



# Licensing Sub Committee

## Agenda

**Tuesday, 4 July 2023 at 6.30 p.m.  
Council Chamber - Town Hall, Whitechapel**

### Contact for further enquiries:

Farzana Chowdhury, Democratic Services Officer,  
farzana.chowdhury@towerhamlets.gov.uk  
020 7364 3037

Town Hall, 160 Whitechapel Road, London, E1 1BJ  
<http://www.towerhamlets.gov.uk/committee>



## Public Information

### Viewing or Participating in Committee Meetings

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, 4 July 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. MINUTES OF THE PREVIOUS MEETING(S) - To Follow**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on .....

### **4. ITEMS FOR CONSIDERATION**

#### **4.1 Application for a new premises licence in respect of Parnell Mini Market 117A Parnell Road, London E3 2RT (Pages 19 - 128)**

Licensing Objectives:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder



Representations:

- Licensing Authority
- Trading Standards
- Metropolitan Police
- Residents

**Ward: Bow East**

#### **4 .2 Application for a new premises licence in respect of Blu Ivy Cafe, Block C 24 Stoneway Walk, E3 5SH (Pages 129 - 254)**

Licensing Objectives:

- Protection of Children from Harm
- Prevention of Crime and Disorder

Representations:

- Residents

**Ward: Bow West**

#### **4 .3 Review of a premises licence in respect of Deni's New Swaton Road E3 4ES (Pages 255 - 354)**

Licensing Objectives:

- Protection of Children from Harm
- Prevention of Crime and Disorder

Representations:

- Trading Standards
- Licensing Authority

**Ward: Bromley South**

### **5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

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

**Next Meeting of the Licensing Sub Committee**

**Tower Hamlets Council**  
Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

Tuesday, 18 July 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall,  
Whitechapel



The best of London in one borough

**Tower Hamlets Council**  
Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

# Agenda Item 1

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

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

### **(i) Disclosable Pecuniary Interests (DPI)**

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

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

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

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

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

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

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

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

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

### **Guidance on Predetermination and Bias**

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

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

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

**Further Advice** contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 4800.

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



## TOWER HAMLETS



### LICENSING COMMITTEE

#### RULES OF PROCEDURE GOVERNING APPLICATIONS FOR PREMISES LICENCES AND OTHER PERMISSIONS UNDER THE LICENSING ACT 2003

<b>Date Last Reviewed:</b>	14 <sup>th</sup> June 2016
<b>Reviewed By:</b>	Senior Corporate and Governance Legal Officer
<b>Approved By:</b>	Licensing Committee
<b>Date Approved:</b>	14 <sup>th</sup> June 2016
<b>Version No.</b>	1
<b>Document Owner:</b>	Paul Greeno
<b>Post Holder:</b>	Senior Corporate and Governance Legal Officer
<b>Date of Next Scheduled Review:</b>	31 <sup>st</sup> 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](http://www.towerhamlets.gov.uk/committee) - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

**(5) What can be circulated?**

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

**(6) How will the applications be considered?**

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

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

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

**(8) Queries on reports.**

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

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

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



## **LICENSING SUB COMMITTEE HEARING PROCEDURE**

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

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

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

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

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# Agenda Item 4.1

Committee: <b>Licensing Sub Committee</b>	Date	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for Parnell Mini-Market, 117a Parnell Road, London, E3 2RT</b>  Ward affected: <b>Bow East</b>
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## 1.0 Summary

Applicant:	<b>Sirazum Monira</b>
Name and Address of Premises:	<b>Parnell Mini-Market 119a Parnell Road London E3 2RT</b>
Licence sought:	<b>Licensing Act 2003 Sale of alcohol</b>
Objectors:	<b>Licensing Authority Trading Standards</b>
Supporting Reps:	<b>Residents</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Corinne Holland  
020 7364 3986

### 3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Parnell Mini-Market, 117a Parnell Road, London, E3 2RT.
- 3.2 The applicant has described the premises as: Supermarket/Convenience store.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

#### **Sale of alcohol (off sales) / Opening hours**

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

- 3.5 This premise previously had a Premise Licence for the sale of alcohol (off sales) for the following hours:
- Monday – Sunday 08:00 hours to 23:00 hours

A review of this licence was triggered by Trading Standards on the 25<sup>th</sup> January 2022 following an underage sale of alcohol, which was heard by the Licensing Sub Committee on 26<sup>th</sup> March 2022. The decision was made to revoke the Premise Licence.

The applicant appealed this decision but the revocation was upheld by the Magistrates Court on the 28<sup>th</sup> February 2023.

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

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

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

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

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in December 2022.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 13**.
- 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**
- Trading Standards – **Appendix 7**  
Supporting Reps
- A. McLean – **Appendix 8**
- D. Pirozzolo – **Appendix 9**
- J. Ball – **Appendix 10**

- 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:
- Crime & disorder
  - Protection of children from harm
- 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. The Licence Holder shall install a CCTV system at the premises and ensure that it is maintained in working order. The system shall conform to the following points:
  - a) The CCTV shall encompass all ingress and egress, fire exits, outside areas and all areas where the sale/supply of alcohol occurs.
  - b) All entry and exit points will be covered enabling facial recognition of every person entering in any light condition;
  - c) The recording device shall be located in a secure environment under the control of the DPS or other responsible named individual.
  - d) Equipment must be maintained in good working order, be correctly time and date stamped and kept for a minimum period of 31 days and handed to police on demand.
  - e) An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked of technical failure of the CCTV equipment the Premise Licence Holder/DPS must report the failure to the police immediately.
  
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
  
3. All spirits will be displayed behind the counter.
  
4. An incident record will be kept in a bound book. This book will be made available to the police and officers from the council on request.
  
5. Notices will be placed at the entrance/exit reminding customers to leave the premises quietly and have consideration to neighbouring properties.
  
6. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
  
7. Prominent, clear and legible signage shall be displayed at all entrances to the premises as well as at least one location behind any counter advertising the Challenge 25 scheme.

8. The Premise Licence Holder shall ensure that all staff engaged, or to be engaged, in the selling of alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
  - a) The lawful selling of age restricted products
  - b) Refusing the sale of alcohol to a person who is drunk
9. Further verbal refresher training covering the above will be carried out thereafter at intervals not exceeding six months, with the date and time of the training documented. All training records will be kept at the premises and made available to officers of any responsible authority upon request.
10. The premises shall at all times maintain and operate a refusals recording system (either in a book or electronic form), which shall be reviewed by the DPS at least every 4 weeks and feedback given to staff as relevant. This refusals book will be kept at the premises and made available to officers of any responsible authority upon request.

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

### **Condition agreed with the Police – Appendix 11**

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



- e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
4. 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.
5. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every 6 months thereafter. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:
- a) the operation of the challenge 25 scheme;
  - b) types of acceptable ID;
  - c) the method of recording challenges;
  - d) the likely consequences of making an underage sale;
  - e) refusing sales to persons who appear to be drunk;
  - f) proxy sales.
6. Md Al Mamunul Huq not to be allowed on the premises when licensable activities are taking place

Environmental Protection team – **Appendix 12:**

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

**9.0 Licensing Officer Comments**

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and

proportionality (1.7).

- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
- ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 13- 19** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Photographs of the premises
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6</b>	Representation from LA
<b>Appendix 7</b>	Representation from TS
<b>Appendix 8 - 10</b>	Supporting resident representations
<b>Appendix 11</b>	Police agreed conditions
<b>Appendix 12</b>	EP agreed conditions
<b>Appendix 13</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 14</b>	Licensing Officer comments on crime & disorder nuisance
<b>Appendix 15</b>	S182 advice on crime & disorder
<b>Appendix 16</b>	Licensing Officer comments on protecting children from harm
<b>Appendix 17</b>	S182 advice on protecting children from harm
<b>Appendix 18</b>	Licensing Policy relating to hours of trading
<b>Appendix 19</b>	Planning

# Appendix 1



\* required information

**Section 1 of 21**

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	sgl:202325	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes       No

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

**Applicant Details**

* First name	Sirazum
* Family name	Monira
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	

Include country code.

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

Are you:

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

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

*Continued from previous page...*

**Your Address**

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="117 A"/>
Street	<input type="text" value="Parnell Road"/>
District	<input type="text" value="Old Ford"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E3 2RT"/>
Country	<input type="text" value="United Kingdom"/>

**Further Details**

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="7,700"/>

## Section 3 of 21

### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

### Confirm The Following

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

## Section 4 of 21

### INDIVIDUAL APPLICANT DETAILS

#### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No



Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Building number or name

District

City or town

County or administrative area

Country

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Telephone number

Other telephone number

\* Date of birth

\* Nationality

Right to work share code

[Documents that demonstrate entitlement to work in the UK](#)  
[Right to work share code if not submitting scanned documents](#)

Add another applicant

## Section 5 of 21

### OPERATING SCHEDULE

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

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

Provide a general description of the premises

*Continued from previous page...*

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises trades as a supermarket/ convenience store, which has held a premises licence in the past, but this was revoked in 2021. An appeal to the magistrates court in 2023 was unsuccessful. This application seeks to allow the sale of alcohol for consumption off the premises, and is now to be controlled by a premises licence holder and DPS.

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

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will you be providing recorded music?

- Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes  No

**Section 13 of 21**

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

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

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

State any seasonal variations

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

n/a

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

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

n/a

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

**Name**

First name

Family name

Date of birth

Continued from previous page...

**Enter the contact's address**

Building number or name

District

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

n/a

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

Page 37  
End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

n/a

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

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

n/a

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

*Continued from previous page...*

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

The premises will operate to a high standard, and will do so should this licence be granted in terms of the sale of alcohol. All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

b) The prevention of crime and disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police immediately.

All Spirits to be displayed behind the counter only.

An incident record will be kept in a bound book, as will all refusals recorded. These books will be made available to the police and officer from the council on request.

c) Public safety

Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a premise of this size.

d) The prevention of public nuisance

Customers will be reminded by way of a notice at the entrance/ exit door to please leave the premises quietly and have consideration for the neighbouring properties. Sufficient litter bins will be provided to allow the customers to deposit their waste/ rubbish in the correct manner.

e) The protection of children from harm

Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM forces photographic IID card or proof of age card with the PASS logo or hologram on it may be accepted as proof of age. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme.

A notice will be displayed at the till either electronically or physically to remind staff to ask for identification.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

· The lawful selling of age restricted products

· Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/ refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded. All training records will be kept at

*Continued from previous page...*

the premises and made available to officers of any responsible authority upon request.

The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book will be kept at the premises and made available to officers of any responsible authority upon request.

## Section 19 of 21

### NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

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

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

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



*Continued from previous page...*

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

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

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

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

***Continued from previous page...***

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

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

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

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

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

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

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

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

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

**Continued from previous page...**

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

**Section 21 of 21**

**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

\* Fee amount (£)

## DECLARATION

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

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

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

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

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

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

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

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

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

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

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="sgl:202325"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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

# Appendix 2

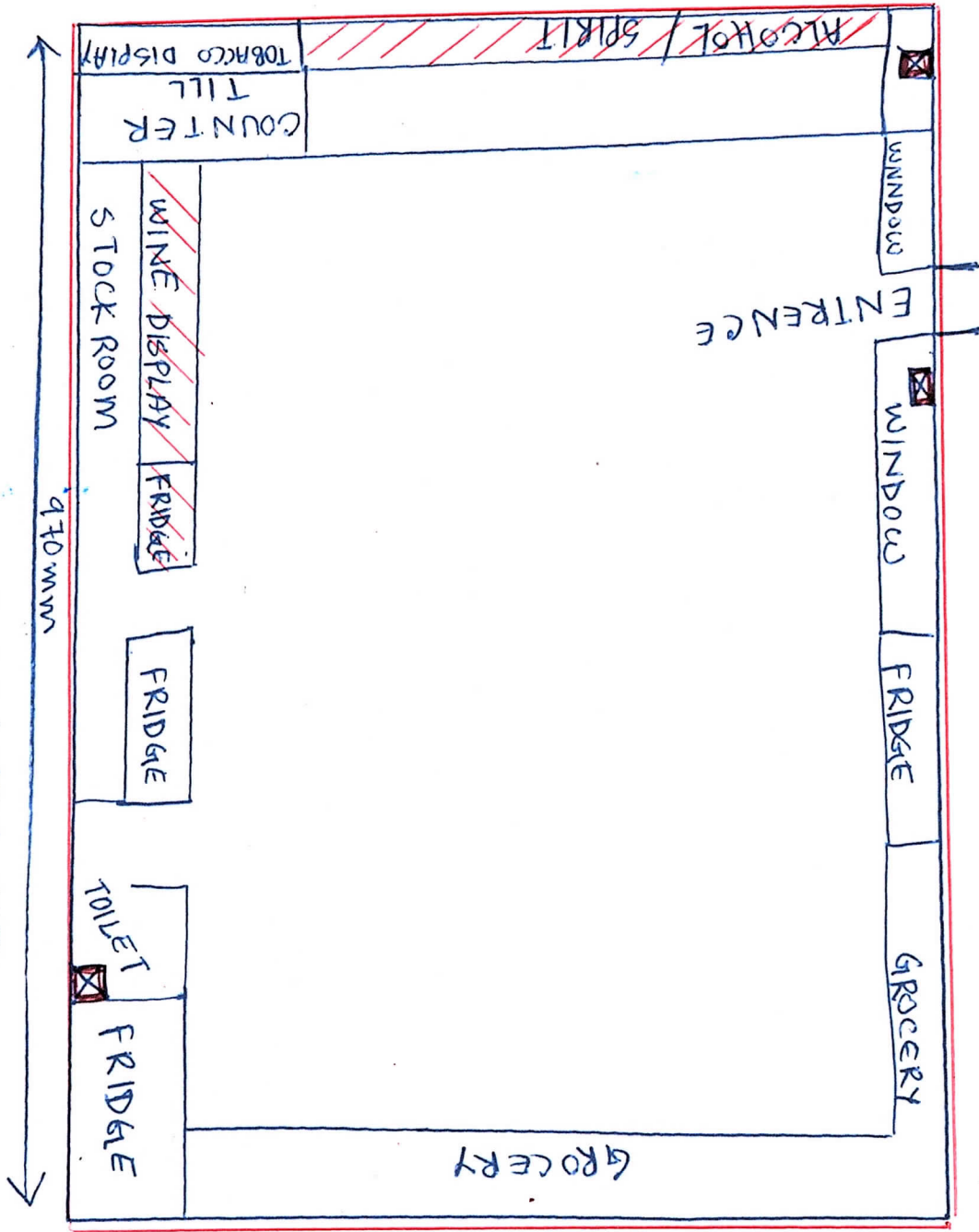
# FLOOR PLAN

PARNELL SUPERMARKET

117A PARNELL ROAD, E3 2RT

PARNELL ROAD

OLD FORD ROAD



430 mm

910 mm

KEY

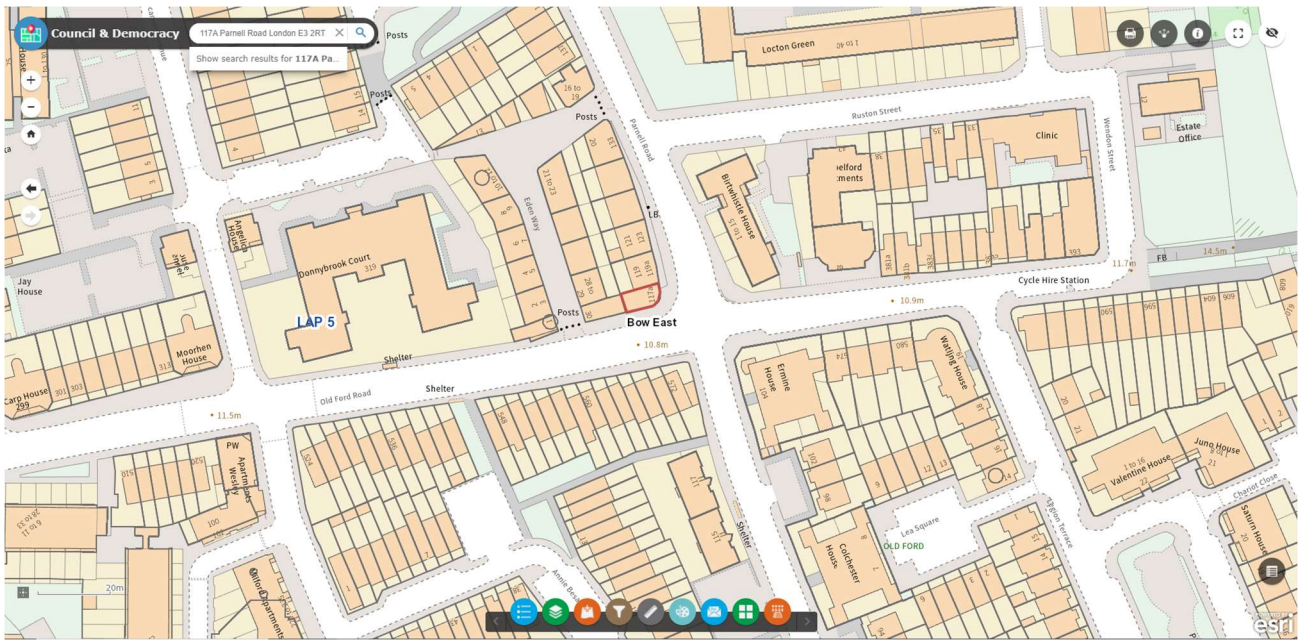


FIRE  
EXTINGUISHER



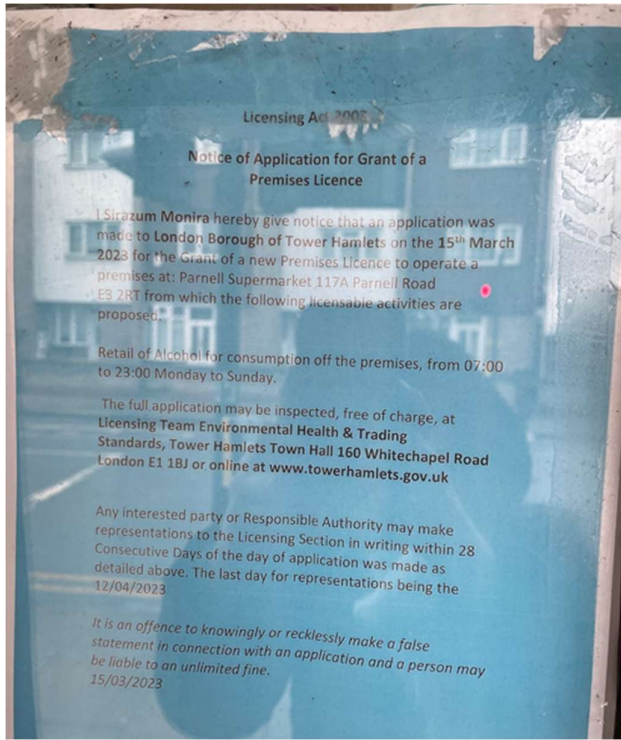
# Appendix 3

## Map showing location of 117a Parnell Road



# Appendix 4

## Photos - 117a Parnell Road









# Appendix 5



<b>Address</b>	<b>Licensable activities/times</b>	<b>Opening hours</b>
<b>Old Ford Mini Market)</b> 389 Old Ford Road	<b>The sale by retail of alcohol (off sales):</b> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 08:00 hrs to 23:59 hrs</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 08:00 hrs to 23:59 hrs</li> </ul>

# Appendix 6

**By Email:**

Licensing Authority:  
[licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

12<sup>th</sup> April 2023

Your reference  
My reference: LIC/158040/MA

Dear Licensing Authority,

**Place Directorate  
Public Realm**

**Head of Environmental Health and  
Trading Standards: David Tolley**

Environmental Health & Trading Standards  
Licensing & Safety Team  
4<sup>th</sup> Floor, Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

Tel: [REDACTED]  
Enquiries to: **Mohshin Ali**  
Email: [REDACTED]

**Licensing Act 2003** [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

New premises licence application: (Parnell Mini Market), 117a Parnell Road, London E3 2RT


The Licensing Authority (acting a Responsible Authority) is making a representation against the above application on the grounds of *the prevention of crime and disorder and the protection of children from harm*

The previous licence holder was Huq Neighbours Ltd. Mr Md Mamunal Huq was the sole Director of the company and was also the Designated Premises Supervisor. Following a review application by Trading Standards, the previous licence was revoked by the Licensing Sub-Committee on the 22<sup>nd</sup> March 2022. This was due to age-restricted goods being sold to people under the age of 18 on three separate occasions between March 2020 and December 2021. Please see attached the minutes.

