



# Licensing Sub Committee

## Agenda

**Monday, 4 December 2023 at 2.00 p.m.  
Council Chamber - Town Hall, Whitechapel**

### Contact for further enquiries:

Farzana Chowdhury, Democratic Services Officer,

farzana.chowdhury@towerhamlets.gov.uk

020 7364 3037

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

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



## Public Information

### Viewing or Participating in Committee Meetings

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

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

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

### **Public Engagement**

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

# London Borough of Tower Hamlets

## Licensing Sub Committee

Monday, 4 December 2023

2.00 p.m.

### **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### **1. DECLARATIONS OF INTEREST (PAGES 7 - 8)**

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

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

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

### **2. RULES OF PROCEDURE (PAGES 9 - 18)**

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

### **3. ITEMS FOR CONSIDERATION**

#### **3.1 Application for a new Premise Licence for Milano Express Pizza and Peri Peri, 479 Cambridge Heath Road, London, E2 9BU (Pages 19 - 136)**

Licensing Objectives:

- The prevention of public nuisance and
- The prevention of crime and disorder

Representations:

- Licensing Authority



- Environmental Protection

**Ward: Bethnal Green West**

**3 .2 Application for a new Premise Licence for 125-127 Bethnal Green Road Ground Floor & Basement London E2 7D (Pages 137 - 206)**

Licensing Objectives:

- The prevention of public nuisance

Representations:

- Environmental Protection

**Ward: Weavers**

**3 .3 Application for a variation Premise Licence for 32-34 Ellesmere Street London E14 6BA (Pages 207 - 274)**

Licensing Objectives:

- The prevention of public nuisance

Representations:

- Resident

**Ward: Lansbury**

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

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

**Next Meeting of the Licensing Sub Committee**

Tuesday, 19 December 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **APPENDIX A: Definition of a Disclosable Pecuniary Interest**

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

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

## TOWER HAMLETS



### LICENSING COMMITTEE

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

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



## **1. Interpretation**

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

## **2. Composition of Sub-Committee**

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

## **3. Procedure**

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

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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

### (2) Licensing Sub-Committee Role and Membership.

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

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

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

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

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

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

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

**(8) Queries on reports.**

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

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

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



## **LICENSING SUB COMMITTEE HEARING PROCEDURE**

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

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

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

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

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# Agenda Item 3.1

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

## 1.0 Summary

Applicant: **Milano Express Pizza and Peri Peri Ltd  
(Saidajan Hassankheil)**

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

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

Objectors: **Licensing Authority  
Environmental Health**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Corinne Holland  
020 7364 3986

### 3.0 **Background**

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

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

Sunday – Thursday 23:00 hours – 01:00 hours

Friday – Saturday 23:00 hours – 02:00 hours

#### **Opening times**

Not specified on application

- 3.5 This premise previously had a Premise Licence for the provision of Late-Night Refreshments (Hamlets Pizza) for the following hours:
- Sunday to Thursday, from 23:00 hours to 01:00 hours the following day
  - Friday and Saturday, from 23:00 hours to 02:00 hours the following day

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

A further application for a Premise Licence was made on 20<sup>th</sup> January 2023 which was opposed. The Licensing Sub Committee refused this application on 28<sup>th</sup> March 2023. The applicant appealed the decision to the Magistrates Court but this was later withdrawn at court on the 25<sup>th</sup> July 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 2023.
- 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 9**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
- **Licensing Authority – Appendix 6**
  - **Environmental Health (inc videos) – Appendix 7**
- 6.9 The applicant responded to the Licensing Authorities representation – **Appendix 8**
- 6.10 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)
- 6.11 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
- 6.12 The objections relate to:
- Public nuisance
  - ASB
  - Crime & disorder
- 6.13 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.
- 6.14 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.
- 6.15 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence,

with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

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

1. One SIA registered member of staff will be on duty after 23:00 hours on Sunday to Saturday.
2. The Licence Holder shall ensure that an incident report book is kept, in which full details of all incidents are recorded. This shall be completed as soon as possible, and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry with details of the following:
  - a) Any incidents of crime & disorder or anti-social behaviour inside or immediately outside the premises;
  - b) Any ejections of customers;
  - c) any refusals to serve customers
  - d) any faults in the CCTV system,
  - e) any visits by the police or an officer of the Local Authority;
  - f) any call to an emergency service.
3. The incident book is to be kept on the premises at all times and shall be produced to a police officer or authorised officer from the Local Authority upon request.
4. No person shall be permitted to bring alcohol into the premises.
5. The Licence Holder shall install a CCTV system at the premises and ensure that it is maintained in working order. The system shall conform to the following points:
  - a) The CCTV shall monitor all the internal areas of the premises to which the public have access and immediately outside the entrance;
  - b) Cameras on the entrance shall capture full frame, head and shoulders, images of all people entering the premises i.e capable of identification of evidential standard in any light conditions.
  - c) Cameras overlooking the floor areas shall be wide angled to give an overview of the premises.
  - d) The recording device shall be located in a secure area or locked cabinet:
  - e) CCTV will have a monitor to review images and recorded picture quality.
  - f) Digital images shall be kept for 31 days (with date and time stamping) and made available to police or authorised officer from the Local Authority upon request.



- g) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
  - h) The CCTV equipment shall have a suitable export method e.g CD/DVD writer so that the police can make an evidential copy of the data they require. Copies shall be made available to Police and authorised officers from the Local Authority upon request or within 48 hours at the latest.
  - i) To ensure that no image quality is lost when making a copy. If this format is non-standard then the manufacturer shall supply the replay software to ensure the video on the CD can be replayed on a standard computer
  - j) Should the CCTV become non-functional this shall be reported as soon as possible to the Licensing Authority. Repairs shall commence the next working day or at the availability of the CCTV technician and the Local Authority will be informed when it is complete or if there are any significant delays.
6. 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.
7. The Licence Holder shall insure staff undertake conflict awareness training.
8. A written record will be kept of all staff who receive such training and a written record will be kept at the premises and made available to a police officer or authorised officer from the Local Authority upon request.
9. No unaccompanied children under 18 years of age shall be allowed in the premises after 23:00 hours.

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

None

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

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

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

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)

- ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 9 – 16** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 10.0 **Legal Comments**

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

## 11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

## 12.0 Appendices

<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 EH
<b>Appendix 8</b>	Applicants' response to the LA
<b>Appendix 9</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 10</b>	Licensing Officer comments on public nuisance
<b>Appendix 11</b>	S182 advice on public nuisance
<b>Appendix 12</b>	Licensing Officer comments on Crime & Disorder
<b>Appendix 13</b>	S182 advice on crime & disorder
<b>Appendix 14</b>	ASB leaving the premises
<b>Appendix 15</b>	Licensing Policy relating to hours of trading
<b>Appendix 16</b>	Planning

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# Appendix 1

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

### Please read the following instructions first

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

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

I SAIDAJAN HASSANKHEIL acting director of Milano Express Pizza and Peri Peri LTD  
*(Insert name(s) of applicant)*

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

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
<b>Basement and Ground floor shop at 479 Cambridge Heath Road,</b>			
<b>Post town</b>	LONDON	<b>Postcode</b>	E2 9BU

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£ 8,000

#### Part 2 - Applicant details

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

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



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

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

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

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

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)

**Second individual applicant** (if applicable)

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

**(B) Other applicants**

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

Name MILANO EXPRESS PIZZA & PERI PERI
--

<p>Address</p> <p>479 CAMBRIDGE HEATH ROAD London E2 9BU</p>
<p>Registered number (where applicable)</p> <p>15026693</p>
<p>Description of applicant (for example, partnership, company, unincorporated association etc.)</p> <p>Limited Company</p>
<p>Telephone number (if any)</p> <p>██████████</p>
<p>E-mail address (optional)</p> <p>████████████████████</p>

**Part 3 Operating Schedule**

When do you want the premises licence to start? 

DD	MM	YYYY					
0	1	0	9	2	0	2	3

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

DD	MM	YYYY					

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Pizza, and fast food takeaway at the ground floor of 479 Cambridge Heath Road, London E2 9BU</p>
--

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

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

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

<p>Provision of regulated entertainment (please read guidance note 2)</p>	<p>Please tick all that apply</p>
---	-----------------------------------

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

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

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

**A**

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

**B**

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

**C**

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

**D**

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



**E**

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

**F**

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

**G**

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

# H

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon	23:00	01:00	<b><u>Please give further details here</u></b> (please read guidance note 4) Extended two hours required to meet the needs of current footfall customers according to business plan and market research.		
Tue	23:00	01:00			
Wed	23:00	01:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur	23:00	01:00			
Fri	23:00	02:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	23:00	02:00			
Sun	23:00	01:00			

**J**

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

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

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



## M

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

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

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

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

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

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

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

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

The CCTV system shall conform to the following points:

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

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



replayed by the police on a standard computer. Copies shall be made available to Police and authorised officers from the Local Authority upon request or within 48 hours at the very latest.

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

**c) Public safety**

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

**d) The prevention of public nuisance**

There Shall be one SIA registered member of staff on duty after 11pm on Sunday to Saturday until close of business.

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

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

**Checklist:**

**Please tick to indicate agreement**

<input checked="" type="checkbox"/>	I have made or enclosed payment of the fee.	x
<input checked="" type="checkbox"/>	I have enclosed the plan of the premises.	x
<input checked="" type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable.	x
<input checked="" type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	x
<input checked="" type="checkbox"/>	I understand that I must now advertise my application.	x


<ul style="list-style-type: none"> <li>• I understand that if I do not comply with the above requirements my application will be rejected.</li> <li>• [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).</li> </ul>	x
---	---

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

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

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


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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	04 SEPTEMBER 2023
Capacity	DIRECTOR

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

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

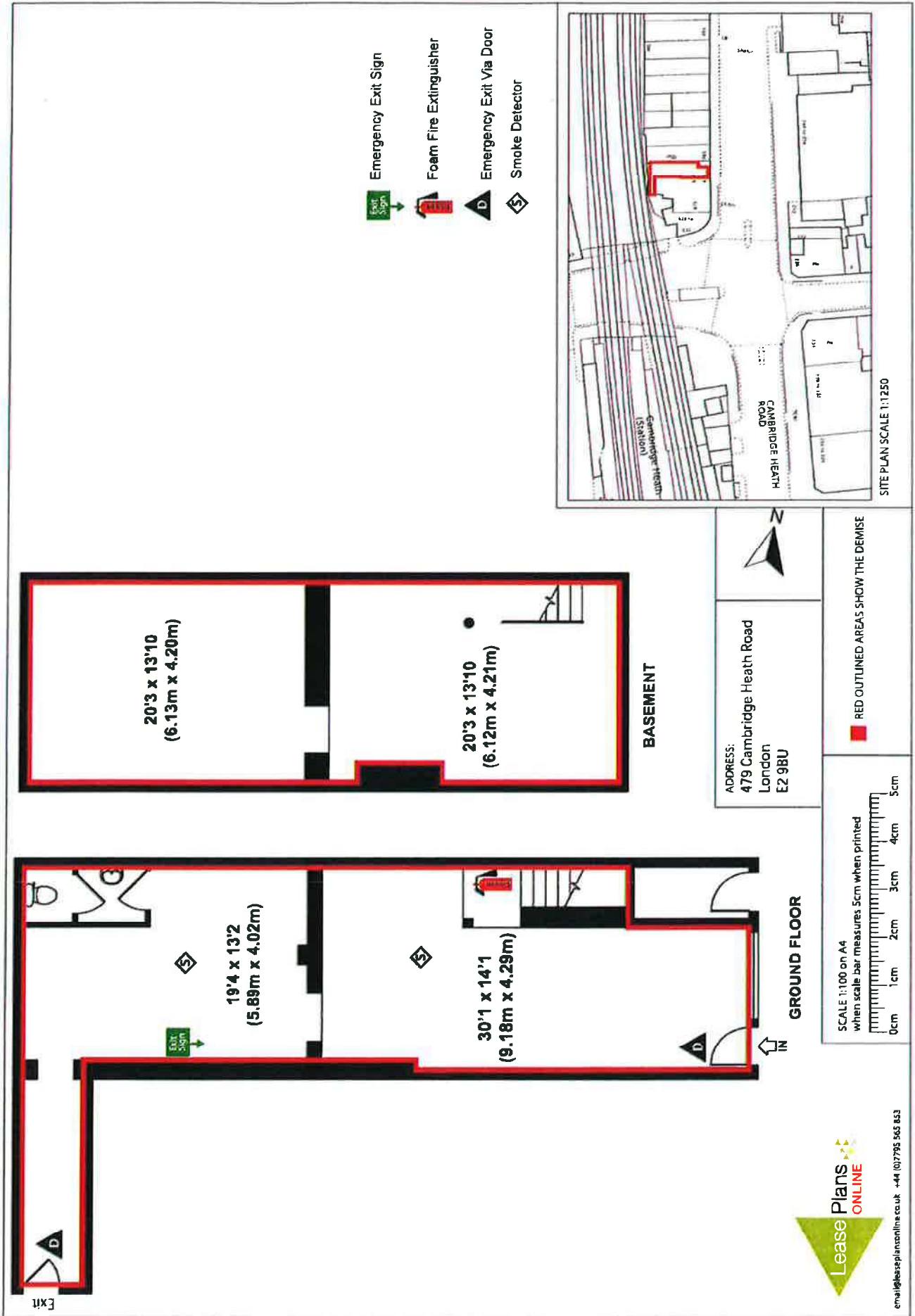
Signature	
Date	04/09/2023
Capacity	NOMINATED DPS

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

### Notes for Guidance

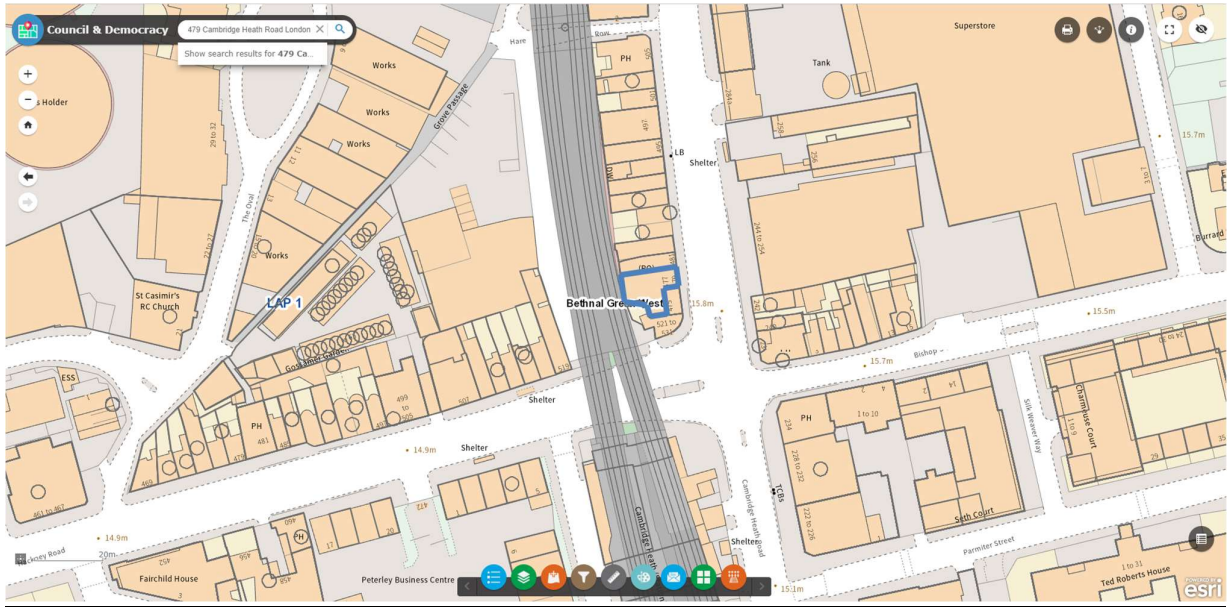
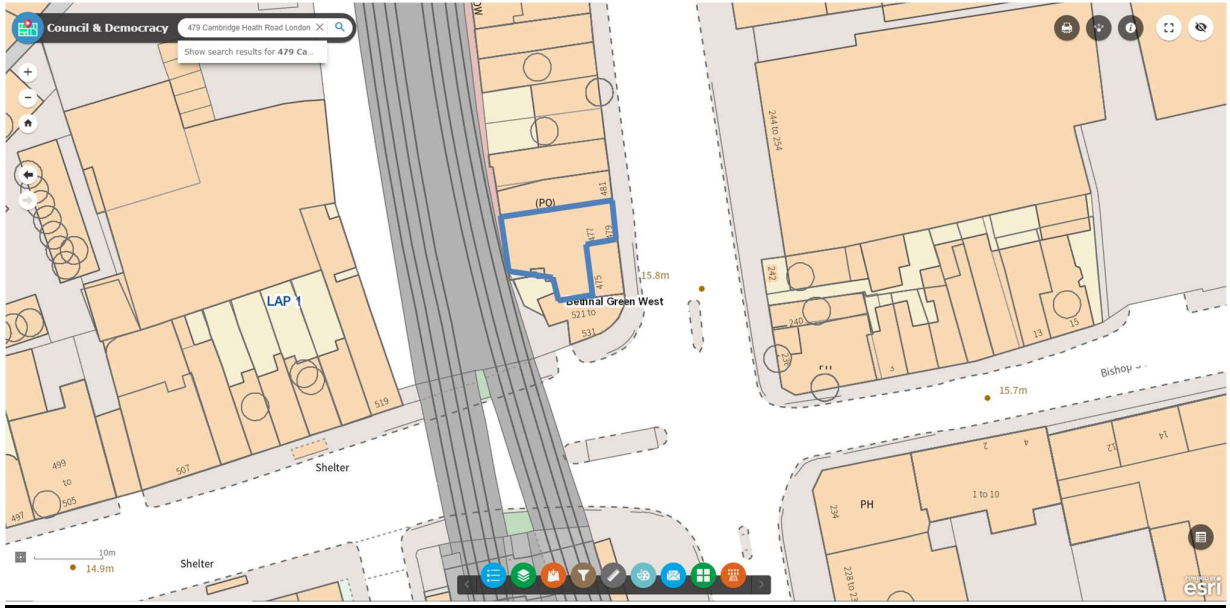
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies,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

