



Meeting of the

# LICENSING SUB COMMITTEE

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Thursday, 9 October 2008 at 6.30 p.m.

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## A G E N D A

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### VENUE

Room C1, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14  
2BG

<b>Members:</b>	<b>Ward Represented</b>
<b>Chair: Councillor Rajib Ahmed</b>	East India & Lansbury
<b>Councillor Alexander Heslop</b>	Bow East
<b>Councillor Oliur Rahman</b>	St. Dunstan's & Stepney Green

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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# LONDON BOROUGH OF TOWER HAMLETS

## LICENSING SUB COMMITTEE

Thursday, 9 October 2008

6.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF INTEREST (Pages 1 - 2)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
<b>3. RULES OF PROCEDURE</b>	<b>3 - 14</b>	
To note the rules of procedure which are attached for information.		
<b>4. UNRESTRICTED MINUTES</b>	<b>15 - 28</b>	
To confirm as a correct record of the proceedings the unrestricted minutes of two of the Licensing Sub-Committee meetings held on 6 <sup>th</sup> August 2008.		
<b>5. ITEMS FOR CONSIDERATION</b>		
<b>5.1 Application for a new Premises Licence under the Gambling Act 2005: Roar Betting, 576 Mile End Road, London E3 4PH (LSC011/809)</b>	<b>29 - 74</b>	<b>Mile End East</b>
<b>5.2 Application for a Variation of Premises Licence: A&amp;Y Wines, 116 Brick Lane, London E1 6RL (LSC034/809)</b>	<b>75 - 118</b>	<b>Spitalfields &amp; Banglatown</b>
<b>5.3 Application for new Premises Licence: Elegant BBQ, 388 Hackney Road, London E2 7AP (LSC035/809)</b>	<b>119 - 160</b>	<b>Bethnal Green North</b>

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

### Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

**What constitutes a prejudicial interest?** - Please refer to paragraph 6 of the adopted Code of Conduct.

**Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-**

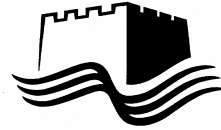
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

**TOWER HAMLETS**



**LICENSING COMMITTEE**

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

## **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 Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 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.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

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

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three 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. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

## **3. Timescales**

- 3.1 Most hearings must take place within 20 working days from the last date for representations to be made with the following exceptions:

Within 10 working days from the last date for the police to object to:

- conversion of an existing licence;
- conversion of an existing club certificate;
- an application for a personal licence by an existing justices licence holder;
- and

Within 10 working days from the date the Licensing Authority receives the notice for a review of the premises licence following a closure order.

Within 7 working days from the last date for the police to object to:

- a temporary event notice.

Within 5 working days from the last date for the police to object to:

- an interim authority notice (Note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

**Note:** Where a hearing is likely to take longer than one day, the Authority must arrange for the hearing to take place on consecutive days.

### 3.2 **Timescale for notice of hearings to be given**

In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held. The following are exceptions to that rule:

At least five working days notice must be given to the parties of the date of a hearing for determination of:

- conversion of an existing licence
- conversion of an existing club certificate
- application for a personal licence by the holder of a justices licence
- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to an interim authority notice
- police objection to a temporary event notice

### 3.3 **Persons who must be notified of a hearing**

The persons who must be notified of a hearing are set out below as a summary:

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
- Any police officer who has given notice of objection to:
  - a person specified as a Designated Premises Supervisor
  - an interim authority

- transfer of a premises licence
  - a temporary event notice
  - a personal licence
- Any holder of a premises licence or club premises certificate where:
- application is made for review

**Note:** Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.

### 3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

### 3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.



**Note:** Transition hearings cannot be adjourned to a date beyond the date that which causes an application to be deemed as determined by default.

#### **4. Procedure at the Hearing**

4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-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.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the 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. 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.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee

either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-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.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority 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.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-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.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-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 the authority may specify.

4.5 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. 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.

## **5. Determination of Application – Time Limits**

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

## **6. Record of Proceedings**

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

## **7. Irregularities**

7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations

7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

## **8. Notices**

8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:

- a) it can be accessed by the recipient in a legible form;
- b) it is capable of being reproduced as a document for future reference;
- c) the recipient has agreed in advance to receive it in such form;
- d) a copy is sent in documentary form forthwith to the recipient.

## **9. Appeals**

9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

**Note:** An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.

## APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises licence)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

grant of personal licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 31(3)(a) (determination of application for a provisional statement).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 48(3)(a) (cancellation of interim authority notice following police objection).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 88(2) (determination of application for review of club premises certificate).	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 105(2)(a) (counter notice following police objection to temporary event notice)	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days		

## APPENDIX B

### Regulation 8

<b>Action Following receipt of notice of hearing</b>	
<b>1.</b>	A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
(a)	whether he intends to attend or be represented at the hearing;
(b)	whether he considers a hearing to be unnecessary.
<b>2.</b>	In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
<b>3.</b>	In the case of a hearing under:
(a)	section 48(3)(a) (cancellation of interim authority notice following police objection), or
(b)	section 105(2)(a) (counter notice following police objection to temporary event notice),
	the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
<b>4.</b>	In the case of a hearing under:
(a)	section 167(5)(a) (review of premises licence following closure order),
(b)	paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
(c)	paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
(d)	paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),
	the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
<b>5.</b>	In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.25 P.M. ON WEDNESDAY, 6 AUGUST 2008**

**ROOM M71 THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**

**Members Present:**

Councillor Carli Harper-Penman (Chair)  
Councillor M. Mamun Rashid  
Councillor Motin Uz-Zaman

**Officers Present:**

John Cruse	Licensing Officer
Paul Greeno	Legal Officer
Margaret Sampson	Democratic Services

**Objectors In Attendance:**

Paul Johnson	Environmental Health Enforcement Officer
Mrs Benjamin	Mile End Road
Mr Fraysinnet	Bethnal Green Road

**Applicants in Attendance:**

Mr Dayal	Davi Dayal Newsagents
(Mr Dayal was accompanied by his daughter and son-in-law)	
Mr Veres	The Verge, Bethnal Green Rd.
Mr Ahsan	The Verge, Bethnal Green Rd.

**Members of the Public In Attendance:**

There was one member of the public present (accompanying Mrs Benjamin), who did not have the opportunity to sign the attendance book.

The Chair apologised for the lateness in opening the meeting and advised that due to other circumstances, the earlier Sub Committee meeting had not yet ended. It was therefore her intention to open and adjourn this meeting in order to conclude that business before proceeding with the items of business on this agenda.

**1. APOLOGIES FOR ABSENCE**

None.

## 2. DECLARATIONS OF INTEREST

None.

At this juncture, the Chair proposed and it was **AGREED**

That the Sub Committee would now adjourn.

The meeting reconvened at 3.25pm.

## 3. RULES OF PROCEDURE

Noted.

## 4. ITEMS FOR CONSIDERATION

### 4.1 **Application for Variation of the Premises Licence: Devi Dayal Newsagents, 184 Mile End Road, London E1 4LJ (LSC/809)**

Mr Cruse advised that the variation applied to extending the hours the premises were open for and the sale of alcohol to 03:00 hours on all days. Objections had been submitted by residents and Appendix 6 detailed conditions put forward by the Police following a meeting with the applicant.

The applicant advised that it was understood the resident objections related to rubbish in the alleyway beside the shop and which led past their front doors to the yard and parking area behind. The applicant advised that they were happy to install a bin within the alley and also outside the shop. An additional member of staff would also be employed from 11pm onwards to move people on if necessary.

The additional hours were to assist the business and were in line with other premises within the locality. As the premises was situated on a red route, business tended to be slow during the morning and evening rush hours.

Mrs Benjamin addressed the Committee in respect of her objections and on behalf of Mrs Maloney who was unable to be present. Both lived above the premises and were most directly affected by the application. Objection related to the misuse of the alley by those purchasing alcohol who loitered within the alley and used it as both a rubbish bin and urinal.

The applicant confirmed for Members that there was CCTV within the shop and that the Police had confirmed that it could also cover the alley. The alley was cleaned by them on a daily basis though this was not their responsibility. There had been no problems at the shop in the years they had managed and they wished to resolve the concerns raised.

Mrs Benjamin stated that she had seen people buying cans of drink from this shop and go down the alley; the car park at the rear was frequently covered in broken glass. The Chair ascertained that there were other premises close by that were also licensed for off-sales. Mrs Benjamin stated that she had not spoken directly to the applicant though she had remarked on it. Mr Dayal parked his car at the rear of the premises and must have noticed what goes on.

