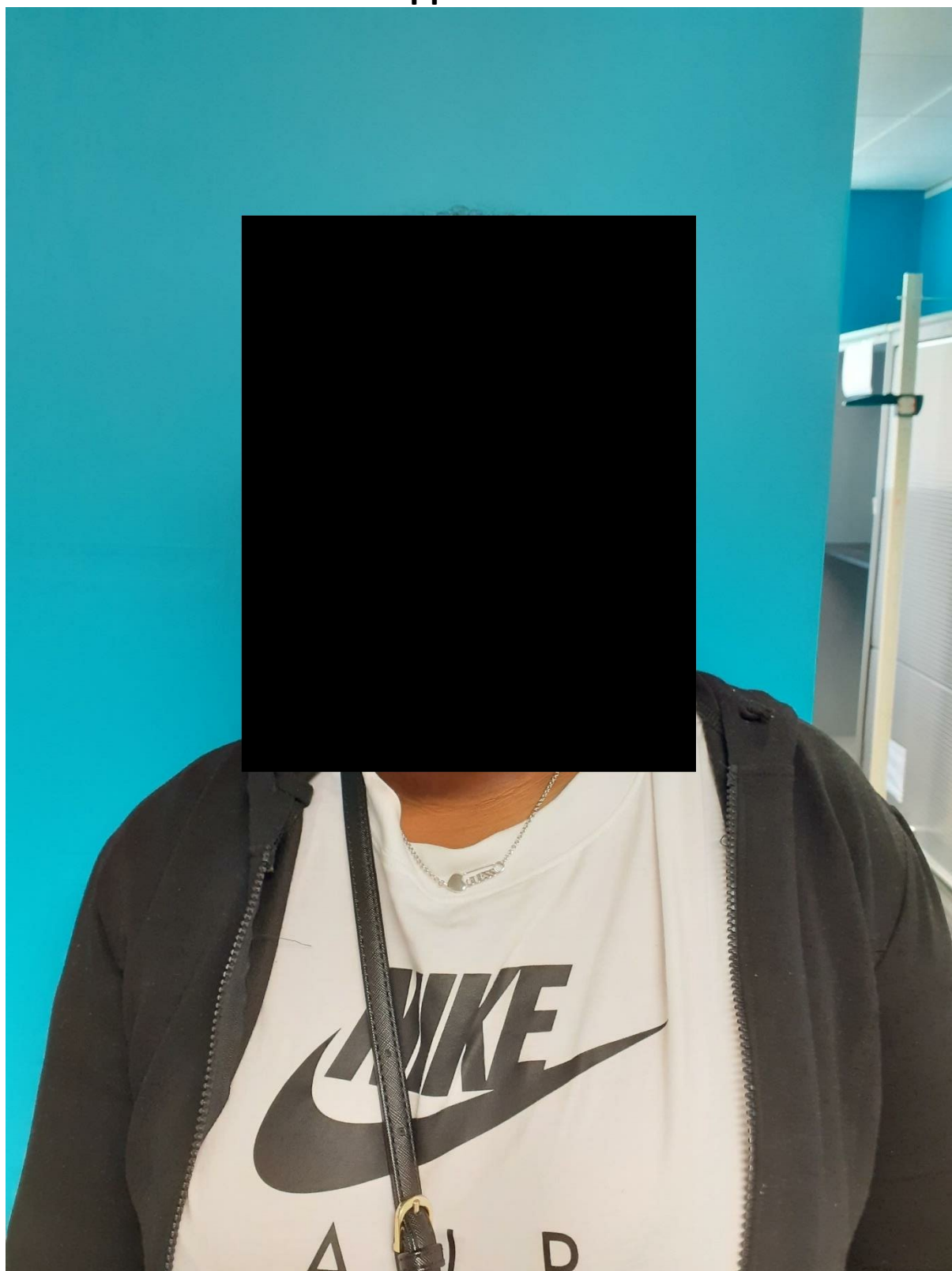
Signed: [REDACTED] (witness)

Date:6th September 2022.....

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

Signed: Date:)

Appendix III



Appendix IX



Appendix V





Appendix VI



Appendix VII



Appendix VIII

Licensing Act 2003
Designated Premises Supervisor (DPS) Letter of Authorisation

Full Name of DPS: ANAND KANZARI
 Personal License No: 03060 / L080

being the Designated Premises Supervisor (DPS) for the premises known as:
 Premises Name: DANCE BAR 177
 Premises License No: 17485

hereby authorise the following named person(s) to sell and supply alcohol in compliance with the Licensing Act 2003 in my absence from the premises.

I can always be contacted on the following telephone number(s):
0115 954 1111

Name(s) of Authorised Person(s):