# Appendix 2



# Appendix 3

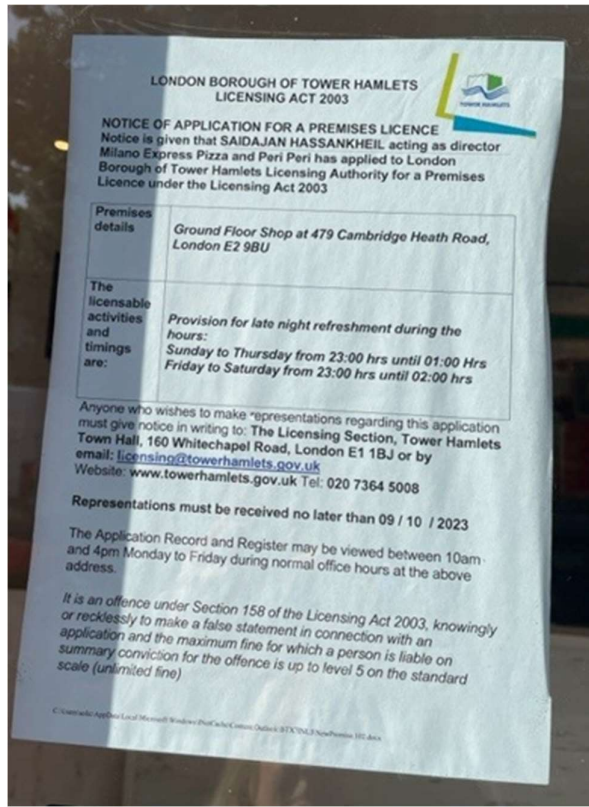
# Maps – 479 Cambridge Heath Road

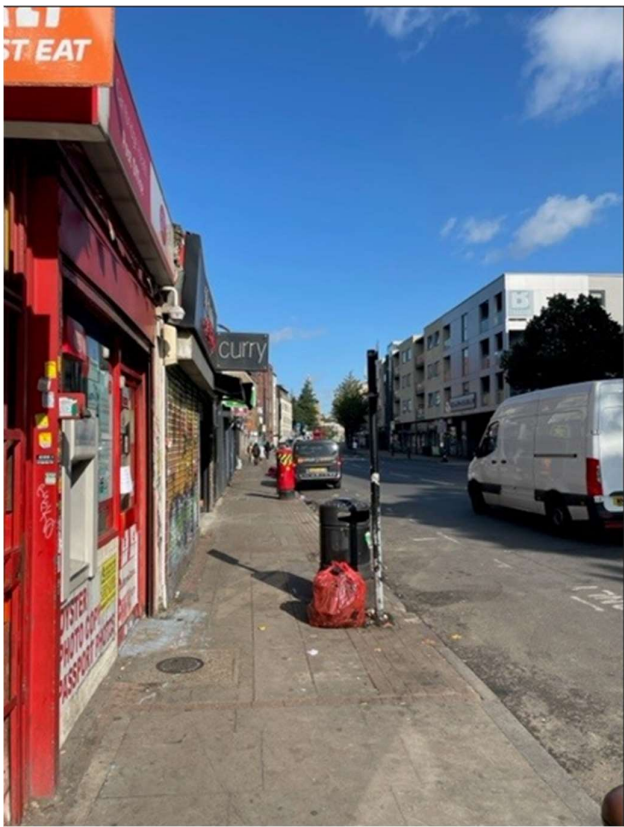


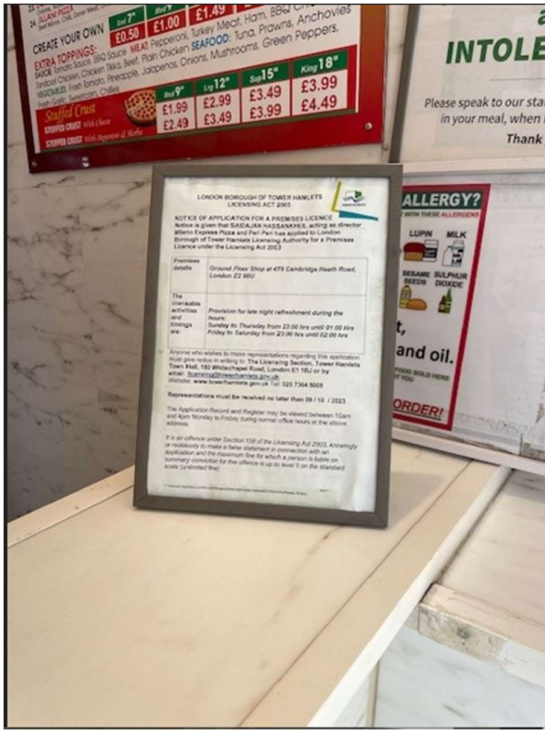
# Appendix 4



## Photos – 479 Cambridge Heath Road











# Appendix 5

Name and address	Licensable activities and hours	Opening hours
<p><b>(Istanbul Kebab)</b>  <b>240</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9DA</b></p>	<p><u>The Provision of Late Night Refreshments</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday from 23:00 hours to 02:00 hours (the following day)</li> <li>• Friday and Saturday from 23:00 hours to 05:00 hours (the following day)</li> </ul>	<p>Sunday to Thursday from 11:30 hours to 02:00 hours (the following day)</p> <p>Friday and Saturday from 11:30 hours to 05:00 hours (the following day)</p>
<p><b>(Perfect Chicken)</b>  <b>491</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9BU</b></p>	<p><u>The provision of late night refreshment</u></p> <ul style="list-style-type: none"> <li>▪ Sunday to Thursday, from 23:00 hours to 01:00 hours the following days</li> <li>▪ Friday to Saturday, from 23:00 hours to 02:00 hours the following days.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sunday to Thursday, from 10:00 hours to 01:00 hours the following days</li> <li>▪ Friday to Saturday, from 10:00 hours to 02:00 hours the following days.</li> </ul>
<p><b>Metropolis</b>  <b>234</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9NN</b></p>	<p><b>The sale by retail of alcohol (on sales only)</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 09:00 hours to 05:00 hours the following day</li> </ul> <p><b>The provision of regulated entertainment (Films and Live Music – Indoors)</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 09:00 hours to 05:00 hours the following day</li> </ul> <p><u>(Recorded Music and Performance of Dance – Indoors and Outdoors)</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 09:00 hours to 05:00 hours the following day</li> </ul> <p><b>The provision of late night refreshment – Indoors</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 23:00 hours to 05:00 hours the following day</li> </ul>	<p>Monday to Sunday, from 00:00 hours to 00:00 hours the following day (24 hours)</p>
<p><b>(Bestway Cash &amp; Carry)</b>  <b>260</b>  <b>Cambridge Heath Road</b>  <b>London</b>  <b>E2 9DA</b></p>	<p><b>Alcohol (Off sales)</b></p> <ul style="list-style-type: none"> <li>• Monday to Friday, from 07:30 hours to 20:00 hours</li> <li>• Saturday, from 06:00 hours to 16:00 hours</li> <li>• Sunday, from 08:00 hours to 16:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Friday, from 07:30 hours to 20:00 hours</li> <li>• Saturday, from 06:00 hours to 16:00 hours</li> <li>• Sunday, from 08:00 hours to 16:00 hours</li> </ul>

Nearest licences – 479 Cambridge Heath Road

<p><b>276 Cambridge Heath Road London E2 9DA</b></p>	<p><b><u>Sale by retail of alcohol (Off sales only)</u></b>                  Sunday to Wednesday from 10:00 hours to 20:00 hours                  Thursday from 10:00 hours to 23:00 hours                  Friday and Saturday from 10:00 hours to midnight</p>	<p>Sunday to Wednesday from 10:00 hours to 20:00 hours                  Thursday from 10:00 hours to 23:00 hours                  Friday and Saturday from 10:00 hours to midnight</p>
<p><b>(Princess Café and Kitchen) 282 Cambridge Heath Road</b></p>	<p><b>The sale by retail of alcohol – On sales only</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 08:00 hours to 22:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 08:00 hours to 22:00 hours</li> </ul>
<p><b>(Organic Mania) 475-477 Cambridge Heath Road London E2 9BU</b></p>	<p><b><u>The sale of alcohol (off sales only)</u></b></p> <ul style="list-style-type: none"> <li>• Sunday to Wednesday from 08:00hrs to 24:00hrs (midnight)</li> <li>• Thursday to Saturday from 08:00hrs to 01:00hrs (the following day)</li> </ul>	<p>Monday to Saturday from 06:00hrs to 02:00hrs (the following day)</p> <p>Sunday from 08:00hrs to 02:00hrs (the following day)</p>
<p><b>Best Kebab 503 Cambridge Heath Road E2 9BU</b></p>	<p><b>Late Night Refreshment</b>                  Sunday to Thursday from 23:00hrs to 03:00hrs                  Friday to Saturday from 23:00hrs to 05:00hrs</p>	<p>Sunday to Thursday from 11:00hrs to 03:00hrs                  Friday to Saturday from 11:00hrs to 05:00hrs</p>

# Appendix 6



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

Head Of Service David Tolley

Town Hall  
160 Whitechapel Road  
London  
E1 1BJ

4<sup>th</sup> October 2023

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

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

My reference: P/PR/EHTS/LIC/162770

Dear Sir/Madam,

**Licensing Act 2003**  
**Re: 479 Cambridge Heath Road, London E2 9BU**

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

These premises has been subject to complaints from local residents whilst the premises had a licence for late night refreshment for the hours of Sunday to Thursday until 01:00 hours and Friday and Saturday until 02:00 hours. It was alleged by residents that the premises was constantly operating almost 24 hours a day every day. This Authority triggered a review of licence alongside the Police and with evidence provided a decision was made to revoke the licence on 11<sup>th</sup> October 2022. See **Exhibit A** for decision.

This Licensing Authority also undertook enforcement action and made test purchases for unlicensed late night refreshment. A successful prosecution has been taken against one individual running the business for breaches of section 136 of the Licensing Act 2003 and another is awaiting Court on 24th October 2023.

Whilst the premises operated we received many emails from local residents stating the premise was operating beyond hours and causing disturbance by customers and from delivery drivers. Please see history of complaints at **Exhibit B**

There was a new application made in January 2023 from an applicant of which later came to light that it was a relative of the original licence holder, this was also refused at committee. See **Exhibit C**.

Based on the above history this Licensing Authority is concerned that any licence granted at the premises is likely to cause considerable disturbance to local residents that have been subject to the frustrations of waiting for review process and prosecutions to cease illegal activity taking place from this premises. The residents are fearful of repercussions from their experiences of approaching the staff but have sent emails stating they do not wish a licence to be granted.

We have received more recent complaints and emails from residents, these include allegations that the premises still operate beyond 11pm. Details of those are as follows:

10/12/22	<p>I have written countless time about the pizza pizza/ Hamlet or tower hamlet pizza operating all night every single night.</p> <p>For the sake of God do something and stop them trade illegally beyond their license hours. Our lives has turned into nightmare and can not afford to move.</p>
7/1/23	<p>I don't know where to start and where to finish as the pizza place which I have complained countless time still trading the same way as the used to.</p> <p>I cry almost every night as my kids can't sleep and we are awake all night every night.</p> <p>They are open round the clock and I have called the police, but despite police shutting their shop on 2 occasions to disperse the drunk people.</p> <p>Why can't you or don't you want to take action ?</p>
15/2/23	<p>And I have some concerns about the licensing, because there is a ventilation pipe next to my flat's kitchen window and the vibrations and noises made from the pipe usually will be heard very clearly with the rumble in the whole flat. During the daytime I will go to work so it won't be a problem, but after my day off, especially when it comes to after 10pm, it will interfere with watching movies, shows at home, and also prevent sleep if I choose to go to bed before 12pm.</p> <p>The ventilation will stop around 12pm each day, that's something I can cope with. I have no intention to stop them supplying hot food. It's really nice sometimes, just when the license allows supplying food after 11pm does it mean the ventilation will run for the whole night? So that's something I'm really worried about.</p> <p>Please find in the attachments about the footage of the ventilation pipe next to my kitchen window and the noises from that.</p> <p>1, Video on 10th Jan 2023, 3AM (and screenshot of the recording time)</p>

	2, Video on 24th Jan 2023, 10PM (and screenshot of the recording time)
6/4/23	The hamlet should never be able to get the late night license as our quality of life will become suicidal. Please so not ignore my email otherwise tower hamlet council is responsible for any harm caused by hamlet pizza.

There are a number of businesses that remain operating with websites still active from those this Authority has taken action against. Tower Hamlets Pizza operating from this site are advertising until 4am every day of the week, Hamlet Pizza, Pizza Pizza, Swift Pizza, Milano Express Pizza and Peri Peri appear to all be operating from this address albeit stating until 11pm. It should also be noted on selecting Milano Express the website opens for Hamlet Pizza. See **exhibit D** for various websites.

The concern this Authority has is that regardless of whether the new applicant has no connection to the previous owners, the numbers of business operating here will claim to operate under any licence, should one be granted, and this Authority will have limited powers to enforce as we will not know who is trading and operating at any time, especially with delivery operations.

In conclusion the complaints clearly show residents concerns of any late night licence operating here will lead to public nuisance, the premises has become unsuitable for any late night licence. We do not have any confidence of any commercial food business operating from this address can control how the many businesses operate and how it would comply with its hours or any conditions imposed and therefore request this application to be refused.

Yours sincerely,



**Kathy Driver**  
Principal Licensing Officer

# Exhibit A

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

Councillor Peter Golds (Chair)

Councillor Leelu Ahmed (Member)

Councillor Sabina Akhtar (Member)

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

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

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

Consideration

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

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

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

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

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

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

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

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

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

### **The Licensing Objectives**

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

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

### **Consideration**

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

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

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

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

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

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

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

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

Accordingly, the Sub-Committee unanimously;

**RESOLVED**

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

**Sale of Alcohol (on sales)**

Monday to Sunday 24 hours – Lobby Lounge for Hotel Guests

Restaurant

Monday – Wednesday 12:00 – 23:30 hours

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

Sunday 12:00 – 23:00 hours

Terrace Area

Monday – Sunday 12:00 – 23:00 hours

Ballroom

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

**Provision of Regulated Entertainment**

Live Music (indoors) – In the basement ballroom only

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

Non-Standing timings

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

Recorded Music (indoors & outdoors)

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

Lobby Lounge – (unamplified background music)

Monday to Sunday 24 hours a day

Restaurant – (unamplified background music)

Monday – Wednesday 06:30 – 23:30 hours

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

Sunday 06:30 – 23:00 hours

Terrace Area - (unamplified background music)

Monday – Wednesday 09:00 – 23:30 hours

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

Sunday 09:00 – 23:00 hours

Ballroom (amplified music)

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

Non-Standing timings



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

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

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

Non-Standing timings

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

**Late Night Refreshments (Indoors)**

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

Non-Standing timings

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

**Opening times**

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

**Conditions**

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

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

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

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

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

The meeting ended at 8.20 p.m.

# Exhibit B

Complaints from resident A:

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

Complaints from resident B:

28/3/22	<p>Please take my email very seriously as I do not want this to end up someone getting hurt or worse.</p> <p>am writing in regards to the pizza place on 479A Cambridge heath Road E29BU which Called with few different names Pizza Pizza. Tower hamlet pizza, city pizza and maybe more.</p>
28/3/22	<p>...but can not concentrate on our .. we can not get sleep at night and the noise is absolutely crazy.</p> <p>&gt; This pizza place is open 7 days a week at least UNTILL 6:30 or even 7 am.</p> <p>&gt; The noise from their bikes, staff and customers mostly drunk people which is attracted there at late hours of morning is so loud that we can not get even an hour of proper sleep at any night of the week specially weekends.</p> <p>&gt; We can not take it anymore at the same time can not afford to relocate due to financial hardship as well as not having enough time due to long working hours.</p> <p>&gt; I have mentioned few times that I will report them to the council, but their answer is "we don't give a s***"</p>
4/4/22	<p>There is another point which I would like to add in addition to my previous emails is that the licensed issued under the name of Pizza Pizza, but their sign board and names of the business is different and i think that is illegal itself.</p> <p>They use few different names online specially on justeat, ubereat, delivroo etc etc.</p> <p>They are operating with at least two names that I am aware so far, Tower hamlets pizza and pizza pizza and they are open at least until 6am 7 days a week.</p>
10/4/22	<p>They have closed the Bussiness and start operating under different name Tower Hamlet Pizza. The license you have mentioned in your previous email is for Pizza Pizza which does not exist even if it did, the timing is Sunday to Thursday is UNTILL 1:30 am, Friday and Saturday until 2:30am NOT 7am.</p> <p>They have not got the late night license to operate beyond 23:00 hours. I find it extra ordinary as why the Tower Hamlet enforcement and licensing team can not taking any action against this illegal place in any way shape or form....</p>

7/5/22	Its 05:18 in the morning and we are all awake as there are more than 10 motorbikes waiting for food to be collected from this place and many many customers inside ordering food.... there are so much noise and all it is people making extremely loud noise.
9/5/22	They are illegally operating after 11pm all the way to 6 or 7 am even if they don't need license after 5am. Wait until someone die before you take action
14/5/22	Its 04:06 am and already the fight is going on for at least an hour inside the hamlet pizza which 479 cambridge heath road E29BU. How you expect us to live like this when they are open illegally 24/7. ...
26/5/22	The pizza place of course gone worse as every single morning around 3 or 4am there is fights and arguments with the uber, delivroo and justeat delivery drivers as well as people taking drugs. All I am trying to say is our life is hell as a direct result of this pizza place running 24/7 illegally. All the takeaways in the area close at 11pm or latest Midnight. The only place open is tower hamlet pizza
8/6/22	We are still waiting for the council to take action against Hamlet pizza people of 479 Cambridge heath road. They are making even more noise as well many fights and arguments goes on every single nights of the week.