The applicant confirmed that there was a bin outside the shop and CCTV coverage though neither was located to address use of the alley. He was happy to locate bins and signage that would hopefully assist.

It was clarified that the only entrance to the rear yard, which was a parking and bin refuse area for the shops and residents, was from Mile End Road.

There being no further questions, the Chair advised that the Sub Committee would now, at 3.45pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 3.55pm and the Chair reported that Members had resolved:

That the application to vary the Premises Licence for Davi Dayal Newsagents, 184 Mile End Road, London E1 4LJ, be **GRANTED** subject to amendment and the following conditions:

Hours open to the public and for the sale of alcohol (off sales only): 08:00 to 00:30 Monday to Thursday, 08:00 to 02:00 Friday and Saturday. No change to hours operated on Sunday.

All members of staff at the premises shall seek 'credible photographic proof of age evidence' from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol on the premises. Such credible evidence shall be in the form of a passport or photographic driving licence.

A refusal book to be maintained listing the date and time of the refusal, including a description or the name of the person who has been refused a sale.

A CCTV system shall be installed or the existing system maintained. The system will incorporate a camera covering the entrance door and be capable of providing an image that is regarded as 'identification standard'.

- To obtain a clear head and shoulders image of every person entering the premises on the CCTV system
- CCTV is to comply with the Data Protection Act 1998 and is to be working and recording correctly when the shop is open to the public
- The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The

system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

- An employee that is conversant with the operation of the CCTV system will be on the premises at all times that it is open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested.

CCTV to cover exterior of shop, ensuring coverage of shop frontage, the alley and the door to number 186.

SIA registered security personnel on the premises after 11pm

Signage is shop reminding patrons that alcohol sold is not for consumption within or in the vicinity of the premises.

The Chair advised that both the application and the concerns of residents had been taken on board and considered seriously. The concerns of alcohol related ASB would be raised with the Safe Neighbourhood Team. It may also be that residents would wish to raise the issue of introducing a Controlled Drinking Zone within the area.

#### **4.2 Application to Review the Premises Licence: Beach Blanket Babylon, 19-23 Bethnal Green Road, London E1 6LA (LSC/809)**

The clerk advised that this item had been withdrawn as the date had proved unsuitable for the majority of those involved in the application.

#### **4.3 Application to Review the Premises Licence: The Verge, 114-118 Bethnal Green Road, London E2 6DG (LSC016/809)**

Mr Frayssinet stated that he had lived above the premises and had occupied the flat before the premises opened. Since opening, he had suffered noise nuisance from the premises due to the volume and type of music which, despite conversations with the owners and Environmental Health had continued.

Despite some attempts to remedy the situation, as there is no insulation between the licensed premises and the flat, music noise and vibration could be felt throughout the whole surface area of the flat and conversations within the premises could be heard. Mr Frayssinet stated that he had no wish to see the premises close only that work should be undertaken to remedy the problems.

Paul Johnson, Environmental Health, reported that he had dealt with the original licence application and had liaised with the applicant. An acoustic test had been carried out and believed to be acceptable but it had since been found that tests had only been carried out in one flat and not in the rooms that would have been considered most suitable. This explained why complaints had arisen immediately the premises opened. Informal talks and discussion had been held with all parties

Mr Johnson further reported that EH had visited Mr Frayssinet flat and the noise on voices alone constituted a serious noise nuisance. On this basis, EH officers believed it reasonable to recommend that until the acoustic problems could be resolved, the hours the premises should operate should be reduced until 11pm. Once the noise and acoustic problems had been resolved to the satisfaction of EH and a noise limiter installed, the premises could operate the hours previously granted.

Mr Veres and Mr Ahsan, two of the three licence holders, were present. They confirmed that the original acoustic test had been carried out in the other flat and they had no reason to believe that there would be any difference between the properties. A DJ was now only present on Friday and Saturday and some insulation work had been undertaken. Further tests and a report on the nuisance in Mr Frayssinet's flat would be undertaken as problems seemed to be to this property alone. There was a wish to address the problem.

Mr Ahsan reported that he and Mr Veres had been unaware of the correspondence between EH and Mr Stewart (the other licence holder), until the agenda for this meeting had been received. On the basis of that information, another acoustic report had been done but the work could not start before 26 August at the earliest. Mr Ahsan advised that the landlord may assist with the problems being encountered.

Mr Frayssinet stated that he understood the situation but nothing had been done despite this being the situation for the last six months.

The Chair enquired what the applicants felt they could offer to alleviate the current situation. Mr Veres advised that they wanted to ensure that the work was carried out and could reduce the volume of the music.

There being no further questions, the Chair reported that the Sub Committee would now, at 4.20pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 4.35 and the Chair reported that Members had resolved:

That the application to review the Premises Licence for The Verge, 114-118 Bethnal Green Road, London E2 6DG had been **GRANTED** and the opening hours of the premises were restricted to 23:00 on all days until the necessary works were carried out regarding the acoustic separation between the commercial and residential properties.

Only when the work had been carried out to the satisfaction of EH and acoustic tests and report carried out by a qualified person to prove that the work had been carried out satisfactorily, could the premises open beyond 23:00 hours.

A noise limiter to be installed and set by EH for inaudibility within the nearest residential properties after the necessary acoustic insulation has been installed.

Given the period of time that had lapsed between the original complaint and the hearing and that the problems continued, the Sub Committee believed there was no option but to grant the review as it did not appear possible that the situation could be remedied by any other means.

The meeting ended at 4.40 p.m.

Chair, Councillor Carli Harper-Penman  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.44 P.M. ON WEDNESDAY, 6 AUGUST 2008**

**ROOM M71, THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**

**Members Present:**

Councillor Alexander Heslop (Chair)

Councillor Rajib Ahmed  
Councillor Azizur Rahman Khan

**Other Councillors Present:**

Nil

**Officers Present:**

Zakir Hussain – Legal Officer  
Jackie Randall – Principal Environmental Health Officer

Alan Ingram – (Democratic Services)

**Applicants In Attendance:**

Peter Mackay – Applicant, EOne Club  
David Lucas – Fraser Brown Solicitors, for EOne Club  
Martin Smith – Tenant, Victoria P.H.  
Joanna Smith – Tenant, Victoria P.H.  
Alfie Smith – Personal Licence Holder, Victoria P.H.  
James Taylor – Proposed DPS, Victoria P.H.  
Andrew Grimsey – Poppleston Allen Solicitors, for Victoria P.H.  
Kim Downing – Charles Wells Pub Company

**Objectors In Attendance:**

Ms M. Deering – Imperial House  
Ms J. Donovan – Arbery Road  
Mr & Mrs P. Gallivan – Arbery Road  
Ms S. Mapstone – Imperial House  
Mrs M. Salih – Arbery Road  
Mr H. Uddin – Arbery Road

**Members of the Public In Attendance:**

Nil

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Motin Uz-Zaman.

**2. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**3. RULES OF PROCEDURE**

The Rules of Procedure were noted.

**4. ITEMS FOR CONSIDERATION****4.1 Application for Variation of the Premises Licence: EOne Club, 168 Mile End Road, London E1 4LJ**

At the request of the Chair, Ms Jacqueline Randall, Principal Environmental Health Officer, introduced the report which sought a variation of the premises licence for the EOne Club, 168 Mile End Road, London, E1 4LJ. She pointed out that the current hours shown in the report for the sale by retail of alcohol (on and off sales) from Monday to Thursday should be amended to read: "from 1000 hours to 0100 hours the following day."

Following discussions with the Metropolitan Police, the variation hours had been amended. Accordingly, the days and hours sought for the sale of alcohol and for regulated entertainment (music) were those of Monday to Thursday from 1200 hours until 0330 hours the next day; Friday and Saturday from 1200 hours until 0430 hours the next day; Sunday from 1200 hours until 0300 hours the next day. The days and hours sought for regulated entertainment (dance) were Monday to Thursday from 2000 hours until 0330 hours the next day; Friday and Saturday from 2000 hours until 0430 hours the next day; Sunday from 2000 hours until 0300 hours the next day.

Appropriate consultations had been carried out with objections received from local residents.

Prior to formal consideration of the application, Mr Zakir Hussain, LBTH Solicitor, stated that there had been an issue as to the final date for consultation, with Licensing and the applicant disagreeing but all parties had now agreed that the final date was, in fact, 18<sup>th</sup> May 2008. Two representations had been made before 18<sup>th</sup> May and three made on 19<sup>th</sup> May. As the representations made on 19<sup>th</sup> May were outside the consultation period, Members were asked whether they wished to use their discretion to include these representations as part of the objections under public interest grounds.