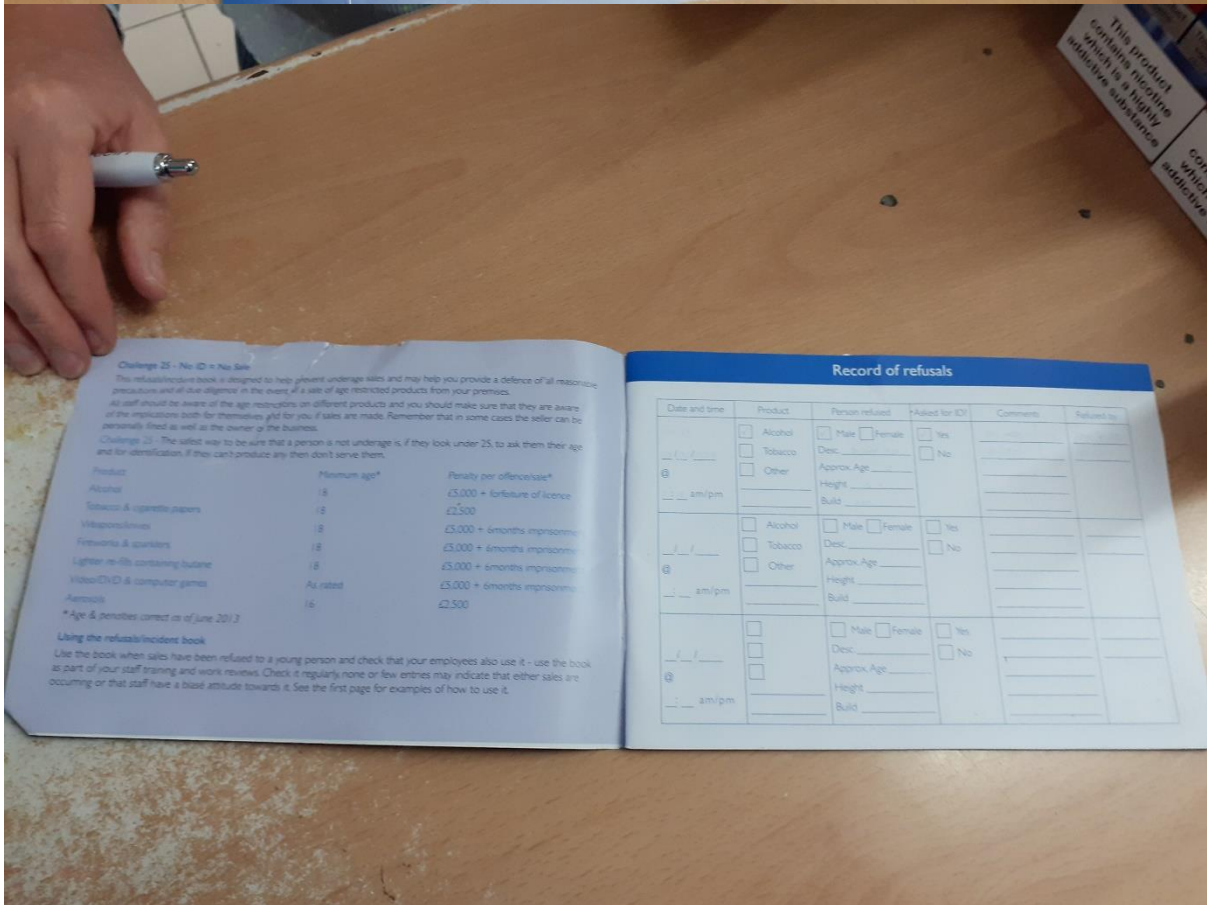
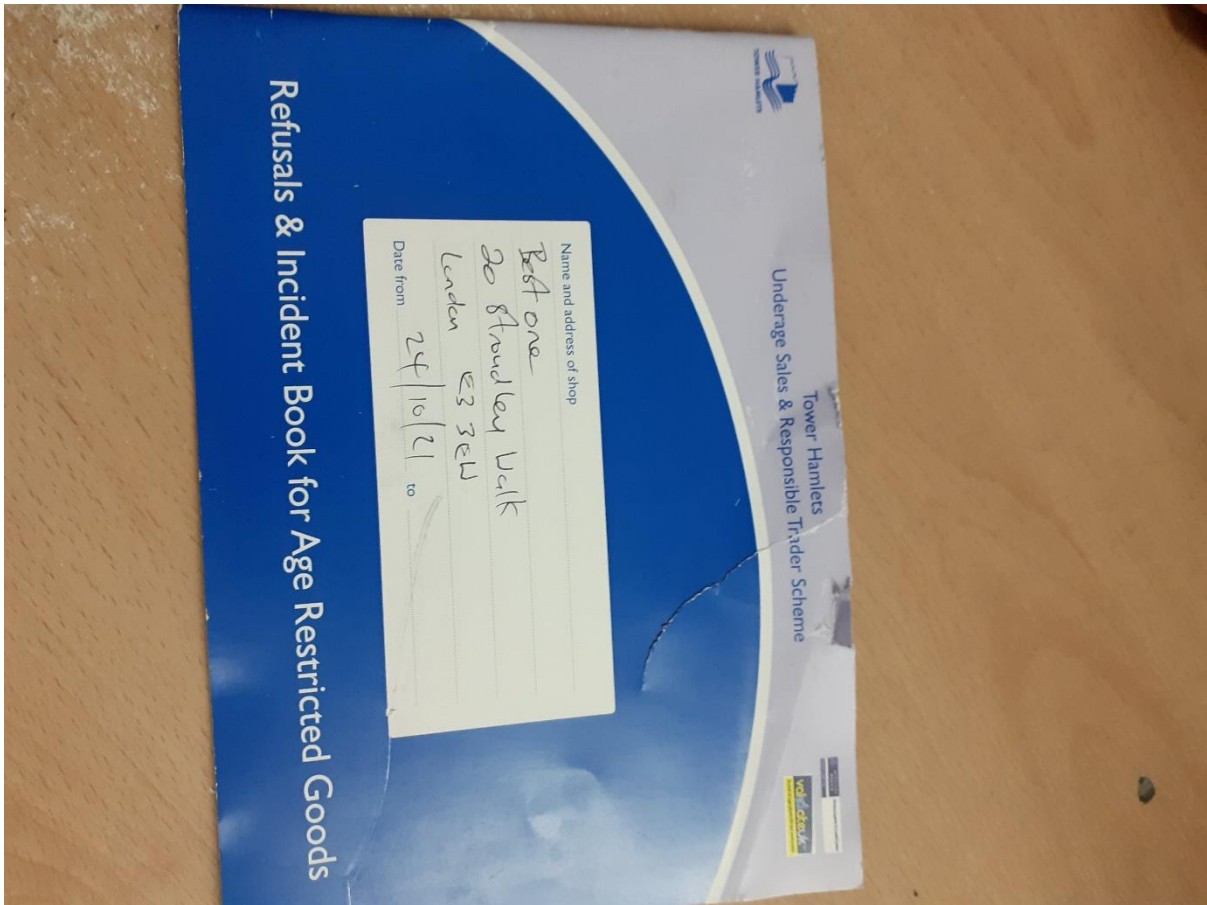
Full Name(s):	Personal License No: (if applicable)	Non Personal License Holder (please tick)
TARUN PATEL		<input checked="" type="checkbox"/>
CHIRAG PATEL		<input checked="" type="checkbox"/>