Following an appeal hearing at Thames Magistrates' Court on the 28<sup>th</sup> February 2023, the decision to revoke the premises licence was upheld. A new application was made shortly afterwards on the 15<sup>th</sup> March 2023 by Monira Sirazum, the wife of Md Mamunal Huq. On a balance of probability, I believe that there is a strong link to Mr Huq being involved in the running of the premises and these changes are just artificial. It has also been noted that Monira Sirazum has become the sole director of Parnell Supermarket Ltd, a company that was only incorporated on 13<sup>th</sup> March 2023.

It will therefore be for the applicant Monira Sirazum, to prove to the members that, the previous licence holder has no involvement in the business and that the premises will run effectively, whilst upholding the licensing objectives and any conditions imposed by members if they are minded to grant the licence

Yours faithfully,



Mohshin Ali  
**Senior Licensing Officer (Acting as a Responsible Authority)**

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.45 P.M. ON TUESDAY, 22 MARCH 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Mohammed Pappu (Chair)

Councillor Shad Chowdhury

Councillor Victoria Obaze

**Officers Present:**

David Wong	–	(Legal Services)	
Corinne Holland	–	(Licensing Officer)	
Farhana Zia	–	(Democratic Services Committees, Governance)	Officer,

**Representing applicants**

	<b>Item Number</b>	<b>Role</b>
Suleyman Solak	4.1	Applicant
Alex Brander	4.3	(Trading Standards Officer)
PC Mark Perry	4.3	(Metropolitan Police)

**Representing objectors**

	<b>Item Number</b>	<b>Role</b>	
Laura Spenceley	4.1	(Resident)	
Anwar Khan	4.3	(Solicitor for DPS)	
MD Al Mamunul Huq	4.3	(Designated Supervisor)	Premises
Mohammed Mehedi Hasan	4.3	Cashier	

**Apologies****1. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

## 2. RULES OF PROCEDURE

The rules of procedure were noted.

## ~~3. MINUTES OF THE PREVIOUS MEETING(S)~~

~~The minutes of the meetings held on 8<sup>th</sup> and 22<sup>nd</sup> February were agreed and approved as a correct record.~~

## ~~4. ITEMS FOR CONSIDERATION~~

### ~~4.1 Licensing Act 2003 Application for a new Premises Licence for Organic Grocery Store, 284 286 Poplar High Street, London, E14 0BB~~

~~At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Organic Grocery Store, 284 286 Poplar High Street, London E14 0BB. It was noted that an objection had been received from a local resident, in relation to the prevention of public nuisance.~~

~~At the request of the Chair, Mr Suleyman Solak, the Applicant explained the premises was operated by a new business, a convenience store, looking to sell organic fruit and vegetables, alcohol, and household products. Mr Solak said the premises had taken all the necessary precautions to ensure the licensing objectives would be upheld. Public notices advertising the Challenge 25 policy have been placed in the premises and CCTV had been installed. Mr Solak said his staff had been trained not to sell alcohol to those who were drunk or those who would cause anti-social behaviour. He said there would be no drinks promotions and they would fully cooperate with the responsible authorities.~~

~~Members then heard from the Objector, Ms Laura Spenceley, who said she lived directly above the premises. She said she already felt threatened by the anti-social behaviour of teenagers in the vicinity and felt unsafe when passing by them. Ms Spenceley said she was concerned about the late opening of the premises and the sale of alcohol until 23:00 hours.~~

~~In response to questions the following was noted;~~

- ~~— The objector was advised to speak to her landlord about the sale of the flats above the commercial property and her claim that the flats were sold on the premise that an alcohol led business would not be occupying the commercial space. It was made clear to the objector this was outside the remit of the Licensing Sub Committee and therefore this could not be given consideration.~~
- ~~— The Applicant confirmed he had tried to meet with Ms Spenceley and had sent her two emails requesting a meeting. Ms Spenceley confirmed the Applicant had been in touch.~~

- ~~— The Applicant clarified the alcohol was not the core element of the business and said this would only make up 20 – 30% of the overall business revenue.~~
- ~~— The Applicant confirmed that he would be happy to reduce the sale of alcohol hours to the Council's framework hours. The Objector agreed to this and said she did not object to the business, but was concerned about the selling of alcohol so late in the evening in light of existing local anti social behaviour that she had experienced.~~

~~Concluding remarks were made by both parties.~~

### **The Licensing Objectives**

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

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

### **Consideration**

~~The Sub Committee considered an application for a new premises licence in respect of Organic Grocery Store, 284-286 Poplar High Street, London E14 0BB ("the Premises"). The application sought a sale of alcohol (off sales) licence Monday to Thursday from 07:00 hours to 23:00 hours and Friday and Saturday from 7:00 hours to 00:00 hours (midnight). The application had received an objection from a resident living directly above the premises who was concerned about the opening times of the premises and the sale of alcohol late into the evening.~~

~~The Sub Committee noted the concerns of the resident, who stated there were existing issues with anti-social behaviour in the area, with teenagers congregating in the vicinity and behaving in an anti-social manner. The objector said the selling of alcohol late in the evening, would exacerbate the problem.~~

~~The Sub Committee considered the Applicant's submission, who stated that this was a new business whose primary source of business would be the selling of organic groceries such as fruit and vegetables as well as household products. The Applicant stated the sale of alcohol would contribute 20%–30% of sales and said they would comply with the conditions offered up in the operating schedule. The Sub Committee asked the Applicant if he would consider reducing the hours of operation to the legal framework hours, in particular for Sunday and asked if this would be acceptable to the business.~~

~~Mr Solak agreed to this amendment, which was also acceptable to the objector.~~

~~Whilst the Sub Committee sympathised with the objector's concerns, the Sub Committee considered that the low percentage of alcohol forming part of the overall sales, meant that this would not be an alcohol led business, which combined with the conditions offered up in the operating schedule and the above reduction in operating hours, should not lead to these premises exacerbating anti-social behaviour issues in the area.~~

~~Therefore, Members of made a decision and the decision was unanimous. Members granted the application, with reduced hours for the sale of alcohol, as per the Council's legal framework hours.~~

~~Accordingly, the Sub Committee unanimously;~~

### ~~RESOLVED~~

~~That the application for a new premises licence for Organic Grocery Store, 284-286 Poplar High Street, London E14 0BB be **GRANTED** with reduced operating hours for the sale of alcohol.~~

#### ~~Sale of Alcohol (Off sales)~~

~~Monday to Thursday, from 07:00 hours to 23:00 hours~~

~~Friday and Saturday, from 07:00 hours to 00:00 hours (midnight)~~

~~Sunday, from 07:00 hours to 22:30 hours~~

#### ~~Opening times~~

~~Sunday to Thursday 07:00 to 23:00 hours~~

~~Friday and Saturday 07:00 hours to 00:00 hours (midnight)~~

#### ~~Conditions~~

- ~~1. 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 the Police or an authorised officer throughout the entire 31day period.~~
- ~~2. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:~~
  - ~~a) all crimes reported to the venue;~~
  - ~~b) any incidents of disorder;~~

- ~~e) any faults in the CCTV system;~~
- ~~d) any refusal of the sale of alcohol;~~
- ~~e) any visit by a relevant authority or emergency service.~~

- ~~3. There will be a prominent signage near the door to the premises reminding the customers to leave the area quietly.~~
- ~~4. Deliveries to the premises shall only be made during normal working hours.~~
- ~~5. Rubbish from the premises shall be securely stored in a bin in a designated area. No refuse, including bottles shall be placed outside the premises between 22:00 hours and 08:00 hours the following day.~~
- ~~6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.~~
- ~~7. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.~~
- ~~8. Children under the age of 14 years shall not be allowed to enter the premises after 21:00 hours unless accompanied by a person over the age of 18 years.~~

#### ~~4.2 Licensing Act 2003 Application for a new Premises Licence for St Peter's Church Crypt, St Peter's Close, London, E2 7AE~~

~~The objector having withdrawn her objection shortly before the meeting, this application was granted.~~

#### **4.3 Licensing Act 2003 Application to Review the Premises Licence for (Parnell Mini-Market) 117a Parnell Road, London, E3 2RT**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Parnell Mini-Market, 117a Parnell Road, London E3 2RT. It was noted that the review had been brought by Trading Standards and was based on the licensing objective of protection of children from harm.

At the request of the Chair, Mr Alex Brander, Trading Standards Officer, explained the grounds for the review and said that following a complaint from a concerned parent on the 1<sup>st</sup> December 2021, a test purchase was undertaken by two police cadets on the 13<sup>th</sup> December 2021. The cadets



were sold a can of larger, with no proof of age being asked for by the cashier. During the investigation, Mr MD Al Mamunul Huq, the Designated Premises Supervisor (DPS), provided additional information and stated that the cashier did not believe the female cadet was underage and therefore allowed the sale.

Mr Brander said when Mr Huq, when questioned by Trading Standards at the interview on the 20<sup>th</sup> January 2022, he did not fully comprehend what a sale by proxy was or how to apply the Challenge 25 policy. Mr Brander said this was equally true for the members of staff employed by Mr Huq. He said the signage within the premises was obscure and did not meet with licensing requirements.

Furthermore, Mr Brander said Mr Huq could not explain the entries that had been retrospectively added to the training log. Mr Brander said that as part of a separate investigation into the sale of tobacco to underage children, the Trading Standards Tobacco Enforcement Officer, had visited the premises on the 12<sup>th</sup> November 2021. The Enforcement Officer had taken a photograph of the log, in which three entries existed, dated 08/03/21, 10/03/21 and 07/09/21. However, after that visit, Mr Huq had provided a copy of the training log to Trading Standards, at which point Trading Standards noted that further entries had been made to the training log predating the above visit, which had not been in that log at the time of that visit, namely entries dated 17/10/21, 24/10/21, and 15/11/21. Mr Brander said Mr Huq had been unable to provide a satisfactory explanation for this and admitted he had made entries in the log.

Mr Brander continued that Trading Standards were concerned about the lack of leadership at the premises and the consistent disregard for the licensing objectives. Mr Brander informed the Sub-Committee that the premises and the DPS had previously been fined £440 each due to selling cigarettes to underage children, on the 8<sup>th</sup> March 2020 and 29<sup>th</sup> July 2021. Mr Brander said he was alarmed at the text messages Mr Huq had sent staff, following the incident of 29<sup>th</sup> July, whereby he appeared to warn staff to be careful of test purchasers rather than focusing staff on upholding the licensing objectives.

PC Mark Perry, from the Metropolitan Police concurred with Mr Brander and supported the application for review. He stated that the history of selling to underage children, demonstrated that the premises and the DPS showed scant regard for the licensing objectives and therefore recommended the premises licence be revoked.

Members then heard from Mr Anwar Khan, solicitor for the DPS – Mr Huq, who initially asked to be able to cross-examine Mr Brander. Mr Wong, legal adviser to the Sub-Committee advised the Members that this was not permissible. Whilst the Sub-Committee was a quasi-judicial body, these were civil administrative proceedings governed by the Licensing Act 2003 (Hearings) Regulations 2005, regulation 23 of which said, “A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the

case may require.” Mr Anwar proceeded to state that the staff at the premises had undertaken a professional training course and were now fully conversant with the Challenge 25 policy and its application. He said Mr Huq intended to follow up the training with monthly in-house refresher courses and would ensure staff were monitored when he was not in the premises, by calling and texting his staff members. He said he would do this so to ensure they did not sell age-restricted products to underage children. Mr Anwar said the signage in the premises had been improved to show they operated a Challenge 25 policy. Mr Anwar said his client, Mr Huq apologised for the errors made and asked that the licence not to be revoked.

In response to questions the following was noted:

- Mr Brander clarified that company operating the premises and Mr Huq had been fined £440 each, for the breach of selling tobacco to underage children. Mr Brander confirmed these related to incidents on the 8<sup>th</sup> March 2020 and 29<sup>th</sup> July 2021.
- In response, Mr Huq stated that the business was relatively new at the time, and they were confused about the rules. He said staff had been sent on a training course and are now aware of the rules and regulations.
- Mr Huq said the staff member who sold the can of larger to the police cadet did not think the customer was 16 years of age or under. He referred to video footage of a sale an hour before the test purchase, which allegedly showed a purchase where the cashier had applied the Challenge 25 policy.
- Mr Huq accepted the signage in the premises was obscure and said this had been improved to make it more visible to customers.
- Mr Huq said prior to the test purchase of 13<sup>th</sup> December, staff were personally trained by him, but since then, all members of staff had been on a professional training course.
- Mr Huq said the training log had been adjusted to record training that had been completed previously.
- Mr Huq said it was common practice for the premises to operate a ‘tab’ system of payment, once the customer’s ID had been verified and the customer was known to them.

Concluding remarks were made by both parties.

### **The Licensing Objectives**

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

1. The Prevention of Crime and Disorder;

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

### **Consideration**

The Sub-Committee considered an application by Mr Alex Brander, on behalf of Tower Hamlets Trading Standards, for a review of the premises licence held by Huq Neighbours Limited in respect of Parnell Mini Market, 177a Parnell Road, London E3 2RT ("the Premises"). The review was based on the licensing objective of the protection of children from harm.

The Sub-Committee heard from Mr Brander that on the 1<sup>st</sup> December 2021, Trading Standards received a complaint from a concerned parent about the sale of alcohol to underage children. The parent stated the child had been able to purchase alcohol despite not having money for it, with the premises allowing the child to have a 'tab' with them. Mr Brander stated that as part of the Trading Standards operation, on the 13<sup>th</sup> December 2021, two underage police cadets were instructed to buy alcohol from the premises. Mr Brander said the test purchase occurred at approximately 18:48 hours, when the cadets were sold a can of lager. Mr Brander said that at no point during the transaction did the person serving at the till challenge the cadets for proof of age.

The Sub-Committee heard from Mr Brander that when Mr MD Al Mamunul Huq, the Designated Premises Supervisor, was interviewed by Trading Standards, he stated that the person at the till, Mr Mehedi Hasan did not think the female cadet was underage and therefore allowed the transaction. Mr Brander said it was clear the person manning the till did not understand what it meant to operate a Challenge 25 policy. Furthermore, when interviewed Mr Huq did not comprehend what a proxy sale was as it is illegal for an adult to buy alcohol on behalf of a child. Although in this instance the cadet was 16 years of age. Mr Brander said it was evident Mr Huq's staff did not know how to apply the Challenge 25 policy, nor had he trained his staff on sales by proxy.

The Sub-Committee heard from Mr Brander that as part of the investigation, entries had been made in the training log to show staff had been given training in regard to the sale of age-restricted products. He said originally three entries were in the log, 08/03/21, 10/03/21 and 07/09/21. This was verified by a photograph taken by the Trading Standards Tobacco Enforcement Officer, who had visited the premises on the 12<sup>th</sup> November 2021, in respect to the selling of tobacco products to underage children. However further entries had been made in the log for 17/10/21, 24/10/21, 15/11/21 and 29/11/21. Mr Brander said Mr Huq sent the training records to him on the 20th December 2021 (page 231 of the agenda pack). Mr Brander had noted that the last four entries then appearing on the extract of the training log sent by Mr Huq had been added after the visit from the Trading Standards Tobacco Enforcement Officer. The Sub-Committee noted that only the last of these four entries should have been added to the training log since

the Trading Standards Tobacco Enforcement Officer's visit on 12th November 2021, and that the entries dated 17/10/21, 24/10/21, and 15/11/21 had not been there at the time of the visit to the premises on 12<sup>th</sup> November 2021, according to Mr Brander's evidence, with particular reference to page 238 of the agenda pack. The Sub-Committee noted from Mr Brander that when Mr Huq was interviewed on the 20<sup>th</sup> January 2022, he was unable to satisfactorily explain these additions to the log.

The Sub-Committee were concerned to hear from Mr Brander that the premises had a track record of selling age-restricted goods to minors. He said the premises had been prosecuted for the sale of cigarettes to underage people, following a test purchase operation on the 8<sup>th</sup> March 2020 and 29<sup>th</sup> July 2021. Mr Brander said following those occasions, Mr Huq and the premises were each fined £440.

The Sub-Committee heard from Mr Brander about the text messages Mr Huq had sent his staff following the incident of 29<sup>th</sup> July 2021, whereby he instructed his staff to be careful of test purchasers, and the Sub-Committee shared Mr Brander's concern that this was no substitute for adequate training or operation of an effective challenge policy. The Sub-Committee shared concern expressed by Mr Brander that Mr Huq was unfit to operate a premises licence, as he did not fully comprehend or appreciate the licensing objectives and had on a number of occasions as designated premises supervisor, presided over a licensed business which had sold age-restricted goods to underage persons.

The Sub-Committee noted representations made by Mr Anwar Khan, solicitor for the designated premises supervisor, that his client had sent his staff on a professional training course, since the incident of 13<sup>th</sup> December 2021; staff were now aware of how to apply the Challenge 25 policy; Mr Huq intended to follow this up with monthly in-house refresher courses; Mr Huq would be monitoring his staff, when not in the premises by calling and texting his staff members to ensure they did not sell age-restricted products to underage children; the signage within the premises had also been improved to show they operated the Challenge 25 policy; and Mr Huq apologised for the errors and asked for the licence not to be revoked.

However, the Sub-Committee found the designated premises supervisor's representations wholly unconvincing, especially because when questioned about whether the premises operated a 'tab' system of payment, Mr Huq said it was common practice for the premises to offer 'tabs' in lieu of payment, which they did once they had verified the identity of the customer and the customer was known to them. The Sub-Committee found this to be a serious breach of responsibility in terms of leaving it open to minors to obtain alcohol through a tab system.

Furthermore, the Sub-Committee considered that the track record of the business in relation to underage sales of age-restricted goods left them with no confidence that the premises licence holder and designated premises supervisor would uphold the licensing objective of protecting children from harm. A premises licence to sell alcohol is granted on trust. If that trust has

been severely broken by a poor track record of compliances in relation to preventing underage sales, then that business cannot be trusted to retain its licence. Nor does it suffice to point to instances where underage sales have not taken place, because compliance with the law on some occasions cannot excuse non-compliances on other occasions, nor show that the business can be trusted to be consistent in upholding the licensing objectives.

Accordingly, the Sub-Committee unanimously;

### **RESOLVED**

That the application for a review of the Premises licence for Parnell Mini-Market, 117a Parnell Road, London E3 2RT be **GRANTED and that the premises licence be revoked.**

### ~~5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003~~

#### ~~Extension of deadline: Licensing Act 2003~~

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

<del>Premises</del>	<del>Extended to:</del>
<del>Kill the Cat 14 Market Street, London E1</del>	<del>30/06/2022</del>
<del>Silver Sockeye AKA The Terrible Thames, Wapping Pier, King Henry's Stairs, Wapping High Street, London E1W 2NR</del>	<del>30/06/2022</del>
<del>Snake Collective, 144-146 Commercial Street, London E1 6N</del>	<del>30/06/2022</del>
<del>Rapha Racing Cycle Club, Café &amp; Store, Spitalfields Market, 61-63 Brushfield Street, London E1 6AA</del>	<del>30/06/2022</del>

The meeting ended at 8.09 p.m.

Chair, Councillor Mohammed Pappu  
Licensing Sub Committee

## Corinne Holland

---

**From:** Mohshin Ali  
**Sent:** 02 May 2023 16:58  
**To:** Corinne Holland  
**Cc:** s.gibson [REDACTED]  
**Subject:** FW: Parnell Mini-Market, 117a Parnell Road, London E3 2RT

Dear Licensing Authority,

### **Licensing Act 2003**

New premises licence application: (Parnell Mini Market), 117a Parnell Road, London E3 2RT

I write following my representation of 12<sup>th</sup> April 2023 with additional evidence.

I have received confirmation that Huq Neighbours Ltd has been paying the business since 22<sup>nd</sup> March 2019 and is still the current business rates payer for the above premises.