#### Resident C

16/5/22	I would like the council to take immediate legal action against this pizza takeaway as they are never close. They are serving people round the clock 7 days a week none stop. Although I am aware of the pizza places legally operating until 11pm. This pizza takeaway attracted a lot of dodgy, drug dealers, drunk and very dangerous people and there are fights every single nights of the week.  We are living a nightmare and there is nothing we can do other than the council to take action and close the place exactly at 11pm so we could live in peace. As far as we are aware there were someone stabbed few days ago and ended up in hospital luckily he survived. We have family, kids, work and want to live a normal life, but the place turned our lives upside down and should be shut immediately after 11pm
17/5/22	.. We need you to take action as we are suffering every single night specially between midnight to 5 or 6am.
20/5/22	.. It's 04:15 and for the past 4 hours or so we are awake and can not sleep because of this business that you have taken money and don't want to take action against. How could you expect us to take kids to school, work or function as normal when you are awake all night every night....
22/5/22	Another weekend spent in hell as we couldn't sleep all night all the way to 6:30am. Saturday morning I went to the pizza place at 3:50, this morning/ Sunday mornings I went to speak to them at 3:13am, but all I got abuse from these disgusting thugs. They are dealing with drugs and are very dangerous

	<p>people. The people coming around 3 or 4 am are all drug dealers. I have called the police and they advice me to contact the useless council as it's their duty to stop these people trading illegally..</p>
25/5/22	<p>The email is regarding the pizza place called Hamlet pizza or towers hamlet pizza also called pizza pizza of 479 Cambridge heath road E29BU which is open round the clock without having the license to operate beyond 23:00 hours.....</p> <p>We are living a life full of nightmares and can not get an hour of sleep ..They are open 24/7 and attract a lot of drug dealers, drunk people, delivery drivers, thugs etc etc and making a lot of noise all the way to 6 or 7am. The worst time is around 3 or 3:30 to 5am.</p> <p>First you made an excuse and now you are making another excuse of new ownership. I am sure someone in the council is advising them what to do to avoid being punished for operating illegally. They are the same people for at least 14 years or so based on the information from the neighbours and local shops.</p> <p>Please for the sake of God do make sure they are close by 23:00 hours and let us live in peace. We have kids and they are behind at school due to lack of sleep.</p>
4/6/22	<p>Yet another night from hell as these people get only worse. Please we are begging you to take action please against The hamlet pizza place at 479 Cambridgeheath road E29bu</p>
5/6/22	<p>Once again we and a night from hell as the hamlet pizza is still open from yesterday 10:30am all the way until now non stop....</p>
10/6/22	<p>Any idea if the Hamlet pizza ever close as they are open 24/7? We are sick and tired of them and for the sake of God make sure they operate under the hours they are permitted NOT 24/7</p>
13/6/22	<p>Once again I am writhing in regards to Hamlet pizza as they are trading between 10:00 to 08:00 seven days a week.</p> <p>..they owner .. is an extremely nasty and dangerous individual ...</p>
21/6/22	<p>Please for the love of God shut this pizza place as we are living a nightmare life. We have kids and we need to take them to school and we need to work.</p> <p>It's 1:30am but their bikes and customers and staff is making life impossible. WE CAN NOT SLEEP AS THE NOISE IS ABSOLUTELY LOUD AND CRAZY.</p>
27/6/22	<p>I am writing once again about these disgusting people at tower hamlet pizza as they are getting worse by the day and non stop 7 days a week 24 hours a day.</p> <p>This morning at 3:40am there was a bad fight and a lot of these thugs were screaming and I am pretty sure someone must've got hurt. ... they are extremely rude and disgusting. They said the shop is sold last week to another person and he was even worse than the previous owner.</p> <p>They are all 6 or 7 brothers working at the same place and keep changing the ownership to avoid local authorities, but they are the same people as it was confirmed by many other businesses next to them.....</p>

# Exhibit C



**LONDON BOROUGH OF TOWER HAMLETS****RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 12.05 P.M. ON TUESDAY, 28 MARCH 2023****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Suluk Ahmed  
Councillor Ahmodul Kabir  
Councillor Sabina Akhtar

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE****3. ITEMS FOR CONSIDERATION****3.1 Application for a new Premise Licence for Chaiiwala, 55 Brick Lane, London E1 6PU**

The Sub-Committee considered an application for a new premises licence to be held by Brick Lane Chai Ltd. in respect of Chaiiwala, 55 Brick Lane, London, E1 6PU ("the Premises"). The application originally sought authorisation for the provision of late night refreshment from 23:00 hours to 23:30 hours Monday to Thursday and from 23:00 hours to midnight on Friday and Saturday. Non-standard timings to 02:00 hours during Ramadan and on Eid were also sought.

Following discussions with the Licensing Authority, the application was amended so as to apply on Friday and Saturday only, with the non-standard timings to remain.

Objections were received from the Environmental Health Service and from a local resident. These were based on the licensing objective of the prevention of public nuisance.

The Sub-Committee heard from the Applicant's agent, Mr. Rathore, who said that there was no logical basis on which to refuse the application. The application was only for late night refreshment and the Premises catered to people who might want to socialise later but without alcohol. The operator was a franchisee, who operated several other branches in London, including one in Bethnal Green, without any problems. The capacity was around 50 patrons and the hours sought had been significantly reduced as a result of the representations. The Applicant had tried to engage with the Noise Service,

without success, and would accept their proposed conditions if the Sub-Committee saw fit to impose them. Mr. Rathore suggested that the resident making a representation was speculating and there was no evidential basis for suggesting there would be problems.

The Sub-Committee heard from Ibraheem Elias, who spoke briefly to the representation from his service. The resident was not in attendance.

During questions the Applicant explained that there was demand for the later opening times during Ramadan. They had experience of this in their other premises and had never had problems with the police or other responsible authorities. The Sub-Committee was told that people did not tend to congregate outside late at night; they were more likely to be inside the Premises. To ensure adequate control over younger people, especially during Ramadan, they ensured that the store manager was on duty for the evening shifts.

This application engaged the licensing objective of the prevention of public nuisance. The Sub-Committee noted that the Premises were located in the Brick Lane Cumulative Impact Zone (CIZ) and thus it was for the applicant to rebut the presumption that the grant of the licence would impact on the CIZ. Whilst the applicant asserted that they fell within an exception, that was not entirely correct. The Policy indicated what may justify an exception rather than what will justify an exception. Similarly, that the application was for late night refreshment did not justify an exception given that the policy specifically applies to premises selling alcohol and premises providing late night refreshment.

Furthermore, new licence applications invariably require a degree of speculation given that the focus is on the likely impact. This is reflected in the statutory guidance at paragraph 9.4. However, given that the Premises is open, albeit not at the later hours sought, the Sub-Committee would expect to have seen some evidence of public nuisance arising from the operation of the Premises. There was none.

The Sub-Committee therefore did consider that the applicant had rebutted the presumption. They were a food-led business and would be operating to framework hours. The Sub-Committee noted the reduction in hours during the week, which further mitigated any potential impact. A number of conditions had been agreed with some of the responsible authorities, which would also ensure that there would be no impact.

The Sub-Committee noted the supporting information provided by the resident. The reference to the Licensing Sub-Committee hearing in Nottingham was not relevant, given that it was not clear that it was the same franchisee. In any event, however, it was a different premises in a very different area. The photos and videos provided did not, in the Sub-Committee's view, demonstrate any issues of public nuisance. The lack of any evidence arising from the operation of the Premises at present, particularly nearer to closing time, indicated that there was no reason to consider that there would be issues were the Premises to be permitted to open later on

Friday and Saturday, which are normally days on which licensed premises are permitted to open later. For these reasons, the Sub-Committee was similarly not satisfied that granting the non-standard timings would adversely impact upon the licensing objectives.

The Sub-Committee further considered that some of the conditions proposed by the Noise Service would also be appropriate and proportionate for the promotion of the licensing objectives. Proposed conditions 1 and 3 were not imposed. In respect of 1, the Premises was not applying for the provision of regulated entertainment, it was not clear that they had a lobby and, in any event, placing loudspeakers on the street was covered by other legislation. Similarly, proposed condition in essence prohibits the Premises from causing a public nuisance, which is already prohibited by law. Conditions should not duplicate other statutory requirements or obligations nor should they replicate offences in the 2003 Act or other legislation.

The application is therefore granted with the amendments and conditions as set out below:

#### **Provision of late night refreshment**

Friday and Saturday            23:00 hours to 00:00 hours

Non-standard timings        During the holy month of Ramadan and on Eid, from 23:00 hours until 02:00 hours on the following day.

#### **Opening times of the Premises**

Monday to Thursday        08:00 hours to 00:00 hours

Friday and Saturday        08:00 hours to 00:30 hours

Sunday                        08:00 hours to 23:00 hours

#### **Conditions**

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

4. Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.
5. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke shall be limited to five persons at any one time.
6. There shall be no idling of any vehicles by business customers or drivers associated with the premises.

### **3.2 Application for a new Premise Licence for Hamlet Pizza, 479 Cambridge Heath Road, London, E2 9BU**

The Sub-Committee considered an application for a new premises licence to be held by Hamlet Pizza Ltd. in respect of Hamlet Pizza, 479 Cambridge Heath Road, London, E2 9BU ("the Premises"). The application sought authorisation for the provision of late night refreshment from 23:00 hours to 04:00 hours seven days per week. A number of conditions were offered by the Applicant on the operating schedule.

Representations objecting to the application were made by the Licensing Authority, the Police, Environmental Health, and a local resident. These were based on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The Sub-Committee heard from the Applicant's agent, Mr. Mangrio. He said that the director of the company, Mr. Hamidi, had been in business for five years with no complaints or issues. The agent asserted that the concerns raised by the responsible authorities were historic and associated with previous operators. The Applicant assured the Sub-Committee that he would comply with any conditions imposed. The Applicant proposed to have SIA-staff on duty to assist with any problems.

Mr. Mangrio confirmed that Mr. Hamidi was the brother of the previous owner. He addressed the residential objection briefly by asserting that no objections had been raised previously and that as the extractor fan in question was by the resident's kitchen window it should not be an issue.

Kathy Driver, on behalf of the Licensing Authority, outlined her objections. In short, there was a long history of the Premises providing late night refreshment outside of the permitted hours when the Premises had been licensed. This included a time when Mr. Hamidi's brother was the licence holder. Various other individuals had been linked to the Premises. Numerous complaints had been made to the Licensing Authority suggesting that the Premises operated almost 24 hours per day. Test purchases and visits in 2021 and 2022 demonstrated this.

The previous licence had been revoked in October 2022 following a review. Mr. Hamidi had applied for a new licence in November 2022. That application had been invalid. Two applications were made in December 2022, neither of

which were valid. Mr. Hamidi had been warned of the issues at the Premises on 1<sup>st</sup> September 2022, when he had taken over the business. In spite of that, a test purchase on 18<sup>th</sup> December 2022 showed the Premises operating without a licence, Complaints from residents, which went up to January 2023, also indicated that this was not a one-off incident. Mr. Hamidi had been present on 18<sup>th</sup> December 2022, when the last test purchase had been carried out. On that occasion, staff became aggressive and confrontational. The Premises' website shows them being open for the supply of hot food until 04:30 hours. Ms. Driver had no confidence in the licence holder complying with any conditions, if the licence were to be granted.

PC Perry echoed Ms. Driver's concerns and commented that the Premises caused noise nuisance as a result of its patrons. He too was of the view that if a licence was to be granted, the Applicant would not comply with it given that he had shown he would not comply with the basic requirements of the law.

Ibraheem Elias of the Noise Service spoke briefly to his service's representation, which opposed the application.

The Sub-Committee heard from Mr. Tian, a resident, who's concern was about the noise from a ventilation pipe. It initially appeared that this was more of a private nuisance rather than public, and more properly dealt with under other legislation. However, Mr. Tian indicated that the noise caused rumbling in the structure. The Sub-Committee was given advice that this could constitute a public nuisance and heard from him about the effects of the fan.

During questions from members, the Applicant stated that he was operating to 23:00 hours and there had been no issues since the December 2022 test purchase. In respect of that it was asserted that the test purchaser had been persuasive and complaining about the late hour and that she had a child who was still awake. The pizza was for a member of staff to take home but they had made the supply in the interests of good community relations. No charge had been made. This account was maintained, despite being clearly at odds with the officer's account. Ms. Driver provided additional detail, which included delivery drivers entering and exiting the Premises and the shutters being partially down.

The Applicant confirmed that he was aware that he did not have a licence to provide late night refreshment. He denied that he had operated past 23:00 hours. He alleged that the complaints were being instigated by other rival businesses. He confirmed, however, on questions from the Legal Adviser, that there was no evidence of that. The Legal Adviser also confirmed that the provision of late night refreshment involves the supply rather than sale so that even if the Applicant's account of no payment having been taken on 18<sup>th</sup> December 2022 was true, it still constituted the provision of late night refreshment.

The Sub-Committee had considered all the representations made. In terms of Mr. Tian's representation, it did not consider that the noise from the ventilation pipe was likely to be a public nuisance but, even if it was, it was better controlled by other legislation.

The Sub-Committee noted the previous history and the fact that it appeared that the Premises operated without any regard to the law, regardless of whoever had been operating it. The Sub-Committee had concerns about the fact that one of the previous operators had been Mr. Hamidi's brother; whilst his brother's actions are not his, there was clearly a long history of non-compliance by various different operators and Mr. Hamidi put forward nothing to suggest that things would be different if he were to be granted a licence.

Of particular concern was the fact that the Premises appeared to have been carrying on the provision of late night refreshment not only after Mr. Hamidi's company allegedly took over, but also after warnings had been given. The Sub-Committee did not consider the Applicant's version of events on 18<sup>th</sup> December 2022 to be at all credible. The Sub-Committee, based on all the evidence before it, drew the inference that unauthorised licensable activity had not been carried on simply on a handful of occasions but, as officers and the residents had suggested (albeit that the Sub-Committee notes that the residential complaints were anonymous), on an almost daily basis.

Whilst the Sub-Committee took account of the fact that this was a new application and therefore looked to the future rather than the past, the fact remains that the past was highly relevant to the conduct of those managing the Premises in the future. The long history of failing to comply with the licence or the law, when the Premises were unlicensed, gave the Sub-Committee no confidence at all that this would change in the future. The association between Mr. Hamidi and the operator meant that this was not a situation where the applicant could be said to be a "new broom."

Moreover, Mr. Hamidi himself had demonstrated that he would not uphold the licensing objectives or comply with the licence because he had simply ignored the law after he took over the Premises. This meant that the Sub-Committee could place no weight on his assertions as to future compliance. In this instance, there were really only two options open to the Sub-Committee. Those were to grant the licence, subject to conditions that were appropriate for the promotion of the licensing objectives, or to refuse the application. The Sub-Committee had no confidence that Mr. Hamidi would comply with any conditions imposed nor that the Premises would operate in a way so as to not undermine the licensing objective of the prevention of public nuisance. The application is therefore refused.

### **3.3 Application to Review the Premises Licence for Bow Supermarket, 163-167 Devons Road, London E3 3QX**

The Sub-Committee considered an application for a review of the premises licence held by Cem Yesil in respect of Bow Supermarket, 163-167 Devons Road, London, E3 3QX ("the Premises"). The licence authorises the sale of

alcohol for consumption off the premises. The application was brought by the Licensing Authority and was triggered by sales being made out of hours.

The Sub-Committee heard from Ms. Holland, who set out the history. There had been out-of-hours sales in December 2021 and April 2022. Following the second purchase the Licensing Authority asked Mr. Yesil to add conditions to the licence as those on the licence, which had been “grandfathered” over when the Licensing Act 2003 came in to force, were not suitable. A minor variation had been submitted in August 2022 but contained an application to extend the hours, which cannot be achieved by way of a minor variation. When Mr. Yesil was advised of this, he was informed that a review would be brought to add conditions if a minor variation was not sought.