At 6.55 p.m., the Chair indicated that the Sub-Committee would adjourn to consider the point. The Sub-Committee reconvened at 6.58 p.m. and the Chair informed those present that members had unanimously agreed that the representations made within the consultation period were sufficient for them to reach a decision as these covered what the others would have raised anyway.

The objections were on the grounds that granting the application would result in anti-social behaviour from patrons leaving the premises and disturbance from patrons leaving the premises on foot.

As there were no questions for Officers, the Chair asked the applicants to present their case.

Mr David Lucas, Solicitor for the applicant, stated that pubs owned by Admiral Taverns (Nevada) Ltd were all tenanted premises and the application had been made in the name of the company to allow more control of the premises. The premises at 168 Mile End Road had not been owned by the company until May 2007. Mr Peter Mackay, who then became the tenant, had 7-8 years' experience and the application had flowed from the way in which the premises had been traded previously, for the restoration of hours formerly operated. Initial discussions between the tenant and Police had addressed the Police concerns with four incidents that had occurred in March 2008, when there had been a different door security team. Mr Mackay had replaced them with another team in April 2008 and there had been no serious disorder or Police complaints to date. The tenant had also accepted additional conditions applied by the Police, as circulated with the agenda papers, including revised hours for licensable activities, as outlined in the commentary above.

Mr Mackay had received no direct complaints from the two residents who had made representations, although he had written to them with his proposals and offered to discuss any problems. He had since met Mr D. Finn on 2 August and had offered to provide him with secondary double glazing to his bedroom window: this offer was also open to the other objector.

Following complaints from a resident of 167 Mile End Road concerning noise, Mr Mackay had installed soundproofing to the whole of the club premises at a cost of £70,000 and there had been no problems with other responsible authorities.

Mr Mackay was prepared to deal with other issues identified but some could not be attributed to his business, such as drink cans and litter. Canned drinks were not sold at the EOne club but were sold in a nearby 24-hour off-licence, and, likewise, anti-social behaviour was not necessarily caused by the club's patrons. The proposed controls agreed with the Police would make the licence much more heavily restricted, with curtailed hours. Mr Mackay added that the Police had requested no admissions under the age of 18 years, however, the club's policy was to admit no-one under 21 years unless they had a student i.d. card. In addition, seven CCTV cameras were operated inside the club, with others outside.

In response to queries from Members, Mr Mackay indicated that he had experience of working in licensed premises in Stamford, Lincs., and had run premises in London for the last 7 - 8 years.

Mr Hussain requested clarification about the hours previously traded by the premises. Ms Randall stated that the applicant had been in discussions with the licensing authority around a claimed earlier operating licence until 5.00 a.m. However, archive files about the premises had not indicated such hours. Under the old licensing regime, it was unusual to have operating hours later than 2.00 a.m. This was currently unresolved.

In summing up, Mr Lucas commented that objections to the application had been raised on the grounds of disturbance, fights, verbal abuse and litter. However, litter could not always be due to EOne customers and the tenant would be happy to monitor the position with his staff. Only general statements had been made about verbal abuse and fights, which was more speculation than real evidence. The applicant was well aware that non-compliance with licence conditions could have severe implications for the premises in terms of fines, licence reviews and possible closure.

The meeting was adjourned at **7.20 p.m.** and reconvened at **7.40 p.m.**

The Chair reported that, having considered the report and the evidence and comments presented, the Sub-Committee had **RESOLVED**

That the application for a Variation of the Premises Licence for the EOne Club, 168 Mile End Road, London, E1 4LJ, be **GRANTED** for the following days and hours and subject to the following conditions:-

#### Sale of Alcohol

Sunday to Thursday from 1200 hours until 0130 hours the next day; and  
Friday to Saturday from 1200 hours to 0300 hours the next day.

#### Regulated Entertainment (Recorded Music)

Sunday to Thursday from 1200 hours to 0130 hours the next day; and  
Friday to Saturday from 1200 hours until 0300 hours the next day.

#### Regulated Entertainment (Dance)

Sunday to Thursday from 2000 hours until 0130 hours the next day; and  
Friday to Saturday from 2000 hours until 0230 hours the next day.

#### CONDITIONS

- That the conditions agreed with the Metropolitan Police be applied but that:
  - (a) CCTV footage be retained for 31 days; and
  - (b) Groups of smokers outside the premises be limited to a maximum of 10 persons at any one time, for a period of five minutes.

- That no entry to the premises be permitted on Sunday to Thursday after 0100 hours, or on Friday to Saturday after 0200 hours.

#### **4.2 Variation of Premises Licence: Victoria PH, 110 Grove Road, London E3 5TH**

At the request of the Chair, Ms Jacqueline Randall, Principal Environmental Health Officer, introduced the report which sought a variation of the premises license for the Victoria Public House, 110 Grove Road, London, E3 5TH. The conditions required by the Environmental Protection Section had now been agreed and their representations were withdrawn accordingly. Appropriate consultation had been carried out, with objections being received from local residents.

Mr Zakir Hussain, LBTH Solicitor, referred to an aide-memoire provided by the applicants which summarised agreed conditions and works to the premises. This Sub-Committee agreed to receive the information.

There being no questions for Officers, the Chair invited the applicants to present their case.

Mr Andrew Grimsey, Poppleston Allen Solicitors, indicated that the hours sought in the variation application had been revised in the light of representations made. The additional hours sought for the sale by retail of alcohol were Friday to Saturday from 1000 hours until 0100 hours the next day; Sunday from 1000 hours until 2400 hours. All other closing hours remaining as per the current licence. The hours sought for live music (including more than two performers) were Friday to Saturday from 1000 hours until 2400 hours. The hours sought for films, making music and dancing were Sunday to Thursday from 1000 hours until 2400 hours; Friday to Saturday from 1000 hours to 0100 hours the next day.

Mr Grimsey stated that there were no links between the new tenants' family and the former tenants of the premises. Having spoken to the petitioners, their foremost concern was that of noise. A noise assessment had been commissioned and some £10,000 would be spent on noise attenuation measures. After 2000 hours, staff would be present to ensure the entry door to the present was kept shut when music was played. The cellar door had also been insulated and music would not be audible within any surrounding residential property. The new tenants were intent on starting afresh with their neighbours and the past manner of running the premises should be disregarded.

Mr Martin Smith, applicant, stated that he had 25 years of running licensed premises in East London, the last 15 of which had included late licence venues. He appreciated concerns expressed by residents and Charles Wells Ltd had immediately committed to the installation of double glazing – due to be implemented on 14 August. The pub was to be a family operation, with his son and his associate to be full-time on the premises. Mr Smith indicated that

he was prepared to give residents his mobile phone number, should they ever wish to raise concerns.

Following questions by Members, Mr Smith stated that the pub would remain closed until all the noise attenuation works had been completed. The side door would be used as a fire door only, with the front door providing the only entrance and exit, with an insulated lobby. The other doors would remain closed, for fire exit only. He added that his last business had been in Hertford, with a late licence and much younger clientele. House and garage music would not be played at the Victoria. He added that he had managed premises in Globe Road for four years and in Bishops Way for six years.

The Chair then invited objectors to speak.

Mr P. Gallivan stated that residents were disturbed by noise at 1.00 a.m. on Fridays and Saturdays. Clients of the pub had no real access to public transport as the Tube closed around 12.30 a.m. and the only late bus service was the route 277. Therefore, people came out of the pub at 1.30 a.m. – 2.00 a.m. and made a lot of noise, talking whilst awaiting taxis. Arriving taxis also sounded their horns and people had to close their bedroom windows to sleep, even in hot weather. In the past people exiting the premises has been urinating, throwing bottles, shouting and fighting. The Police had often had to be called.

Other objectors made the point that those who had gardens abutting the beer garden suffered bottles and cigarettes being thrown into their property and suffered particularly from noise problems.

Mr Gallivan expressed the view that, when customers had left the pub they were beyond the landlord's control and would inevitably create noise. He did not feel that he should have to stay up until 1.00 a.m. before he could go to bed. It was people leaving the premises who caused the most noise problems, rather than music from the pub itself. The situation had been ongoing for 25 years, despite reports to Environmental Health.

In response to a Member's query, Mr Gallivan stated that he did not count how many people tended to exit the Victoria at any one time, but there was noise from shouting, music from cars and car horns.

Mr Grimsey, in summing up, stated that a drinking-up time of 30 minutes was included in the proposal and there would be no music for an hour before closing, to enable a more gradual dispersal of customers. The applicants' own suggested conditions included customers staying in the premises when awaiting taxis and a telephone hot line was available to a particular taxi firm. The beer garden fencing had now been heightened and the tenants were looking forward to a new era of co-operation with their neighbours. It was accepted that residents had powerful rights to review the licence. There had been dialogue with residents and very strong conditions imposed.