Kind regards,

### **Mohshin Ali**

Senior Licensing Officer  
Licensing and Safety Team  
Environmental Health & Trading Standards  
Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

[REDACTED]  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)   [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

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**From:** Christine [REDACTED]  
**Sent:** 13 April 2023 09:48  
**To:** Mohshin Ali <[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Parnell Mini-Market, 117a Parnell Road, London E3 2RT

Hi Mohshin

Our records on Business Rates show we have been charging Huq Neighbours Ltd since 22.3.19

Email = [huq\\_rikto\\*\\*\\*\\*\\*](mailto:huq_rikto*****)

Mbe = 07534\*\*\*\*\*

Kind regards  
Christine

**Christine Watson (Wednesday PM, Thursday and Friday)**  
**Senior Officer Business Rates (Ratebase Management)**  
**London Borough of Tower Hamlets**  
**Town Hall, 160 Whitechapel Road**  
**London E1 1BJ**

[REDACTED]

[REDACTED]

# Appendix 7



Licensing Authority

By email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

Place Directorate  
Public Realm

Head of Environmental Health  
& Trading Standards: David  
Tolley

Enquiries to: Alex Brander

T: [REDACTED]

E: [REDACTED]

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

4 April 2023

Ref: CLC/LIC/158040

Dear Sir/Madam

**Licensing Act 2003 – Application for a premises licence at 117a Parnell Road, London, E3 2RT**

I am a Trading Standards Officer acting as Responsible Authority, making comment on the application for a new premises licence at (Parnell Mini Market) 117a Parnell Road, London, E3 2RT.

The previous licence was revoked by the Tower Hamlets Licensing Sub-Committee on the 22<sup>nd</sup> March 2022, following an application submitted by this Responsible Authority. The application was made on the grounds of the then licensee, Huq Neighbours Ltd, failing to uphold the licensing objective of the protection of children from harm. Huq Neighbours Ltd owned and operated Parnell Mini Market at 117a Parnell Road, London, E3 2RT.

The application was made as a result of age-restricted goods being sold to people under the age of 18 on three separate occasions between March 2020 and December 2021, specifically:

- Cigarettes sold to a 15 year old on 8<sup>th</sup> March 2021
- Cigarettes sold to a 16 year old on 29<sup>th</sup> July 2021
- Alcohol sold to a 16 year old on 13<sup>th</sup> December 2021

The sale of cigarettes that occurred on the 8<sup>th</sup> March 2021 was made by Mr Md Mamunal Huq. Mr Huq is the sold Director of Huq Neighbours Ltd and was the Designated Premises Supervisor at 117a Parnell Road. Mr Huq and Huq Neighbours Ltd were prosecuted and fined for this offence. Huq Neighbours Ltd was also prosecuted and fined for the offences that occurred on the 29<sup>th</sup> July 2021 and 13<sup>th</sup> December 2021.

The decision to revoke the premises licence was upheld by the Court following an appeal hearing at Thames Magistrates' Court on the 28<sup>th</sup> February 2023. During this hearing Mr Huq acknowledged that he was the sole decision maker for Huq Neighbours Ltd and at Parnell Mini Market.



This Responsible Authority submits to oppose the new premises licence application, made by Monira Sirazum, on the grounds that the applicant is the wife of Md Mamunal Huq.

To the best of this Responsible Authority's knowledge Monira Sirazum has little to no experience in running a licensed premises and had little involvement at Parnell Mini Market whilst Huq Neighbours Ltd was the licensee.

Monira Sirazum has become the sole director of Parnell Supermarket Ltd, a company that was only incorporated on 13<sup>th</sup> March 2023.

This Responsible Authority strongly suspects that Md Maminul Huq will effectively be running the business under Monira Sirazum's name. It was the repeated failings in the management of the business by Md Maminul Huq that ultimately led to the licence being revoked. We suspect that this new application has been made to circumvent the revocation which would undermine the decision of the Licensing Sub-Committee and the Court following the appeal.

There is consideration to propose a condition that Md Maminul Huq have no involvement in the operation of the business, including managing or working there. However, we ultimately move to have the application rejected, as we lack confidence that the protection of children from harm will be adhered to should it be granted.

Yours faithfully



Alex Brander  
Senior Trading Standards Officer



# Appendix 8

## Corinne Holland

---

**From:** Alex McLean <[REDACTED]>  
**Sent:** 22 March 2023 22:01  
**To:** Licensing  
**Subject:** Parnell Supermarket Licence

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi,

Parnell Supermarket, (117A Parnell Road, E3 2RT) is my local convenience store.

I live next door at [REDACTED], and have lived here since Parnell Supermarket was set up. I can speak for the whole street when I say I have never had a problem with any antisocial behaviour, noise or had any disturbance of any kind.

The market is of great use to our neighbourhood. I use it daily to grab food, snacks and the occasional bottle of wine. I am very upset to see their alcohol licence be revoked and would be most grateful if it could be restored at the earliest convenience.

Thanks,  
Alex Mclean

# Appendix 9

**Corinne Holland**

---

**From:** Pirozzolo, Dan <[REDACTED]>  
**Sent:** 20 March 2023 19:37  
**To:** Licensing  
**Subject:** Premises License Representation -- Parnell Supermarket (117A Parnell Road, E3 2RT)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi there,

I'm writing as an individual who lives incredibly close to Parnell Supermarket and as someone who is happy to vouch for the store.

The store serves the local community by selling a very broad range of products from a location very close by to where we live, and staying open most hours of the day in order to do so, and it is therefore incredibly convenient to the community living in the close vicinity of the store.

My partner and I live on [REDACTED] which connects to Parnell Supermarket. Due to this proximity, we would know if there was any public nuisance or any kind of antisocial behaviour in the area, but there simply isn't any. Instead the area is quiet, clean, and safe. We therefore always feel very comfortable in the area, and that feeling naturally extends to the Parnell Supermarket convenience store.

On this basis, there's no reason for Parnell Supermarket not to be allowed to sell alcohol like before, amongst the aforementioned very broad range of products they also sell.

It would be nice to have our local store back to selling the full range of products they did previously.

Hope you agree.

Many thanks,  
Dan

**Dan Pirozzolo**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

# Appendix 10

## Corinne Holland

---

**From:** Julian Ball <[REDACTED]>  
**Sent:** 22 March 2023 20:59  
**To:** Licensing  
**Subject:** Parnell Supermarket

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi

I understand that Parnell Supermarket in Bow, E3 2RT, has had its licence revoked. Please reinstate this, this local shop is the community's best convenience store in the area, known and loved by all my neighbours and me. I have never seen any issues with trouble or bad behaviour, and the staff are always helpful, it would be a great loss if this decent local business were forced out.

Thank you

JULIAN CHARLES BALL

[REDACTED]

---

[REDACTED]  
[REDACTED]  
[REDACTED]



# Appendix 11



Tom Lewis  
Head of Licensing  
Tower Hamlets Council

**HT - Tower Hamlets Borough**

Licensing Office  
Shoreditch Police Station

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

12 April 2023

Dear Sir,

Central East Police Licensing formally object to the application for a premises license for 117a Parnell Road, London, E3 2RT. The objection is on the grounds of preventing crime and disorder and protecting children from harm.

The previous license was revoked by Tower hamlets Licensing Sub-Committee on the 22<sup>nd</sup> March 22, following an application made by Tower Hamlets Council Trading Standards. The review was instigated as a result of age-restricted goods being sold to people under the age of 18 on three separate occasions between March 2020 and December 2021, specifically cigarettes and alcohol.

The current applicant is the wife of Mr Huq the previous Designated Premises Supervisor and the sole director of the company that held the license. We fear that Mr Huq will unless prevented continue to have effective control of the premises, which would be circumventing the decision of the licensing sub committee.

We therefore request that the following conditions are added to the license to ensure that the licensing objectives are upheld. Should the applicant be unwilling to accept these conditions we would ask that the application is refused.

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

stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
4. 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.
5. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every 6 months thereafter. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:
  - a) the operation of the challenge XX scheme;
  - b) types of acceptable ID;
  - c) the method of recording challenges;
  - d) the likely consequences of making an underage sale;
  - e) refusing sales to persons who appear to be drunk;
  - f) proxy sales.

6. Md Al Mamunul Huq not to be allowed on the premises when licensable activities are taking place

Kind Regards

Mark



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

# Appendix 12

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 22 March 2023 15:39  
**To:** Licensing  
**Cc:** Mark Perry; Stewart Gibson  
**Subject:** 158040 - New premises license application for Parnell Mini-Market 117a Parnell Road

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good afternoon Licensing,

I have no objections to the new premises license application for Parnell Mini-Market 117a Parnell Road following agreement by the application to the addition of the noise condition below:

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

Kind regards

Nicola Cadzow  
Environmental Protection Officer  
Place Directorate

---

**From:** Stewart Gibson <[REDACTED]>  
**Sent:** Wednesday, March 22, 2023 3:20 PM  
**To:** Nicola Cadzow <[REDACTED]>  
**Cc:** Mark Perry <[REDACTED]>  
**Subject:** Re: 158040 - New premises license application for Parnell Mini-Market 117a Parnell Road

Hi Nicola.

I can confirm my client is happy to accept the condition you propose.

Kind regards

Stewart

---

**From:** Nicola Cadzow <[REDACTED]>  
**Date:** Wednesday, 22 March 2023 at 15:08  
**To:** Stewart Gibson <[REDACTED]>  
**Cc:** Mark Perry <[REDACTED]>  
**Subject:** 158040 - New premises license application for Parnell Mini-Market 117a Parnell Road

Dear Sirazum Monira

I am reviewing your premises license application for Parnell Mini-Market 117a Parnell Road, ref 158040, with particular attention to the licensing objective for the prevention of public nuisance and wish for the following noise condition to apply as below:

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

Await your confirmation

Kind regards

Nicola Cadzow  
Environmental Protection Officer  
Environmental Health and Trading Standards  
4th Floor, Tower Hamlets Town Hall  
160 Whitechapel Road  
London, E1 1BJ



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Please note: all s61 consents, dispensations and variations must be submitted [online](#).

### **Housing Licensing Consultation**

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

# Appendix 13



## **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 14

## 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 15



# 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 16

## 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.



# Appendix 17

# 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.

<b>Table of relevant offences under the 2003 Act Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
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 18

## **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 19



## **Planning**

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

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**BEFORE A LICENSING SUB-COMMITTEE OF**  
**LONDON BOROUGH OF TOWER HAMLETS**

**The Premises at**

117A Parnell Road, Old Ford, London, E3 2RT

**SUMMARY OF PREMISES LICENCE APPLICANT'S SUBMISSIONS**

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*v.22.06.2023*

1. This is an application for a new premises licence, to enable the sale of alcohol to take place in a Convenience store for consumption off the premises.
2. The premises previously enjoyed the benefit a Premises Licence, however this was revoked on the 22<sup>nd</sup> March 2022, for failing to Protect Children from Harm. The premises made under age sales on three separate occasions.
3. On the 8<sup>th</sup> March 2020, cigarettes were sold to a 15 year old customer. On the 29<sup>th</sup> July 2021, cigarettes were sold to a 16 year old customer, and on the 13<sup>th</sup> December 2021 alcohol was sold to a 16 year old.
4. The Premises Licence holder at the time, Huq Neighbours Ltd, and the director of the company, Mr Huq, were prosecuted and fined for the incident on the 8<sup>th</sup> March 2021.

5. Huq Neighbours Ltd were prosecuted and fined for the other two incidents.
6. The new application is in the personal name of Monira Sirazum, who is the wife of Mr Huq.
7. The DPS of the premises is to be Mohammad Yasin, personal licence number 23/02294/LAPER, issued by the London Borough of Newham on the 24<sup>th</sup> April 2023.
8. Monira Sirazum, is the sole director of the company behind the application, which is Parnell Supermarket Ltd, company number 14725525.
9. The application received no objections from any interested party, however did receive three representations of support from interested parties residing in the area.
10. The application did however receive three objections from responsible authorities, namely, the Licensing Authority of Tower Hamlets, the Police, and Tower Hamlets Trading Standards team.
11. After extensive negotiation with the police, and after agreeing additional conditions to be added to operating schedule, the police withdrew their representation.
12. It would be helpful at this stage to list the conditions that were agreed with the police.  
These conditons are as follows:
  - 12.1 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst

the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

12.2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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

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

12.4 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.

12.5 All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every 6

months thereafter. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:

- a) the operation of the challenge 25 scheme;
- b) types of acceptable ID;
- c) the method of recording challenges;
- d) the likely consequences of making an underage sale;
- e) refusing sales to persons who appear to be drunk;
- f) proxy sales.

12.6 Md Al Mamunul Huq not to be allowed on the premises when licensable activities are taking place.

13. In addition, there were a number of robust conditions offered in the operating

schedule, that the applicant would like to be included on the licence should it be granted.

14. These are as follows:

- a). All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
- b). CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
- c). Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

- d). Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
- e). The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.
- f). The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- g). An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
- h). In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police immediately.
- i). All Spirits to be displayed behind the counter only.
- j). An incident record will be kept in a bound book, as will all refusals recorded. These books will be made available to the police and officer from the council on request.
- k). Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police.
- l). All relevant fire procedures are in place for a premise of this size.
- m). Customers will be reminded by way of a notice at the entrance/ exit door to please leave the premises quietly and have consideration for the neighbouring properties.

- n). Sufficient litter bins will be provided to allow the customers to deposit their waste/ rubbish in the correct manner.
- o). Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM forces photographic IID card or proof of age card with the PASS logo or hologram on it may be accepted as proof of age.
- p). Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme.
- q). A notice will be displayed at the till either electronically or physically to remind staff to ask for identification .
- r). The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
- The lawful selling of age restricted products
  - Refusing the sale of alcohol to a person who is drunk
- s). Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.
- t). All such training undertaken by staff members shall be fully documented and recorded. All training records will be kept at the premises and made available to officers of any responsible authority upon request.
- u). The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which shall be reviewed by the Designated



Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant.

- v). This refusals book will be kept at the premises and made available to officers of any responsible authority upon request.

15. It is accepted that a number of the original offered conditions are reworded in the requested police conditions.

16. We are therefore left with two outstanding representations, from the Licensing Authority, and the other from Trading Standards.

The representations focus on the following concerns:

1. **The previous licence was revoked due to offences committed between March 2021 and December 2021.**
2. **The new application is in the name of the wife of the previous premises licence holder. Therefore the belief is that Mr Huq will still run the business.**
3. **Up to the applicant to prove that the previous owner is not involved in the new business.**
4. **The proposed Premises Licence holder has no experience in running a licensed premises, nor had she any involvement in the previous company.**

17. In response to the above the applicant would say this:

**a). The previous licence was revoked due to offences committed between March 2021 and December 2021.**

There is no dispute to this. It is a fact that the previous premises licence in the name of Huq Neighbours Ltd, was indeed revoked on the 22/03/2022. This decision was appealed to Thames Magistrates Court, where the original decision was upheld.

**b). The new application is in the name of the wife of the previous premises licence holder. Therefore the belief is that Mr Huq will still run the business.**

This is simply not true.

You will note from the conditions listed earlier in these submissions, there is a clear condition that has been agreed with the police that Mr. Huq will not be present on the premises when licensable activities are taking place.

12.6 above states: *Md Al Mamunul Huq not to be allowed on the premises when licensable activities are taking place.*

If this condition is ignored the premises licence holder will be in breach of the conditions of the licence, and given the history of the premises, in all likelihood would have her licence revoked. She is aware of this condition, what it means, and the consequences of a breach, therefore the previous premises licence holder will not be present on the premises whilst licensing activities take place. For clarity this will be between the hours of 07:00 and 23:00 hours Monday to Sunday. The premises is open to the public between the hours of 07:00 and 23:00 Monday to Sunday, so Mr Huq, is not permitted to be on the premises during trading hours.

**c). Up to the applicant to prove that the previous owner is not involved in the new business.**

The applicant is happy to provide evidence that Mr. Huq will have no influence in the running of the new business. As per the condition 12.6 above as agreed by the police, and the accepted consequences of this condition being breached, Mr Huq will not be present on the premises during any of the trading hours of the premises Monday to Sunday inclusive, 52 weeks of every year. Mr. Huq has no connection or interest in the running of his wife's new business. She is named as the only director for the business on the companies house search. It is true that for a period of time after the formation of the new company owned by the present applicant, Monira Sirazum, namely Parnell Supermarket Ltd, the business rates were being paid by Mr Huq's company, Huq Neighbours Ltd. This is only due to the fact that new company bank accounts had not yet been set up, and the business rates required paying. This is now transferring over to Parnell Supermarket Ltd, now the new bank account is open.

**d). The proposed Premises Licence holder has no experience in running a licensed premises, nor had she any involvement in the previous company.**

This is a conflicting statement. Monira Sirazum was not involved in the running of Huq Neighbours Ltd. So on one hand you can use this as evidence that she has no experience in running a licensed premises, and on the other hand you can use this as evidence that she had no involvement nor did she have any responsibility for the failed test purchases that took place under the previous licence. That said, it is clear to see that since she took on the responsibility for her new company and the responsibility for running the new business, she has made dramatic improvements to how the shop is run. The changes she has made are as follows:

- a) There are now three personal licence holders working in the business. The DPS, and two others, one of which is Monira Sirazum.
- b) All new staff that are employed in the future will undertake the level 2 Personal Licence training.
- c) Parnell Supermarkets now control the entire running of the business.
- d) Since the last recorded incident at the premises on the 13<sup>th</sup> December 2021, one of the incidents taken into account in the decision to revoke the previous licence, there has been no under age sales from the premises.
- e) A new CCTV system has been installed.
- f) Instore Training books, refusals books, and accident reporting books have all been maintained and are up to date, and available for inspection by any responsible authority.
- g) Due to an agreed police condition Mr. Huq will not be allowed on the premises during trading hours.
- h) Till prompt messages have now been programmed into the till system, and are used for all age related sales.
- i) Age restricted signage is on display within the store.

j) A new, secure cigarette gantry is soon to be installed.

From the above you can see that the applicant takes her responsibility in running the new business, and store extremely seriously.

In addition to the above, should the business be sold in the future, any purchaser would have to apply to vary the new licence as all the conditions would transfer with the licence. Those specific to Mr. Huq would no longer be applicable. Therefore the council would maintain a level of control over how the premises will be run in the future.

Summary:

The assumption that this application should be refused because the previous premises licence was revoked would be wrong.

It is clear from the application before you today, that the new business is vastly different to the previous business as operated by Mr. Huq. The applicant has shown a high degree of responsibility and accepted the accountability of running a licensed premises. By operating under the conditions proposed by the police, and the voluntary measures implemented by the applicant, the licensing authority are under no risk in granting this application as applied for as amended.

The applicant has submitted a comprehensive operating schedule with a number of offered robust conditions to ensure that none of the four Licensing Objectives are compromised in any way.

As a result, the Police who are the main custodians of the Prevention of Crime and Disorder objective now support the application.

The Environmental Health Team, the main custodians of the Prevention of Public Nuisance objective, also support the application.

No interested parties have any concern about this licence being granted. In fact three local residents have taken the time to write to the Licensing Authority emphasising their support for the application, which, as you will know is rare.

It is clear that the country faces challenging times ahead. Many established businesses are closing down, many jobs have been, and many more will be lost in the coming months to the detriment of local communities and major cities alike. Here we have a business that, despite the economic uncertainty, is willing to invest in the local area, and not only provide a service for the local community, but also to provide local jobs for local people. No one can predict with any certainty how long the country will suffer the current economic situation.

Businesses that are still willing to invest in the area in these difficult times are in need of support and encouragement.

The propriety of taking into account the wider economic impact of licensing decisions was explicitly recognised by the Court of Appeal in the leading case of *Hope and Glory* [2011] EWCA Civ 31, when Toulson LJ observed [at 42]:

*“Licensing decisions often involve weighing a variety of competing considerations: benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.”*

For these reasons, the sub-committee is invited to grant this licence, with the additional conditions in these submissions along with those originally offered in the operating schedule.