In November 2022, the variation had still not been sought. Ms. Holland contacted Mr. Yesil on 9<sup>th</sup> November, who explained he had had some family issues. He was again warned of the risk of a review. He told Ms. Holland that his solicitors would apply within the next couple of weeks. There had been no further contact.

Ms. Holland told the Sub-Committee that the applicant had now agreed the proposed conditions, albeit that there was an amendment being sought to one condition. That was to proposed condition 1, which required a personal licence holder to be present at all times; Mr. Yesil sought to have that apply from 15:00 hours. Ms. Holland had no objection.

Mr. Sutherland addressed the Sub-Committee on behalf of Mr. Yesil. He apologised for this review having been brought. He told the Sub-Committee that Mr. Yesil had instructed solicitors in August to deal with the variation and that they had let him down. Prior to that he had been in Turkey in June and July as his father had been very ill. It was only after the review application had been lodged that he realised his solicitors had let him down, following which he had instructed Mr. Sutherland. He agreed to the imposition of the conditions suggested, with a minor modification to condition 1 proposed by the Legal Adviser to the Sub-Committee.

The application engages the four licensing objectives. The Sub-Committee was content, given the agreed position, to adopt the course requested by both parties. The Sub-Committee considered that it would be disproportionate to take any stronger action when neither party suggested that was warranted in the circumstances and given that there were no further issues arising since April 2022. The Sub-Committee therefore grants the application for review and modifies the conditions of the premises licence as follows:

1. There shall be a personal licence holder on duty on the premises from 15:00 hours and at all times when the premises are open and carrying on licensable activity.
2. When the designated premises supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

3. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
5. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) any incidents of disorder;
  - c) any faults in the CCTV system,
  - d) any refusal of the sale of alcohol;
  - e) any visit by a relevant authority or emergency service.
6. All alcohol shall be secured behind lockable grills/screens when the shop is open for business beyond the hours for licensable activities.
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
8. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available to the police or authorised officer upon request.
9. There will be a prominent signage near the door to the premises reminding the customers to leave the area quietly.
10. All alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or immediately outside.

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

The meeting ended at 2.00 p.m.

Chair, Councillor Suluk Ahmed  
Licensing Sub Committee



# Exhibit D

Tower Hamlet Pizza | Contact Us

towerhamletpizza.com/contact-us

Home Order Now Reviews Contact Us EN-GB Basket Log In

Tower Hamlet Pizza 1.7 24 Reviews 15 mins Pickup 30 mins Delivery ORDER NOW

**INFO**

Order Enquiries

If your order is late, incorrect, or if you're not happy with the food, please contact us directly on 020322206333

For Payment issues/Enquiries

If you paid online and require a refund, and you're unable to contact the takeaway please contact Datman LTD at info@datman.je or 0333 016 5548

If you would like to go through frequently asked question, you can visit our online Help Center

Location

479 Cambridge Heath Road, London, E2 9BU, 020322206333

**Opening Hours**

Day	Pickup	Delivery
Monday	11:00 AM - 10:00 PM	11:00 AM - 4:00 AM
Tuesday	11:00 AM - 10:00 PM	11:00 AM - 4:00 AM
Wednesday	11:00 AM - 10:00 PM	11:00 AM - 4:00 AM
Thursday	11:00 AM - 10:00 PM	11:00 AM - 4:00 AM
Friday	11:00 AM - 10:00 PM	11:00 AM - 4:00 AM
Saturday	11:00 AM - 10:00 PM	11:00 AM - 4:00 AM
Sunday	11:00 AM - 10:00 PM	11:00 AM - 4:00 AM

Cuisines

- Pizza
- Breads

Hamlet Pizza (London) - Kebab

hamletpizza.co.uk/info/main/key-5545d167

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**HAMLET PIZZA**

KEBAB, BURGERS, PIZZA, HALAL, PASTA

479 CAMBRIDGE HEATH RD LONDON UNITED KINGDOM E2 9BU GB

020 3222 0633

**PAYMENT METHODS**

CASH ON DELIVERY

CARD PAYMENT

**OPENING HOURS**

MONDAY	11:00 - 23:00
TUESDAY	11:00 - 23:00
WEDNESDAY	11:00 - 23:00
THURSDAY	11:00 - 23:00
FRIDAY	11:00 - 23:00
SATURDAY	11:00 - 23:00
SUNDAY	11:00 - 23:00

Swift Pizza Kebab House | Contact Us

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EN-GB Log In

**SWIFT PIZZA KEBAB HOUSE**

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**INFO**

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If you would like to go through frequently asked question, you can visit our online [Help Center](#)

Location

479 Cambridge, Heath Rd, E2 9BU, 020 7729 7771

**Opening Hours**

Day	Pickup	Delivery
Monday	11:00 AM - 4:00 AM	11:00 AM - 4:00 AM
Tuesday	11:00 AM - 4:00 AM	11:00 AM - 4:00 AM
Wednesday	8:00 PM - 4:00 AM	8:00 PM - 4:00 AM
Thursday	11:00 AM - 4:00 AM	11:00 AM - 4:00 AM
Friday	11:00 AM - 4:00 AM	11:00 AM - 4:00 AM
Saturday	11:00 AM - 4:00 AM	CLOSED
Sunday	11:00 AM - 4:00 AM	11:00 AM - 4:00 AM

**Cuisines**

- Pizza
- Kebab
- Burgers

Pizza Pizza in London - Order from

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**PIZZA PIZZA**

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479 Cambridge Heath Road, London, E2 9BU

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£0.99 delivery fee **£12.99** min. order

**Offers**

20% off when you spend £15

**Your order**

[Allergen info](#)

**Go to checkout**

**Delivery** 35-50 mins **Collection** 20 mins

Feedback

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**Opening times**

	Delivery	Collection
Monday		11:00 – 23:00
Tuesday		11:00 – 23:00
Wednesday		11:00 – 23:00
<b>Thursday</b>		<b>11:00 – 23:00</b>
Friday		11:00 – 23:00
Saturday		11:00 – 23:00
Sunday		11:00 – 23:00

**Go to checkout**

**Delivery** 35-50 mins

**Collection** 20 mins

[Feedback](#)

Milano Express (Cambridge) Me x

[ubereats.com/gb/store/milano-express-cambridge/JOjv0wvaUVOr75fxcJ4EmA/f1d6f403-c6fc-4fe9-a871-d3919bbe794e?diningM...](https://ubereats.com/gb/store/milano-express-cambridge/JOjv0wvaUVOr75fxcJ4EmA/f1d6f403-c6fc-4fe9-a871-d3919bbe794e?diningM...)

**Uber Eats** E2 7AN · Nov

**Milano Express (Cambridge)**

479 Cambridge Heath Rd, London, EMEA E2 9BU

Open until 11:00 PM

**Sunday**

- 11:00 - 23:00 • Menu
- 11:00 - 22:30 • Weekend Menu
- 11:00 - 18:00 • Lunchtime Menu

**Monday - Thursday**

- 11:00 - 23:00 • Menu
- 11:00 - 22:30 • Monday To Thursday Menu
- 11:00 - 18:00 • Lunchtime Menu

**Friday - Saturday**

- 11:00 - 23:00 • Menu
- 11:00 - 22:30 • Weekend Menu
- 11:00 - 18:00 • Lunchtime Menu

**Delivery tracking information**

Basket 0 Sign in

Menu Monday To Thurse

11:00 AM - 11:00 PM 11:00 AM - 10:30 PM

Lunchtime Offers

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

Head Of Service David Tolley

Town Hall  
160 Whitechapel Road  
London  
E1 1BJ

8<sup>th</sup> November 2023

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

My reference: P/PR/EHTS/LIC/162770

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

Dear Sir/Madam,

**Licensing Act 2003**  
**Re: 479 Cambridge Heath Road, London E2 9BU**

Following my representation of 4<sup>th</sup> October 2023, I wish to add evidence which may link the new applicant with the previous occupiers/licence holders of the business.

Mr. Haroon HAMIDI, the previous licence holder of 479 Cambridge Heath Road, was company Director of Slice Pizza Peri Peri Limited at 132 Upton Lane, London E7 9LW. Appointed on 7<sup>th</sup> July 2020, the company was dissolved on 14<sup>th</sup> December 2021. Mr. Saidajan Hassankheil was also a company director of 132 Upton Lane E7 9LW under Slice Pizza & Kebab Ltd from 17<sup>th</sup> February 2021 and dissolved on 20 July 2021. Therefore it does appear the two directors were in control of the same premises at the same period of 17<sup>th</sup> February 2021 to 20 July 2021.

It does appear to be a coincidence that applications have been made by other members of Hamidi family which have been refused and now a new applicant which is linked through another business address, albeit historically, and utilising the same agent does suggest links to the previous owners.

Various websites remain active at the address advertising either until 11pm or until 4am and therefore we do not confidence of the premises complying with any licence with the potential of a number of different names businesses operating under one address.

Yours sincerely,

[REDACTED]

**Kathy Driver**  
**Principal Licensing Officer**



## Find and update company information

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(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)  
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SLICE PIZZA & KEBAB LTD

Company number **13206620**

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**1 officer / 0 resignations**

#### **HASSANKHEIL, Saidajan**

Correspondence address **132 Upton Lane, London, England, E7 9LW**

Role **Director**

Date of birth **[REDACTED]**

Appointed on **17 February 2021**

Nationality **Afghan**

Country of residence **England**

Occupation **Business Person**

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21 Apr 2021	DS01	<b>Application to strike the company off the register</b>	(3 pages)
17 Feb 2021	NEWINC	<b>Incorporation</b> Statement of capital on 2021-02-17	(10 pages)
		<ul style="list-style-type: none"> <li>• GBP 100</li> <li>• MODEL ARTICLES - <b>Model articles adopted</b></li> </ul>	



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SLICE PIZZA PERI PERI LIMITED

Company number **12726157**

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#### **HAMIDI, Haroon**

Correspondence address **132 Upton Lane, London, United Kingdom, E7 9LW**

Role **Director**

Date of birth **[REDACTED]**

Appointed on **7 July 2020**

Nationality **British**

Country of residence **England**

Occupation **Director**

#### **ULLAH, Sabir**

Correspondence address **132 Upton Lane, London, United Kingdom, E7 9LW**

Role **Director**

Date of birth [REDACTED]

Appointed on **7 July 2020**

Nationality **Afghan**

Country of residence **United Kingdom**

Occupation **Director**

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SLICE PIZZA PERI PERI LIMITED

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28 Sep 2021	GAZ1	<b>First Gazette</b> notice for compulsory strike-off	(1 page)
07 Jul 2020	NEWINC	<b>Incorporation</b> Statement of capital on 2020-07-07	(42 pages)
		<ul style="list-style-type: none"> <li>• GBP 100</li> </ul>	

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# Appendix 7

## Corinne Holland

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**From:** Onuoha Olere  
**Sent:** 05 October 2023 11:34  
**To:** Licensing  
**Cc:** MARK.J.Perry@[REDACTED] milano.pizza.peri@[REDACTED]  
**Subject:** 162770 - Milano Express & Peri Peri - 479 Cambridge Heath Road, London, E2 9BU  
**Attachments:** VID-20231005-WA0005.mp4; VID-20231005-WA0004.mp4; 479 Cambridge Heath Road, E2.pdf; LA.Exh.C.pdf

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

Dear Licensing,

I have considered the premises license application for– **Milano Express & Peri Peri - 479 Cambridge Heath Road, London, E2 9BU** or and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity. The applicant is proposing licensable hours well beyond the Council’s framework hours.

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

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

The applicant is proposing Licensable Activities: Late Night Refreshment:

**Monday to Thursday from 23:30 hours, until 01.00 an increase of one and half hours on council framework hours**

**Friday and Saturday from Midnight, until 02.00 an increase of 2 hours on council framework hours**

**Sunday from 23:00 hours (LNR is only required from 23:00 hours), an increase of 2 hours considering framework hours from Sunday starts from 10.30pm.**

Also, there is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance. The condition under public nuisance “*There shall be one SIA registered staff member on duty after 11pm on Sunday to Saturday until close of business*” This is quite general and does not consider the impact on public nuisance from increase footfall from persons accessing and egressing the premises, as business would also be operating as a “Take Away” congregation of outside the premises, which is so close to residential properties above and beside the premises, particularly when considering the late hours applied for by the applicant.

**Previously we have received a large number of noise complaints against this premises, please see attached.**

**Noise Sensitive premises:** commercial premises in close proximity to residential flats (see videos and photo attached) Shop below residential properties above and beside proposed LNR premises shown in picture.

In conclusion, if the committee are minded granting this application, I would ask the following -

1. Operating hours are in line with council framework hours.
2. Conditions as below -

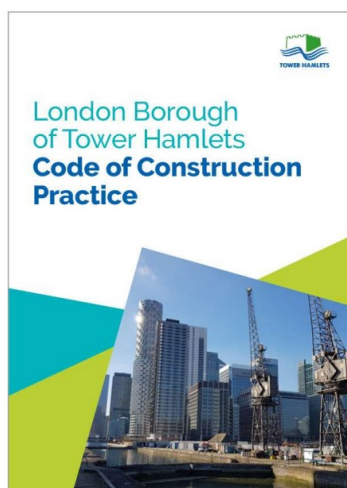
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. And no loitering of patrons outside the premises having ordered and received their takeaway.
- Also, the premises licence holder will display notices within their premises requesting that delivery drivers remain respectful of neighbours by keeping noise to a minimum by waiting inside the premises to collect deliveries.
- No idling of delivery vehicles/bikes outside the premises, no drivers hooting, shouting, or raised voices nor loud music/radios, whilst premises is in operation.
- The premises licence holder will display notices requiring drivers of delivery vehicles not to leave vehicle engines idling outside the premises whilst the premises is in operation.

Your sincerely

Onuoha Olere

*Onuoha OLERE  
Environmental Protection Officer  
Environmental Health & Trading Standards  
Communities Directorate  
4<sup>th</sup> Floor, Tower Hamlets Town Hall  
160 Whitechapel Road  
London, E1 1BJ*

*Please send your response or email reply directly to  
[Environmental.Protection@towerhamlets.gov.uk](mailto:Environmental.Protection@towerhamlets.gov.uk) quoting your case reference number.*



### Construction Code of Practice 2023

- Development with Planning Permission granted and subject to Planning Conditions issued prior to the adoption of the new Code will continue to operate under the conditions for working hours of **Construction Practice 2006**.  
Permitted to work Saturdays without s61 Agreement (8am to 1pm only)
- Development granted Planning Approval **after the 26<sup>th</sup> April 2023** and subject to Planning Conditions required to adhere to working hours as set out above and in the **Code of Construction Practice 2023**.  
s61 Agreement required for works on Saturdays, Sundays, Bank Holidays, or Public Holidays
- Developments seeking amendments to Planning Approvals issued prior to 26<sup>th</sup> April 2023 Working Hours imposed if relevant to the details being amended.
- For more information, please click on the cover page of the Code of Construction Practice 2023

### Section 61 consent

To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply here:



Please find below extracts from residents complaints about the business operation

Complaints from resident A:

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

Complaints from resident B:

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

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

#### Resident C

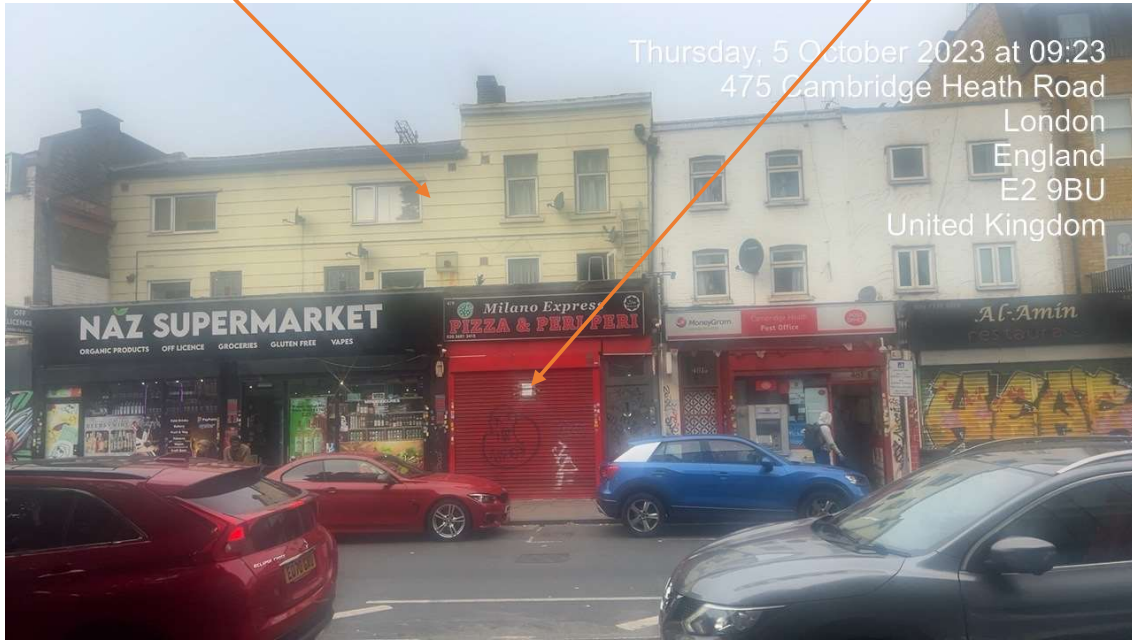
16/5/22	I would like the council to take immediate legal action against this pizza takeaway as they are never close. They are serving people round the clock 7 days a week none stop. Although I am aware of the pizza places legally operating until 11pm. This pizza takeaway attracted a lot of dodgy, drug dealers, drunk and very dangerous people and there are fights every single nights of the week.  We are living a nightmare and there is nothing we can do other than the council to take action and close the place exactly at 11pm so we could live in peace.
---------	--