The Chair invited the objectors to sum up and Mr Gallivan reiterated that a 1.00 a.m. finish was his only concern, in that people leaving the premises

would still create noise. The application would not stop that, although he accepted that conditions inside the pub would mean that music would not be heard outside.

The meeting was adjourned at **8.20 p.m.** and reconvened at **8.28 p.m.**

The Chair commented that concern had been raised over the use of the beer garden, although this was not a licensable premises. Discussion ensued around the possible limiting of its use and Mr Grimsey indicated that he would have to resist any suggestion of it not being used after 10.00 p.m. However, the tenant was taking such issues seriously and would be very happy to monitor how the area was used.

The Chair then reported that, having considered the report and the evidence and comments presented, the Sub-Committee had **RESOLVED**

That the application for a Variation of the Premises Licence for the Victoria, 110 Grove Road, London, E3 5TH, be **GRANTED** for the following days and hours and subject to the following conditions:

Sale of Alcohol

Friday to Saturday from 1000 hours until 0100 hours the next day; and Sunday from 1000 hours until 2400 hours.

Regulated Entertainment – Indoors

Films

Live Music (including more than two performers).

Recorded music and anything of a similar description.

Provision of facilities for making music, provision of facilities for dancing and provision of facilities for entertainment of a similar description.

Sunday to Saturday from 1000 hours until 2400 hours.

Non-standard timings

New Year's Eve extended to 0100 hours on New Year's Day.

Late Night Refreshment

Sunday to Wednesday from 2300 hours until midnight; and Thursday to Saturday from 2300 hours until midnight.

Hours premises are open to the public

Sunday to Thursday from 1000 hours until 0030 hours the next day; and Friday to Saturday from 1000 hours until 0130 hours the next day.

Non-standard timings

From finish time on New Year's Eve until start time in New Year's day.

CONDITIONS

- Live and recorded music shall not be audible within any surrounding residential property.
- DPS shall undertake regular patrols outside his premises to ensure compliance with licensing condition above.
- The doors to the entrance lobby and windows shall not be kept in the open position whilst regulated entertainment is in progress. At no time whilst regulated entertainment is in progress are both doors to the lobby to be open at the same time. Either a member of staff or SIA qualified security to be employed controlling this from 10.00 p.m. onwards when regulated entertainment is in progress.
- Notices shall be displayed internally at exits and also in key areas, requesting the public to respect the needs of the local residents by keeping noise to a minimum when using both the outside areas of the premises, and when leaving the premises and the area, to do so quickly and quietly. All such signs must be in a permanent form, prominently placed and legible.
- All reasonable steps and regular monitoring by the Landlord and his staff shall take place to ensure that customers entering and leaving the premises do so in an orderly manner so as not to cause disturbance to nearby residential properties or annoyance to people passing the premises.
- Waste material shall not be placed in the external bins during the night hours (2300 hours to 0700 hours the following day).

The Chair thanked everyone for their attendance and indicated that Mr Hussain would remain behind after the meeting to advise the objectors of their rights to request a review of a licence.

The meeting ended at 8.35 p.m.

Chair, Councillor Alexander Heslop  
Licensing Sub Committee

## **Gambling Act 2005 - Order of Proceedings**

The Sub Committee may be asked to consider whether representations made are valid, frivolous or vexatious and will adjudicate accordingly.

If it is considered that there are valid representations, the Licensing Officer will present the report.

The Applicant or their representative will then present their case and, with permission call witnesses and will also if appropriate respond to the objections raised as well as raising any issues relating to the validity of the representations.

The Sub Committee will receive the representations from the interested parties and/or Responsible Authorities who may:

- present their objections to the Sub Committee and, with permission, call witnesses

With the permission of the Chair, any party including the Applicant may, via a Member of the Sub Committee, ask questions or seek clarification of the other parties present once they have addressed the Sub Committee.

The Sub Committee will have the opportunity to raise questions or seek clarification with all parties, throughout the proceedings

(N.B. Although no specific time limit is applied to each individual objection the Sub Committee will look not to hear repetitive objections. In addition, if necessary the Chair may apply time limits.)

The Sub Committee will retire to consider the evidence presented to them both orally and in writing following which the meeting will reconvene and the Chair will report the decision of the Sub Committee

Note: The Sub Committee may adjourn proceedings at any time and retire to consider any matters relating to the application.

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Committee : <b>Licensing Sub-Committee</b>	Date:	Classification: <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>Colin Perrins</b>  <b>Head of Trading Standards and Environmental Health Commercial</b>  Originating Officer: <b>John Cruse</b> <b>Licensing Team Leader</b>	Title: <b>Gambling Act 2005</b>  <b>Application for a new Premises Licence for 576 Mile End Road, London, E3 4PH</b>  Ward affected: <b>Mile End East</b>
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## 1.0 Summary

Applicant Name	Roar Betting Ltd. t/a Roar Betting
Address of Premises:	576 Mile End Road London E3 4PH
Licence sought:	New Premises Licence
Representations:	Businesses

## 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 Only		John Cruse 020 7364 5024

### 3.0 **Background**

- 3.1 This is an application for a new premises licence for 576 Mile End Road London E3 4PH.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the premises as follows:  
“Ground floor, self contained shop premises fronting onto Mile End Road just a few doors from mile End Station. There are two floors of offices above the subject premises with an entrance in Eric Street.”
- 3.4 The application is for off-track betting, which is more commonly known as a “Bookies.”
- 3.4 A map showing the relevant premises is included as **Appendix 2**.

### 4.0 **Licensing Policy for Gambling, and Gambling Commission advice.**

- 4.1 The Council has adopted a licensing policy in relation to gambling and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 13 December 2006.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Gambling Commission has issued guidance to Licensing Authorities which will also be available at the hearing. It can also be viewed at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). Relevant Sections can be found within the licensing officer’s report.
- 4.4 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 commission’s advice, or has developed it further.

### 5.0 **Objections**

- 5.1 This hearing is required by the gambling Act 2005 because representations have been made by businesses that have “business interests that might be affected by the authorised activities.”
- 5.2 The objections relate to:
- Preventing gambling from being a source of crime or disorder, or being associated with crime or disorder

- Protecting children and other vulnerable persons from being harmed or exploited by gambling

5.3 The objections are in **Appendices 3 and 4**. In the case of Chrischem UK Ltd. This led to a dialogue with the objector and so both their representations and the communication from the licensing section is enclosed.

5.4 The application was required to be advertised in a local newspaper and by a blue poster.

5.5 The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Members may care to note that a moral objection to gambling is not relevant to the decision making process.

5.6 There are time limits to any representations. These are contained in the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.

## 6.0 Licensing Officer Comments

6.1 The Licensing Section is also a responsible authority but does not wish to make to make any representations. The following is intended simply to advise Members of the relevant aspects of the Gambling commission's advice and the Borough Gambling Policy. Members may depart from the advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

### 6.2 Guidance issued to Licensing Authorities by the Gambling Commission

- Gambling Commission advice on the Principles to be applied when considering applications (**Appendix 5**)
- Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime (**Appendix 6**)
- Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling (**Appendix 7**)
- Gambling Commission Advice on Moral Objections (**Appendix 8**)
- Gambling Commission Advice on Premises Licences (**Appendix 9**)

- Gambling Commission Advice on Off-track Betting (**Appendix 10**)

### 6.3 The Gambling Policy of the London Borough of Tower Hamlets

- London Borough of Tower Hamlets Gambling Policy Definition of vulnerable person (1.46) (**Appendix 11**)
- London Borough of Tower Hamlets Gambling Policy relating to betting machines on betting premises (**Appendix 12**)

6.4 There are mandatory conditions which must apply to this application (these are explained in (**Appendix 10**). There are also default conditions, which will apply in this case as no dis-application has been made by the applicant. This concerns hours, and again see **Appendix 10**.