STEWART GIBSON

SG Licensing Ltd

www.sglicensing.co.uk

[s.gibson@sglicensing.co.uk](mailto:s.gibson@sglicensing.co.uk)

22 June 2023

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# Agenda Item 4.2

Committee: <b>Licensing Sub Committee</b>	Date	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
----------------------------------------------	------	---------------------------------------	------------	-----------------

Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for Blu Ivy Café, Block C, 24 Stoneway Walk, London, E3 5SH</b>
Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Ward affected: <b>Bow West</b>

## 1.0 Summary

Applicant: **Levent Demirci**

Name and Address of Premises: **Blu Ivy Café  
Block C, 24 Stoneway Walk  
London  
E3 5SH**

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

Objectors: **Residents**

## 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 Blu Ivy Café, Block C, 24 Stoneway Walk, London, E3 5SH.

3.2 The applicant has described the premises as: *Café & Restaurant*.

3.3 A copy of the application is shown in **Appendix 1**.

3.4 The hours applied for are as follows:

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

Monday – Saturday 11:00 hours – 22:30 hours

Sunday 11:00 hours – 22:00 hours

#### **Opening times**

Monday – Saturday 07:00 hours – 23:00 hours

Sunday 07:00 hours – 22:30 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 1<sup>st</sup> November 2018.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2018.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 24**
- 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.

Ayse Eren	Appendix 6
Ana Ferreira	Appendix 7
Amber Humphrey & Jamie Dickson	Appendix 8
Anneliese Ward	Appendix 9
Chris Woodley	Appendix 10
Daniel Majeed & Daphne Genee	Appendix 11
Denis Knockton	Appendix 12
Eram Rizvi	Appendix 13
Harsha Perera	Appendix 14
Holly Wardale	Appendix 15
Jodie Nicholson	Appendix 16
Katie Stanton	Appendix 17
Magdalena Mirowska	Appendix 18
Sae-Won Lee	Appendix 19
Thierry & Dominique Pudet	Appendix 20

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Public Health
  - Home office (Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 6.11 The objections relate to:
- Public nuisance
  - Crime and Disorder/ASB
  - Public Safety
  - Protection of children from harm
- 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 (most overlap with agreed conditions from responsible authorities)**

1. 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 with 24 hours of any request.
2. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and the area quietly.
3. 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.

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

### **Conditions agreed with the police – Appendix 21**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team which will include all areas of the premises where customers are allowed to be, as well as any outside areas customers gather, such as smoking / vaping areas or queues. 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 within 24 hours upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale, and the outcome, i.e if the person left on their own, were called taxi or left with friends.
  - h) any visit by a relevant authority or emergency service.
4. 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.

#### **Conditions agreed with the Licensing Authority – Appendix 22**

5. 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.
6. There shall be no vertical drinking.

#### **Conditions agreed with Environmental Health – Appendix 23**

7. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
9. The external area shall not be used after 21:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons after this time.

## 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 24 - 34** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

11.1 There are no financial implications in this report.

#### 12.0 **Appendices**

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Photographs of the premises
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6-20</b>	Representations from residents
<b>Appendix 21</b>	Conditions agreed with Police
<b>Appendix 22</b>	Condition agreed with LA
<b>Appendix 23</b>	Conditions agreed with EH
<b>Appendix 24</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 25</b>	Licensing Officer comments on public nuisance
<b>Appendix 26</b>	S182 advice on public nuisance
<b>Appendix 27</b>	Licensing Officer comments on crime & disorder
<b>Appendix 28</b>	S182 advice on crime & disorder
<b>Appendix 29</b>	Licensing Officers comments on Public Safety
<b>Appendix 30</b>	S182 advice on public safety

<b>Appendix 31</b>	Licensing Officer comments on protection of children from harm
<b>Appendix 32</b>	S182 advice on protection of children from harm
<b>Appendix 33</b>	Licensing Policy relating to hours of trading
<b>Appendix 34</b>	Planning

# Appendix 1

**Section 1 of 21**

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

- Yes       No

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

**Applicant Details**

\* First name

Levent

\* Family name

Demirci

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

**Address**

\* Building number or name

\* Street

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

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

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

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

\* City or town

County or administrative area

\* Postcode

\* Country

**Continued from previous page...**

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

**Premises Address**

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

- Address       OS map reference       Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="Block C,24"/>
Street	<input type="text" value="Stoneway walk"/>
District	<input type="text" value="Tower Hamlets"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E3 5SH"/>
Country	<input type="text" value="United Kingdom"/>

**Further Details**

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="20,750"/>

## Section 3 of 21

### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

### Confirm The Following

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

## Section 4 of 21

### INDIVIDUAL APPLICANT DETAILS

#### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes  No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Building number or name

City or town

County or administrative area

Country

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Telephone number

Other telephone number

\* Date of birth

\* Nationality

Right to work share code

[Documents that demonstrate entitlement to work in the UK](#)  
[Right to work share code if not submitting scanned documents](#)

## Section 5 of 21

### OPERATING SCHEDULE

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

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

Provide a general description of the premises



*Continued from previous page...*

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.

Cafe & Restaurant

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

**Section 6 of 21**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will you be providing recorded music?

- Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes  No

**Section 13 of 21**

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

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

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

State any seasonal variations

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

N/A

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

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

N/A

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

**Name**

First name

Family name

Date of birth

Continued from previous page...

**Enter the contact's address**

Building number or name

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

N/A

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

*Continued from previous page...*

TUESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

N/A

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

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

N/A

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

**Continued from previous page...**

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

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and it's residents at all times.

b) The prevention of crime and disorder

CCTV shall be installed operated and maintained in agreement with the police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised officer, a Police Officer or a Policer within 24 hours of any request.

c) Public safety

Appropriate fire safety procedures are in place along with appliances including fire extinguishers (Foam, Ho2 and Co2), fire blankets, internally illuminated fire exit signs, smoke detector and emergency lighting. All appliances are checked annually and comply with the relevant British Standards. All fire escape/escaperoutes will be clearly marked and kept free from obstructions at all times.

d) The prevention of public nuisance

Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

To protect the children from harm we have following steps taken.

- 1- The premises are affectively and responsibly managed,
- 2- Provision of a sufficient number of people employed or engaged,
- 3- Appropriate instruction, training and supervision of those employed or engaged.
- 4- Follow challenge 25 rules.

## **Section 19 of 21**

### **NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

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

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

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

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

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

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

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

*Continued from previous page...*

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

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

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

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



***Continued from previous page...***

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

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

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

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

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

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

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

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

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

**Continued from previous page...**

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

**Section 21 of 21**

**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

\* Fee amount (£)

## DECLARATION

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

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

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

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

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

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

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

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

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

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

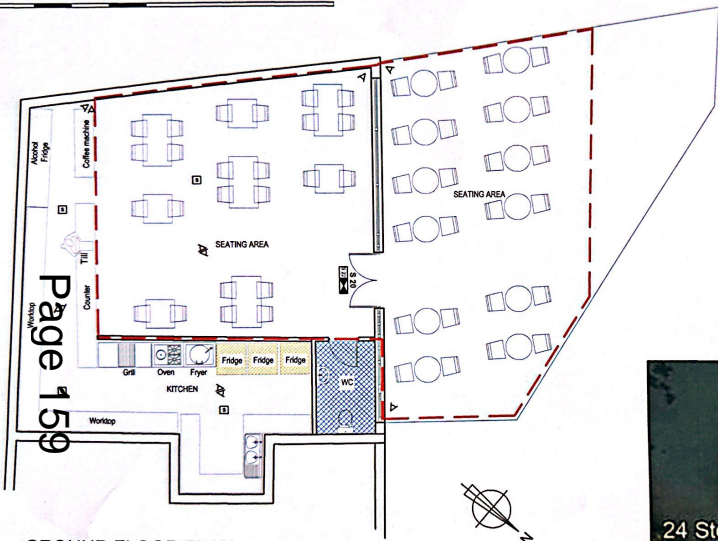
**OFFICE USE ONLY**

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Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
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Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
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Is Digitally signed	<input type="checkbox"/>

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



# Appendix 2

0 1m 2m 3m 4m 5m 10m

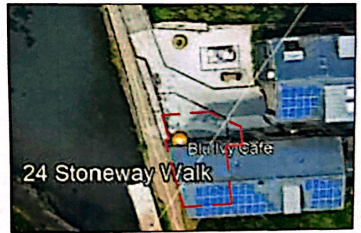


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**LEGEND**

-  ALCOHOL
-  WC AREA
-  FRIDGE
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTS
-  SMOKE DETECTOR
-  CCTV
-  S 20 FIRE ESCAPE KEEP CLEAR
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5286)

GROUND FLOOR PLAN



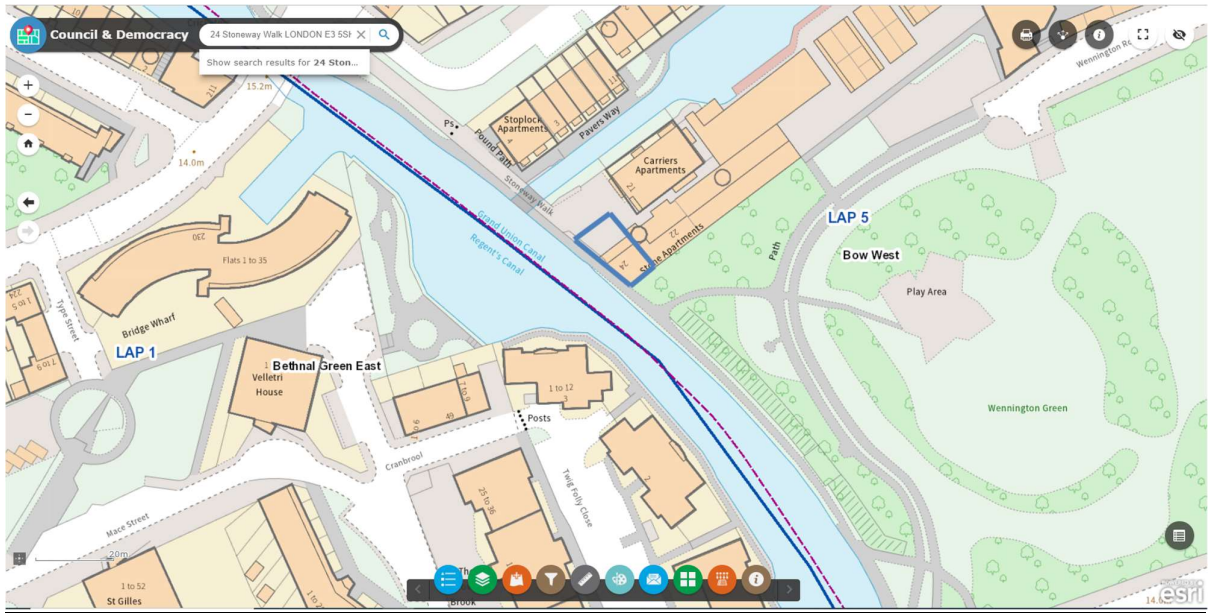
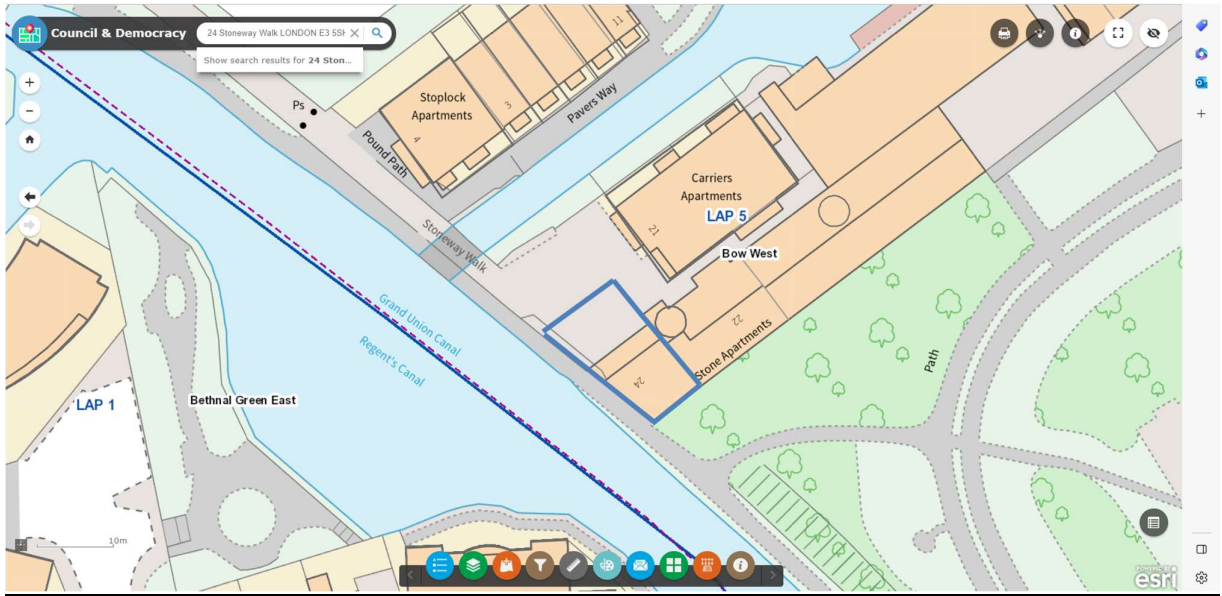
GENERAL NOTES:

DRAWING:	Ground Floor Plan	AREA:	ADD	DATE:	11.04.2023
ADDRESS:	Block C, 24 Stoneway Walk, Globe Town, E3 5SH	DRAWING No.:	1	SCALE:	1:100 @A4

# Appendix 3

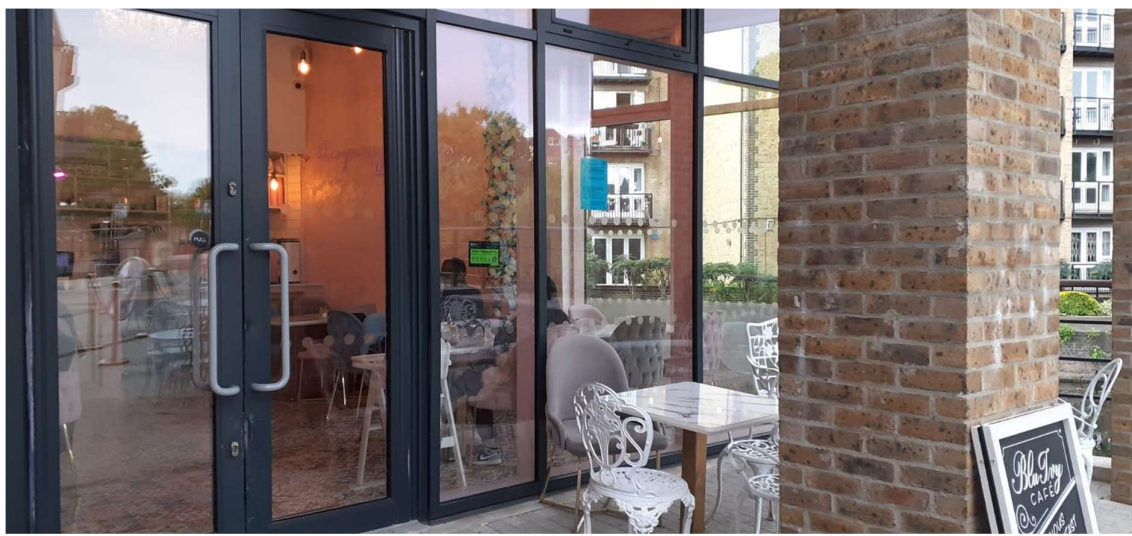
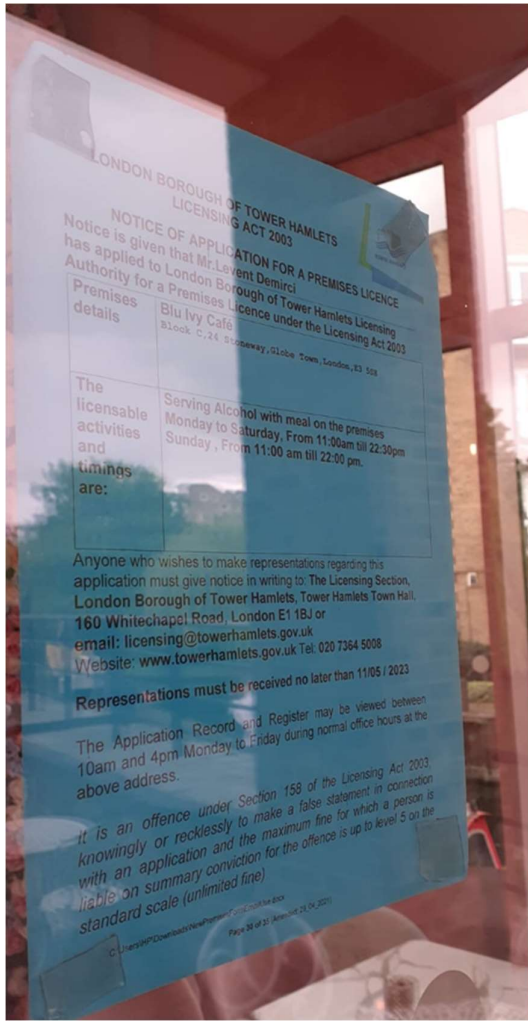


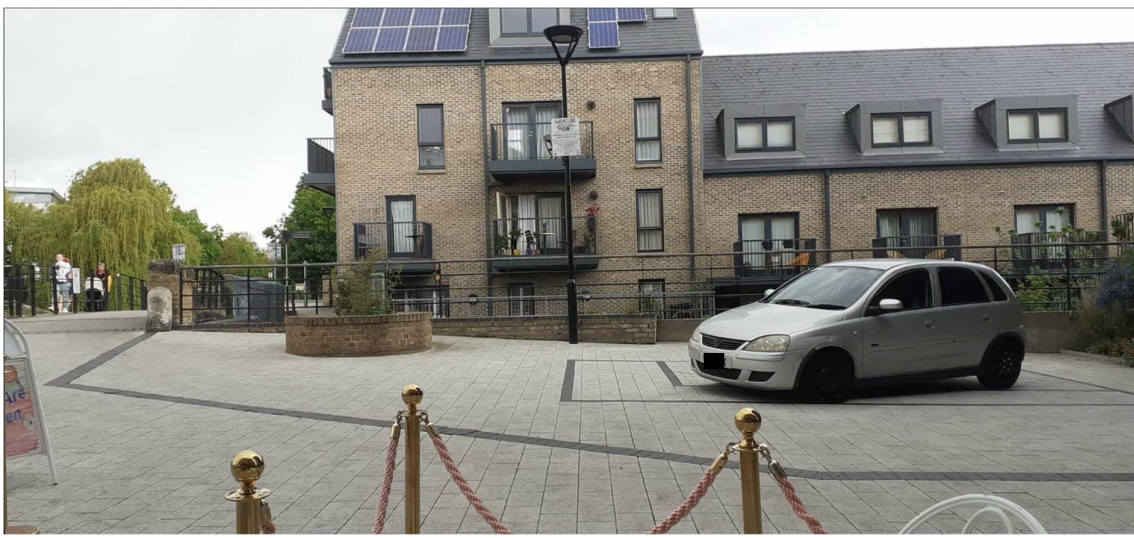
## Maps – 24 Stoneway Walk



# Appendix 4

## Photos - 24 Stoneway Walk







# Appendix 5

Address	Licensable activities/times	Opening hours
<p><b>(Mexican Seoul)</b> Bow Wharf 221 Grove Road</p>	<p><b><u>The Supply of Alcohol (both on and off sales)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 09:00hrs to 00:00hrs (midnight)</li> </ul> <p><b><u>The Provision of Late Night Refreshment (both indoors and outdoors)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 23:00hrs to 00:00hrs (midnight)</li> </ul> <p><b><u>The Provision of Regulated Entertainment in the form of Films and Recorded Music (indoors)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 09:00hrs to 00:00hrs (midnight)</li> </ul> <p><b><u>Non-Standard Hours</u></b></p> <ul style="list-style-type: none"> <li>From the end of hours on New Year's Eve to the start of hours on New Year's Day</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday from 09:00hrs to 00:30hrs (the following day)</li> </ul> <p><b><u>Non-Standard Hours</u></b></p> <ul style="list-style-type: none"> <li>From the end of hours on New Year's Eve to the start of hours on New Year's Day</li> </ul>
<p><b>(The Crown)</b> 223 Grove Road</p>	<p><b><u>The Sale by retail of alcohol:</u></b> Sunday to Wednesday from 10:00 hrs to 23:00 hrs Thursday to Saturday from 10:00 hrs to 00:00 hrs (midnight)</p> <p><b><u>Late Night Refreshment:</u></b> Sunday to Wednesday until 23:30 hrs</p> <p><b><u>Regulated Entertainment consisting of Live Music only:</u></b> Monday to Sunday from 12:00 hrs to 22:30 hrs</p> <p>On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing)</p>	<p>Sunday to Wednesday from 10:00 hrs to 23:30hrs Thursday to Saturday from 10:00 hrs to 00:30 hrs</p> <p>On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while</p>

	Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.	that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.
<b>(Palmers Restaurant)</b> 238 Roman Road	<b><u>Sale of alcohol (on &amp; off sales)</u></b> Monday to Friday 12:00 hours to 23:00 hours Saturday and Sunday from 11:00 hours to 23:00 hours	Monday to Friday 12:00 hours to 23:00 hours Saturday and Sunday from 11:00 hours to 23:00 hours



# Appendix 6

## Corinne Holland

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**From:** Ayse Eren <[REDACTED]>  
**Sent:** 28 April 2023 09:54  
**To:** Licensing  
**Subject:** Blu Ivy Cafe, Block C, 24 Stonewall Walk London E3 5SH

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**To:** Kathy Driver, The Principal Licensing Officer

**Re:** Licence Application, Licensing Act 2003

**Address:** Blu Ivy Cafe, Block C, 24 Stonewall Walk, London E3 5SH

**Your reference:** CLC/EHTS/LIC/158818

Dear Ms. Driver

I would like to register my objection to the licence application for the sale of alcohol at the above premises.