	<p>As far as we are aware there were someone stabbed few days ago and ended up in hospital luckily he survived.</p> <p>We have family, kids, work and want to live a normal life, but the place turned our lives upside down and should be shut immediately after 11pm</p>
17/5/22	<p>.. We need you to take action as we are suffering every single night specially between midnight to 5 or 6am.</p>
20/5/22	<p>.. It's 04:15 and for the past 4 hours or so we are awake and can not sleep because of this business that you have taken money and don't want to take action against. How could you expect us to take kids to school, work or function as normal when you are awake all night every night....</p>
22/5/22	<p>Another weekend spent in hell as we couldn't sleep all night all the way to 6:30am.</p> <p>Saturday morning I went to the pizza place at 3:50, this morning/ Sunday mornings I went to speak to them at 3:13am, but all I got abuse from these disgusting thugs. They are dealing with drugs and are very dangerous people. The people coming around 3 or 4 am are all drug dealers. I have called the police and they advice me to contact the useless council as it's their duty to stop these people trading illegally..</p>
25/5/22	<p>The email is regarding the pizza place called Hamlet pizza or towers hamlet pizza also called pizza pizza of 479 Cambridge heath road E29BU which is open round the clock without having the license to operate beyond 23:00 hours.....</p> <p>We are living a life full of nightmares and can not get an hour of sleep ..They are open 24/7 and attract a lot of drug dealers, drunk people, delivery drivers, thugs etc etc and making a lot of noise all the way to 6 or 7am. The worst time is around 3 or 3:30 to 5am.</p> <p>First you made an excuse and now you are making another excuse of new ownership. I am sure someone in the council is advising them what to do to avoid being punished for operating illegally. They are the same people for at least 14 years or so based on the information from the neighbours and local shops.</p> <p>Please for the sake of God do make sure they are close by 23:00 hours and let us live in peace. We have kids and they are behind at school due to lack of sleep.</p>
4/6/22	<p>Yet another night from hell as these people get only worse. Please we are begging you to take action please against The hamlet pizza place at 479 Cambridgeheath road E29bu</p>
5/6/22	<p>Once again we and a night from hell as the hamlet pizza is still open from yesterday 10:30am all the way until now non stop....</p>
10/6/22	<p>Any idea if the Hamlet pizza ever close as they are open 24/7? We are sick and tired of them and for the sake of God make sure they operate under the hours they are permitted NOT 24/7</p>
13/6/22	<p>Once again I am writhing in regards to Hamlet pizza as they are trading between 10:00 to 08:00 seven days a week.</p> <p>..they owner .. is an extremely nasty and dangerous individual ...</p>
21/6/22	<p>Please for the love of God shut this pizza place as we are living a nightmare life. We have kids and we need to take them to school and we need to work.</p>

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

Residential

Premises -479 Cambridge Heath Rd



# Appendix 8

## Kathy Driver

---

**From:** Saidajan Hassankheil <[REDACTED]>  
**Sent:** 06 October 2023 02:31  
**To:** Kathy Driver  
**Cc:** Licensing; CEMailbox-[REDACTED]met.police.uk; Onuoha Olere; apsana.begum.[REDACTED]; Musthak Ahmed; Saied Ahmed; Shafi Uddin Ahmed; Sabina Akhtar; [REDACTED]@solicitorsinn[REDACTED]  
**Subject:** Re: Milano Express Pizza& Peri Peri, 479 Cambridge Heath Road, London E2 9BU

**Dear Kathy Driver,**

I hope this email finds you well. I am writing in response to your recent communication regarding the premises licence application for 479 Cambridge Heath Road, London E2 9BU. I appreciate your dedication to upholding the standards of public safety and order in our community.

While I acknowledge the concerns raised by the Licensing Authority and the local residents, I would like to respectfully express my disagreement with the grounds outlined for refusing the licence application. It is important to consider multiple perspectives and factors in such cases.

Firstly, it has come to my attention that not all residents in the vicinity are equally disturbed by the late-hour operations of the pizza business under various ownerships. Some residents may have not experienced significant disturbances, and their voices should be considered in the decision-making process.

Additionally, it is worth noting that a group of individuals has been filing complaints against this pizza business for an extended period. However, it has been suggested that some of these complainants may have been influenced by business competitors who have a vested interest in seeing the closure of this establishment. I would urge the Licensing Authority to thoroughly investigate the motivations behind these complaints to ensure a fair and unbiased evaluation.

Moreover, I strongly recommend that the council implements robust checks and surveillance on disturbances and noise caused by businesses in the area. Residents have expressed satisfaction with my diligent monitoring and effective management of my employees and services. I take into careful consideration the expectations of local residents in various aspects to both serve them well and ensure that they are not disturbed by the operation of my business.

It's important to note that my pizza business is not the sole late-night establishment in the area. There are nightclubs nearby, along with several other shops that operate late into the night, all of which contribute to the noise in the vicinity. The question arises: why are people specifically complaining about my business? It suggests that there may be hidden motivations exclusively targeting my pizza shop.

Furthermore, it is crucial to assess the new licence application on its individual merits and the proposed measures for mitigating disturbances. Granting a licence to a new applicant who may have no ties to the previous owners provides an opportunity to establish a fresh start with stringent conditions and monitoring mechanisms.

Regarding the concerns about multiple businesses operating from this address, it is essential to develop clear guidelines and enforcement strategies to prevent any potential violations of operating hours and conditions. With proper oversight, it is possible to ensure compliance with the terms of the licence.

In conclusion, I believe that a fair and balanced decision should be reached, taking into account the perspectives of all stakeholders involved. While the complaints of residents are significant, it is equally important to consider the potential economic and employment contributions of a legitimate business in our community.

I have also copied this email to the local Member of Parliament, my legal representative, and the Tower Hamlets counsellor. I encourage them to thoroughly consider and assess this matter, with the aim of implementing appropriate measures to address the challenges faced by both businesses and local residents as outlined above.

Thank you for your attention to this matter, and I hope that a comprehensive and impartial assessment can lead to a resolution that addresses the concerns of both residents and potential business operators.

Sincerely,

Saidajan Hassankheil

[REDACTED]

On Thu, 5 Oct 2023 at 13:07, Kathy Driver <[REDACTED]> wrote:

Please find attached representation in relation to the new premises licence application.

Kind Regards,

**Kathy Driver**  
Principal Licensing Officer  
Licensing & Safety Team  
Communities Directorate  
London Borough of Tower Hamlets  
Tower Hamlets Town Hall



160 Whitechapel Road  
London E1 1BJ



Licensing Hotline **020 7364 5008**

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

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# Appendix 9

**Section 182 Advice by the Home Office  
Updated on August 2023**

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards.

If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

# Appendix 10

## Licensing Policy Section 11

### Prevention of Public Nuisance

- 11.1 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.
- 11.2 Like many London boroughs, Tower Hamlets has many areas of the borough where businesses and residents are “cheek by jowl” with each other. Thus, the correct balance needs to be adopted ensuring residents are not unduly disturbed by licensed premises, whilst ensuring this does not stifle growth in the licence trade.
- 11.3 Though all licensed premises must promote the licensing objectives, and thus actively try to prevent public nuisance being caused by their licensable activities, there are some factors that this Licensing Authority would expect to applicants to consider and where appropriate address in their operating schedule. These are:
- a) Music/performances  
Measures to reduce impact of noise on residents
  - b) Queue management  
Measure to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents
  - c) Ingress and Egress  
Measure to prevent people noise during ingress and egress
  - d) Use of outside areas (see 11.7 below)
  - e) Deliveries, particularly pick-ups by vehicles  
Measures to prevent noise/fumes from engines, drivers (including smoking),
  - f) Bottle disposal  
Done at reasonable time to prevent impact on residents e.g. between 8am and 8pm
  - g) Litter  
Measures to prevent littering around the venue from patrons
- 11.4 The Licensing Authority appreciates that it would not be necessary or appropriate for all applications to have measures to prevent the above issues. Nevertheless, we will take a strong view on applications for licences that are in close proximity to residential premises, and whose intended use has a higher likelihood of causing public nuisance. This also includes those applications in areas covered by a Cumulative Impact Assessment (CIA). Especially where the applications falls outside the scope of any exceptions to such CIAs.
- 11.5 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the

problems identified listed above, or any other conditions it considered appropriate and proportionate to promote the licensing condition of prevention of public nuisance.

- 11.6 **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 Councils 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.
- 11.7 **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.
- 11.8 **Beer Gardens and outside areas** – since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough being unduly disturbed by the night time economy. Hence, we would encourage applicants address this concern in their operating schedule by detailing what mitigating measures they intend adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:
- limiting the amount of patrons permitted in the outside area, and/or,
  - restricting the use of areas after a certain time,
  - ceasing its use after a certain time.

Where disturbance of residents from outside areas is likely, and where its discretion is engaged, this Licensing Authority may add conditions limiting the numbers of person permitted to use any outside areas, and/or seek to cease the use of any outside areas after 21:00 hours.

- 11.9 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to "Party Boats", which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the "Boat" conditions, listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Public Nuisance. Furthermore, where disturbance of residence from these party boats is likely, and where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

# Appendix 11



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

Updated December 2022

## Public nuisance

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

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

# Appendix 12

## Licensing Policy Section 9

### 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. The applicant should also list such steps that are required to deal with these identified issues. Both risks and mitigating steps 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 Conditions in Appendix 3.
- 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 conditions from our model conditions in appendix 3, to prohibit 'touting':-

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.

7.9 **Psychoactive Substances, e.g. Nitrous Oxide (NOx)** – Misuse of nitrous oxide is associated with increased antisocial behaviour including littering, noise nuisance and vandalism, all of which are detrimental to residents' quality of life and feelings of safety. Use of nitrous oxide is also a health concern and has other associated harms.

As a result, this Licensing Authority expects Licence Holders to refuse entry to any person seen use or selling NOx as a psychoactive Substance. Refusals should also be entered into Licence Holders refusals logs.

Where its discretion is engaged this Licensing Authority impose conditions to formally require refusal of persons seen selling or using NOx as a psychoactive Substance.

7.10 **Drinks spiking** – in reference to the Local Governments Association (LGA) Guidance note on drink spiking prevention, this Licensing Authority expects licence holders and applicants to have a zero-tolerance policy towards drinks spiking. This involves as a minimum ensuring all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. Licence holders and applicants should also be aware of the Metropolitan Police's definition of drink spiking:

"Spiking is where someone adds drugs or alcohol to another person's drink without them knowing, it is illegal."

The LGA has set some recommendations for Licence holder, and we would expect our Licence holders to follow these where appropriate to their venues:

<https://www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention#recommended-actions-for-licensed-premises->

Applicants for new and variations of exiting licences as well as those submitting TENs are expected to work with the Metropolitan Police in order to consider actions needed to prevent drinks spiking in their venues/events

Where its discretion is engaged this Licensing Authority will impose conditions on licences aimed at preventing drinks spiking, specifically any recommended by the metropolitan police.

7.11 **Welfare and Vulnerability** – This Licensing Authority believes that all Licensed venues should train their staff in Welfare and Vulnerability Engagement (WAVE). As of 2023 this Licensing Authority in partnership with the Metropolitan Police and the London Borough of Hackney is delivering monthly WAVE training sessions for Licensed venues within both Tower Hamlets and Hackney. As a result, we expect that all Licensed venues who sell alcohol for consumption on their premises should train their staff in WAVE and adopt Ask for Angela or similar initiatives aimed at assisting vulnerability within alcohol licensed venues.

7.12 **Sexual Harassment in the Night Time Economy** – sadly this is still an issues for women working in and visiting licensed venues in London. As a result, this Licensing Authority encourages Licensed venues to sign up to the Mayor of London’s Women’s Night Safety Charter:

<https://www.london.gov.uk/programmes-strategies/arts-and-culture/24-hour-london/womens-night-safety-charter>

As well as the Women’s Night Safety Charter we would encourage applicants and licence holders to discuss applications with the Council’s Violence Against Women and Girls Service, who can provide advice and training to venues on preventing misogyny within licensed premises.

Lastly, we expect Licence Holders to take a zero-tolerance approach to misogyny within their venues where this is towards customers or employees. We would expect licence holders to refuse to serve persons who commit acts of sexual harassment, even in the first instance, and report the matter to the Metropolitan Police.

7.13 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to “Party Boats”, which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the conditions listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Crime and Disorder. Furthermore, where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

7.14 **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.

- 7.15 The Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.16 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>.
- 7.17 **Smuggled Goods** – The Licensing Authority will exercise its discretion to add conditions to licence where appropriate and proportionate to reduce the risk of receiving smuggled goods and encourage traceability.
- 7.18 **Olympic Park (Football Ground)** – Premises where Police intelligence shows that football supporters congregate within the borough should consider adding the Olympic Park – Football Ground conditions in our Model Conditions in appendix 3.

# Appendix 13



# 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 14

## Anti-Social Behaviour from Patrons Leaving the Premises

### General Advice

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

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

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

### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 5.14 and 5.15 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 9.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and may be draw from the Model Conditions in **Appendix 3 of the Licensing Policy**. In particular Members may wish to consider (this list is not exhaustive):

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

## Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 20 of the Licensing Policy).**

## Police Powers

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

## Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

The Act also introduced a wide range of measures designed to address anti- social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders

- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

# Appendix 15

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

All applications have to be considered on their own merits.

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

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

### **(see 16.8 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 16.9 of the Licensing Policy)**

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

- Theatres
- Cinemas
- Premises with club premises certificates



# Appendix 16

## **Planning**

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

# Agenda Item 3.2

Committee: <b>Licensing Sub Committee</b>	Date	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Lavine Miller-Johnson</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for 125-127 Bethnal Green Road Ground Floor &amp; Basement London E2 7DG</b>  Ward affected: <b>Weavers</b>
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## 1.0 Summary

Applicant: **Destination9 Ltd**

Name and: **Destintion9 Ltd**

Address of Premises: **125-127 Bethnal Green Road  
Ground Floor & Basement E2 7DG**

Licence sought: **Licensing Act 2003  
Sales of Alcohol  
Regulated Entertainment (films)**

Objectors: **Environmental Protection**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Lavine Miller-Johnson  
020 7364 2665

### 3.0 **Background**

- 3.1 This is an application for a new Premise Licence for 125-127 Bethnal Green Road Ground Floor & Basement London E2 7DG.
- 3.2 The applicant has described the premises as a sophisticated and refined wine bar, offering an extensive selection of wines from around the globe.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

#### **Regulated Entertainment (Films) (Indoors)**

Monday to Sunday from 12:00 hours to 23:30 hours

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

Monday to Sunday from 08:00 hours to 23:30 hours

#### **Opening times**

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

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

- 4.1 A copy of the site plan 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 2023.
- 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 7**.
- 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.
- Nicola Cadzow (**Environmental Protection**) – **Appendix 6**
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Public Health

- Home office (Immigration Enforcement)

6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

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

6.11 The objections relate to:

- Public nuisance
- ASB
- Crime & disorder

6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

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

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any visits by a relevant authority or emergency service

2. There shall be at least 1 personal licence holder on duty at all times the vessel is operating with licensable activities.
3. A recognised member of the premises management must attend a police council licensing forums meetings when invited.
4. Licensable activity in the event space will only be permitted in the following circumstances:
  - a) on receipt of pre booking. A pre booking system shall be employed whereby the full name address email and phone number for the lead booker shall be recorded and kept.
  - b) for an event advertised by the licensee/management
5. 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.
6. 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.
7. Signage stating that CCTV is in operation at the premises will be clearly displayed.
8. In the event that a serious assault is committed on the premises the management will immediately ensure that:
  - a) the police (and where appropriate, the London Ambulance Service) are called without delay,
  - b) all measures that are reasonably practicable are taken to apprehend any suspects, pending the arrival of the police,
  - c) The crime scene is preserved so to enable a full forensic investigation to be carried out by the police
  - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
9. The service of alcohol will be by table service only (save for the event area in the basement) whereby alcohol will only be served to persons seated.

10. There will be no vertical drinking (save for the event area in the basement).
11. There will be no beer, cider or ale available on tap. All beer, cider and ales shall be served in bottles only.
12. 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.
13. Food will be available during all hours of licensable activity.
14. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises Thursday to Saturday (and any day preceding a bank holiday) between 21:00 hours to 15 minutes after close.
15. The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises, Where door supervisors are provided by an agency, the name business address and contact telephone number will also be recorded. These records are to be maintained for no less than 12 months.
16. The maximum number of persons permitted in the premises will not exceed 50 persons on the ground floor and 50 persons in the basement, split evenly between the two rooms (Not including staff and performers)
17. The premises shall prominently display signage informing customers to leave the premises and area quietly.
18. The removal of rubbish to outside the premises, will not take place between the hours of 21:00 hours and 07:00 hours.
19. The licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any bottles and glasses emanating from the premises. A final check should be made at close of business.
20. A dispersal policy will be in existence which shall so far as in possible, ensure that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.
21. No more than 6 patrons will be permitted to smoke outside the premises at any one time.
22. Patrons will not be permitted to take drinks outside of the premises.