### 7.0 **Legal Comments**

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

### 8.0 **Finance Comments**

8.1 There are no financial implications in this report.

### 9.0 **Appendices**

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Representation from William Hill Organisation Ltd.
- Appendix 4** Representation from Chrischem UK Ltd. (inc all correspondence)
- Appendix 5** Gambling Commission advice on the Principles to be applied when considering applications
- Appendix 6** Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime
- Appendix 7** Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling
- Appendix 8** Gambling Commission Advice on Moral Objections

- Appendix 9** Gambling Commission Advice on Premises Licences
- Appendix 10** Gambling Commission Advice on Off-track Betting
- Appendix 11** London Borough of Tower Hamlets Gambling Policy  
Definition of vulnerable person (1.46)
- Appendix 12** London Borough of Tower Hamlets Gambling Policy  
relating to betting machines on betting premises



# Appendix 1

**Application for a premises licence  
under the Gambling Act 2005 (standard form)**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

**Part 1 – Type of premises licence applied for**

Regional Casino                       Large Casino                       Small Casino   
Bingo                                       Adult Gaming Centre                       Family Entertainment Centre   
Betting (Track)                       Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes  No

If the answer is “yes”, please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

**Part 2 – Applicant Details**

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

**Section A**

**Individual applicant**

1. Title: Mr  Mrs  Miss  Ms  Dr  Other (please specify)

2. Surname: \_\_\_\_\_ Other name(s): \_\_\_\_\_

*[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]*

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

- 5 JUN 2008

LICENSING



4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

*[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]*

## **Section B**

### **Application on behalf of an organisation**

6. Name of applicant business or organisation: ROAR BETTING LIMITED t/a Roar Betting  
*[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]*

7. The applicant's registered or principal address:

25a Bassein Park Road  
London

Postcode: W12 9RN

8(a) The number of the applicant's operating licence (as given in the operating licence):

000-002959-N-103717-002

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

*[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]*

## **Part 3 – Premises Details**

10. Proposed trading name to be used at the premises (if known): Roar Betting

11. Address of the premises (or, if none, give a description of the premises and their location):

576 Mile End Road  
London

Postcode: E3 4PH

12. Telephone number at premises (if known): Not Known

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Ground floor, self contained shop premises fronting onto Mile End Road just a few doors from Mile End station. There are two floors of offices above the subject premises with an entrance in Eric St

14(a) Are the premises situated in more than one licensing authority area?

No ~~[delete as appropriate]~~

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

#### Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? No ~~[delete as appropriate]~~ [Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	Start	Finish	Details of any seasonal variation
Mon	hh:mm	hh:mm	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

**Part 5 – Miscellaneous**

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): ~~(dd/mm/yyyy)~~

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? No ~~[delete as appropriate]~~

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority? No ~~[delete as appropriate]~~

19(b). If the answer to question 19(a) is yes, please provide full details:

20. Please set out any other matters which you consider to be relevant to your application:

Please see attached document

**Part 6 – Declarations and Checklist (Please tick)**

I/ ~~We~~ confirm that, to the best of my/ ~~our~~ knowledge, the information contained in this application is true. I/ ~~We~~ understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ ~~We~~ confirm that the applicant(~~s~~) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

**Part 7 – Signatures**

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: DAVID HATT

Date: 05/06/2008 (dd/mm/yyyy) Capacity: COMMERCIAL DIRECTOR

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

*[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]*

*[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]*

**Part 8 – Contact Details**

23(a) Please give the name of a person who can be contacted about the application:

DAVID HATT

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

Mobile - 07932 563735

24. Postal address for correspondence associated with this application:

19 Central Circus  
Hendon  
London

Postcode: NW4 3AS

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

dave@roarbetting.com

## NOTICE OF APPLICATION FOR A PREMISES LICENCE [Form B]

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005.

Notice is hereby given that the persons or organisations whose details are given in the Schedule to this notice have made application for a Betting [other] Premises Licence.

The application relates to the following premises:

ROAR BETTING  
576 MILE END ROAD  
LONDON  
E3 4PH

The application for a premises licence has been made to the following licensing authority:

THE LONDON BOROUGH OF TOWER HAMLETS  
LICENSING SECTION  
ANCHORAGE HOUSE  
5 CLOVE CRESCENT  
LONDON  
E14 1BY

contact 020 7364 5024 / [john.cruse@towerhamlets.gov.uk](mailto:john.cruse@towerhamlets.gov.uk)

Information about the application is available from the licensing authority including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

David Hatt  
Commercial Director      Mobile 07932 563735 / Email [dave@roarbetting.com](mailto:dave@roarbetting.com)  
Roar Betting

**Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date: 4<sup>th</sup> July 2008**

## Schedule of Applicants

The persons or organisations making the application are as follows:

Name of 1<sup>st</sup> Applicant:

ROAR BETTING LIMITED [t/a Roar Betting]

Address of 1<sup>st</sup> Applicant:

25a BASSEIN PARK ROAD  
LONDON  
W12 9RN

The number of the operating licence held by the 1<sup>st</sup> Applicant is:

000-002959-N-103717-002

Name of 2<sup>nd</sup> Applicant:

N/A

Address of 2<sup>nd</sup> Applicant:

N/A

The number of the operating licence held by the 2<sup>nd</sup> Applicant is:

N/A

# **Appendix 2**

# Map



Scale 1:1228

Map of:

## Site Plan

Notes:

576 Mile End Road

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# Map



Scale 1:750

Map of:

## Site Plan

Notes:

576 mile End Road

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# Appendix 3

Licensing Section  
London Borough of Tower Hamlets  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY

30/06/08

Dear Sir

re: **Gambling Act 2005**  
**Premises:Roar Betting, 576 Mile End Road, London E3 4PH.**

I write on behalf of William Hill Organization Ltd who trade at premises 568 Mile End Road, E3.

Accordingly we have Business interests which may be affected if this application were to be granted. As an interested party William Hill is entitled in accordance with S.158 of the 2005 Act to make representations.

In the betting sector many operators have entered the market using various incentives and inducements to attract business from existing operators and create new customers. These bonuses/concessions are introduced to promote the feeling of low risk gambling.

Roar Betting have targeted areas with established and mature betting markets and have actively promoted their package of bonuses and concessions. If Roar Betting are granted a further licence in Mile End they will provide their package of various incentives and inducements to attract business from existing operators and create new customers.

What the committee must ask itself is would the grant of Roar Betting with their various incentives and inducements have an effect on the vulnerable at this part of Mile End. Paragraph 5.20 in the Guidance to Licensing Authorities 2<sup>nd</sup> edition provides the closest definition of "vulnerable persons":-

"The Commission will not seek to define "vulnerable persons", but it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means..."

1 - JUL 2008

Betting is a minority activity which will be confirmed by extracts from the Mintel Report. The sub-committee shall then be asked to draw the conclusion that if Roar Betting are granted a licence then only through enhancements and inducements shall they attract the required business. The sub-committee shall then be asked to decide on whether the enhancements and inducements may lead to the vulnerable being affected.

There are further factors which may be relevant to the application such as over-exposure to gambling in this part of Mile End which could happen if another gambling outlet was to open.

Over proliferation which could lead to overexposure is covered at paragraph 7.49 of the guidance to Licensing Authorities which states:-

"Thus, for example, the following examples of possible representations would not be likely to be relevant:

- That there are already too many gambling premises in the locality **(although it may be relevant if it points, as a result, to rising problems in crime, disorder, underage gambling or problem gambling);**

There is nothing in paragraph 7.49 of the Gambling Commission Guidance or indeed in section 153(2) of the Act which would support the contention that the number of facilities offered by existing premises is an irrelevant consideration in the context of considering an application under section 153(1) of the 2005 Act. Section 153(2) does not say that demand for existing premises is an irrelevant consideration. What it provides is that expected demand for the facilities proposed to be provided in the premises for which the application is made is not a relevant consideration.

William Hill will provide to the sub-committee details of the gambling facilities in this part of Mile End. The sub-committee will then have an opportunity based on the numbers to make a finding as to whether the grant of the Roar Betting office may exceed the tipping point and lead to too many gambling premises which could result in a rise in either crime, disorder, underage gambling or problem gambling.

There is nothing in the Gambling Act 2005 which requires William Hill to provide any evidence of risk to the licensing objectives, instead the sub-committees attention shall be drawn to the text "Gambling for Local Authorities" whose editor Philip Kolvin is the chairman of the Institute of Licensing. In the book specific reference is made to a "Statutory Discretion" which allows a sub-committee to take into account other factors when coming to a decision. At paragraph 11.80 it states:-

"However, the expression "aim" sits much less happily in the core discretionary power of a quasi-judicial body. For it is inherent in the concept

of aiming that the party aiming may not always succeed in hitting the target. Parliament could have stated that in certain circumstances the authority "shall permit". That is the course it took recently in relation to the Licensing Act 2003, which provides that absent relevant representations premises licence applications must be granted. There are no fewer than nine conditional "shall grant" provisions in the Gambling Act itself.

The indication which can be drawn from this is that Parliament had it in mind that while compliance with sub-paras (a)-(d) may be powerful factors presuming in favour of grant, they are not conclusive factors and may yield to others. Otherwise, "shall aim" becomes "shall", an expression Parliament has apparently deliberately not used here."