Blu Ivy Cafe has been a welcome addition to date at our residential development, Bow Wharf. However, I feel that the approval of this licence will inevitably have a significant negative impact upon the local environment and its residents.

I hope the Licensing Authority applies a common sense approach, in particular taking into consideration of what is warranted in the public interest, having regard to the twin considerations of *prevention and deterrence*, given that the likelihood of the licence granted will cause a great deal of public nuisance to the residents and the local area through late night noise, antisocial behaviour, public disorder and increased crime.

In particular;

1. The premises is situated within a residential estate built in 2018, containing 3 blocks of flats built around a square where Hertford Union and Regent canals meet each other. A cafe adds value on this site but a bar, serving alcohol for almost 12 hours each day is a recipe for trouble.
2. The premises is not large inside and most patrons prefer using the spacious outside sitting area with tables and chairs enjoying the canal views and open air. It is not feasible containing any noise inside the premises. Furthermore, with the existence of water, the noise from music and people will be amplified and therefore impacting much larger area.
3. The premises is located on the edge of the water with the wider section of the canal open. This, with the combination of all day and night access to alcohol is likely to pose real risk to public safety as well as increased crime and vandalism in the area.
4. This is a quiet residential area with a strong community feel, welcoming families with young kids during day time, particularly after school en route home. The cafe turning into a bar will displace this group and change the very fabric of this vibrant and peaceful community, becoming a constant battle for the residents against public nuisance from noise to antisocial behaviour and increased crime.
5. The problems caused directly by the sale of alcohol and permitting the premises trade more like a bar will put the applicant in direct conflict with its very neighbours with whom he shares the estate and prevent his neighbours from quiet enjoyment they are entitled under their leases.

6. I strongly feel that if the licence is granted, very soon both the council and the police will be inundated with reports of antisocial behaviour, noise and public disorder, making the lives of the residents of the wider area a misery and adding additional pressure on the already stretched public services.

In view of the above, I would urge the Licensing Authority to refuse this application.

Yours sincerely,

Ayse Eren



# Appendix 7

## Corinne Holland

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**From:** Ana Luiza Ferreira <[REDACTED]>  
**Sent:** 18 April 2023 16:09  
**To:** Licensing  
**Subject:** License application Blu Ivy Cafe, Block C 24 Stoneway Walk, London E35SH

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir/Madam,

I hope you are well.

I am writing about a license application filed by the Blu Ivy Cafe, located at Block C 24 Stoneway Walk, London E35SH.

I cannot access the consultation on your licensing webpage, therefore I am writing directly to you.

I strongly oppose to the granting of this license. This business is located on the margin of the canal, where several birds live and nest. It is not acceptable to grant a license for alcohol selling until late at night given the disturbance to wildlife.

This cafe is also at the bottom of a residential block, and on the immediate side and in front of another residential block, in which I am a leaseholder. This area has a history of antisocial behaviour, crime and disturbance of peace. It is unacceptable that this business sells alcohol or opens until late night, bringing noise disturbance to a mostly silent area. This café will become a hub and meeting point for petting criminals, which will surely enough linger at the place even after the cafe is closed.

Please do not grant this license. It will bring great disturbance to residents and wildlife.

Ana Luiza Pinto Ferreira  
[REDACTED]

London

# Appendix 8

## Corinne Holland

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**From:** Amber Humphrey <[REDACTED]>  
**Sent:** 11 May 2023 14:18  
**To:** Licensing  
**Subject:** Re: Licence Application, Licensing Act 2003 – Reference: CLC/EHTS/LIC/158818

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To: [Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)  
Kathy Driver, Principal Licensing Officer

**Re: Licence Application, Licensing Act 2003**  
**Address: Blu Ivy Cafe, Block C, 24 Stoneway Walk, London E3 5SH**  
**Reference: CLC/EHTS/LIC/158818**

Dear Ms. Driver

We would like to register our objection to the licence application for the sale of alcohol at the above premises.

Though Blu Ivy Cafe has brought some positive additions to our residential development, Bow Wharf, we believe that the approval of the requested licence will inevitably have a significantly negative impact upon the local surrounds and its residents.

We hope that the Licensing Authority will take particular consideration to what is warranted in the public interest in its response to this application, having regard to the twin considerations of prevention and deterrence, given the increased likelihood of public nuisance to the residents and surrounding area through late night noise, antisocial behaviour, public disorder and increased crime should the licence be granted.

Specifically;

1. The premises is situated at the centre of a residential estate build in 2018, containing three blocks of flats which are built around a square where Hertford Union and Regent's canals meet each other. Blu Ivy Cafe is located within this central square.
2. The premises has a relatively small indoor space, and even in cooler months most patrons prefer to sit in the more spacious outdoor area to enjoy canal views and fresh air (this of course increases further during warmer months). It is therefore not possible to contain noise inside the premises. Furthermore, with the existence of water on two sides of the square, noise from music and people becomes amplified and impacts a much larger surrounding area.
3. Further to Point 2, even within the bounds of its current licence, customer preference to sit outside often results in cafe patrons choosing to sit or stand elsewhere in the square (outside of the cafe's permitted area). As residents of a ground floor flat with a terrace that borders the square, we are often disturbed by patrons sat directly outside our home, despite being situated diagonally opposite Blu Ivy Cafe on the square. While we appreciate the difficulty Blu Ivy Cafe may have in preventing its patrons from doing this, we anticipate the issue to only become worse with extended operating hours and the sale of alcohol for almost 12 hours per day, seven days a week.
4. As mentioned in Point 1, the premises is located on the edge of water on two sides. This, with the combination of all day and night access to alcohol is likely to pose real risk to public safety, as well as increased crime and vandalism in the area.
5. Further to Point 4, both ground floor flats (G01 and G02 Carriers Apartments) have experienced multiple instances of trespassing on our private terraces, in addition to some members of the public climbing down onto the locked and gated canalside bank that front the two private terraces. There is no barrier between the canalside and water. We believe that the sale of alcohol will only increase the frequency of these activities taking place, which not only increases the risk of crime, but also poses a real threat to the safety of those who might attempt to reach the water's edge following the consumption of alcohol.

6. Bow Wharf is a quiet residential area with a strong community feel, welcoming families with young children during the day time, particularly en route to and from school (the nearest of which is located just 0.2 miles away). Turning the cafe into a bar will displace this group and change the fabric of this peaceful community, and will likely become a constant battle for the residents against public nuisance from noise, antisocial behaviour and increased crime.
7. The problems caused directly by the sale of alcohol and permitting the premises trade as a bar will put the applicant in direct conflict with its very neighbours with whom he shares the estate and prevent his neighbours from the quiet enjoyment they are entitled to under their leases.
8. We strongly believe that if the licence is granted, it will not be long before both the council and the police will be inundated with reports of antisocial behaviour, noise and public disorder, making the lives of the residents of the surrounding area a misery and add additional pressure to the already stretched local public services.

In view of the above, we urge the Licensing Authority to please refuse this application.

Yours sincerely,

Ms. Amber Humphrey & Mr. Jamie Dickson





# Appendix 9

## Corinne Holland

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**From:** Anneliese Ward <[REDACTED]>  
**Sent:** 10 May 2023 16:52  
**To:** Licensing  
**Subject:** Licensing Application - Blu Ivy Cafe, Block C, 24 Stoneway Walk, E3 5SH (Reference: CLC/EHTS/LIC/158818)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Kathy Driver, Principal Licensing Officer,

I am writing in order to make a representation with regards to the licensing application in relation to the sale of alcohol at Blu Ivy Cafe.

I wish to strongly object to the granting of a licence to sell alcohol into the evenings at the premises, on multiple grounds. I have set out the main issues that I hope the council will take into consideration when assessing this application.

### Objections

#### Prevention of Crime/Disorder

- The café is situated in a quiet residential area, with the main access routes being along the canal or through a park. Although the applicants have noted that they will have CCTV recording covering the entrance to the café, the access routes to the area (which are also the access routes used by the residents of the surrounding apartments) are generally very poorly lit, not covered by CCTV, and run alongside the canal – which invites the risk of increased crime under cover of darkness. As a young female, it can at times already feel intimidated walking home through the park/along the canal due to the lack of lighting. This will only be exacerbated by the increased likelihood of coming across inebriated persons leaving the café late at night and potential anti-social behaviour.

#### Prevention of Public Nuisance

- As noted, the café occupies a site that is surrounded by residential buildings, and next to the canal and canal path – which is a popular walking route during the day. By encouraging people to congregate at the café in the evening, and to consume alcohol until late at night, the café would certainly promote noise disturbance, as well as increased littering, vandalism, pollution of the canal, and damage to the terrace which the café opens on to. The residential flats are located directly above and alongside the café, so noise disturbance is likely to be very significant (especially given that sound will reflect off the water in the canal and so be exacerbated). Further, littering, vandalism and damage will detract from the character of the area – which is valued by the many walkers, cyclists and visitors to Victoria Park, who use the canal path during the day. Pollution of the canal will also cause disturbance to the canal ecosystem and thus damage the wildlife populations that occupy the canal itself and the banks of the canal - which include a number of different bird species.

#### Protection of Children from Harm

- Many of the flats in the vicinity of the café are home to young families, who would be subject to the noise disturbance mentioned above – as well as unsightly littering/damage in the area. It is also worth noting that there is a childrens' playground in the park that is directly adjacent to the café. The playground and park is currently very well used by children and a valuable facility for those in the surrounding area who do not have private outside space. In attracting customers to the area and encouraging consumption of alcohol into the evening, there is an increased risk of vandalism, anti-social behaviour and damage to the playground and the park. This would be detrimental to the

children who currently benefit from this facility, and could even pose danger, if, for example, broken glass or dangerous substances are left in the area.

### **Public Safety**

- As mentioned above, there are significant public safety concerns in encouraging persons to congregate in a quiet, residential area that is poorly lit and directly adjacent to a canal (with no fence/boundary between the towpath and the water). There are also concerns around the access routes to the café, since these are not covered by CCTV and are away from main roads/streetlights and therefore pose a safety concern and heightened risk of anti-social behaviour, intimidation and crime.

In light of the objections above, I would ask the council to refuse the licensing application.

Kind regards,

Anneliese Ward



# Appendix 10

## Corinne Holland

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**From:** Licensing  
**Sent:** 09 May 2023 19:43  
**To:** Corinne Holland  
**Subject:** FW: Licence Application, Licensing Act 2003 Address: Blu Ivy Cafe, Block C, 24 Stoneway Walk, London E3 5SH

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**From:** Chris Woodley <[REDACTED]>  
**Sent:** Tuesday, May 9, 2023 7:31 PM  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Licence Application, Licensing Act 2003 Address: Blu Ivy Cafe, Block C, 24 Stoneway Walk, London E3 5SH

**Re: Licence Application, Licensing Act 2003**  
**Address: Blu Ivy Cafe, Block C, 24 Stoneway Walk, London E3 5SH**

**Your reference: CLC/EHTS/LIC/158818**

Dear Ms. Driver

I really hope the Licensing Authority seriously considers the ramifications of moving forward with granting Blu Ivy a license. Having lived above the premises since the business opened in 2020 I have some very serious concerns. They are as follows:

Blue Ivy's a small cafe situated within an estate containing residential housing and very often their customers choose to sit outside. If they are going to sell alcohol on site it will cause a great deal more noise, disruption outside and overflowing under the neighbours windows and homes until late into the night.

Having a license will bring even more antisocial behaviour to the area outside the café and next to the bench area, where often recreational drugs are taken when the staff leave in the evening. This has been reported to the community police officers on a number of occasions.

In the past loud music from the café is often played and residents have continually had to ask the casually-employed staff to turn it down. The design of the square area outside means any amplified music bounces over to all of the flats. Blu Ivy staff have shown no regard for the neighbours right to peace and quiet in the past since occupying the site. This has included through-the-night building and refurbishment works of the café (most recently in April 2023).

If a licence is granted this will add to more nuisance and continual noise from customers and staff. Families with young children would find themselves living directly above a late night venue, which was not the terms of the lease they bought into. I really want to stress that the area is a residential area. Residents are entitled to the quiet enjoyment of their evening under their leases, the move for a late licence goes against this.

Blu Ivy is located on the edge of the water with the wider section of the canal open. This, with the combination of all day and night access to alcohol is likely to pose real risk to public safety as well as increased crime and vandalism in the area. People will continue to gather and make noise after the café has shut, well into the early hours of the morning during summer weekends.

I am also concerned about the level of litter left by patrons of the café. Currently I regularly remove Blu Ivy branded coffee cups, straws, napkins, and takeaway containers etc from around the whole square including the bench and public seating areas and all along the bridge. With extended hours the volume of litter will increase dramatically. This will also harm the wildlife living along the canal.

I also strongly feel that if the licence is granted, very soon both the council and the police will be inundated with reports of antisocial behaviour, noise and public disorder, making the lives of the residents of the wider area a misery and adding additional pressure on the already stretched public services.

In view of the above, I would urge the Licensing Authority to refuse this application.

Yours sincerely,

Christopher Woodley

[REDACTED]

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Chris Woodley (he/him)

Writer re resentation:

[REDACTED]

# Appendix 11

## Corinne Holland

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**From:** Daphne Genee <[REDACTED]>  
**Sent:** 10 May 2023 21:58  
**To:** Licensing  
**Subject:** Licence Application, Livensing Act 2003 - Blu Ivy Cafe

Re; Licence Application, Licensing Act 2003  
Address: Blu Ivy Cafe, Block C, 24 Stoneway Walk, London E3 5SH  
Your reference: CLC/EHTS/LIC/158818

Dear Ms Driver,

I am writing to express my opposition to the licence application for the sale of alcohol at the Bow Wharf residential development. The Blu Ivy Cafe has been a positive addition to the area since it opened; however, I am concerned that the granting of this licence would have a detrimental effect on the local environment and its inhabitants.

I implore the Licensing Authority to take a practical approach, considering the public interest, and implementing strategies of prevention and deterrence to counter any potential negative consequences, such as late night noise, increased crime, antisocial behaviour, and public disorder.

To expand further on my points:

1. The cafe is situated on the border of two canals, with a square of flats constructed around it. While a cafe is a beneficial addition to the area, a bar serving alcohol for extended hours could be a recipe for disaster.
2. The inside of the premises is not large, and many customers prefer to take advantage of the open-air seating area with tables and chairs overlooking the canals. With the close proximity to the water, any noise from music and people would be amplified and travel farther.
3. The bar would be located on the edge of the water, with open access to the wider section of the canal. This combined with unrestricted access to alcohol is likely to lead to a decrease in public safety and an increase in crime and vandalism in the area.
4. The area is presently a tranquil residential area, visited by families with young children in the day, particularly after school as they make their way home. A change in the make-up of the area, caused by the cafe becoming a bar, would displace this group and drastically alter the atmosphere of the otherwise vibrant and peaceful community.
5. The applicant stands to be in direct conflict with his neighbours if the licence is granted, compromising the quiet enjoyment they are entitled to under their leases.
6. I have no doubt that if the licence is approved, the council and police will be inundated with reports of noise and antisocial behaviour, making the lives of local residents unbearable and placing greater strain on public services.

In light of the above, I strongly urge the Licensing Authority to reject this application.

Thank you for your attention.

Kind Regards,

Daniel Majeed & Daphne Genee  
[REDACTED]

Spokesperson: Eram [REDACTED]



# Appendix 12

## Corinne Holland

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**From:** Licensing  
**Sent:** 02 May 2023 10:00  
**To:** Corinne Holland  
**Subject:** FW: Objection to the granting of an alcohol licence to Blu Ivy Cafe, Block C, 24 Stonewall Walk, London E3 5SH

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**From:** Denis Knockton <[REDACTED]>  
**Sent:** Tuesday, May 2, 2023 9:47 AM  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Objection to the granting of an alcohol licence to Blu Ivy Cafe, Block C, 24 Stonewall Walk, London E3 5SH

**To:** Kathy Driver, The Principal Licensing Officer

**Re. Address:** Blu Ivy Cafe, Block C, 24 Stonewall Walk, London E3 5SH

**Your reference:** CLC/EHTS/LIC/158818

Dear Ms. Driver

I would like to register my objection to the licence application for the sale of alcohol at the above premises.

Blu Ivy Cafe has been a welcome addition to date at our residential development, Bow Wharf. However, I feel that the approval of this licence will inevitably have a significant negative impact upon the local environment and its residents.

Bow Wharf is only a small development as opposed to a sprawling site where a bar will not be noticed. The commercial premises is a big thing on a small site like this, where crowds and the noise from it in a small courtyard will be a very significant thing.

I hope the Licensing Authority applies a common sense approach, in particular taking into consideration of what is warranted in the public interest, having regard to the twin considerations of *prevention and deterrence*, given that the likelihood of the licence granted will cause a great deal of public nuisance to the residents and the local area through late night noise, antisocial behaviour, public disorder and increased crime.

In particular;

1. The premises is situated within a residential estate built in 2018, containing 3 blocks of flats built around a square where Hertford Union and Regent canals meet each other. A cafe adds value on this site but a bar, serving alcohol for almost 12 hours each day is a recipe for trouble.
2. The premises is not large inside and most patrons prefer using the spacious outside sitting area with tables and chairs enjoying the canal views and open air. It is not feasible containing any noise inside the premises. Furthermore, with the existence of water, the noise from music and people will be amplified and therefore impacting much larger area.

3. The premises is located on the edge of the water with the wider section of the canal open. This, with the combination of all day and night access to alcohol is likely to pose real risk to public safety as well as increased crime and vandalism in the area.

4 .This is a quiet residential area with a strong community feel, welcoming families with young kids during day time, particularly after school en route home. The cafe turning into a bar will displace this group and change the very fabric of this vibrant and peaceful community, becoming a constant battle for the residents against public nuisance from noise to antisocial behaviour and increased crime.

5. The problems caused directly by the sale of alcohol and permitting the premises trade more like a bar will put the applicant in direct conflict with its very neighbours with whom he shares the estate and prevent his neighbours from quiet enjoyment they are entitled under their leases.

6. I strongly feel that if the licence is granted, very soon both the council and the police will be inundated with reports of antisocial behaviour, noise and public disorder, making the lives of the residents of the wider area a misery and adding additional pressure on the already stretched public services.

In view of the above, I would urge the Licensing Authority to refuse this application.

Yours sincerely,

Denis Knockton

A solid black rectangular redaction box covering the signature area.

# Appendix 13

## Corinne Holland

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**From:** Licensing  
**Sent:** 11 May 2023 18:56  
**To:** Corinne Holland  
**Subject:** FW: Licence Application: Blu Ivy Cafe, Block C, 24 Stonewall Walk, London E3 5SH

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**From:** Eram Rizvi <[REDACTED]>  
**Sent:** Thursday, May 11, 2023 3:42 PM  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Licence Application: Blu Ivy Cafe, Block C, 24 Stonewall Walk, London E3 5SH

**To:** Kathy Driver, The Principal Licensing Officer  
**Your reference:** CLC/EHTS/LIC/158818

Dear Ms. Driver

I would like to object to the license application from the Blu Ivy Café (Stoneway Walk, E3 5SH) to serve alcohol on their premises from 11am to 10:30pm daily (10pm Sundays).