23. 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.
24. All staff members engaged, or to be engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age – restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
25. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either an authorised officer of the council or the police on request / staff employed to sell alcohol shall undergo training upon induction. This shall include but not be limited to:
- The premise age verification policy
  - Dealing with refusal of sales
  - Proxy purchasing
  - Identifying attempts by intoxicated persons to purchase alcohol
  - Identifying signs of intoxication
26. Such training sessions are to be documented and refreshed every twelve months.
27. All training sessions are to be documented in English, Records of training shall be kept for a minimum of one year and be made available to an authorised officer of the council or the police upon request.

#### **8.0 Conditions Agreed/Requested by Responsible Authority (Licensing)**

- The supply of alcohol shall be to a person seated and ancillary to the consumption of food (complimentary or otherwise)

#### **28. Licensing Officer Comments**

- (a) 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.
- (b) 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)
- (c) 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.
- (d) In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- (e) 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.
- (f) 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)
- (g) The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- (h) In **Appendices 7 – 14** 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.

## 29. Legal Comments

- (a) The Council’s legal officer will give advice at the hearing.

## 30. Finance Comments

- (a) There are no financial implications in this report.

## 31. Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Copy of 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 premises in the area
<b>Appendix 6</b>	Representation from Environmental Protection
<b>Appendix 7</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 8</b>	Licensing Officer comments on public nuisance
<b>Appendix 9</b>	S182 advice on public nuisance
<b>Appendix 10</b>	Licensing Officer comments on Crime & Disorder
<b>Appendix 11</b>	S182 advice on crime & disorder
<b>Appendix 12</b>	ASB leaving the premises
<b>Appendix 13</b>	Licensing Policy relating to hours of trading
<b>Appendix 14</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  This is the unique reference for this application generated by the system.

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

#### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

#### Applicant Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

### 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 His Majesty's prerogative

### Section 4 of 21

#### NON INDIVIDUAL APPLICANTS

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

#### Non Individual Applicant's Name

Name

#### Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)



Continued from previous page...

Private Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  [Documents that demonstrate entitlement to work in the UK](#)

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

Lazy Eight will be a sophisticated and refined wine bar offering an extensive selection of wines from around the globe. The mission is to deliver exceptional tasting experiences to our patrons while promoting a sense of high-quality ambiance in the area. To enhance the enjoyment of our wines, we provide expertly paired cold food options, including charcuterie boards.

The proposed wine bar will focus on high-end, organic, biodynamic and sustainable wines as well as cocktails made from

**Continued from previous page...**

prime cocktail combination liquors and ingredients from independent producers all over the world. The drinks menu has been arranged to appeal to a more mature audience and priced appropriately for the ambience they wish to achieve. Our knowledge of the area is extensive and we believe such a venue in this precise spot would be a perfect fit.

The venue has extensive CCTV coverage ensuring no blind spots, a safe capacity has been calculated to ensure that the ambience we wish to achieve can be managed and not drowned.

The event space as shown on the floor plan will only be accessible to the public as per the operating schedule, by pre-booking, or advertised event by the licensee/management. This event space will be used for book readings, film shows, presentations, displays and the like. Whilst the applicant applies for the showing of films through this licence, the reality is that the licence will rarely be used as the event space will be for such mixed use. That permission within the licence will permit the applicant to add more scope to who is able to hire the venue.

Accompanying the application is a price list and food menu.

The directors of the company all have extensive experience within the industry.

The proposed DPS Mr Moricz has worked his way from bartender to assistant GM at a venue in Shoreditch since 2016. Mr Pecoraro has 13 years' experience in hospitality and Mr Schulze has worked in operations at hotels, and organised music events in Berlin where he also oversaw the F&B Purchasing.

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

**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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the exhibition of films take place indoors or outdoors or both?

- Indoors**       **Outdoors**       **Both**

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the exhibition of film

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

Non standard timings. Where the premises will be used for the exhibition of film 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.

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Continued from previous page...

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

**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**

Continued from previous page...

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises  Off the premises  Both

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

State any seasonal variations

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

Continued from previous page...

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

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

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

**Name**

First name

Family name

Date of birth  /  /

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

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)

*Continued from previous page...*

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.

NONE

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

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

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:

- a. all crimes reported to the venue.
- b. all ejections of patrons
- c. any complaints received concerning crime and disorder.
- d. any incidents of disorder
- e. any faults in the CCTV system
- f. any visit by a relevant authority or emergency service.

2. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to an authorised officer of the council or the police upon request. Right to work documents must be retained at the premises for a minimum of 12 months after employment has ceased.

3. There shall be at least 1 personal licence holder on duty at all times the vessel is operating with licensable activities.

4. A recognised member of the premises management must attend all police/council licensing forums/meetings when invited.

5. Licensable activity in the event space will only be permitted in the following circumstances;

- a) On receipt of pre-booking. A pre-booking system shall be employed whereby the full name, address, email and phone



**Continued from previous page...**

number of the lead booker shall be recorded and kept.

b) For an event advertised by the licensee/management.

b) The prevention of crime and disorder

6. CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities, so as to comply with the following criteria;

- The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and time of the person checking, shall be kept and made available to police or authorised council officers on request.
- The police must be informed if the system will not be operating for longer than one day of business for any reason.
- One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering.
- The system will provide coverage of any exterior part of the premises accessible to the public.
- The system shall record in real time and recordings will be date and time stamped.
- Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to police or authorised council officers on request, (subject to the Data Protection Act 1998) within 24 hours of any request, and
- At all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request.

7. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises.

8. The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO)

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

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

10. The service of alcohol will be by table service only (save for the event area in the basement) whereby alcohol will only be served to persons seated.

11. There will be no vertical drinking (save for the event area in the basement).

12. There will be no beer, cider or ales available on tap. All beer, cider and ales shall be served in bottles only.

13. No alcoholic goods or tobacco products will ever be purchased or taken from persons calling to the shop. All alcohol products shall be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme. Invoices for all purchases of tobacco and alcohol products shall be retained on the premises for 12 months and produced to authorised officers of the council and the police upon request. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol or tobacco products.

14. Ultra-violet light will be available at the premises and will be used for the purpose of checking the UK Duty Stamps on spirits as soon as practicable after purchase. The premises licence holder shall notify the Council's Trading Standards team and HMRC as of any spirits that do not fluoresce under ultra-violet light and the bottles shall be removed from display and stored separately for collection by Council officers.

15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale, a description of the person who was refused service and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by authorised officers of the council and the police upon request.

16. Food will be available during all hours of licensable activity. **Page 159**

*Continued from previous page...*

17. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises Thursday to Saturday (and any day preceding a bank holiday) between 2100 hours to 15 minutes after close.

18. The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises. Where door supervisor(s) are provided by an agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for no less than 12 months.

c) Public safety

19. An adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.

20. A fire safety risk assessment will be completed as per government guidelines on an annual basis (Regulatory Reform (Fire Safety) Order 2005) And produced to authorised officers of the council, Police or the Fire Service upon request.

21. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.

22. The maximum number of persons permitted in the premises will not exceed 50 persons on the ground floor, and 50 Persons in the basement, split evenly between the two rooms. (Not including staff and performers)

23. The event space will be closed to the general public when not in use. (Thereby reducing overall capacity to a maximum of 75 persons not including staff and performers)

d) The prevention of public nuisance

24. The premises shall prominently display signage informing customers to leave the premises quietly and to respect the neighbours, SIA door supervisors when employed to verbally remind customers to leave the premises and area quietly.

25. The removal of rubbish to outside the premises will not take place between the hours of 9pm and 7am.

26. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

27. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.

28. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.

29. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

**Continued from previous page...**

30. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.

31. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in the premises. This should remain unobstructed at all times and should clearly identify:-

- the name of the registered waste carrier
- the date of commencement of trade waste contract
- the date of expiry of trade waste contract
- the days and times of collection
- the type of waste including the European Waste Code

32. A dispersal policy will be in existence which shall, so far as is possible, ensure that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.

33. No more than 6 patrons will be permitted to smoke outside the premises at any one time.

34. Patrons will not be permitted to take drinks outside of the premises.

e) The protection of children from harm

35. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted. Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.

36. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.

37. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either an authorised officer of the council or the police on request/ Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to;

- The premises age verification policy
- Dealing with refusal of sales
- Proxy purchasing
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication

38. Such training sessions are to be documented and refreshed every twelve months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of the council or the police upon request.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORKING AS A** Page 161

*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 below visit <https://www.towerhamlets.gov.uk/latenightlevy>

latenightlevy



Continued from previous page...

\* Fee amount (£)

315.00

## ATTACHMENTS

## AUTHORITY POSTAL ADDRESS

### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

## 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)

Add another signatory

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

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

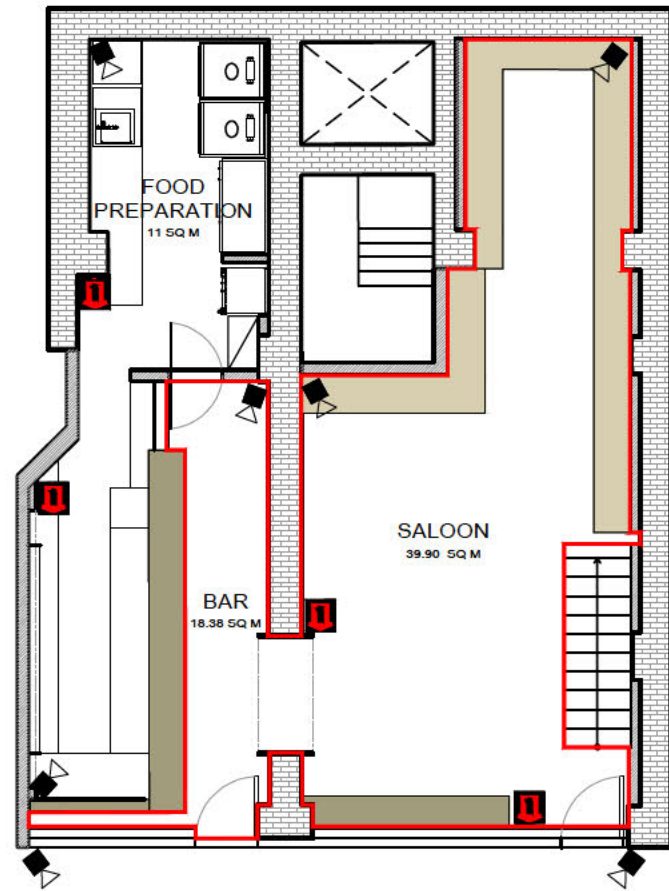
Don't forget to make sure you have all your supporting documentation to hand.

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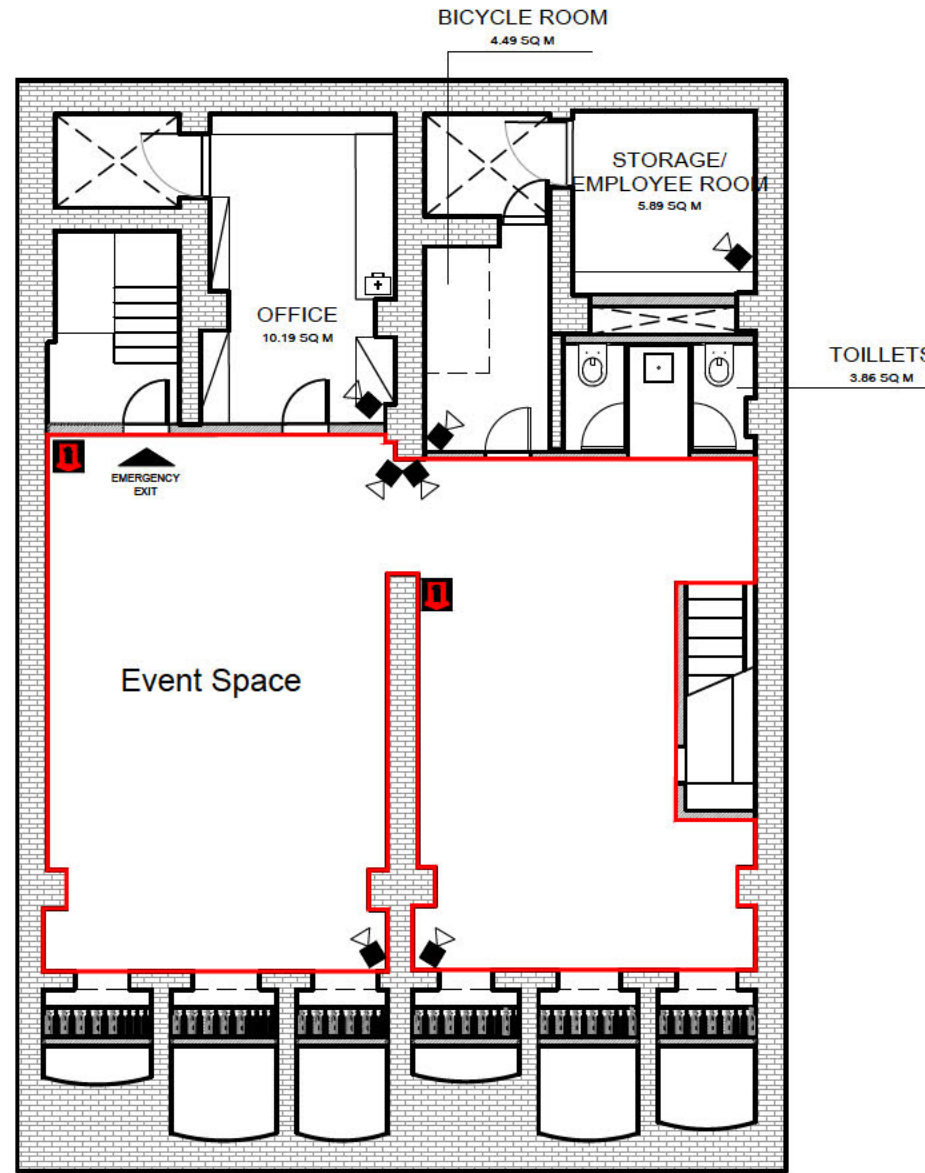
**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**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**

# Appendix 2



COMERCIAL UNIT GROUND FLOOR  
SCALE 1/100



COMERCIAL UNIT BASEMENT  
SCALE 1/100

KEY

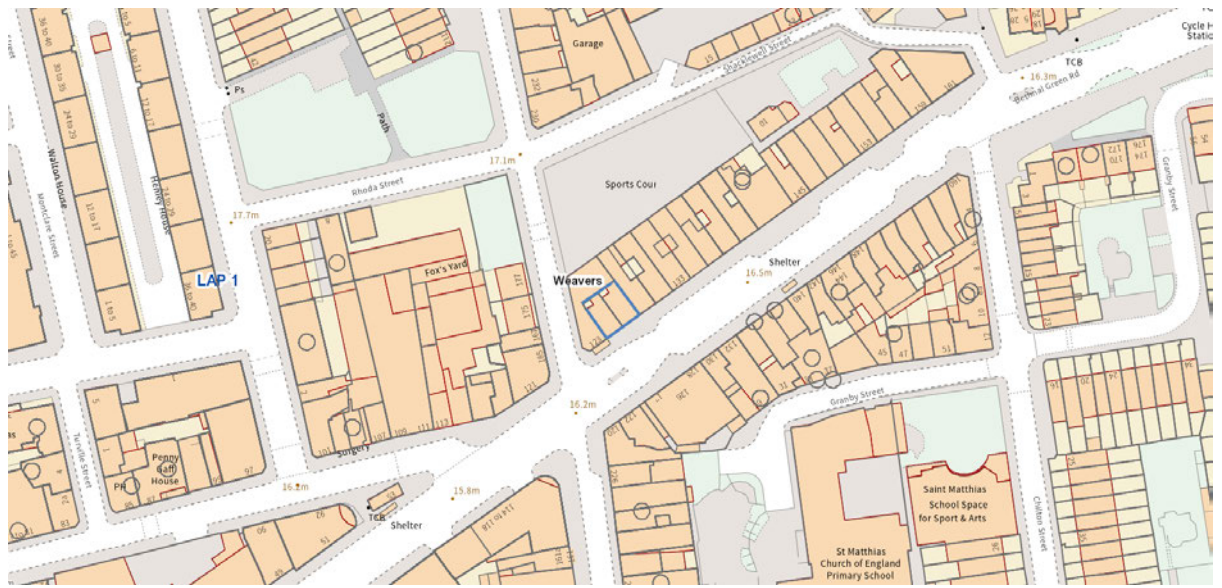
SCALE APPROX 1:100

SYMBOL	DESCRIPTION
	CCTV Camera
	Fire Extinguisher
	First Aid Kit
	Fixed Seating
	Fixed Table
	Licensable Area
	Building Boundary

 <small>01 3514 2295 • 01 69522 4322 • 01 983366851                  contact@murasarriaarchitects.com • www.murasarriaarchitects.com</small>	client Lazy Eight	scale 1:100	date 23.08.2023
	address 125-127 Bethnal Grn Rd, London E2 7DG, United Kingdom	phase Licensing Planning	drawing n <b>01</b>
	project Comercial Unit	design Layout	