We trust that this letter provides details of the risk to the licensing objectives that this application engenders. In the mean time if you require any further information on this matter please do not hesitate to contact me at the above address or e-mail [ndhanjal@williamhill.co.uk](mailto:ndhanjal@williamhill.co.uk), telephone 0208 918 3777.

Yours Sincerely,



Nindi Dhanjal  
Development Manager  
William Hill

# Appendix 4

**Mohshin Ali**

**From:** Cokworu@aol.com

**Sent:** 03 July 2008 13:26

**To:** Mohshin Ali

**Subject:** Re: Objection to issuing of premises licence under the gambling act 2005

Dear Sir,

With reference to the above topic, I received your faxed reply for more evidence to support my application for objecting to the issuing of the gambling licence stated above.

I think I am clear enough for the evidence I gave in support of my application. I am a registered Pharmacy in Tower Hamlets and I am supposed to be operating next door to a gambling premises, I suppose you know the dangers involved in that.

Your reference in the case of the gambling premises in 568 mile end road, may not particularly apply to this case.

You must be aware that last year alone there were several robbery incident in that premises as well as violence, the Police should have record of this.

I deal with a lot of addicts, and most of the time they cluster around that premises with their alcohol and you must be well aware of the dangers that could cause in a community Pharmacy environment.

Hoping to hear from you as soon as possible.

Thank for your co-operation.

Chris Okworu MRPS



FAX : 020 8980 6470

**Mohshin Ali**

**From:** Mohshin Ali  
**Sent:** 03 July 2008 11:45  
**To:** 'info@chrischem.co.uk'  
**Cc:** John Cruse  
**Subject:** Representation: Roar Betting, 576 Mile End Road, London E3 4PH

Dear Mr Okworu,

Thank you for your letter dated 1st July 2008. In order for us to consider your representation you must explain how your business interest may be affected by the authorised activities and how this relates to the following licensing activities:

- **preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,**
- **ensuring that gambling is conducted in a fair and open way, and**
- **protecting children and other vulnerable persons from being harmed or exploited by gambling.**

Please explain why this gambling premises will encourage stealing and violence in your premises or the betting premises. In either case what is the evidence?

As you are aware, there is currently a betting premises at 568 Mile End Road, therefore if a gambling premises causes stealing and violence you can presumably point to current evidence of problems.

Please respond by **4th July 2008**. I look forward to hearing from you.

Regards

*Mohshin Ali - Licensing Officer*

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

Tel ☎: 020 7364 5498 | Fax 📠: 020 7364 0863 | E-mail 📧: [mohshin.ali@towerhamlets.gov.uk](mailto:mohshin.ali@towerhamlets.gov.uk)



Chrischem UK Ltd

578 Mile End Road, London E3 4P

020 8980 647

info@chrischem.co.uk

www.chrischem.co.uk

The Licensing Section  
Mulbery Place  
P.O Box 55739  
5 Clove Crescent  
E14 1BY

1st July 2008

Dear Sir,

RE: OBJECTION TO ISSUING OF PREMISES LICENCE UNDER THE GAMBLING ACT  
2005 TO 576 MILE END ROAD LONDON E3


On behalf of the above named company, I wish to object to the issue of gambling license to the above premises for the following reasons:

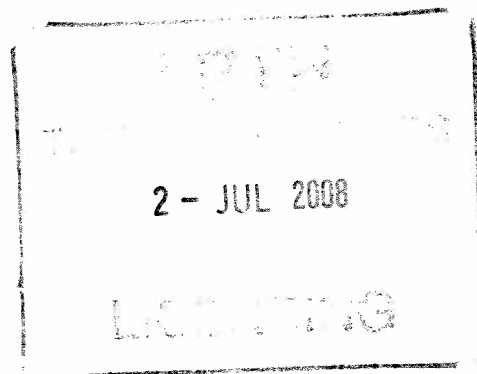
- 1) We operate a pharmacy business which require a calm and refreshing environment for sick patients. The chaos caused by a gambling environment will be detrimental to the health of sick patients and the calm atmosphere required for a pharmacy.
- 2) It will encourage stealing, violence in the premises and this is not consistent considering the security of the type of controlled medication we keep and the care of the patients.
- 3) It will create an environment not conducive to the operating of a pharmacy, considering the fact that we have been operating in this capacity for over 40 years.

I will therefore want you to reconsider the above reasons and reject the issuing of this license for the safety, health, well being of patients in Tower Hamlets and proper functioning of a patient focused community pharmacy

Thank you

Your's Sincerely

  
C. Okworu MRPS  
Managing Director



# Appendix 5

Gambling Commission advice on the Principles to be applied when considering applications

## **Part 5: Principles to be applied by licensing authorities in Exercising their Functions**

**5.1** In exercising most of their functions under the 2005 Act, licensing authorities must have regard to the licensing objectives set out in section 1 of the Act. In particular, licensing authorities must have regard to the licensing objectives when exercising their functions in relation to premises licences, temporary use notices and some permits. The licensing objectives are:

- \_ preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- \_ ensuring that gambling is conducted in a fair and open way; and
- \_ protecting children and other vulnerable persons from being harmed or exploited by gambling.

**5.2** In considering applications, licensing authorities in England and Wales should take

particular care to bear in mind that these objectives are not the same as those in the Licensing Act 2003. In particular, they do not include considerations in relation to public safety or prevention of public nuisance. The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

**5.3** Section 153 of the Act provides that in exercising its functions under part 8 of the Act (premises licensing and provisional statements), a licensing authority should *aim to permit the use of premises for gambling in so far as it thinks it:*

- (a) in accordance with any relevant code of practice under section 24;
- (b) in accordance with any relevant guidance issued by the Commission under section 25 (ie this document);
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)); and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)). (See Part 6 of this guidance.)

**5.4** Section 153 also makes it clear that in deciding whether or not to grant a licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application. This is a key difference between the 2005 Act and previous legislation on gaming and betting.

**5.5** The requirements in section 153 are subject to the licensing authority's power (under section 166) to resolve not to issue casino premises licences. This means that a resolution not to issue a casino premises licence applies regardless of the matters set out in section 153.



# Appendix 6

## **Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime**

**5.6** The Commission will play a leading role in preventing gambling from being a source of crime. It will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities. The Act provides the Commission with powers to investigate the suitability of applicants for operating and personal licences, and others relevant to the application. This will provide the Commission with the power to make enquiries about and investigate those who are involved in the control of a company or the provision of gambling. In considering applications for operating and personal licences the Commission will, in particular, take a serious view of any offences involving dishonesty committed by applicants or persons relevant to the application.

**5.7** As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of an applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.

**5.8** Licensing authorities will need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors.

**5.9** A licensing authority will need to consider questions raised by the location of gambling premises when:

- \_formulating its statement of licensing policy;
- \_receiving relevant representations to an application;
- \_dealing with applications as a responsible authority in its own right; and
- \_considering applications before it.

**5.10** Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Although if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)

**5.11** Local authorities are experienced in making judgements in relation to the suitability of premises, particularly those for which they have responsibilities under the Licensing Act 2003, in which context they have wider powers to also take into account measures to prevent nuisance.

**5.12** In relation to preventing disorder, licensing authorities have the ability under section 169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in section 178 of the Act. If a person employed on door supervision would be required to hold a licence issued by the Security Industry Authority (SIA), that

requirement will have force as though it were a condition on the premises licence. Further information on conditions can be found in Part 9 of this guidance.

**5.13** Local authorities should note that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.

**5.14** It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws.

## Appendix 7

### **Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling**

**5.18** With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective talks of protecting children from being 'harmed or exploited by gambling'. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

**5.19** In relation to casinos, the Commission has issued a code of practice on access to casino premises by children and young persons, as provided for by section 176 of the Act. The code of practice is available as part of the *Licence conditions and codes of practice* on the Commission website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). In accordance with that section, adherence to the code will be a condition of the premises licence. (Please see Part 9 of this guidance for more information.)

**5.20** The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission will not seek to define 'vulnerable persons', but it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

**5.21** Licensing authorities will need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

draft of the code is available from the Cabinet

Office website [www.cabinetoffice.gov.uk](http://www.cabinetoffice.gov.uk). It is intended that the code will be laid before Parliament during autumn 2007, coming into force on 1 April 2008.