I am a resident of the Bow Wharf Estate, and my home overlooks the café and the pleasant public square located at the junction of the Regents Canal and the Hertford Union Canal - part of the Regent's Canal Conservation Zone. A large amount of footfall passes by here every day as it forms a safe and pleasant walking and cycling corridor away from the busy road-traffic of Roman Road and Old Ford Road. As such, the cafe is ideally located to enhance the feel of this area as people stop for refreshment on the plaza where there is plenty of public seating, to watch the barges go by, and take in the tranquil views along the water.

Granting of the alcohol license will have a direct and harmful impact on myself, the other residents of the Bow Wharf estate, and those who pass through this popular spot, as well as the local wildlife. I have grave concerns that the levels of public nuisance, crime, littering, noise and anti-social behaviour will all increase, and go on late into the evening every night.

People who enjoy this spot (aside from residents) include those walking to and from work, many children going to and from school, and other passers by. The children particularly enjoy playing on the plaza in the summer afternoons and evenings. My concern is for the safety of those children who will be subject to sharing this space with a different type of customer of the cafe and will likely avoid this spot as a consequence of rising anti-social behaviour. This will be a sad loss for the diversity of the population that use this public space.

Being brought up a muslim myself, I know that a significant proportion of the current visitors to the square who are largely from the local population will no longer feel comfortable sharing this public area with those consuming alcohol.

In addition more customers will use the square as a free parking space when they visit the cafe (only one disabled parking bay is permitted, but customers and the cafe staff park here daily). They often accelerate unnecessarily fast when entering the square from the bridge without due regard for others. I have already witnessed two accidents, thankfully only between vehicles, so far. I do not wish the increased vehicle traffic to lead to accidents with children or other people.

The cafe has a capacity for perhaps about 20-30 people seated inside. The outdoor seating area considerably expands this number by almost double. Serving alcohol will dramatically increase the noise levels both inside and outside the cafe. This is further exacerbated by music played inside being heard outside as the door is constantly open. Long queues of customers waiting to be seated will further add to the noise and turn this peaceful plaza into a

busy junction.

More customers and extended opening hours will generate more spilt food and drink, and litter with napkins, cups, straws, etc being left or blown across the plaza and into the water affecting the visual appeal of the location. The waterfowl, foxes, bats and other wildlife that inhabit the area will be subject to a deteriorating local habitat.

Customers already take their drinks across the square to drink, for example to the bridge to watch barges pass by underneath. This will inevitably increase the hazard of broken glass from fallen bottles / glassware that isn't completely cleared up by staff as they may not notice this. This is evidenced by my own observations of staff refusing to clear coffee cups and other litter by the bench as it is 'outside the marked area of the cafe'. I and other residents pick up the cafe's litter daily in an effort to maintain the character and standard of the square. Our efforts, which directly benefit the cafe, will not be enough to keep pace with the increase in litter.

I believe crime and anti-social behaviour will rise as a consequence of granting the alcohol license. After the cafe shuts for business many customers will likely remain on the plaza and continue to talk loudly, play music on their phones, and threaten residents and passers by when asked to lower the noise. I believe this will also allow a small minority of people to participate in drug taking as the spot is not visible from the roadside. If residents call the police, long response times mean that the people will have left by the time police arrive. Many of the residents have reported such instances of late night drug taking on the square frequently in the past. This has gradually subsided, but will rise again immediately if the license is permitted.

There will also be a dramatic rise in vandalism and graffiti. It is only through the concerted action of the residents of the estate that graffiti is swiftly dealt with. We residents paint over graffiti tags within 12 hours of them appearing. More late-night gathering of people will make this much harder to manage, and will be untenable.

Incidences of other crimes will also certainly rise. People on the square will be able to clearly observe the comings and goings of the residents, and where for example bicycles are stored, or which flats are empty. This raises the risk of theft and burglary. Such thefts have already happened, for example accessing the ground floor flats via the south bank of the Hertford Union canal, or climbing up to the first and second floor balconies to steal bicycles, (potentially gaining entry to the flats). The secure bike storage room was broken into last year by thieves with an angle grinder.

By allowing alcohol to be served here the communal social focus that the square provides for the benefit of all will be lost. Residents will no longer be able to have the quiet enjoyment of their homes. Therefore I ask that the Licensing Authority refuse this application.

Yours sincerely,  
Prof Eram Rizvi



# Appendix 14

## Corinne Holland

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**From:** Harsha Perera <[REDACTED]>  
**Sent:** 18 April 2023 18:19  
**To:** Licensing  
**Subject:** Blue Ivy Cafe, E3 5SH

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Madam,

Re ref: CLC/EHTS/LIC/158818

As the leaseholder of [REDACTED], I am writing to object to the application for a premises licence for the serving of alcohol and late night refreshments.

Blue Ivy Cafe is situated in a very residential area and the noise from evening entertainment activity is going to be a source of huge disturbance to the residents. Furthermore, alcohol related activities are likely to lead to anti-social behaviour and petty crime (e.g. vandalism, public urination) in an otherwise quiet, residential area. It is unreasonable and irresponsible to introduce such risks to children and families in a quiet neighbourhood.

For these reasons, I strongly object to the granting of the licence.

Kind regards,  
Harsha Perera



# Appendix 15

To: Licensing@towerhamlets.gov.uk  
Kathy Driver, The Principal Licensing Officer

**Re: Licence Application, Licensing Act 2003**

**Address: Blue Ivy Café, Block C, 24 Stoneway Walk, London, E3 5SH**

**Your reference: CLC/EHTS/LIC/158818**

Dear Ms Driver,

I would like to register my objection to the licence application for the sale of alcohol at the above premises.

I strongly believe the sale of alcohol will have an adverse impact on local residents in the Bow Wharf area, because of the following reasons:

1. The café is a small premises with limited indoor space, meaning it is inevitable that patrons will occupy the outside space at the front of the premises, making it impossible for noise to be contained inside the building thus causing significant disruption and nuisance to residents. Given the location of the café and its proximity within a residential complex, which houses many families, the nuisance caused by the unavoidable noise it will bring is not justified or fair on the residents who purchase properties due to the quiet nature of the area.
2. Due to the location of the café next to the canal, which is open and unfenced within 50 meters of the café entrance I believe the sale of alcohol at this premises poses significant risk to public safety. The mix of alcohol and the unfenced canal poses a huge risk to public safety and significant risk of incidents occurring due to the lack of any safety precautions around the canal edge
3. As with any premises where alcohol is on sale the rate of crime and anti-social behaviour increases. This will cause an unfair negative impact on all residents in the local area. If the café is allowed to operate more as a bar than café then local residents will be subjected to increased crime as a direct result of this.

I strongly believe if a licence is granted then local residents will be in direct conflict with the café due to the issues mentioned above. This will lead to both the council and police being inundated with reports of anti-social behaviour, putting additional and unnecessary pressure on public services. As such, I object to the application and would urge the Licensing Authority to refuse this application.

Yours sincerely,  
Holly Wardale



# Appendix 16

## Corinne Holland

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**From:** Jodie Nicholson <[REDACTED]>  
**Sent:** 29 April 2023 14:12  
**To:** Licensing  
**Subject:** CLC/EHTS/LIC/158818

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To: Kathy Driver, The Principal Licensing Officer

Re: Licence Application, Licensing Act 2003

Address: Blu Ivy Cafe, Block C, 24 Stonewall Walk, London E3 5SH

Your reference: CLC/EHTS/LIC/158818

Dear Ms. Driver

I would like to register my objection to the licence application for the sale of alcohol at the above premises.

Blu Ivy Cafe has been a welcome addition to date at our residential development, Bow Wharf. However, I feel that the approval of this licence will inevitably have a significant negative impact upon the local environment and its residents.

We live in the block opposite the cafe and my concern is if the licence is granted it will cause a great deal of public nuisance to the residents and the local area through late night noise, antisocial behaviour, public disorder and increased crime.

In particular;

1. The premises is situated within a residential estate built in 2018, containing 3 blocks of flats built around a square where Hertford Union and Regent canals meet each other. A cafe adds value on this site but a bar, serving alcohol for almost 12 hours each day is a recipe for trouble.
2. The premises is not large inside and most patrons prefer using the spacious outside sitting area with tables and chairs enjoying the canal views and open air. It is not feasible containing any noise inside the premises. Furthermore, with the existence of water, the noise from music and people will be amplified and therefore impact a much larger area.
3. The premises is located on the edge of the water with the wider section of the canal open. This, with the combination of all day and night access to alcohol is likely to pose real risk to public safety as well as increased crime and vandalism in the area.
4. This is a quiet residential area with a strong community feel, welcoming families with young kids during day time, particularly after school en route home. The cafe turning into a bar will displace this group and change the very fabric of this vibrant and peaceful community, becoming a constant battle for the residents against public nuisance from noise to antisocial behaviour and increased crime.
5. The problems caused directly by the sale of alcohol and permitting the premises trade more like a bar will put the applicant in direct conflict with its very neighbours with whom he shares the estate and prevent his neighbours from enjoying the quiet they are entitled under their leases.

6. I strongly feel that if the licence is granted, very soon both the council and the police will be inundated with reports of antisocial behaviour, noise and public disorder, making the lives of the residents of the wider area a misery and adding additional pressure on the already stretched public services.

In view of the above, I would urge the Licensing Authority to refuse this application.

Yours sincerely.  
Jodie

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Jodie Nicholson  


# Appendix 17

## Corinne Holland

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**From:** Katie Stanton <[REDACTED]>  
**Sent:** 18 April 2023 15:35  
**To:** Licensing  
**Subject:** Objection of premises licence: Blu Ivy Cafe, Block C 24 Stoneway Walk, London E3 5SH

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello

I would like to please submit my objection to the premises licence of: Blu Ivy Cafe, Block C 24 Stoneway Walk, London E3 5SH on the following grounds:

- Antisocial behaviour
- Noise nuisance
- Crime and disturbance of a heavily residential area

I live right beside Blu Ivy Cafe and having a premises licence where the cafe can sell alcohol until 22:30 most nights is unacceptable due to the noise and overall disturbance this will create in a heavily residential area. There are children that also live nearby and selling alcohol near their homes will cause an unsafe environment.

My address: [REDACTED]

Thank you  
Katie

# Appendix 18



## Corinne Holland

---

**From:** Licensing  
**Sent:** 09 May 2023 15:17  
**To:** Corinne Holland  
**Subject:** FW: Kathy Driver, The Principal Licensing Officer - objections to alcohol licence for Blu Ivy Cafe

---

**From:** Magdalena Mirowska <[REDACTED]>  
**Sent:** Monday, May 8, 2023 1:40 PM  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Kathy Driver, The Principal Licensing Officer - objections to alcohol licence for Blu Ivy Cafe

**Re: Licence Application, Licensing Act 2003**  
**Address: Blu Ivy Cafe, Block C, 24 Stoneway Walk, London E3 5SH**  
**Your reference: CLC/EHTS/LIC/158818**

Dear Ms. Driver,

Below are my formal objections and representations relating to the licence application by Blu Ivy Café for the above premises to sell alcohol and provided regulated entertainment.

I feel that the approval of this licence will inevitably have a significant negative impact upon the local environment and its residents following Public Nuisance and Public Safety issues.

I hope the Licensing Authority applies a common sense approach, in particular taking into consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence, given that the likelihood of the licence granted will cause a great deal of public nuisance to the residents and the local area through late night noise, antisocial behaviour, public disorder and increased crime.

In particular;

1. Due to topographical features of the area, the premises is situated within a residential estate built in 2018, containing 3 blocks of flats built around a square where Hertford Union and Regent canals meet each other. Having a bar, serving alcohol for almost 12 hours each day is a significant hazard to public safety and families living in close proximity.
2. The premises is not large inside and most patrons prefer using the spacious outside sitting area with tables and chairs enjoying the canal views and open air. It is not feasible containing any noise inside the premises. Furthermore the noise from music and people will be amplified and therefore impacting our living and working area.
3. The premises is located on the edge of the water with the wider section of the canal open. This, with the combination of all day and night access to alcohol is likely to pose real risk to public safety as well as increased crime and vandalism in the area.
4. This is a quiet residential area with a strong community feel, welcoming families with young kids during day time, particularly after school en route home. The cafe turning into a bar will displace this group and change the very fabric of this vibrant and peaceful community, becoming a constant battle for the residents against public nuisance from noise to antisocial behaviour and increased crime.
5. The problems caused directly by the sale of alcohol and permitting the premises trade more like a bar will put the applicant in direct conflict with its very neighbours with whom Blu Ivy Café shares the estate. Stone Apartments building and its residents are already effected by the business having to endure disorder caused by Blu Ivy Café. Furthermore antisocial behaviour and vandalism will expose families living with small children to harm.

6. I strongly feel that if the licence is granted, very soon both the council and the police will be inundated with reports of antisocial behaviour, noise and public disorder, making the lives of the residents of the wider area a misery and adding additional pressure on the already stretched public services.

In view of the above, I would urge the Licensing Authority to refuse this application.

Your sincerely,

Magdalena Mirowska

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Yours sincerely,

# Appendix 19

## Corinne Holland

---

**From:** Licensing  
**Sent:** 02 May 2023 09:43  
**To:** Corinne Holland  
**Subject:** FW: Licence Application, Licensing Act 2003

---

**From:** Sae-Won Lee <[REDACTED]>  
**Sent:** Sunday, April 30, 2023 7:33 PM  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Re: Licence Application, Licensing Act 2003

Blu Ivy Cafe, Block C, 24 Stonewall Walk, London E3 5SH

Your reference: CLC/EHTS/LIC/158818

Dear Ms. Driver

As the spouse of the leaseholder of [REDACTED] would like to register my objection to the licence application for the sale of alcohol at the above premises.

Blue Ivy Cafe is situated in a quiet residential block and night time activity is going to severely affect the local area through late night noise, antisocial behaviour, public disorder, public urination and increased crime.

In particular;

1. The premises is situated within a residential estate built in 2018, containing 3 blocks of flats built around a square where Hertford Union and Regent canals meet each other. A cafe adds value on this site but a bar, serving alcohol for almost 12 hours each day is a recipe for trouble.
2. The premises is not large inside and most patrons prefer using the spacious outside sitting area with tables and chairs enjoying the canal views and open air. It is not feasible containing any noise inside the premises. Furthermore, with the existence of water, the noise from music and people will be amplified and therefore impacting much larger area.
3. The premises is located on the edge of the water with the wider section of the canal open. This, with the combination of all day and night access to alcohol is likely to pose real risk to public safety as well as increased crime and vandalism in the area.
4. This is a quiet residential area with a strong community feel, welcoming families with young kids during day time, particularly after school en route home. The cafe turning into a bar will displace this group and change the very fabric of this vibrant and peaceful community, becoming a constant battle for the residents against public nuisance from noise to antisocial behaviour and increased crime.
5. The problems caused directly by the sale of alcohol and permitting the premises trade more like a bar will put the applicant in direct conflict with its very neighbours with whom he shares the estate and prevent his neighbours from quiet enjoyment they are entitled under their leases.
6. I strongly feel that if the licence is granted, very soon both the council and the police will be inundated with reports of antisocial behaviour, noise and public disorder, making the lives of the residents of the wider area a misery and adding additional pressure on the already stretched public services.

In view of the above, I would urge the Licensing Authority to refuse this application.

Thank you,  
Sae-Won Lee

# Appendix 20

To: Licensing@towerhamlets.gov.uk  
Kathy Driver, The Principal Licensing Officer

**Re: Licence Application, Licensing Act 2003**  
**Address: Blu Ivy Cafe, Block C, 24 Stoneway Walk, London E3 5SH**  
**Your reference: CLC/EHTS/LIC/158818**

Dear Ms. Driver

I would like to register my objection to the licence application for the sale of alcohol at the above premises.

Blu Ivy Cafe has been a welcome addition to date at our residential development, Bow Wharf. However, I feel that the approval of this licence will inevitably have a significant negative impact upon the local environment and its residents.

I hope the Licensing Authority applies a common sense approach, in particular taking into consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence, given that the likelihood of the licence granted will cause a great deal of public nuisance to the residents and the local area through late night noise, antisocial behaviour, public disorder and increased crime.

In particular;

1. The premises is situated within a residential estate built in 2018, containing 3 blocks of flats built around a square where Hertford Union and Regent canals meet each other. A cafe adds value on this site but a bar, serving alcohol for almost 12 hours each day is a recipe for trouble.
2. The premises is not large inside and most patrons prefer using the spacious outside sitting area with tables and chairs enjoying the canal views and open air. It is not feasible containing any noise inside the premises. Furthermore, with the existence of water, the noise from music and people will be amplified and therefore impacting much larger area.
3. The premises is located on the edge of the water with the wider section of the canal open. This, with the combination of all day and night access to alcohol is likely to pose real risk to public safety as well as increased crime and vandalism in the area.
4. This is a quiet residential area with a strong community feel, welcoming families with young kids during day time, particularly after school en route home. The cafe turning into a bar will displace this group and change the very fabric of this vibrant and peaceful community, becoming a constant battle for the residents against public nuisance from noise to antisocial behaviour and increased crime.
5. The problems caused directly by the sale of alcohol and permitting the premises trade more like a bar will put the applicant in direct conflict with its very neighbours with whom he shares the estate and prevent his neighbours from quiet enjoyment they are entitled under their leases.
6. I strongly feel that if the licence is granted, very soon both the council and the police will be inundated with reports of antisocial behaviour, noise and public disorder, making the lives of the residents of the wider area a misery and adding additional pressure on the already stretched public services.

In view of the above, I would urge the Licensing Authority to refuse this application.

Yours sincerely,

Thierry Pudet, Dominique Pudet

[Redacted signature line]

[Redacted signature]

[Redacted signature]

# Appendix 21



## Corinne Holland

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**From:** Licensing  
**Sent:** 03 May 2023 11:54  
**To:** Corinne Holland  
**Subject:** FW: Accept conditions for Blu Ivy Cafe

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

From: MARK.J.Perry@[REDACTED]  
Sent: Wednesday, May 3, 2023 9:43 AM  
To: cohanzedek@[REDACTED]  
Cc: Licensing <Licensing@towerhamlets.gov.uk>  
Subject: RE: Accept conditions for Blu Ivy Cafe

Hi Cohan,

Thanks for agreeing conditions, Tower Hamlets Council Licensing please see conditions agreed with the applicant.

Kind Regards

Mark

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

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

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

From: Cohan Zedek <[REDACTED]>  
Sent: 28 April 2023 11:12  
To: Perry Mark J - CE-CU <[REDACTED]>  
Subject: Accept conditions for Blu Ivy Cafe

Dear,Mark J.Perry,

I like to confirm, my client has been accept all condltions you requesting.

Kindly Regards,

Cohan Zedek(agent)  
[REDACTED]

Sent from my iPhone  
Dear Cohan,

Good to speak to you earlier today, following our conversation please see the below conditions I would like added to the license, if you have any questions or would like to discuss them please feel free to contact me.

If they are acceptable let me know and I will inform Tower Hamlets Council that we have agreed conditions.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team which will include all areas of the premises where customers are allowed to be, as well as any outside areas customers gather, such as smoking / vaping areas or queues. 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 within 24 hours upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale, and the outcome, i.e if the person left on their own, were called taxi or left with friends.
- h) any visit by a relevant authority or emergency service.

4. 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.

Kind Regards

Mark

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

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

# Appendix 22

## Corinne Holland

---

**From:** Lavine Miller-Johnson  
**Sent:** 11 May 2023 14:28  
**To:** Cohan Zedek  
**Cc:** Corinne Holland  
**Subject:** RE: 158818 License application for Blue Ivy Café, Block C 24 Stoneway Walk London, E3 5SH

Dear Cohan,

Thank you for your email.

Corinne – Please accept this as withdrawn and add the below conditions if the licence is granted.

1. 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.
2. There shall be no vertical drinking.

Kind Regards

### Lavine Miller-Johnson

Licensing Officer - Licensing and Safety  
Environmental Health and Trading Standards  
4 th Floor Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

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

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Tower Hamlets is reviewing its Licensing Policy to take part in the consultation visit the below link:  
<https://talk.towerhamlets.gov.uk/statement-of-licensing-policy-review-consultation-2023>

---

**From:** Cohan Zedek <[REDACTED]>  
**Sent:** Thursday, May 11, 2023 2:12 PM  
**To:** Lavine Miller-Johnson <[REDACTED]>  
**Subject:** Re: 158818 License application for Blue Ivy Café, Block C 24 Stoneway Walk London, E3 5SH

Dear Lavine Miller-Johnson,

I like to confirm my client agree and accepted conditions you are requested.