Designated Premises Supervisor to sign:

Signed: (DPS) [Redacted] Date: 15 - APR - 2019

Please ensure that this form is kept at the premises and can easily be made available for inspection by Officers of all Relevant Authorities.

Appendix X



Appendix X

The image shows an open notebook with two pages of 'Record of refusals' forms. Each page contains a table with the following columns: Date and time, Product, Person refused, Asked for ID, Comments, and Refused by. The forms are blank and ready for use.

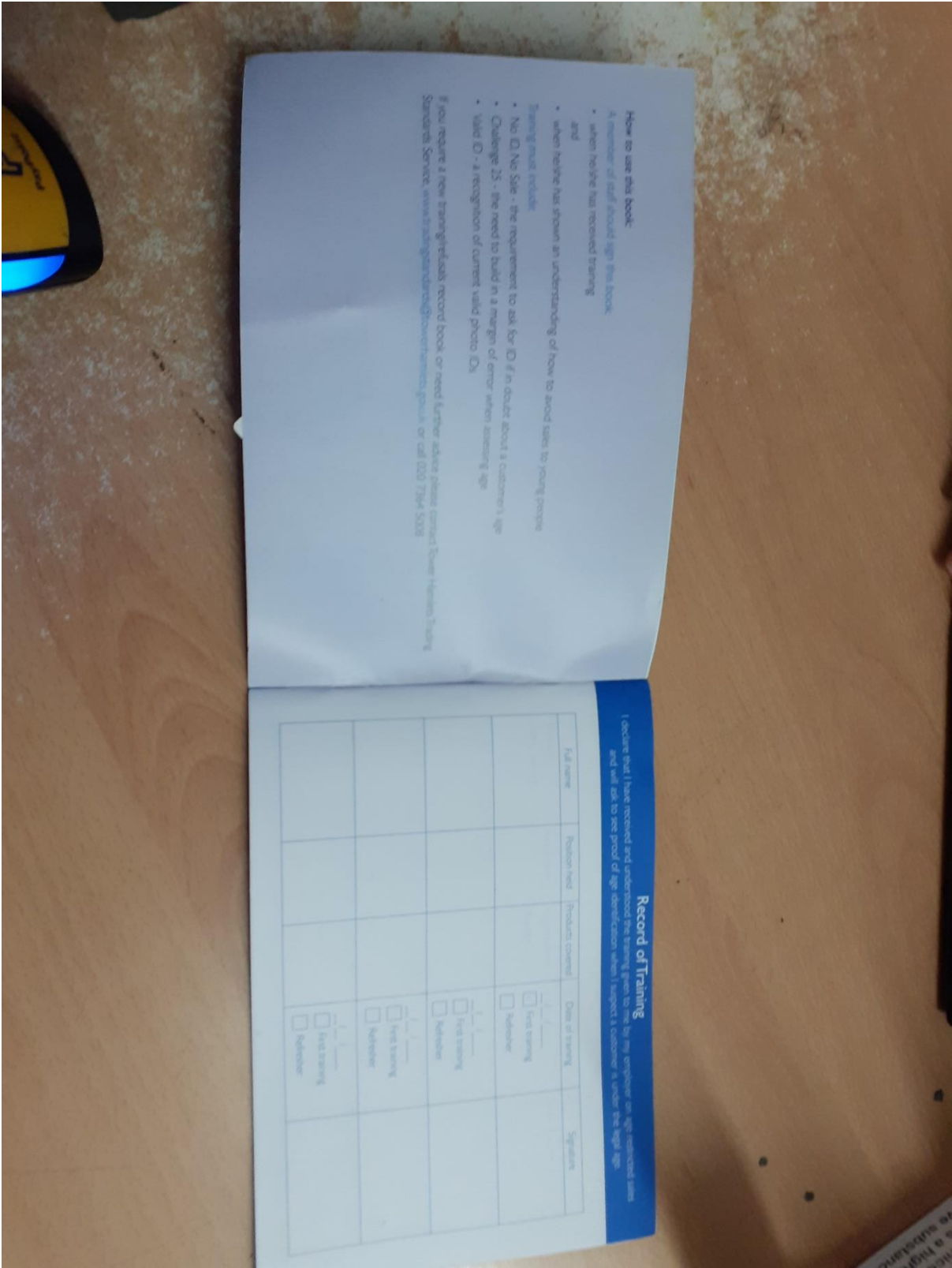
Date and time	Product	Person refused	Asked for ID	Comments	Refused by
____/____/____ @ _____ am/pm	<input type="checkbox"/> Alcohol <input type="checkbox"/> Desc <input type="checkbox"/> Tobacco <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		
____/____/____ @ _____ am/pm	<input type="checkbox"/> Alcohol <input type="checkbox"/> Desc <input type="checkbox"/> Tobacco <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		
____/____/____ @ _____ am/pm	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Date and time	Product	Person refused	Asked for ID	Comments	Refused by
____/____/____ @ _____ am/pm	<input type="checkbox"/> Alcohol <input type="checkbox"/> Desc <input type="checkbox"/> Tobacco <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		
____/____/____ @ _____ am/pm	<input type="checkbox"/> Alcohol <input type="checkbox"/> Desc <input type="checkbox"/> Tobacco <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		
____/____/____ @ _____ am/pm	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Appendix X