## **Appendix 8**

### **Gambling Commission Advice on Moral Objections**

**5.26** Local authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met.



## **Appendix 9**

### **Gambling Commission Advice on Premises Licences**

**7.1** Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will also need to apply for a premises licence.

**7.2** Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated.

**7.3** The Act contains no rules about cases where premises lie within more than one authority's area. Such cases are likely to be rare. The Commission would expect an applicant to apply to the licensing authority in whose area the greater or greatest part of the premises is situated; and if another authority receives an application it should discuss with the applicant and the neighbouring authority as to which is the appropriate authority. Ultimately, there is nothing in the Act giving an authority the right to turn down an application because it is responsible for a smaller area of the premises than another authority. However, in such circumstances, the other authority will be a 'responsible authority' in relation to the premises (see Part 8 of this guidance), and will be able to give a view on the application through these channels. Note, this is not the same as the Licensing Act where an application must be made to the authority in which the greater part of the premises is situated (see Annex A).

**7.4** Where the premises are located in two or more areas (equally or otherwise), ultimately the applicant may choose which licensing authority to apply to. In the rare cases where such premises exist, it will be important that the licensing authorities concerned maintain close contact about the grant of the premises licence, and subsequent compliance (including inspection powers) and other licensing functions. The licensing authority to which the premises licence application was made will have jurisdiction and the other(s) will need to pass relevant information about the premises to it.

**7.5** In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- (a) casino premises;
- (b) bingo premises;
- (c) betting premises, including tracks and premises used by betting intermediaries;
- (d) adult gaming centres (for category B3, B4, C and D machines); and
- (e) family entertainment centres (for category C and D machines) (note that separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

**7.6** Please see Part 16 of this guidance for more information about gaming machine

### **Meaning of premises**

**7.11** In the Act, 'premises' is defined as including 'any place'. Section 152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access

between premises are observed.

**7.12** In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

**7.13** With the exceptions of the non-gambling area of the regional casino, bingo clubs, tracks on race-days and licensed family entertainment centres, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose developments.

**7.14** Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

\_ The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

\_ Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

**7.15** The proper application of section 152 means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo hall on week days and a betting shop at weekends.

## **Division of premises and access between premises**

**7.16** An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. For casinos, bearing in mind the wide definition of a street, access might be from a foyer or other area which the public might enter for purposes other than gambling. The precise nature of this public area will depend on the location and nature of the premises. Licensing authorities will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities available if desired. Licensing authorities should, in particular, remember that where they have concerns about the use of premises for gambling, these may be addressed through licence conditions.

**7.17** The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises and another, except between premises which allow access to those under the age of 18. Under-18s can go into family entertainment centres, tracks, pubs and some bingo halls and clubs. So access is allowed between these types of premises only.

**7.18** It should be noted that the Mandatory and Default Premises Licence Regulations define street as 'including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not'. This is to allow access, for example, to casinos from hotel foyers.

**7.19** There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (eg a street or cafe), which the public go to for purposes other than gambling, for there to be shown to be no direct access.

**7.20** The relevant access provisions for each premises type is as follows:

**All casinos**

- \_ the principal entrance to the premises shall be from a street (as defined above);
- \_ no entrance to a casino shall be from premises that are used wholly or mainly by children and/or young persons;
- \_ no customer shall be able to enter a casino directly from any other premises which holds a gambling premises licence; and
- \_ at the regional casino only, there should be an opaque barrier between the gaming area and the parts of the premises where children have access.

**Adult gaming centres**

- \_ no customer shall access the premises directly from any other licensed gambling premises.

**Betting shops**

- \_ access must be from a street (as defined above) or from other premises with a betting premises licence; and
- \_ no direct access from a betting shop and another premises used for the retail sale of merchandise or services, ie there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a cafe – the whole area would have to be licensed.

**Tracks**

- \_ no customer shall be able to access the premises directly from
  - a casino; or
  - an adult gaming centre.

**Bingo premises**

- \_ no customer shall access the premises directly from:
  - a casino;
  - an adult gaming centre; or
  - a betting premises, other than a track.

**Family entertainment centres**

- \_ no customer shall access the premises directly from:
  - a casino;
  - an adult gaming centre; or
  - a betting premises, other than a track.



# Appendix 10

## Gambling Commission Advice on Off-track Betting

### Part 19: Betting premises

**19.1** The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises which require licensing. This part of the guidance discusses off-course betting, that is betting that takes place other than at a track in what is currently known as a licensed betting office. Tracks are discussed in Part 20 of this guidance. Please note that there are also betting offices on tracks, that have a separate premises licence from the track licence. Those are also discussed in Part 20.

**19.2** The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.

**19.3** Under the Gambling Act licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. The issuing of premises licences is discussed in Part 7 of this guidance.

### Protection of children

**19.4** Children and young persons will not be able to enter premises with a betting premises licence, although special rules apply to tracks, as explained in Part 20 of this guidance.

### Betting in casinos

**19.5** Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

### Betting premises licence conditions

**19.6** Part 9 of this guidance discusses the conditions that may or may not be attached to premises licences, and those that are attached automatically. The Secretary of State and Scottish Ministers have set out in regulations the conditions relating specifically to betting premises. The paragraphs below discuss these conditions, both mandatory – those that must be attached to betting premises; and default – those that will apply unless the licensing authority chooses to exclude them using its powers under section 169.

#### Mandatory conditions attaching to betting premises licences

**19.7** A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted.

**19.8** There should be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). In addition, the entrance to a betting shop should be from the street (defined as any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).

**19.9** Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.

**19.10** No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where the matter seen or heard is a sporting event and bets may have been affected on

the premises in relation to that event. Betting operator-owned TV channels will be permitted.

**19.11** No music, dancing or other entertainment is permitted.

**19.12** The consumption of alcohol is prohibited on the premises.

**19.13** The only publications that may be sold on the premises are racing periodicals or specialist betting publications.

**19.14** Clear and accessible information about the terms on which a bet may be placed

should be displayed in a prominent position on the premises.

**Default conditions attaching to betting premises licences**

**19.15** Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

## **Gaming machines**

**19.16** Section 172(8) provides that the holder of a betting premises licence may make

available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines. See Part 16 of this guidance for information on gaming machines.

## **Betting machines (bet receipt terminals)**

**19.17** Section 235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These 'betting machines' are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely automate the process that can be conducted in person and therefore do not require regulation as a gaming machine.

**19.18** However, where a machine is made available to take bets on virtual races (that is, images generated by computer to resemble races or other events) that machine is a gaming machine and does count towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

**19.19** Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.



# **Appendix 11**

## **London Borough of Tower Hamlets Gambling Policy Definition of vulnerable person (1.46)**

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.



# **Appendix 12**

## **London Borough of Tower Hamlets Gambling Policy**

### **6 Betting Premises**

6.1 Betting Machines - This licensing authority will have regard to the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

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# Agenda Item 5.2

Committee: <b>Licensing Sub-committee</b>	Date:	Classification <b>Unclassified</b>	Report No. <i>LSC034/809</i>	Agenda Item No.
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Report of: <b>Colin Perrins Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>John Cruse Licensing Team Leader</b>	Title: <b>Licensing Act 2003 Application for a variation of Premises Licence for A and Y Wine, 116 Brick Lane London E1</b>  Ward affected: <b>Spitalfields and Banglatown</b>
--	---

## 1.0 Summary

Applicant: **Mr. Abdul Awal**

Name and Address of Premises: **A and Y Wines  
116 Brick Lane  
London, E1 6RL**

Licence sought: **Variation of the premises licence under the Licensing Act 2003**  
**- Sale of alcohol**

Representations: **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 Only		John Cruse 020 7364 5024

### 3.0 Background

#### 3.1 This is an application for a variation of the Premises Licence

- 3.2 A copy of the application is enclosed as **Appendix 1**. This includes a copy of the current licence. This was the second application made as the first was not accepted.

**The new timings are as follows:**

**The sale by retail of alcohol:**

Monday to Sunday

08 00 hours to 02 30 hours the next day

**Hours premises are open to the public:**

Monday to Sunday

08 00 hours to 02 30 hours the next day

**The current hours are as follows**

**The sale by retail of alcohol**

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

On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.

On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

On Good Friday, 8 a.m. to 10.30 p.m.

In addition a further 20 minutes is permitted for closed container sales

**Hours premises are open to the public:**

There are no restrictions

- 3.3 The applicant has described the proposed variation as follows:  
"The proposed variation is for the opening and closing times the premises is open to the public and the sale of alcohol. Monday to Sunday open till 02 30."
- 3.4 A map showing the situation of premises in the local area is included as **Appendix 2**.

### 4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.

- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.culture.gov.uk](http://www.culture.gov.uk). It was substantially revised on the 28 June 2007.
- 4.4 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.

## 5.0 Representations

- 5.1 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.
- 5.2 All the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Environmental Protection
  - Trading Standards
  - Child Protection
- 5.3 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Environmental Protection.
- 5.4 Please see **Appendix 3** for the representation of Environmental Protection.
- 5.5 The application was required to be advertised in a local newspaper and by a blue poster. In addition the licensing section consulted on a 40 m basis.
- 5.6 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

5.17 Environmental Protection have raised concerns about the prevention of public nuisance. They have suggested alternative hours for the premises.