Kindly Regards,

Cohan Zedek(agent)  
[REDACTED]

Sent from my iPhone

On 11 May 2023, at 14:36, Lavine Miller-Johnson <[REDACTED]> wrote:

Dear Applicant,

Please be advised that the Licensing Authority has no objections to the granting of this licence. However I make representation and ask that the following conditions be imposed onto the premises licence if granted along with the ones already agreed with the police and EHO.

1. 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.
2. There shall be no vertical drinking.

If the two conditions above are agreed, I will withdraw my representation.

**Kind Regards**

**Lavine Miller-Johnson**

Licensing Officer - Licensing and Safety  
Environmental Health and Trading Standards  
Place Directorate  
4<sup>th</sup> Floor Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

[REDACTED]  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)   [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

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# Appendix 23

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 11 May 2023 09:11  
**To:** Cohan Zedek; Licensing  
**Cc:** Corinne Holland  
**Subject:** 158818 License application for Blue Ivy Café, Block C 24 Stoneway Walk London, E3 5SH

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Cohan, Licensing,

Thank you for your confirmation.

Licensing, I have no objections to the License application for Blue Ivy Café, Block C 24 Stoneway Walk London, E3 5SH following agreement by the applicant to the following conditions (see email trail):

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
2. The external area shall not be used after 21:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons after this time.

Kind regards

Nicola Cadzow  
Environmental Protection Officer (Noise Team)  
Environmental Health and Trading Standards  
4th Floor, Tower Hamlets Town Hall  
160 Whitechapel Road  
London, E1 1BJ

  
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Please note: all s61 consents, dispensations and variations must be submitted [online](#).

### Housing Licensing Consultation

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

---

**From:** Cohan Zedek <[REDACTED]>  
**Sent:** Thursday, May 11, 2023 9:07 AM  
**To:** Nicola Cadzow <[REDACTED]>  
**Subject:** Re: 158818 License application for Blue Ivy Café, Block C 24 Stoneway Walk London, E3 5SH

Dear Nicola,

I like to confirm,my client agree and accepted all conditions you are requested,

Kindly Regards,

Cohan Zedek (agent)  
[REDACTED]

Good morning Levent Demirci,

I am reviewing your premises license application for Blue Ivy Café, Block C 24 Stoneway Walk London, E3 5SH with particular attention to the licensing objective for the prevention of public nuisance, and wish for the following conditions to apply as below:

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
  2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
- 
1. The external area shall not be used after 21:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons after this time.

Await your confirmation.

Kind regards

Nicola Cadzow  
Environmental Protection Officer (Noise Team)  
Environmental Health and Trading Standards  
4th Floor, Tower Hamlets Town Hall  
160 Whitechapel Road  
London, E1 1BJ

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

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**Please note: all s61 consents, dispensations and variations must be submitted [online](#).**

### **Housing Licensing Consultation**

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



# Appendix 24

## **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 25

## 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 26

# 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 27

## 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 28

# 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 29

## Public Safety

- 8.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 8.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire Brigade before preparing their plans and Schedules.
- 8.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 8.4 One of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:
- Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,
  - Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services.

The Licensing Authority may be able to sign post Licence Holders in regards to local/national safeguarding schemes which may assist with the above.

- 8.5 The Licensing Authority, where its discretion is engaged, will consider attaching proportionate and appropriate Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a the Model Pool of Conditions found in the Secretary of States Guidance.
- 8.6 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

# Appendix 30

## **Public safety**

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

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<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

# Appendix 31

## 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.

# Appendix 32

# 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.

<b>Table of relevant offences under the 2003 Act Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
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 33

## **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 34

## **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.

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# Agenda Item 4.3

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

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

## 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 3<sup>rd</sup> February 2009 to Dinesh Kanzaria who is the current licence holder. On the 18<sup>th</sup> 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](http://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

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

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>	
Denni's News 15 Swaton Road	
<b>Post town:</b> London	<b>Post code (if known)</b> 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**

I am 18 years old or over

Please tick  yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address  Alex Brander London Borough of Tower Hamlets 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 1<sup>st</sup> 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 24/10/2021<sup>1</sup>.

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

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<sup>1</sup> 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/LAPER<sup>2</sup>. The form also listed names of people authorised to sell alcohol in the premises and was dated 15<sup>th</sup> 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.

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<sup>2</sup> 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 1<sup>st</sup> August 2022 STSO Brander sent a letter to Raul Patel to invite him to an interview under caution. On the 4<sup>th</sup> August 2022 STSO Brander received an email from someone giving their name as Rahul Kumar Jayantibhai Patel. In that email Mr Rahul Kumar 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 1<sup>st</sup> 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 Rahul Kumar Jayantibhai Patel. This document showed a date of birth of [REDACTED] for Rahul Kumar Jayantibhai Patel.

On the 5<sup>th</sup> August 2022 STSO Brander had a telephone conversation with Rahul Kumar 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 5<sup>th</sup> 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 1<sup>st</sup> 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 5<sup>th</sup> 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 1<sup>st</sup> 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 5<sup>th</sup> 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 Patel<sup>3</sup> was shown a photograph of the seller

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<sup>3</sup> 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 1<sup>st</sup> 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 9<sup>th</sup> 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 21<sup>st</sup> 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 1<sup>st</sup> 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  
.....

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



## Notes for Guidance

- 1 1. The ground(s) for review must be based on one of the licensing objectives.
- 2 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 3 The application form must be signed.
- 4 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 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 5<sup>th</sup> 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 1<sup>st</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 1<sup>st</sup> 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:

Four empty boxes for URN

Statement of: Katalin Morath

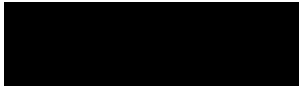
Age if under 18 (if over insert "over 18"): Over 18

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:

Empty checkbox

(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: .....6<sup>th</sup> 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 24<sup>th</sup> 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 5<sup>th</sup> 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.'

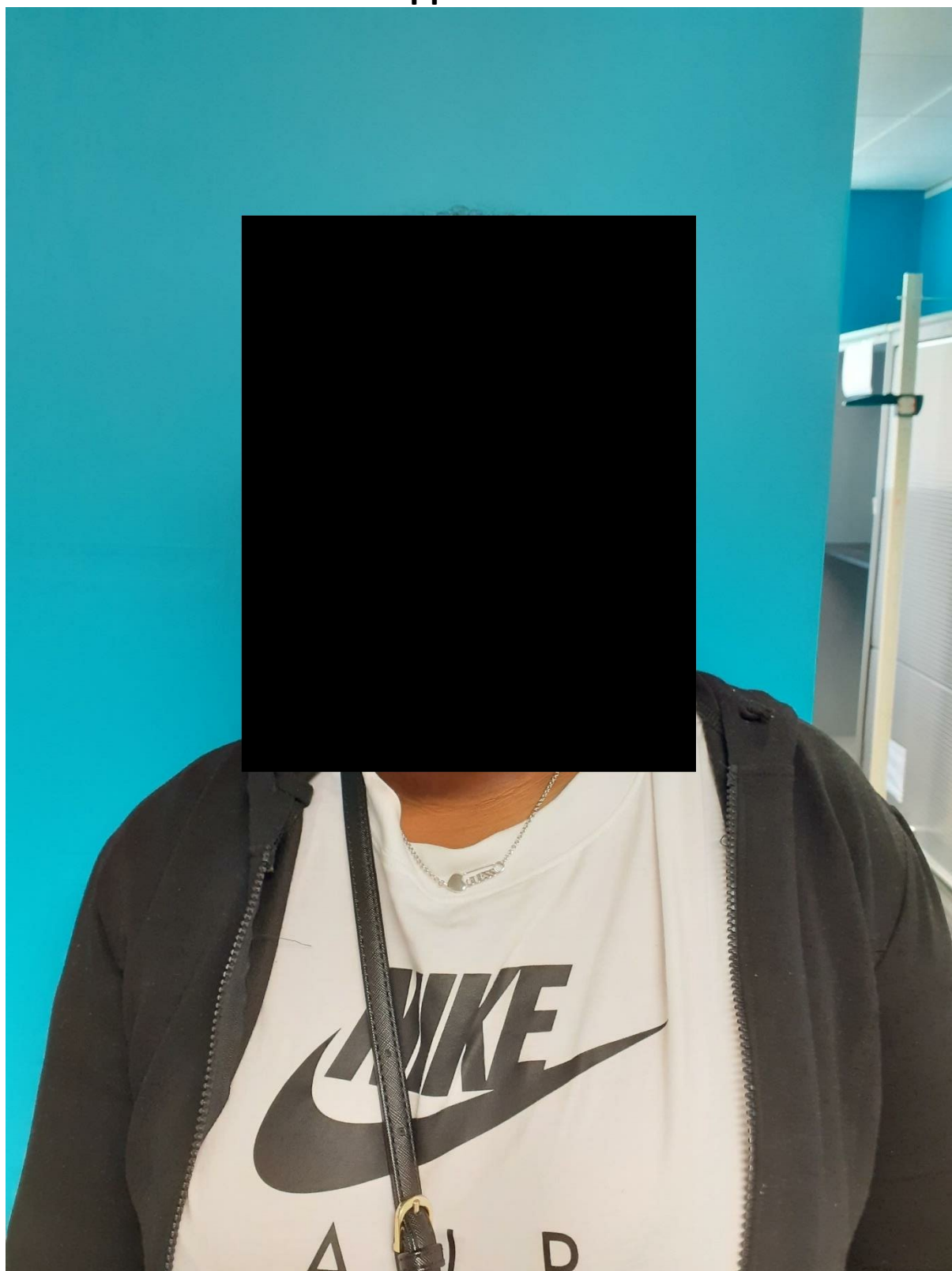
Signed: ..... [REDACTED] ..... (witness)

Date: .....6<sup>th</sup> 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 KAMBERLA  
 Personal License No: 03060 / L080

being the Designated Premises Supervisor (DPS) for the premises known as:  
 Premises Name: DANCE BOX LTD  
 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):  
01203 250000

Name(s) of Authorised Person(s):  
ANAND KAMBERLA

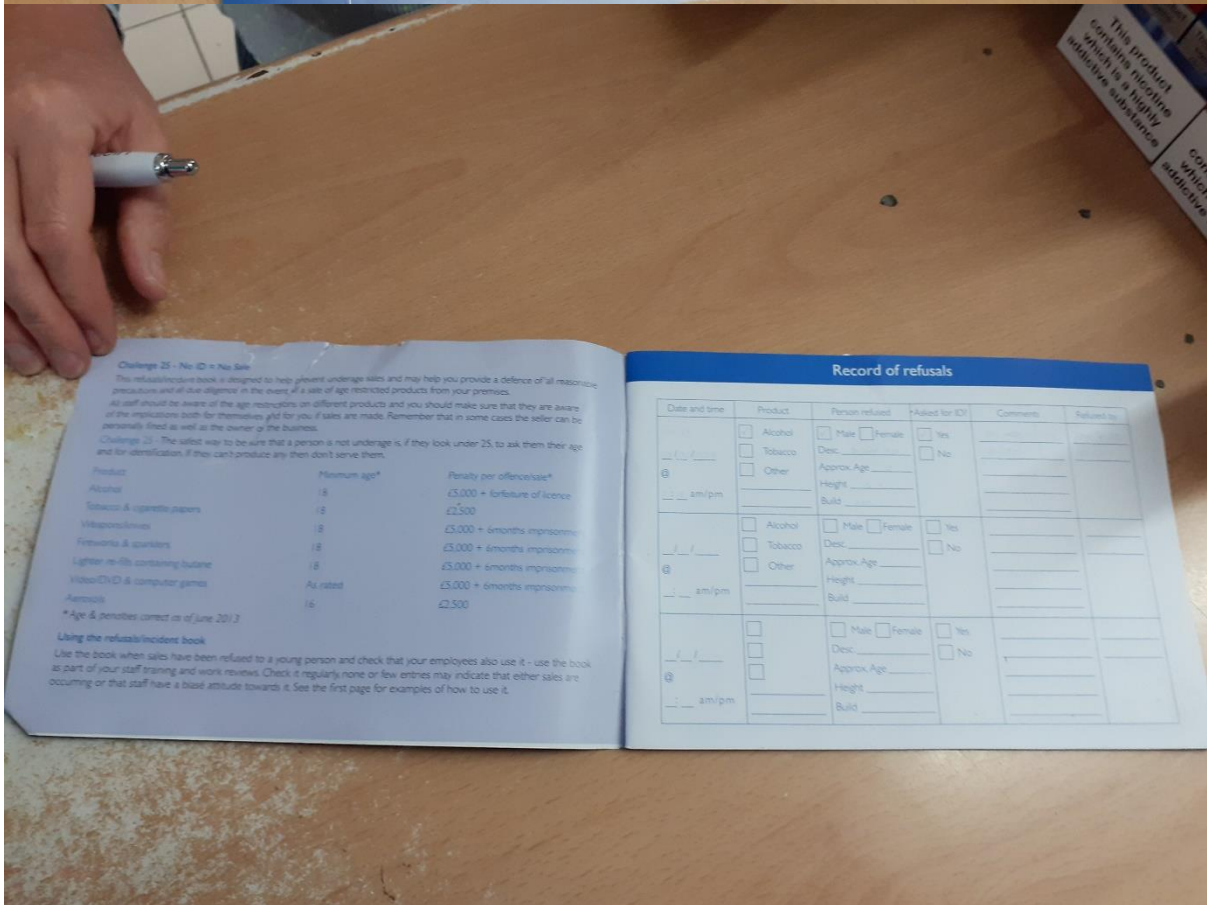
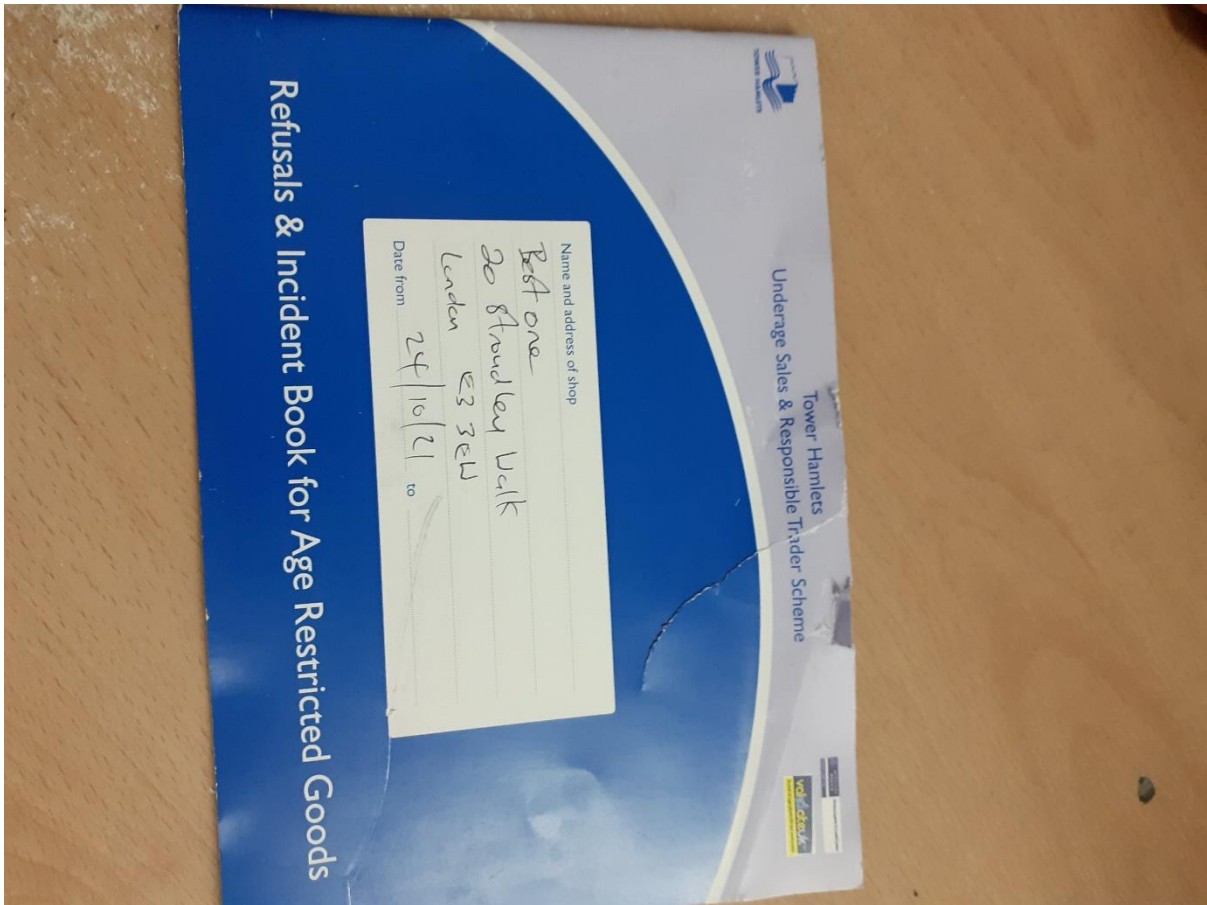
Full Name(s):	Personal License No: (if applicable)	Non Personal License Holder (please tick)
TARUN PATEL		<input checked="" type="checkbox"/>
CHIRAG PATEL		<input checked="" type="checkbox"/>

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		

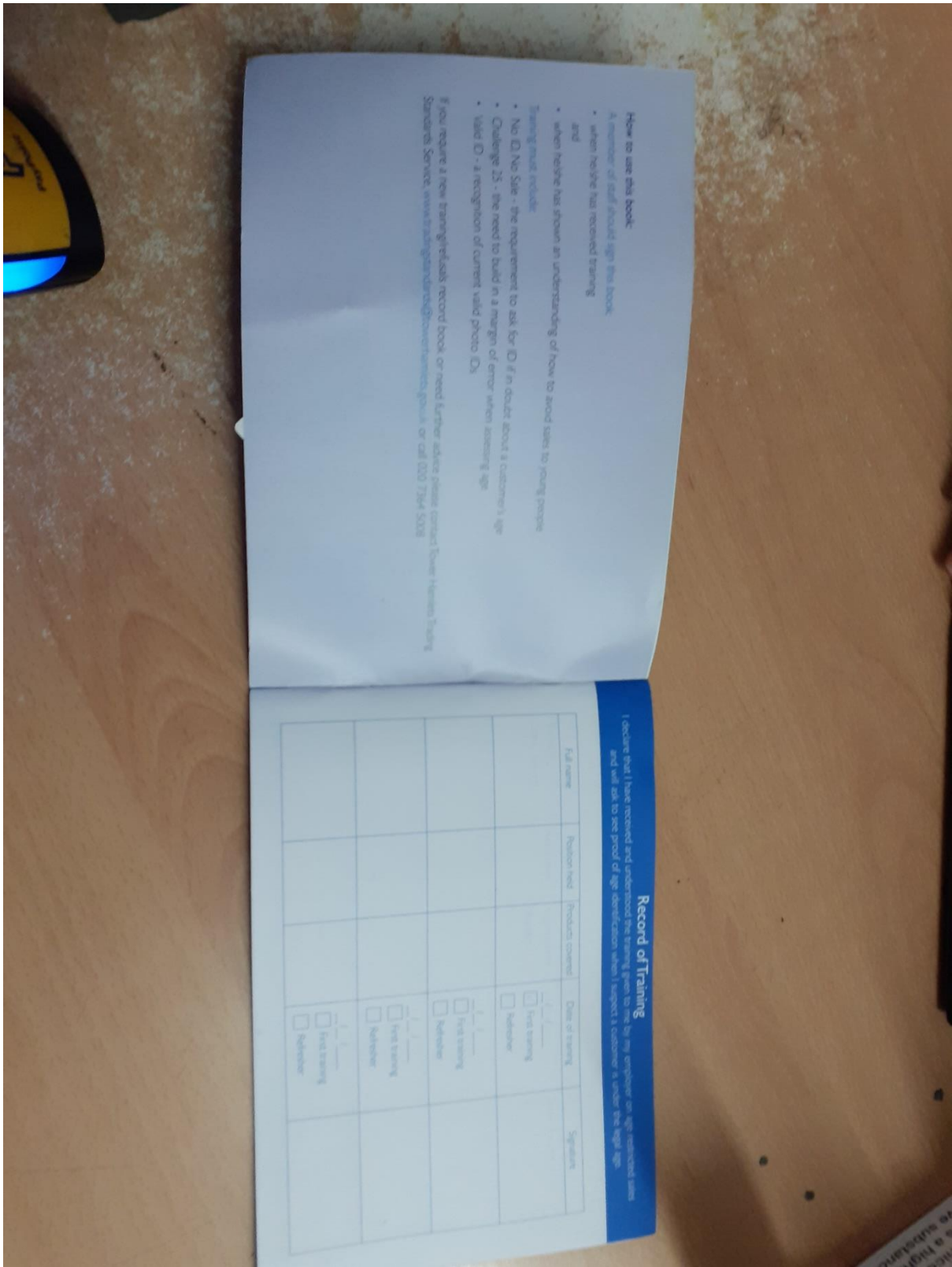
Date and time	Product	Person refused	Asked for ID	Comments	Refused by
____/____/____ @ ____ am/pm	<input type="checkbox"/> Alcohol <input type="checkbox"/> Desc <input type="checkbox"/> Tobacco <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx 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