Appendix X



How to use this book:
 A number of staff should sign this book:
 • when they've had received training
 and
 • when they've had shown an understanding of how to avoid sales to young people

Training must include:

- No ID No Sale - the requirement to ask for ID if in doubt about a customer's age
- Challenge 25 - the need to build in a margin of error when assessing age
- Valid ID - a recognition of current valid photo IDs

If you require a new training kit/s, record book or need further advice please contact Your Helpline Training Standards Service: www.trainingstandards@bournemouth.gov.uk or call 020 7344 5004

Record of Training
 I declare that I have received and undertaken the training given to me by my employer or sign mentioned name and will act to see proof of age derivations when I suspect a customer is under the legal age

Full name	Position held	Products covered	Date of training	Signature
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

Appendix X

Record of Training
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

Full name	Position held	Products covered	Date of training	Signature
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

Record of Training
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

Full name	Position held	Products covered	Date of training	Signature
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

Record of Training
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

Full name	Position held	Products covered	Date of training	Signature
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

Record of Training
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

Full name	Position held	Products covered	Date of training	Signature
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

Appendix X

Record of Training
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

Full name	Position held	Products covered	Date of training / /	Signature
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

Record of refusals review

Full name	Position held	Products covered	Date of training / /	Signature
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

Appendix X

Record of Training
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

Full name	Position held	Products covered	Date of training / / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	Signature
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	

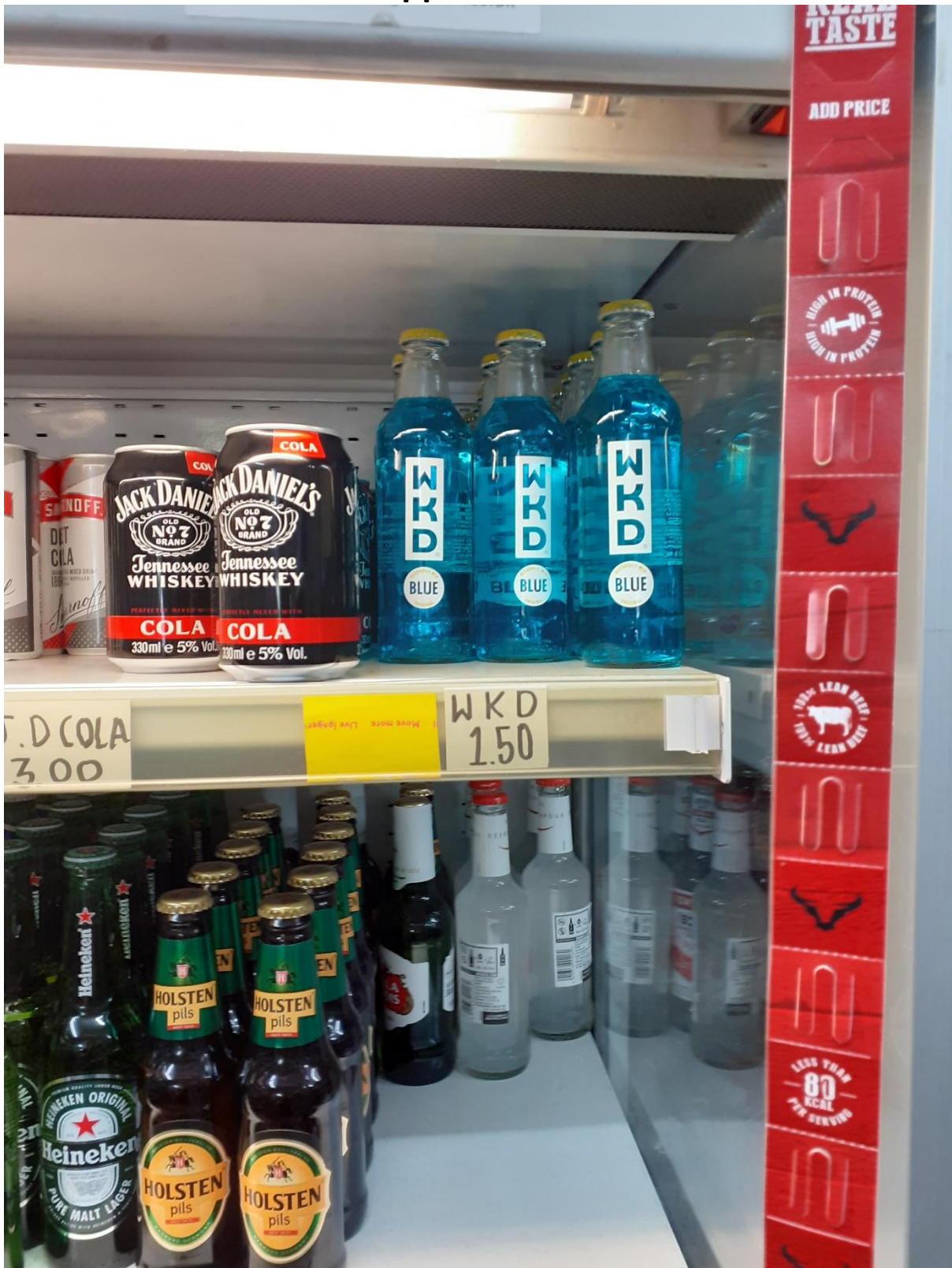
Record of Training
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