# Appendix 3

Map of surrounding area -125-127 Bethnal Green Road



# Appendix 4



Photographs of premises – 125-127 Bethnal Green Road





# Appendix 5

ADDRESS	LICENSABLE ACTIVITIES	OPENING HOURS
<p>Unit A 114 – 116 Bethnal Green Road London E2 6DG</p>	<p><b>Supply of Alcohol</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11.00 hours to 01.00 hours the following day</li> </ul> <p><b>Regulated Entertainment (Live Music, Recorded Music, Performances of Dance)</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11.00 hours to 01.00 hours the following day</li> </ul> <p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 23.00 hours to 01.00 hours the following day</li> <li>▪</li> </ul> <p>On supplies</p>	<ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11.00 hours to 01.30 hours the following day</li> </ul>
<p><b>Glass House</b> Unit A 114-118 Bethnal Green Road London E2 6DG</p>	<p><b><u>Sale of Alcohol (on sales)</u></b> Monday – Sunday 11:00 hours – 01:00 hours</p> <p><b><u>Provision of Late-Night Refreshments (indoors)</u></b> Monday – Sunday 23:00 hours – 01:00 hours</p> <p><b><u>Provision of Regulated Entertainment (indoors)</u></b> Live and recorded music, performance of dance Monday – Sunday 11:00 – 01:00 hours</p> <p><b>On sales only</b></p>	<ul style="list-style-type: none"> <li>• Monday – Sunday 11:00 hours – 01:30 hours</li> </ul>
<p><b>DDs London Ltd</b> 119 Bethnal Green Road London E2 7DG</p>	<p><b><u>Supply of Alcohol</u></b></p> <ul style="list-style-type: none"> <li>• Monday - Closed</li> <li>• Tuesday to Saturday from 11:00 hours to 23:00 hours</li> </ul> <p>On and off sales</p>	<ul style="list-style-type: none"> <li>• Monday - Closed</li> <li>• Tuesday to Saturday from 11:00 hours to 23:00 hours</li> <li>• Sunday from 11:00 hours to 21:00 hours</li> </ul>

	<ul style="list-style-type: none"> <li>• Sunday from 11:00 hours to 21:00 hours</li> </ul> <p><b><u>Recorded Music (Background only)</u></b></p> <ul style="list-style-type: none"> <li>• Monday - Closed</li> <li>• Tuesday to Saturday from 11:00 hours to 23:00 hours</li> <li>• Sunday from 11:00 hours to 21:00 hours</li> </ul> <p><b><u>On and off sales</u></b></p>	
<p><b>(Casa Blue)</b> 120 Bethnal Green Road London E2 6DG</p>	<ul style="list-style-type: none"> <li>▪ Sunday, Monday, Tuesday, Wednesday and Thursday from 13:00 hours to 00:30 hours the following day</li> <li>▪ Friday and Saturday from 13:00 hours to 02:30 hours the following day.</li> </ul> <p><b>Late night refreshment</b></p> <ul style="list-style-type: none"> <li>▪ Sunday, Monday, Tuesday, Wednesday and Thursday until 00:30 hours the following day</li> <li>▪ Friday and Saturday until 02:30 hours the following day.</li> </ul> <p><b>Regulated entertainment (recorded music – unamplified ambient background music):</b></p> <ul style="list-style-type: none"> <li>▪ Sunday, Monday, Tuesday, Wednesday and Thursday from 11:00 hours to</li> </ul>	<ul style="list-style-type: none"> <li>• Sunday, Monday, Tuesday, Wednesday and Thursday from 11:00 hours to 01:00 hours the following day</li> <li>• Friday and Saturday from 11:00 hours to 03:00 hours the following day.</li> <li>•</li> </ul>

Other Licensed Premises in the area -125-127 Bethnal Green Road

	<p>00:30 hours the following day Friday and Saturday from 11:00 hours to 02:30 hours the following day</p> <p>On sales only</p>	
<p><b>(123)</b> <b>123 Bethnal Green Road</b> <b>London</b> <b>E2 7DG</b></p>	<p><b><u>The on-sale of alcohol:</u></b></p> <p>Monday to Sunday, 12.00 hours to 22.30 hours</p>	<ul style="list-style-type: none"> <li>Monday to Sunday, 12.00 hours to 23.00 hours</li> </ul>
<p><b>Pasta Evangelists</b> <b>148 Bethnal Green Road</b> <b>London</b> <b>E2 6DG</b></p>	<p><b><u>Sale of Alcohol</u></b> (off sales) Monday – Sunday 12:00 hours – 23:00 hours</p> <p><b><u>Provision of late-night refreshment</u></b> Monday to Thursday 23:00 hours to 00:30 hours Friday and Saturday 23:00 hours to 01:00 hours Sunday 23:00 hours to 23:30 hours</p> <p><b><u>Off sales only</u></b></p>	<ul style="list-style-type: none"> <li>Premises are not open to the public</li> </ul>

# Appendix 6

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 30 October 2023 08:46  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** 163611 MAU REPRESENTATION Lazy Eight 125-127 Bethnal Green Road

Dear Licensing,

Having considered the premises license application for Lazy Eight 125-127 Bethnal Green Road I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity, especially given the fact that the premises is within Brick Lane Cumulative Impact Zone.

Whilst the application is not for greater hours than the Council's framework hours there is insufficient information in the operating schedule in the licence application to show how the applicant will promote licensing objective for the prevention of public nuisance, when considering that the premises is in Brick Lane Cumulative Impact Zone.

**Noise Sensitive premises:** residential premises in close proximity to 125-127 Bethnal Green Road London

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

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits

### **CONCLUSION**

Environmental Protection **does not** support the application 125-127 Bethnal Green Road for the following reasons:

- (1) The applicant have not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance
- (2) The premises is in Brick Lane Cumulative Impact Zone.

If the licensing sub-committee are minded to grant the application I would ask that the following conditions be considered:

1. Loudspeakers shall not be located in the entrance lobby, or outside the premise building nor on ceilings. And anti-vibration mounts used is speakers attached to the walls
2. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
3. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Kind regards

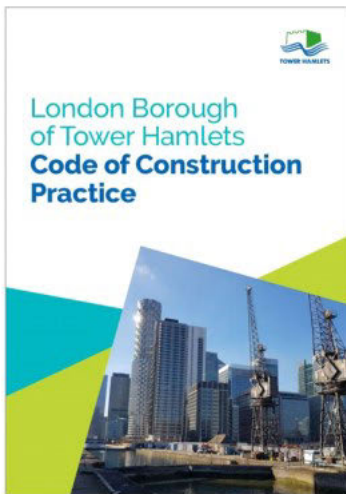
Nicola Cadzow  
Environmental Protection Officer  
Communities Directorate  
Environmental Health and Trading Standards  
4th Floor, Tower Hamlets Town Hall  
160 Whitechapel Road  
London, E1 1BJ



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### Construction Code of Practice 2023

- Development with Planning Permission granted and subject to Planning Conditions is adoption of the new Code will continue to operate under the conditions for working hours of **Code of Construction Practice 2006**.

Permitted to work Saturdays without s61 Agreement (8am to 1pm only)

- Development granted Planning Approval **after the 26<sup>th</sup> April 2023** and subject to Plan required to adhere to working hours as set out above and in the **Code of Construction Practice 2023**. s61 Agreement required for works on Saturdays, Sundays, Bank Holidays, or Public Holidays
- Developments seeking amendments to Planning Approvals issued prior to 26<sup>th</sup> April 2023 Working Hours imposed if relevant to the details being amended.
- For more information, please click on the cover page of the Code of Construction Practice 2023

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

# Appendix 7



**Section 182 Advice by the Home Office  
Updated on August 2023**

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 8

## Licensing Policy Section 11

### Prevention of Public Nuisance

- 11.1 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.
- 11.2 Like many London boroughs, Tower Hamlets has many areas of the borough where businesses and residents are “cheek by jowl” with each other. Thus, the correct balance needs to be adopted ensuring residents are not unduly disturbed by licensed premises, whilst ensuring this does not stifle growth in the licence trade.
- 11.3 Though all licensed premises must promote the licensing objectives, and thus actively try to prevent public nuisance being caused by their licensable activities, there are some factors that this Licensing Authority would expect to applicants to consider and where appropriate address in their operating schedule. These are:
- a) Music/performances  
Measures to reduce impact of noise on residents
  - b) Queue management  
Measure to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents
  - c) Ingress and Egress  
Measure to prevent people noise during ingress and egress
  - d) Use of outside areas (see 11.7 below)
  - e) Deliveries, particularly pick-ups by vehicles  
Measures to prevent noise/fumes from engines, drivers (including smoking),
  - f) Bottle disposal  
Done at reasonable time to prevent impact on residents e.g. between 8am and 8pm
  - g) Litter  
Measures to prevent littering around the venue from patrons
- 11.4 The Licensing Authority appreciates that it would not be necessary or appropriate for all applications to have measures to prevent the above issues. Nevertheless, we will take a strong view on applications for licences that are in close proximity to residential premises, and whose intended use has a higher likelihood of causing public nuisance. This also includes those applications in areas covered by a Cumulative Impact Assessment (CIA). Especially where the applications falls outside the scope of any exceptions to such CIAs.
- 11.5 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the

problems identified listed above, or any other conditions it considered appropriate and proportionate to promote the licensing condition of prevention of public nuisance.

- 11.6 **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 Councils 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.
- 11.7 **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.
- 11.8 **Beer Gardens and outside areas** – since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough being unduly disturbed by the night time economy. Hence, we would encourage applicants address this concern in their operating schedule by detailing what mitigating measures they intend adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:
- limiting the amount of patrons permitted in the outside area, and/or,
  - restricting the use of areas after a certain time,
  - ceasing its use after a certain time.
- Where disturbance of residents from outside areas is likely, and where its discretion is engaged, this Licensing Authority may add conditions limiting the numbers of person permitted to use any outside areas, and/or seek to cease the use of any outside areas after 21:00 hours.
- 11.9 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to "Party Boats", which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the "Boat" conditions, listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Public Nuisance. Furthermore, where disturbance of residence from these party boats is likely, and where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

# Appendix 9

# 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 10

## Licensing Policy Section 9

### 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. The applicant should also list such steps that are required to deal with these identified issues. Both risks and mitigating steps 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 Conditions in Appendix 3.
- 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 conditions from our model conditions in appendix 3, to prohibit 'touting':-

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.

7.9 **Psychoactive Substances, e.g. Nitrous Oxide (NOx)** – Misuse of nitrous oxide is associated with increased antisocial behaviour including littering, noise nuisance and vandalism, all of which are detrimental to residents' quality of life and feelings of safety. Use of nitrous oxide is also a health concern and has other associated harms.

As a result, this Licensing Authority expects Licence Holders to refuse entry to any person seen use or selling NOx as a psychoactive Substance. Refusals should also be entered into Licence Holders refusals logs.

Where its discretion is engaged this Licensing Authority impose conditions to formally require refusal of persons seen selling or using NOx as a psychoactive Substance.

7.10 **Drinks spiking** – in reference to the Local Governments Association (LGA) Guidance note on drink spiking prevention, this Licensing Authority expects licence holders and applicants to have a zero-tolerance policy towards drinks spiking. This involves as a minimum ensuring all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. Licence holders and applicants should also be aware of the Metropolitan Police's definition of drink spiking:

"Spiking is where someone adds drugs or alcohol to another person's drink without them knowing, it is illegal."

The LGA has set some recommendations for Licence holder, and we would expect our Licence holders to follow these where appropriate to their venues:

<https://www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention#recommended-actions-for-licensed-premises->

Applicants for new and variations of exiting licences as well as those submitting TENs are expected to work with the Metropolitan Police in order to consider actions needed to prevent drinks spiking in their venues/events

Where its discretion is engaged this Licensing Authority will impose conditions on licences aimed at preventing drinks spiking, specifically any recommended by the metropolitan police.

7.11 **Welfare and Vulnerability** – This Licensing Authority believes that all Licensed venues should train their staff in Welfare and Vulnerability Engagement (WAVE). As of 2023 this Licensing Authority in partnership with the Metropolitan Police and the London Borough of Hackney is delivering monthly WAVE training sessions for Licensed venues within both Tower Hamlets and Hackney. As a result, we expect that all Licensed venues who sell alcohol for consumption on their premises should train their staff in WAVE and adopt Ask for Angela or similar initiatives aimed at assisting vulnerability within alcohol licensed venues.

7.12 **Sexual Harassment in the Night Time Economy** – sadly this is still an issues for women working in and visiting licensed venues in London. As a result, this Licensing Authority encourages Licensed venues to sign up to the Mayor of London’s Women’s Night Safety Charter:

<https://www.london.gov.uk/programmes-strategies/arts-and-culture/24-hour-london/womens-night-safety-charter>

As well as the Women’s Night Safety Charter we would encourage applicants and licence holders to discuss applications with the Council’s Violence Against Women and Girls Service, who can provide advice and training to venues on preventing misogyny within licensed premises.

Lastly, we expect Licence Holders to take a zero-tolerance approach to misogyny within their venues where this is towards customers or employees. We would expect licence holders to refuse to serve persons who commit acts of sexual harassment, even in the first instance, and report the matter to the Metropolitan Police.

7.13 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to “Party Boats”, which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the conditions listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Crime and Disorder. Furthermore, where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

7.14 **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.

- 7.15 The Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.16 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>.
- 7.17 **Smuggled Goods** – The Licensing Authority will exercise its discretion to add conditions to licence where appropriate and proportionate to reduce the risk of receiving smuggled goods and encourage traceability.
- 7.18 **Olympic Park (Football Ground)** – Premises where Police intelligence shows that football supporters congregate within the borough should consider adding the Olympic Park – Football Ground conditions in our Model Conditions in appendix 3.

# Appendix 11

# 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 12

## Anti-Social Behaviour from Patrons Leaving the Premises

### General Advice

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

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

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

### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 5.14 and 5.15 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 9.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and may be draw from the Model Conditions in **Appendix 3 of the Licensing Policy**. In particular Members may wish to consider (this list is not exhaustive):

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

## Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 20 of the Licensing Policy).**

## Police Powers

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

## Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

The Act also introduced a wide range of measures designed to address anti- social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders

- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

# Appendix 13

## **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 16.8 of the Licensing Policy)**

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

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

### **(See 16.9 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 14

## **Planning**

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



# Agenda Item 3.3

Committee: <b>Licensing Sub Committee</b>	Date	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Lavine Miller-Johnson</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a variation Premise Licence for 32-34 Ellesmere Street London E14 6BA</b>  Ward affected: <b>Lansbury</b>
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## 1.0 Summary

Applicant: **Virenkumar Patel**

Name and **VNS Poplar**

Address of Premises: **32-34 Ellesmere Street London E14 6BA**

Licence sought: **Licensing Act 2003 Sales of Alcohol**

Objectors: **Resident**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Lavine Miller-Johnson  
020 7364 2665

### 3.0 **Background**

- 3.1 This is an application for a variation of the Premise Licence for 32-34 Ellesmere Street E14 6BA
- 3.2 The applicant has described the application as a variation for an extension of hours for the sale of alcohol by retail to be consumed off the premises.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

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

Monday to Sunday from 08:00 hours to 01:00 hours

#### **Opening times**

Monday to Sunday from 08:00 hours to 01:00 hours

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

- 4.1 A copy of the existing licence 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 2023.
- 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 8**.
- 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.
- Tahsinul Farhan (**Resident**) – **Appendix 6**
- 6.9 The applicant’s agent responded to the resident representation – **Appendix 7**
- 6.10 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)
- 6.11 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
- 6.12 The objections relate to:
- Public nuisance
  - ASB
  - Crime & disorder
- 6.13 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.
- 6.14 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.
- 6.15 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 current Operating Schedule**

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

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. A 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.
4. Staff training will be given on induction and at six monthly intervals thereafter. Written training record will be kept for employees.
5. The premises will keep strong management controls and train all staff so they are aware of the licence and its requirement.  
In particular:
  - a) No service of alcohol to underage people.
  - b) Being vigilant to prevent disorderly behaviour.
6. The premises will actively engage with and work with the police safer neighbourhoods' team.
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. Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received regards crime and disorder
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any refusal of the sale of alcohol

#### **8.0 Conditions Agreed/Requested by Responsible Authority (EHO)**

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly, and no loitering of customer in the immediate vicinity of the premises.

2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a 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 8 – 15** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 10.0 Legal Comments

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

**11.0 Finance Comments**

11.1 There are no financial implications in this report.



## 12.0 Appendices

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

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# Appendix 1



\* required information

### Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if 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

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

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

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

**Agent Business**

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

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

Is your business registered outside the UK?  Yes  No

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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="32-34"/>
Street	<input type="text" value="Ellesmere Street"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E14 6BA"/>
Country	<input type="text" value="United Kingdom"/>

**Premises Contact Details**

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

**Section 3 of 18**

**VARIATION**

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Describe Briefly The Nature Of The Proposed Variation**

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

Extension of hours for the sale of alcohol by retail to be consumed off the premises.

**Section 4 of 18**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

**Section 5 of 18**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 18**

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**



Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

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 above, 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 14 of 18

#### 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.

Provide 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 15 of 18

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

**Continued from previous page...**

**WEDNESDAY**

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**THURSDAY**

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**FRIDAY**

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**SATURDAY**

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**SUNDAY**

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:00"/>
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 above, 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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

n/a

I have enclosed the premises licence

**Continued from previous page...**

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 16 of 18**

**LICENSING OBJECTIVES**

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

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

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

Current objectives remain.

b) The prevention of crime and disorder

In addition to current objectives contained within licence: labels on cans and bottles with name and address of premises, CCTV outside front of premises, personal licence holder onsite at premises at all times, no strong beers above 7%.

c) Public safety

Current objectives remain.

d) The prevention of public nuisance

Current objectives remain.

e) The protection of children from harm

Current objectives remain.