# 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	

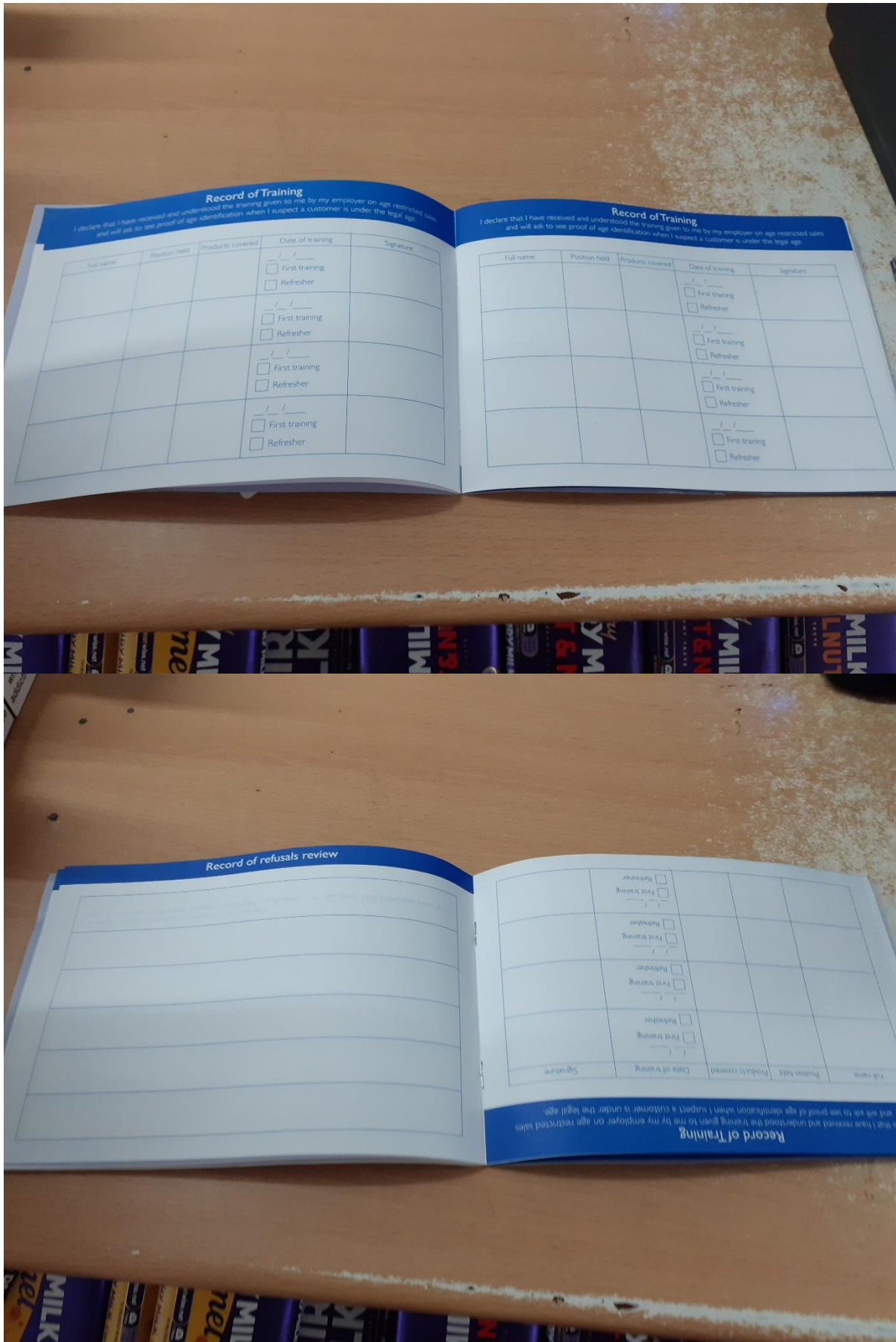
**Record of Training**  
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

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



# 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	

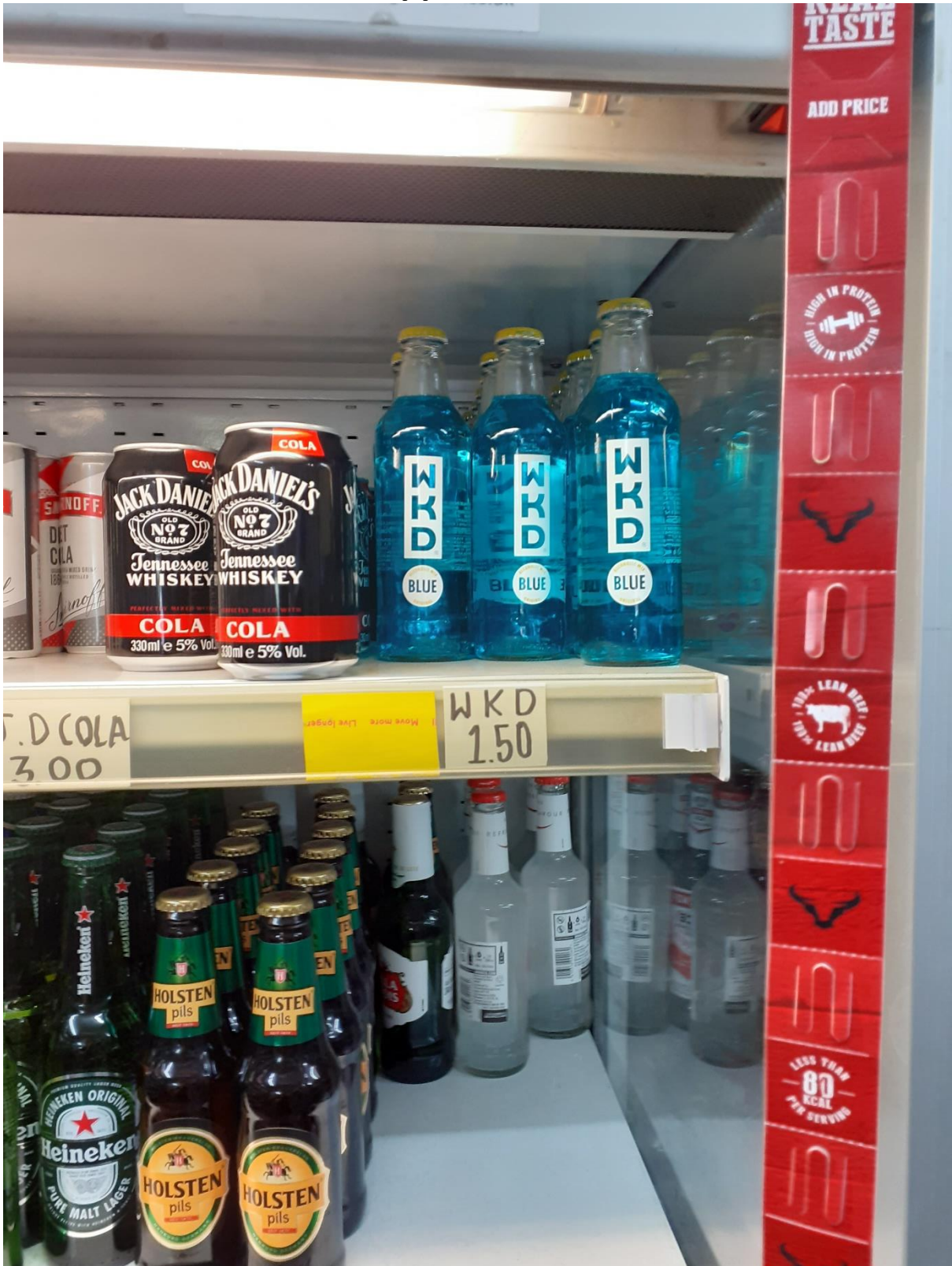
**Record of Training**  
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

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: 3<sup>rd</sup> February 2009**

- Licence varied following the licensing sub-committee hearing on 21<sup>st</sup> 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 21<sup>st</sup> 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 26<sup>th</sup> 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 3<sup>rd</sup> 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:

26<sup>th</sup> 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**

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol



The times the licence authorises the carrying out of licensable activities


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  


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 2<sup>nd</sup> 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](http://www.towerhamlets.gov.uk)

Dear Mr Kanzaria,

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

On the 30<sup>th</sup> 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 - zaria - home address: 18 Derby Road, London, E7 8NJ  
Kath - Senior Licensing Officer - LB Tower Hamlets



2003 - 2008  
Winner of 6 previous  
Beacon Awards

INVESTOR IN PEOPLE

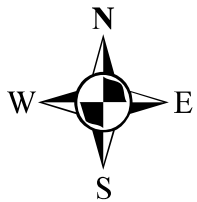


Corporate Director  
Environment & Culture  
**Alex Cosgrave**

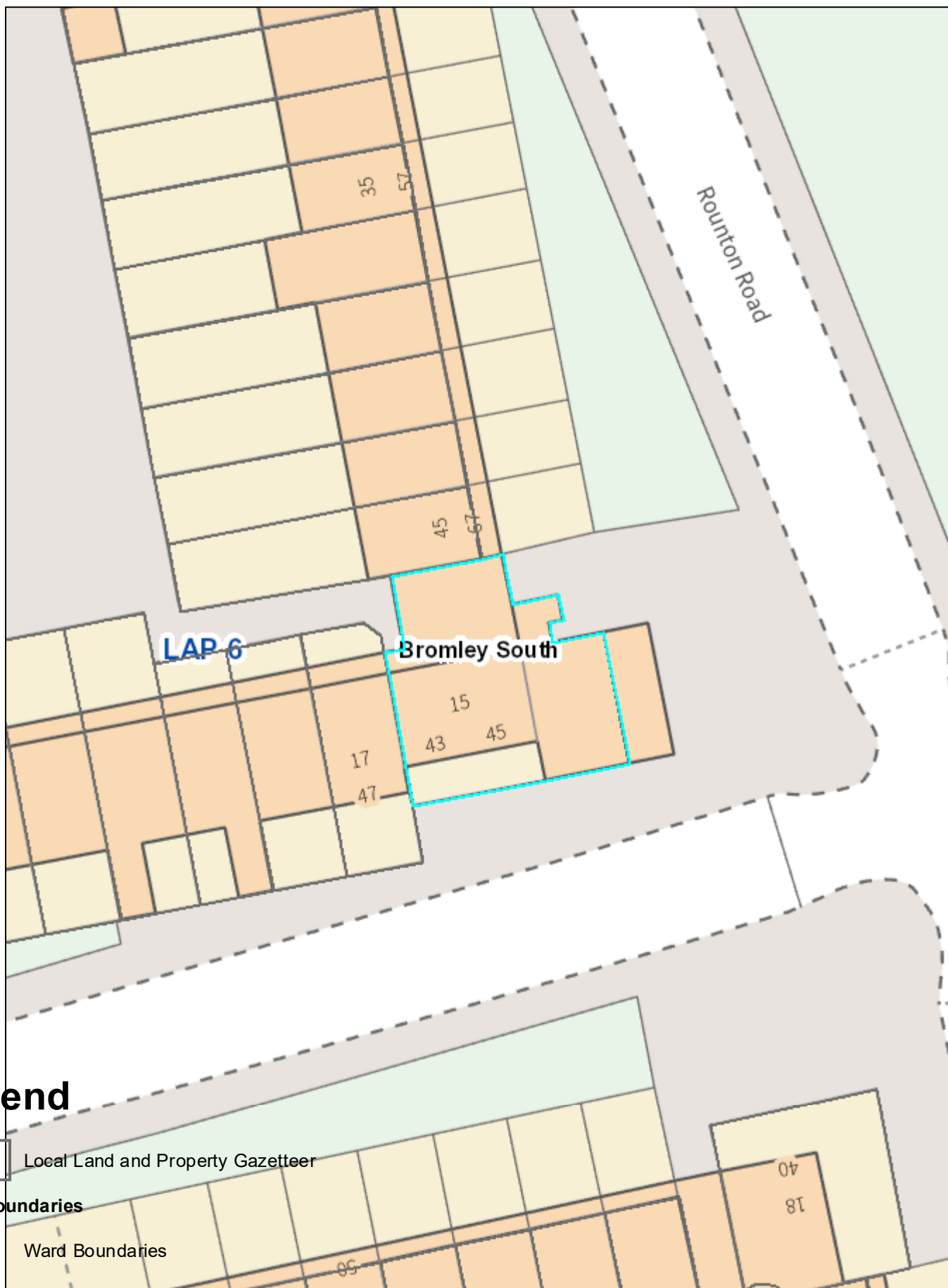
**COURT ATTENDANCE NOTE**

<b>File Name(s):</b>	Dinesh and Rasila Kanzaria
<b>Datetime Number(s):</b>	33370
<b>Client Ref(s):</b>	
<b>Offence(s):</b>	1 x Section 92 (1) (b) and 1 x section 92 (1) (c) of the Trade Marks Act 1994
<b>Advocate at court :</b>	Michelle Terry
<b>Date:</b>	18 <sup>th</sup> April 2013
<b>Place:</b>	Thames Magistrates Court
<b>Courtroom:</b>	5
<b>Coram:</b>	DJ Comyns
<b>Defendant(s):</b>	Both defendants attended jointly represented by Mr Sandhu of Sandhu and Shah solicitors (0208 552 4100)
<b>Outcome:</b>	<p>Matters put and both defendants plead guilty to both charges.</p> <p>I mention previous matter of underage sale of alcohol.</p> <p>Costs application for £1904.61 made and schedule handed up – Defence and DJ say amount is high.</p> <p>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 &amp; D of the seized wine</p>


# Appendix 3




# Map1



## Legend

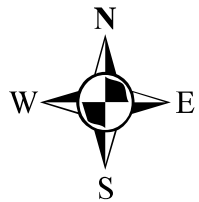
 Local Land and Property Gazetteer

### Ward Boundaries

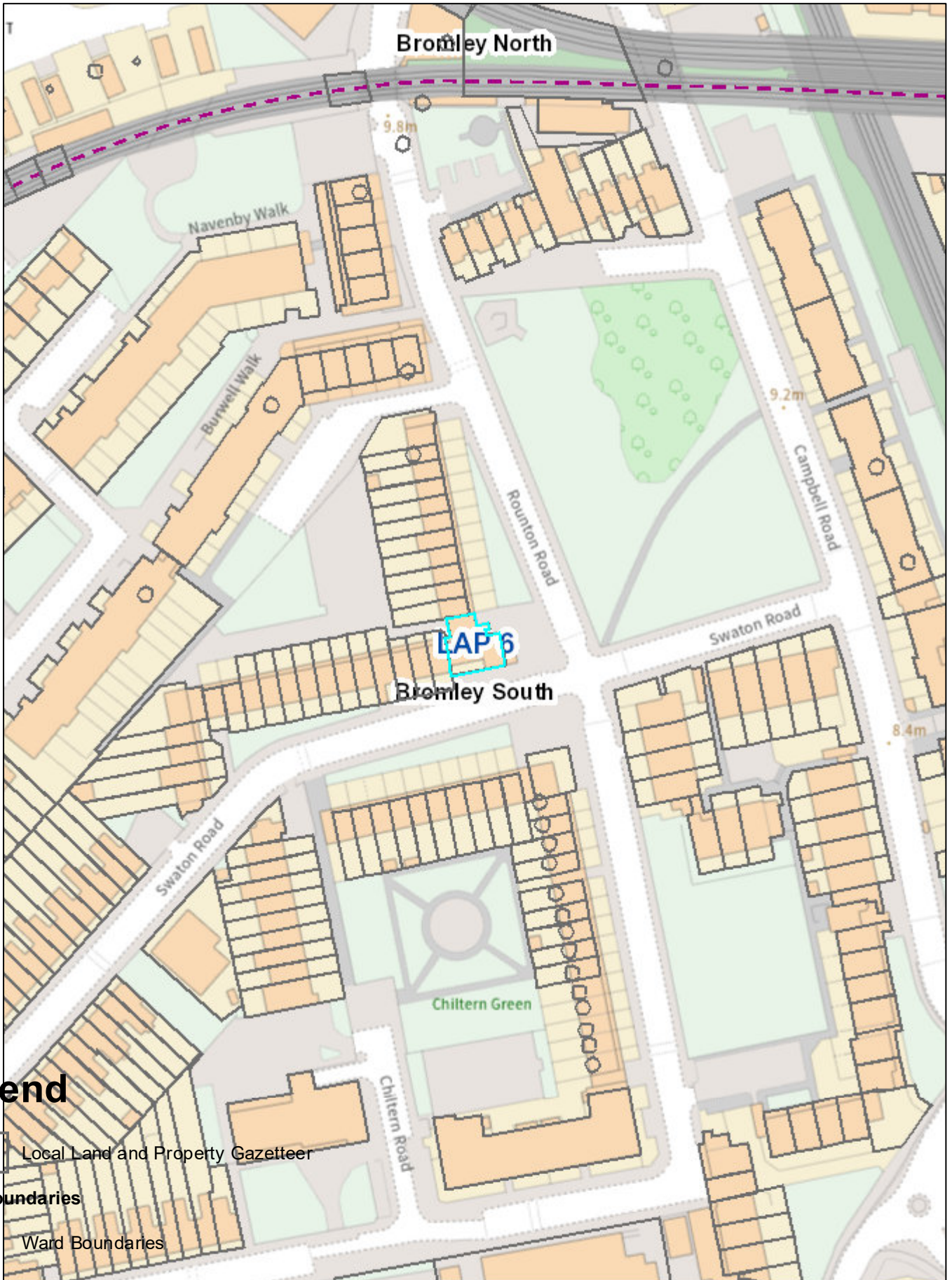
 Ward Boundaries

### LAP Boundaries

 LAP Boundaries



# Map2



# Appendix 4

Licensing Authority

By email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

27<sup>th</sup> March 2023

Reference: CLC/LIC/157620

PLACE Directorate  
Public Realm

Environmental Health & Trading  
Standards

Licensing & Safety Team

4<sup>th</sup> Floor Tower Hamlets Town Hall

160 Whitechapel Road

London E1 1BU

Tel: 020 7364 5008

Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

[www.towerhamlets.gov.uk](http://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 1<sup>st</sup> 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



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:			
<b>Premises Licence Holder:</b>			
Mr Dinesh Kanzaria			
<b>Name and Address of Premises:</b>			
Denni's News 15, Swaton Road			
<b>Post Town:</b>	London	<b>Post Code:</b>	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			
<b>Signature of Responsible Authority</b>			
Home Office Immigration Enforcement			
<b>Date:</b>	27/02/23	<b>Capacity:</b>	<b>Responsible Authority</b>

Details of Responsible Authority			
Name and Address:			
Home Office Immigration Enforcement The Alcohol and LNR Licensing Team 40 Wellesley Road Croydon CR9 2BY			
		<b>Email address (optional):</b>	<a href="mailto:alcohol@homeoffice.gov.uk">alcohol@homeoffice.gov.uk</a>

# 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](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

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

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

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<sup>10</sup> See chapter 16 in relation to the licensing of live and recorded music

## Reviews arising in connection with crime

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

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

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

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

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

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

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

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

# Appendix 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 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 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.

<b>Table of relevant offences under the 2003 Act Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
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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