Full name	Position held	Products covered	Date of training / / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	Signature
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	

Appendix XI



Appendix XII









(Denni's News)
15 Swaton Road
London
E3 4ES

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

Date: 3rd February 2009

- Licence varied following the licensing sub-committee hearing on 21st September 2010



Part A - Format of premises licence

Premises licence number

14485

Part 1 - Premises details

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

(Denni's News)
15 Swaton Road

Post town
London

Post code
E3 4ES

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Sunday, from 09:00 hours to 23:00 hours

The opening hours of the premises

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

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

Off sales only

Part 2

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

Mr Dinesh Kanzaria

[REDACTED]

[REDACTED]

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

N/A

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

Mrs Manesha Sookun



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

Personal Licence Number:

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

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted.
2. All deliveries and the collection of refuse will take place during the day time hours.
3. Staff shall ask any persons who appear to be under the age of 18 for PASS approved Identifications, passport or photo driving licences.
4. No employee under the age of 18 years of age will be responsible for the sale of intoxicating liquor.

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

Conditions attached following the licensing subcommittee hearing of 21st September 2010:

1. A 'Challenge 21' policy shall be implemented
2. The alcoholic beverages shall be only sold from the racks and coolers as per the plans submitted with the application the 26th July 2010 and the alcohol on sale shall constitute no more than 10% of the stock on display in the shop.

Conditions attached following the licensing subcommittee hearing of 3rd February 2009:

1. CCTV shall be operated and maintained as the requirements of the Metropolitan Police. The CCTV recordings shall be kept for a minimum period of 31 days and made available to an Authorised Officer or a Police Officer on request.
2. A refusals book and incidents book to be kept and maintained.

Annex 4 - Plans

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

26th July 2010 – Ground floor only (Ref. AD42/805120/P4/14072010)



Part B - Premises licence summary

Premises licence number

14485

Premises details

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

(Denni's News)
15 Swaton Road

Post town
London

Post code
E3 4ES

Telephone number



Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Sunday, from 09:00 hours to 23:00 hours

The opening hours of the premises

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

Name, (registered) address of holder of premises licence

Mr Dinesh Kanzaria

[Redacted]

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

Off sales only

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

Mrs Manesha Sookun

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

No restrictions



TOWER HAMLETS

Mr Dinesh Kanzaria
Premises Licence Holder
Designated Premises Supervisor
Dennis T/A Best One
103 Brabazon Street
London E14 6BL

Date 2nd September 2009

Your reference
My reference P2544

**Environment & Culture
Trading Standards and
Environmental Health
(Commercial)**

Head of Service **Colin Perrins**

Council Offices
Southern Grove
London E3 4PN

Tel

Fax

Enquiries to **Nazir Ali**

Email

www.towerhamlets.gov.uk

Dear Mr Kanzaria,

**Licensing Act 2003,
Section 146 - Sale of Alcohol to children**

On the 30th June 2009, a 15-year-old volunteer entered the premises of Dennis (Best One), 103 Brabazon Street, London E14 6BL, where your employee sold her a bottle of 275ml Smirnoff Ice.

The sale of alcohol to children is a serious offence under the provisions of Section 146 of the Licensing Act 2003, which may lead to prosecution of both the seller and the owner of the premises, and may result in penalties up to level 5 on the standard scale, currently £5000, as well as loss of licence.

We have considered the circumstances of this particular sale and taken into consideration the fact that this appears to be a first offence, the Council will be taking no further action on this occasion however, if any further offences of this nature occur, the matter will be reported for prosecution.

You must exercise all due diligence and take all reasonable precautions to avoid committing offences of this nature. I am advised that some sections of the licensed trade have adopted policies of requiring IDs from customers who appear under 21 or, in some cases, under 25.