**Section 17 of 18**

**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 18 of 18**

**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.

Variation 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 £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 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 - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise 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>

\* Fee amount (£)

190.00

**DECLARATION**

Continued from previous page...

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

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

**OFFICE USE ONLY**

Applicant reference number   
Fee paid   
Payment provider reference   
ELMS Payment Reference   
Payment status   
Payment authorisation code   
Payment authorisation date   
Date and time submitted   
Approval deadline   
Error message   
Is Digitally signed

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

# Appendix 2





Lic No:  
149675

**(Spar)**  
32-34 Ellesmere Street  
London  
E14 6BA

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

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

**Signed by**

**David Tolley**  
Environmen

ndards

**Date: 4<sup>th</sup> November 2019**



**Part A - Format of premises licence**

Premises licence number

149675

**Part 1 - Premises details**

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

32-34 Ellesmere Street

**Post town**

London

**Post code**

E14 6BA

**Telephone number**

020

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

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

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

**The opening hours of the premises**

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

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

Off sales only

## Part 2

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

[REDACTED]

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

Not Applicable

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

Virenkumar Patel

[REDACTED]

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

Issuing Authority - [REDACTED]

Personal Licence Number - [REDACTED]

## **Annex 1 - Mandatory conditions**

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

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

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

3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  
5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$
 where —
      - (i) **P** is the permitted price
      - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
      - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
    - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
      - (i) the holder of the premises licence

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

## **Annex 2 - Conditions consistent with the operating Schedule**

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

4. Staff training will be given on induction and at six monthly intervals thereafter. Written training record will be kept for employees.
5. The premises will keep strong management controls and train all staff so they are aware of the licence and its requirements.  
In particular:
  - a) No service of alcohol to underage people.
  - b) Being vigilant to prevent disorderly behaviour.
6. The premises will actively engage with and work with the police safer neighbourhoods' team.
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. Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received regards crime and disorder
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any refusal of the sale of alcohol

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

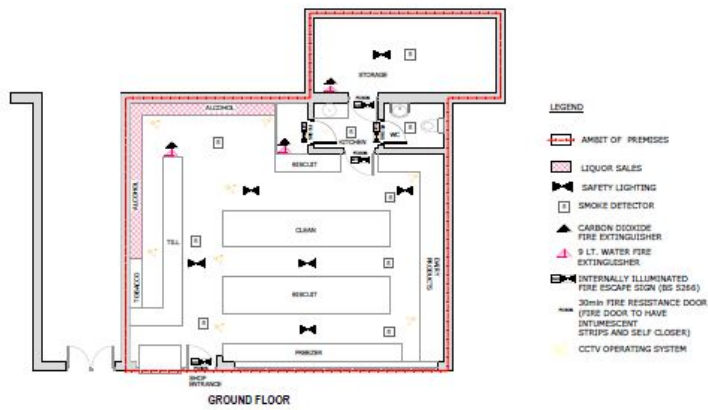
Not applicable

### **Annex 4 - Plans**

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

30<sup>th</sup> September 2019

# Shop Floor Plan



### LEGEND

- AMSET OF PREMISES
- LIQUOR SALES
- SAFETY LIGHTING
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- 30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)
- CCTV OPERATING SYSTEM

<small>ARCHITECTURAL PLANNING / LICENSING 303 Deodar Lane, Pagans Green London SE15 6EJ 020 8867 0077 / 07793 546 176 info@advanceplanning.co.uk info@advancelighting.co.uk</small>	
PLEASE NOTE	
<small>1. All dimensions to be verified on site. 2. All dimensions are in millimeters. 3. No work shall commence until all approvals and agreements have been obtained. These include: Planning, Building Regulations, Water and party Wall. 4. The Copyright of the drawing being to Adv Planning Limited.</small>	
Date	20/09/2019
Scale (to A3)	1:100
Drawn by	ES
Checked by	JXC
PROJECT STATUS	<b>LICENSING</b>
	<b>PROPOSED</b>
PROJECT	32-34 ELLESMERE STREET, LONDON E14 9BA
SHEET	FLOOR PLAN
JOB No.	19.058
DRAWING NUMBER	L100
	REV



**Part B - Premises licence summary**

**Premises licence number**

149675

**Premises details**

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

(Spar)  
32-34 Ellesmere Street

**Post town**  
London

**Post code**  
E14 6BA

**Telephone number**  
020

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

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

The opening hours of the premises

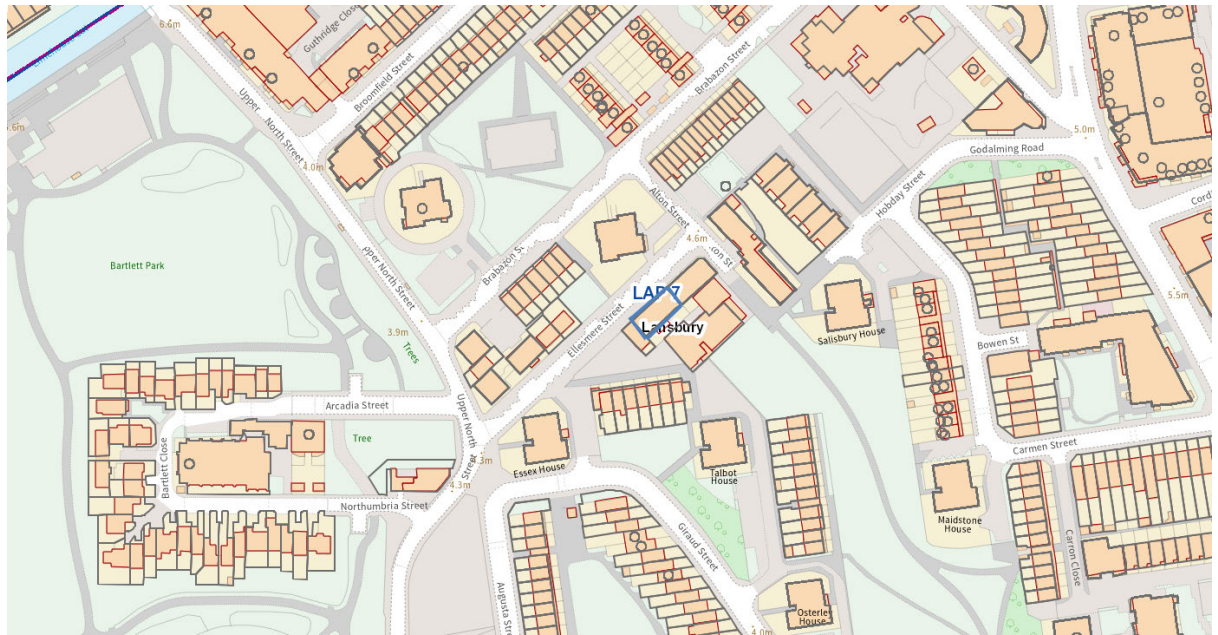
Monday to Sunday 08:00 hours to 23:00 hours



Name, (registered) address of holder of premises licence	Virenkumar Patel [REDACTED]
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	Off sales only
Registered number of holder, for example company number, charity number (where applicable)	Not applicable
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Virenkumar Patel
State whether access to the premises by children is restricted or prohibited	No restrictions

# Appendix 3

## Map of surrounding area – 32-34 Ellesmere Street



# Appendix 4

Photographs of the premises – 32-34 Ellesmere Street



# Appendix 5

ADDRESS	LICENSABLE ACTIVITIES	OPENING HOURS
<p><b>(Denni's Off Licence)</b> 103 Brabazon Street London E14 6BL</p> <p>(Premises currently suspended)</p>	<p><b>The sale by retail of alcohol (Off sales only)</b></p> <ul style="list-style-type: none"> <li>• Monday to Saturday, from 08:00 hrs to 23:00 hrs</li> <li>• Sunday, from 10:00 hrs to 22:30 hrs</li> </ul> <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> <li>• On Christmas Day, from 12:00 hrs to 15:00 hrs and 19:00 hrs to 22:30 hrs</li> <li>• On Good Friday, from 08:00 hrs to 22:30 hrs</li> </ul> <p>Off sales only</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p><b>(Select Convenience)</b> Unit 2 New festival Quarter Upper North Street London E14 6FY</p>	<p><b>Sale by retail of alcohol</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 08:00 hours to 22:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 06:00 hours to 23:00 hours</li> </ul>

# Appendix 6



**From:** [Licensing](#)  
**To:** [Lavine Miller-Johnson](#)  
**Subject:** FW: Premise Variation : change the time  
**Date:** 09 October 2023 12:23:50

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**From:** Tahsinulfarhan [REDACTED]  
**Sent:** Saturday, October 7, 2023 5:37 PM  
**To:** Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Subject:** Premise Variation : change the time

Address: [REDACTED]  
Name: Tahsinul Farhan

Hello,

I am writing to say that if VNS Poplar Ltd want to change their hours I do not agree. This is because their closing time now being 10pm is already a bit disturbing as it gets very noisy and this is a problem as our rooms are located right above the shop. We can already not sleep before 10pm due to the noise and if they extend the time it will become a very big problem for us. I have to wake up at around 3-4am for work and my children have to also wake up early for school. This means we have to sleep a bit early. Please consider our circumstances and that if they keep the shop open for longer it will be very difficult to live here.

Thanks

# Appendix 7

## Lavine Miller-Johnson

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**Subject:** FW: 32-34 Ellesmere Road

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**From:** Arlene auf der Mauer <[REDACTED]>  
**Sent:** Wednesday, November 15, 2023 11:20 AM  
**To:** Lavine Miller-Johnson <[REDACTED]>  
**Cc:** [REDACTED]  
**Subject:** 32-34 Ellesmere Road

Dear Lavine,

I am writing with reference to the objection for a premises licence variation for the above address. I have discussed this matter with Viren, my client.

He believes that there will be no issue with increased noise emanating from, or related to his premises due to his longer opening hours. There is no noise now and no complaints have been made.

The only noise that already exists, is from the adjacent building, where the objector resides, due to persons(customers) constantly coming and going at various hours. Apparently the neighbours have made complaints, but the matter has not been resolved.

My client states that his customers are happy with the extended hours and he will ask them to sign a petition in regard to supporting his application.

Regards,

Arlene

# Appendix 8

## **Section 182 Advice by the Home Office Updated on August 2023**

### 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 9

## Licensing Policy Section 11

### Prevention of Public Nuisance

- 11.1 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.
- 11.2 Like many London boroughs, Tower Hamlets has many areas of the borough where businesses and residents are “cheek by jowl” with each other. Thus, the correct balance needs to be adopted ensuring residents are not unduly disturbed by licensed premises, whilst ensuring this does not stifle growth in the licence trade.
- 11.3 Though all licensed premises must promote the licensing objectives, and thus actively try to prevent public nuisance being caused by their licensable activities, there are some factors that this Licensing Authority would expect to applicants to consider and where appropriate address in their operating schedule. These are:
- a) Music/performances  
Measures to reduce impact of noise on residents
  - b) Queue management  
Measure to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents
  - c) Ingress and Egress  
Measure to prevent people noise during ingress and egress
  - d) Use of outside areas (see 11.7 below)
  - e) Deliveries, particularly pick-ups by vehicles  
Measures to prevent noise/fumes from engines, drivers (including smoking),
  - f) Bottle disposal  
Done at reasonable time to prevent impact on residents e.g. between 8am and 8pm
  - g) Litter  
Measures to prevent littering around the venue from patrons
- 11.4 The Licensing Authority appreciates that it would not be necessary or appropriate for all applications to have measures to prevent the above issues. Nevertheless, we will take a strong view on applications for licences that are in close proximity to residential premises, and whose intended use has a higher likelihood of causing public nuisance. This also includes those applications in areas covered by a Cumulative Impact Assessment (CIA). Especially where the applications falls outside the scope of any exceptions to such CIAs.
- 11.5 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the



problems identified listed above, or any other conditions it considered appropriate and proportionate to promote the licensing condition of prevention of public nuisance.

- 11.6 **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 Councils 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.
- 11.7 **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.
- 11.8 **Beer Gardens and outside areas** – since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough being unduly disturbed by the night time economy. Hence, we would encourage applicants address this concern in their operating schedule by detailing what mitigating measures they intend adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:
- limiting the amount of patrons permitted in the outside area, and/or,
  - restricting the use of areas after a certain time,
  - ceasing its use after a certain time.

Where disturbance of residents from outside areas is likely, and where its discretion is engaged, this Licensing Authority may add conditions limiting the numbers of person permitted to use any outside areas, and/or seek to cease the use of any outside areas after 21:00 hours.

- 11.9 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to "Party Boats", which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the "Boat" conditions, listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Public Nuisance. Furthermore, where disturbance of residence from these party boats is likely, and where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

# Appendix 10

# 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 11

## Licensing Policy Section 9

### 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. The applicant should also list such steps that are required to deal with these identified issues. Both risks and mitigating steps 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 Conditions in Appendix 3.
- 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 conditions from our model conditions in appendix 3, to prohibit 'touting':-

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.

7.9 **Psychoactive Substances, e.g. Nitrous Oxide (NOx)** – Misuse of nitrous oxide is associated with increased antisocial behaviour including littering, noise nuisance and vandalism, all of which are detrimental to residents' quality of life and feelings of safety. Use of nitrous oxide is also a health concern and has other associated harms.

As a result, this Licensing Authority expects Licence Holders to refuse entry to any person seen use or selling NOx as a psychoactive Substance. Refusals should also be entered into Licence Holders refusals logs.

Where its discretion is engaged this Licensing Authority impose conditions to formally require refusal of persons seen selling or using NOx as a psychoactive Substance.

7.10 **Drinks spiking** – in reference to the Local Governments Association (LGA) Guidance note on drink spiking prevention, this Licensing Authority expects licence holders and applicants to have a zero-tolerance policy towards drinks spiking. This involves as a minimum ensuring all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. Licence holders and applicants should also be aware of the Metropolitan Police's definition of drink spiking:

"Spiking is where someone adds drugs or alcohol to another person's drink without them knowing, it is illegal."

The LGA has set some recommendations for Licence holder, and we would expect our Licence holders to follow these where appropriate to their venues:

<https://www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention#recommended-actions-for-licensed-premises->

Applicants for new and variations of exiting licences as well as those submitting TENs are expected to work with the Metropolitan Police in order to consider actions needed to prevent drinks spiking in their venues/events

Where its discretion is engaged this Licensing Authority will impose conditions on licences aimed at preventing drinks spiking, specifically any recommended by the metropolitan police.

7.11 **Welfare and Vulnerability** – This Licensing Authority believes that all Licensed venues should train their staff in Welfare and Vulnerability Engagement (WAVE). As of 2023 this Licensing Authority in partnership with the Metropolitan Police and the London Borough of Hackney is delivering monthly WAVE training sessions for Licensed venues within both Tower Hamlets and Hackney. As a result, we expect that all Licensed venues who sell alcohol for consumption on their premises should train their staff in WAVE and adopt Ask for Angela or similar initiatives aimed at assisting vulnerability within alcohol licensed venues.

7.12 **Sexual Harassment in the Night Time Economy** – sadly this is still an issues for women working in and visiting licensed venues in London. As a result, this Licensing Authority encourages Licensed venues to sign up to the Mayor of London’s Women’s Night Safety Charter:

<https://www.london.gov.uk/programmes-strategies/arts-and-culture/24-hour-london/womens-night-safety-charter>

As well as the Women’s Night Safety Charter we would encourage applicants and licence holders to discuss applications with the Council’s Violence Against Women and Girls Service, who can provide advice and training to venues on preventing misogyny within licensed premises.

Lastly, we expect Licence Holders to take a zero-tolerance approach to misogyny within their venues where this is towards customers or employees. We would expect licence holders to refuse to serve persons who commit acts of sexual harassment, even in the first instance, and report the matter to the Metropolitan Police.

7.13 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to “Party Boats”, which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the conditions listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Crime and Disorder. Furthermore, where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

7.14 **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.

- 7.15 The Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.16 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>.
- 7.17 **Smuggled Goods** – The Licensing Authority will exercise its discretion to add conditions to licence where appropriate and proportionate to reduce the risk of receiving smuggled goods and encourage traceability.
- 7.18 **Olympic Park (Football Ground)** – Premises where Police intelligence shows that football supporters congregate within the borough should consider adding the Olympic Park – Football Ground conditions in our Model Conditions in appendix 3.

# Appendix 12

# 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 13

## Anti-Social Behaviour from Patrons Leaving the Premises

### General Advice

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

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

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

### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 5.14 and 5.15 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 9.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and may be draw from the Model Conditions in **Appendix 3 of the Licensing Policy**. In particular Members may wish to consider (this list is not exhaustive):

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

## Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 20 of the Licensing Policy).**

## Police Powers

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

## Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

The Act also introduced a wide range of measures designed to address anti- social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders

- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism



# Appendix 14

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

All applications have to be considered on their own merits.

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

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

### **(see 16.8 of the Licensing Policy)**

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

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

### **(See 16.9 of the Licensing Policy)**

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 15

## **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.