Yours sincerely,

Nazir Ali
Senior Trading Standards Officer

Cc - Nazir Ali - home address: 18 Derby Road, London, E7 8NJ
Kath... Licensing Officer - LB Tower Hamlets



2003 - 2008
Winner of 6 previous
Beacon Awards

INVESTOR IN PEOPLE

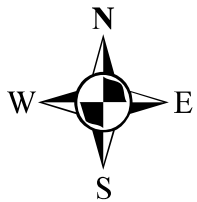


Corporate Director
Environment & Culture
Alex Cosgrave

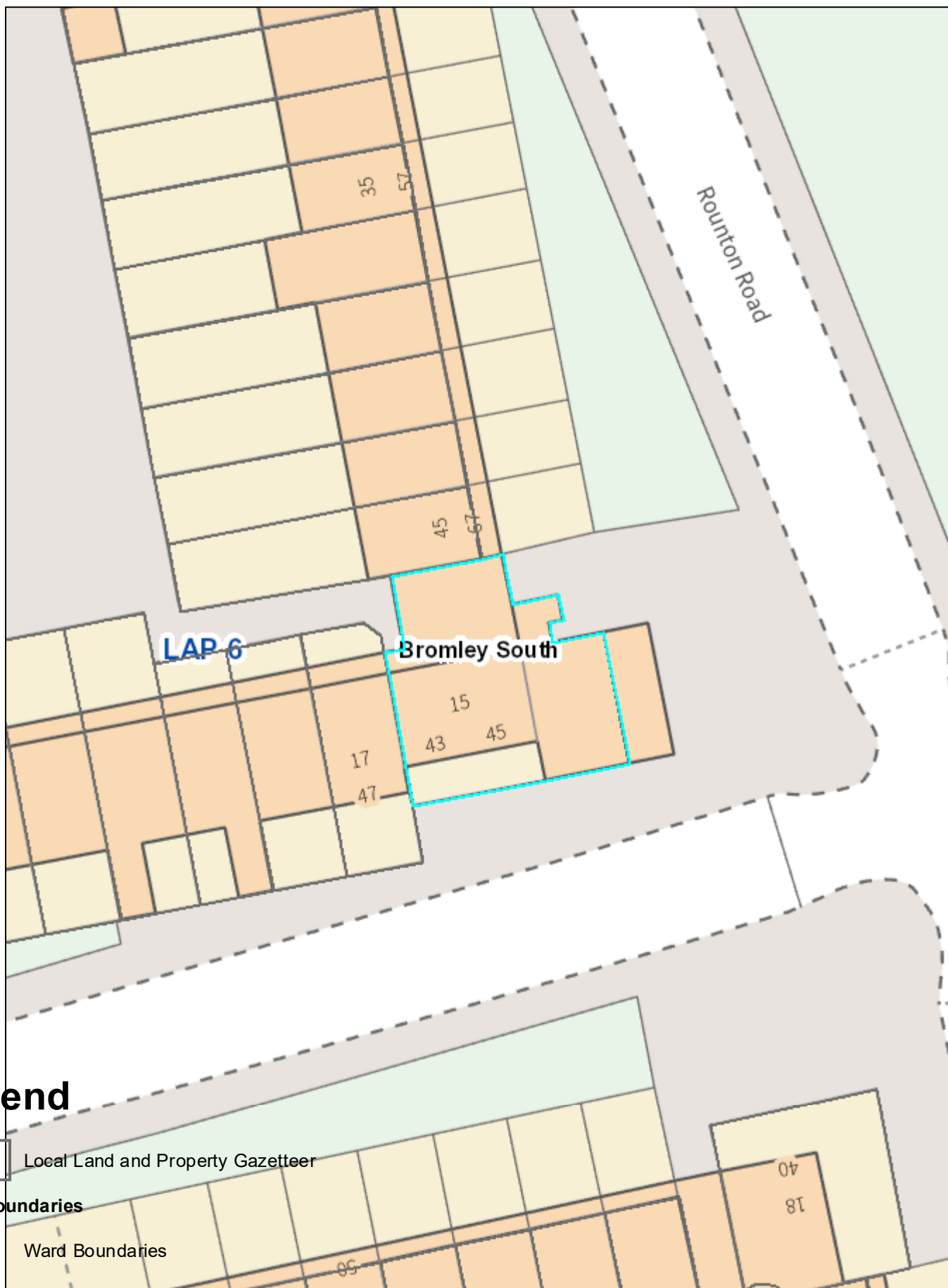
COURT ATTENDANCE NOTE

File Name(s):	Dinesh and Rasila Kanzaria
Datetime Number(s):	33370
Client Ref(s):	
Offence(s):	1 x Section 92 (1) (b) and 1 x section 92 (1) (c) of the Trade Marks Act 1994
Advocate at court :	Michelle Terry
Date:	18 th April 2013
Place:	Thames Magistrates Court
Courtroom:	5
Coram:	DJ Comyns
Defendant(s):	Both defendants attended jointly represented by Mr Sandhu of Sandhu and Shah solicitors (0208 552 4100)
Outcome:	<p>Matters put and both defendants plead guilty to both charges. I mention previous matter of underage sale of alcohol. Costs application for £1904.61 made and schedule handed up – Defence and DJ say amount is high. Mr and Mrs Kanzaria accept responsibility for purchase of wine on the basis that even though they say they were not at the shop at the time of the purchase, but as owners did nothing when they found out their manager had bought 'cheap wine' from a white van man.</p> <p>Mr Kanzaria – Fine £300 Costs £300 V/S £15</p> <p>Mrs Kanzaria (said she only works at the shop part-time) – Fine £200 Costs £200 V/S £15 14 days to pay and collection order F & D of the seized wine</p>


Appendix 3




Map1



Legend

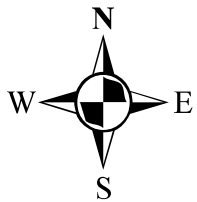
 Local Land and Property Gazetteer

Ward Boundaries

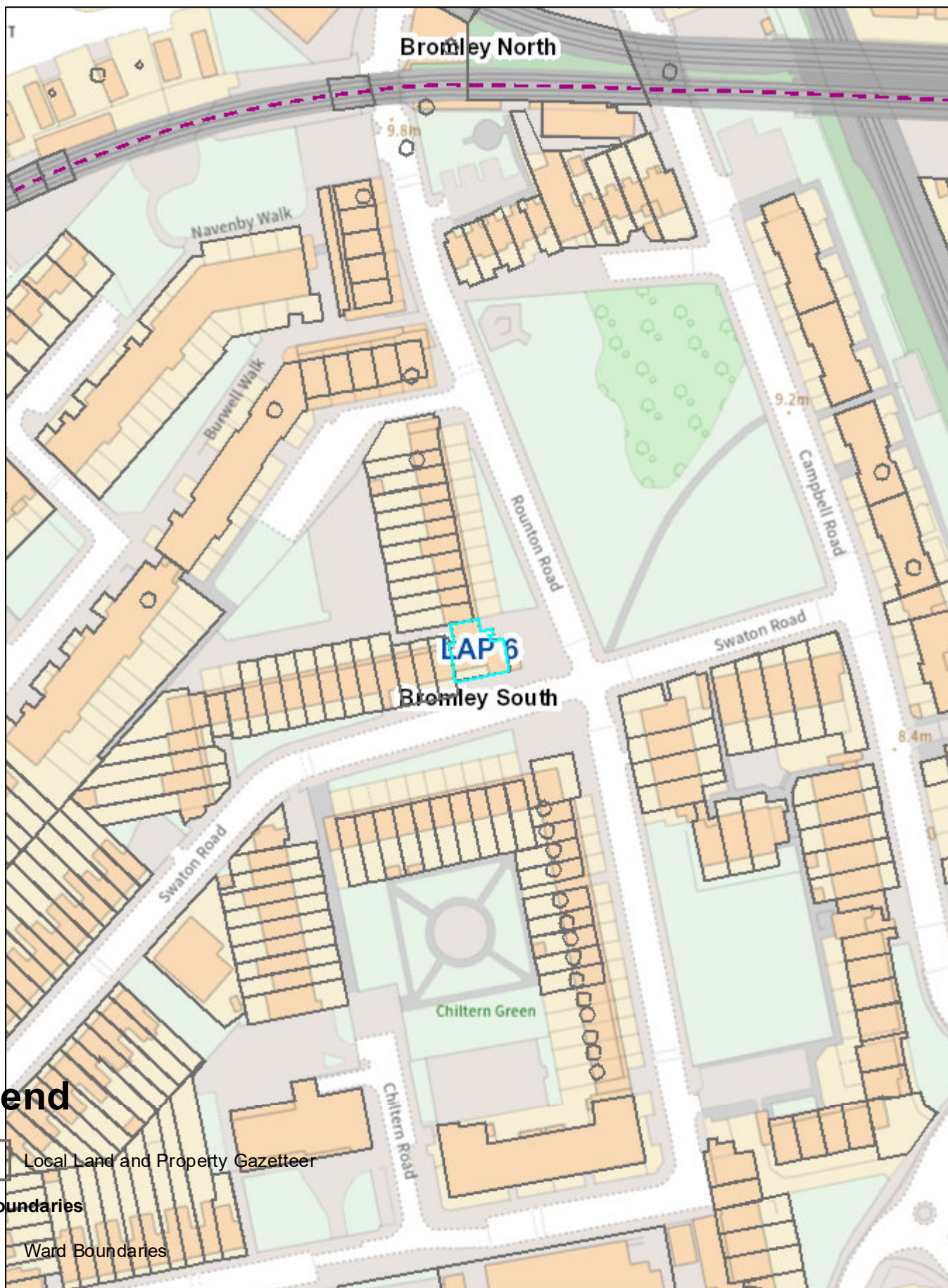
 Ward Boundaries

LAP Boundaries

 LAP Boundaries



Map2



Legend

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

Appendix 4

Licensing Authority

By email: licensing@towerhamlets.gov.uk

27th March 2023

Reference: CLC/LIC/157620

PLACE Directorate
Public Realm

Environmental Health & Trading
Standards

Licensing & Safety Team

4th Floor Tower Hamlets Town Hall

160 Whitechapel Road

London E1 1BU

Tel: 020 7364 5008

Email: licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

Review of premises licence S51: Denni's News, 15 Swaton Road,
London, E3 4ES

I am the Licensing Officer acting as Responsible Authority making comment on this review application, submitted by Tower Hamlets Trading Standard officer Alex Brander, for the premises licence of, Denni's News, 15 Swaton Road, London, E3 4ES (Licence number 14485).

Having observed the content of the review application and evidence submitted by the Trading Standards officer, I am in full support of the review application on the grounds of, the licence holder not upholding the licensing objective for the ***protection of children from harm and the prevention of crime and disorder***

As stated in the application, on 1st August 2022, Tower Hamlets Trading Standards and Licensing Officers carried out an underage test purchase operation where two underage volunteers (one aged 14 and one aged 12 years) entered various shops and attempted to purchase age restricted products.

The two volunteers entered Denni's news and purchased a 275ml bottle of WKD blue (ABV 4 %). No challenge was made of the underage volunteers by the seller despite there being a Challenge 21 condition on their licence.

The age of the volunteers are of particular concern as they are only 14 and 12 years old. It is incomprehensible that anyone selling alcohol should not even challenge youths of this age for ID verification.

There are two different conditions on the Premise Licence relating to age verifications:

Annex 2 / Condition 2 states:

- Staff shall ask any persons who appear to be under the age of 18 for PASS approved Identifications, passport or photo driving licences.

Annex 3 / condition 1 (from 21/09/10) states

- A 'Challenge 21' policy shall be implemented

Both these conditions have been breached as a result of this underage sale of alcohol.

Mr Dinesh Kanzaria, the Premise Licence Holder admitted that the CCTV equipment had not worked for at least two months following a water leak. Therefore by his own admission he was breaching the following condition on his licence.

Annex 3 / condition 1 (from 03/02/09) states

- CCTV shall be operated and maintained as the requirements of the Metropolitan Police. The CCTV recordings shall be kept for a minimum period of 31 days and made available to an Authorised Officer or a Police Officer on request.

Both Mr Dinesh Kanzaria and the Designated Premises Supervisor, Mrs Manesha Sookun, also admitted they didn't utilise a refusal book on the premises. This is therefore a breach of the following condition on his licence:

Annex 3 / condition 2 (from 03/02/09) states

- A refusals book and incidents book to be kept and maintained.

Mr Dinesh Kanzaria, stated that he didn't know who was serving in the shop. This person telephoned him whilst the Trading Standards officers were present. Surely he must have know who this person was? Clearly he is either being evasive to the truth to protect the seller, or he runs his shop in such a poor shoddy manner that he is totally unconcerned that someone he doesn't know is working in his shop, having access to his stock and tills and selling to underage persons.

During the formal PACE interviews of both Mr Dinesh Kanzaria, and Mrs Manesha Sookun, they both showed an total lack of knowledge regarding licensing issues and the conditions on their licence. They both denied knowing who the gentlemen working in their shop was on the 1st August 2022.

The Licensing Authority is concerned that both the Premises Licence Holder and Designated Premises Supervisor have no sound knowledge of the Licensing Act 2003 and has no faith in the management of this premises. If further conditions are added to the licence the Licensing Authority doubt they will be abided by considering they have breached most of the conditions they already have.

The Licensing Authority fully supports the revocation of this Premise Licence

Yours faithfully

A solid black rectangular box used to redact the signature of Corinne Holland.

Corinne Holland
Licensing Officer

Appendix 5



Immigration Enforcement

Immigration representation in support of an application for the review of a premises Licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
Premises Licence Holder:			
Mr Dinesh Kanzaria			
Name and Address of Premises:			
Denni's News 15, Swaton Road			
Post Town:	London	Post Code:	E3 4ES

Representations are being made for the following reasons:

On 06 March 2020 Officers from East London Immigration Compliance and Enforcement (ICE) visited Denni's Newsagent, 15, Swaton Road, London, E3 4ES as part of a Multi-Agency visit targeting illegal working within the retail industry.

The team arrived at approximately 17:55 and entered the premises under Section 179 of the Licensing Act 2003. The Section 179 paperwork was served to the person in charge.

On entering the premises Officers encountered two individuals, one was cleared as having valid LTR (leave to remain), the other was arrested for working in breach of employment conditions.

It is to be noted that Officers in the shop stated that the person in charge of the shop became hostile due to their presence and other people gathered outside the shop, so the arrested individual was moved to the cell van for further questioning.

A Civil Penalty Referral Notice was issued via post.

The team left the premises at approximately 19:00.

Signatures			
Signature of Responsible Authority			
Home Office Immigration Enforcement			
Date:	27/02/23	Capacity:	Responsible Authority

Details of Responsible Authority			
Name and Address:			
Home Office Immigration Enforcement The Alcohol and LNR Licensing Team 40 Wellesley Road Croydon CR9 2BY			
		Email address (optional):	alcohol@homeoffice.gov.uk

Appendix 6

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). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

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

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

¹⁰ See chapter 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 7

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 8

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 9

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

Updated December 2022

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Appendix 10

Protection of children from harm

- 10.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
 - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
 - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 10.5 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions, Fixed Penalty Notices (FPNs) or formal cautions for serving alcohol to minors or with a reputation for underage drinking

- With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted.
- 10.6 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present,
 - Limitations on ages below 18,
 - Limitations or exclusion when certain activities are taking place,
 - Requirements for an accompanying adult,
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 10.7 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 10.8 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 10.10 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the “Challenge 25 Scheme”. The rationale for this is because it can often be difficult to judge how old teenagers are and “Challenge 25 age verification system” would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
 - 2) 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.
 - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record

shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

11 Access to Cinemas

- 11.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 11.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 11.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

12 Children and Public Entertainment

- 12.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 12.2 Where 10.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
 - An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof,
 - No child unless accompanied by an adult to be permitted in the front row of any balcony,
 - No standing to be permitted in any part of the auditorium during the Performance.
- 12.3 Where children are taking part in any regulated entertainment, and its

discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.

- 12.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of. Conditions that can be found in the Secretary of State's Guidance.

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