## 6.0 Licensing Officer Comments

6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

### 6.2 Guidance issued under section 182 of the licensing Act 2003

❖ As stated in the guidance it is "provided for licensing authorities carrying out this their functions." It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).

Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.7).

❖ 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." (1.10)

❖ Conditions may not be imposed for the purpose other than the licensing objectives.

❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).

❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.

❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).

❖ The Government has stated "there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the



application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

- 6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 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.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and access/egress as follows:

**Appendix 4** Licensing Officer comments on access/egress problems

**Appendix 5** Planning

**Appendix 6** Licensing Policy relating to hours of trading

## 7.0 Legal Comments

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

## 8.0 Finance Comments

- 8.1 There are no financial implications in this report.

## 9.0 Appendices

- |                   |   |
|-------------------|---|
| <b>Appendix 1</b> | A copy of the premises licence application, including the current licence |
| <b>Appendix 2</b> | Maps of the area  |
| <b>Appendix 3</b> | Representation of Environmental Protection                                |
| <b>Appendix 4</b> | Licensing Officer comments on access/egress problems.                     |
| <b>Appendix 5</b> | Planning  |
| <b>Appendix 6</b> | Licensing Policy relating to hours of trading                             |

# Appendix 1



This form should be completed and forwarded to:  
London Borough of Tower Hamlets,  
Licensing Section, Mulberry Place (AH), PO Box 55739,  
5 Clove Crescent, London E14 1BY.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/WE ABDUL AWAL

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 9657

Part 1 - Premises Details

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

Post town LONDON Post code E1 6RL

Telephone number at premises (if any) 0207 247 9403  
Non-domestic rateable value of premises £ 4 - 500.00

LONDON  
TOWER HAMLETS  
30 JUN 2008 1  
LICENSING

Part 2 – Applicant details

Daytime contact telephone number		07852353825	
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

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

Please tick yes

If not, when do you want the variation to take effect from?

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

THE PROPOSED VARIATION IS FOR THE OPENING AND CLOSING TIMES THE PREMISES IS OPEN TO THE PUBLIC AND THE SALE OF ALCOHOL MONDAY TO SUNDAY OPEN TILL 02:30am

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

--

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

- 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)

Please tick yes

### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

### Provision of late night refreshment (if ticking yes, fill in box L)

### Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
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 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
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 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**State any seasonal variations for indoor sporting events** (please read guidance note 4)

**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** (please read guidance note 5)



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	Both <input type="checkbox"/>
Mon				
Tue				
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)	
Thur				
Fri				
Sat			<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 5)	
Sun				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
			<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 5)	

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)	
			<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 5)	

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
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 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 3)</p>	Both	<input type="checkbox"/>
Wed					
Thur					
Fri					
Sat					
Sun					
			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
			<p>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 (please read guidance note 5)</p>		

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>	
			<b>Will the facilities for making music be indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
			<b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4)	
			<b>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sun				

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>	
			<b>Please give a description of the facilities for dancing you will be providing</b>		
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)		
			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur					
Fri			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Sat					
Sun					
			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<b>Please give further details here</b> (please read guidance note 3)	
Thur			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)	
Fri			<b>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</b> (please read guidance note 5)	
Sat				
Sun				



**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	08:00	02:30			
Tue	08:00	02:30			
Wed	08:00	02:30			
Thur	08:00	02:30			
Fri	08:00	02:30			
Sat	08:00	02:30			
Sun	08:00	02:30			
			<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 5)		

**N**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	02:30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	08:00	02:30	
Wed	08:00	02:30	
Thur	08:00	02:30	
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun	08:00	02:30	

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

THE PROPOSED VARIATION IS FOR OVERTIME ON MONDAY TO SUNDAY TO BE OPENED TILL LATE.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

I WONT BE SELLING ANY ALCOHOL TO ANYONE UNDER THE AGE OF 18 YEARS OLD. IF I AM CONCERNED ABOUT THE AGE I WILL BE WILLINGLY ASKING FOR I.D TO BE SHOWN AT THE PRESENT TIME. I WONT BE SELLING ANY ALCOHOL TO ANY KNOWN PROSTITUTES OR ANY DRUNK PERSON, OR A POLICE OFFICER IN UNIFORM.

b) The prevention of crime and disorder

SO FAR I HAVE NOT FACED ANY CRIME IN THE PREMISIS I HAVE CCTV CAMERA'S OPERATING IN AND OUT SIDES, WHICH HAS HELPED ME WITH PREVENTING CRIME. I ALSO HAVE 5 YEAR EXP- IN RUNNING AN OFF-LICENCE; THEREFORE I BELIEVE I AM WELL EDUCATED ENOUGH TO DEAL WITH ANY DISORDERLY CONDUCT.

c) Public safety

PUBLIC SAFETY IS ALWAYS MY FIRST PRIORITY, THEREFORE, I WONT BE SELLING ANY ALCOHOL TO ANY KNOWN PROSTITUTES OR ANY DRUNK PERSON, OR SOMEONE UNDER THE AGE OF 18 YEARS OLD. AND ALSO I WILL NOT BE SELLING ANY ALCOHOL TO ANY POLICE OFFICERS IN UNIFORM. I WILL ALSO RUN A RISK ASSESSMENT EVERY WEEK TO CHECK ANY HAZARDS.

d) The prevention of public nuisance

I WILL ALWAYS MAKE SURE I SERVE THE CUSTOMERS APPROPRIATELY AND POLITELY. I WILL BE ALSO KEEPING THE NOISE LEVEL DOWN FROM MUSIC I WILL MAKE SURE EVERYTHING IS CLEAN FROM BINS.

e) The protection of children from harm

AS I AM A FATHER, MY FIRST PRIORITY IS ALWAYS CHILDREN SAFETY, AND TO PROTECT THEM FROM ANY HARM, AND I KNOW I HAVE A RESPONSIBILITY IN PROTECTING THEM I WILL NOT BE SELLING ANY ALCOHOL TO ANYONE UNDER 18 YEARS OLD IF I HAVE ANY CONCERNS OVER ANY CHILD WILL REPORT IT TO CHILD PROTECTION TEAM.

- I have made or enclosed payment of the fee Please tick yes
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Abdul Awal</i>
Date	<i>25/06/08</i>
Capacity	

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

*ABDUL AWAL  
116 BRICK LANE*

Post town	<i>LONDON</i>		Post code	<i>E1 6RL</i>
Telephone number (if any)	<i>07852353825</i>			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)				



# TOWER HAMLETS

Licence / Registration

Certificate Number

09657

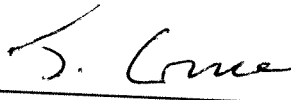
(A & Y Wines)  
116 Brick Lane  
London  
E1 6RL

**Licensable Activities authorised by the licence**

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse   
Team Leader Licensing

Date: 27/09/05

M:\LICENSING\Word97\2003 Licensing Act certs & lics\2003 Issued Premises Licences\Brick Lane 116.doc

**FOR OFFICE USE**

Receipt Number

Fee Paid

Fee Req.

Date

Initial



**Part A - Format of premises licence**

Premises licence number

9657

**Part 1 - Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> (A& Y Wines) 116 Brick Lane London	
<b>Post town</b> London	<b>Post code</b> E1 6RL
<b>Telephone number</b> 0207 247 9403	

**Where the licence is time limited the dates**  
N/A

**Licensable activities authorised by the licence**  
The sale by retail of alcohol

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

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

In this condition, permitted hours means:

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

See Mandatory conditions for drinking up time

**The opening hours of the premises**

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

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

Off sales only



Part 2

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

Awal Abdul & Rahman Mahbub  
4 Woodall Close  
London  
E14 0HB  
0207 515 2935

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

N/A

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

Abdul Awal  
4 Woodall Close  
London  
E14 0HB

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

Abdul Awal (personal licence details to be confirmed)

LBTH

lic. no. 9965

## **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

Alcohol shall not be sold in an open container or be consumed in the licensed premises  
Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

### **Private Entertainment**

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

### **Public Entertainment**

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

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

None

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

None

**Annex 4 - Plans**

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

*22 JUL 2005*



**Part B - Premises licence summary**

**Premises licence number**

9657

**Premises details**

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

(A & Y Wines)  
116 Brick Lane  
London

**Post town**

London

**Post code**

E1 6RL

**Telephone number**

0207 247 9403

Where the licence is  
time limited the  
dates

N/A

Licensable activities  
authorised by the  
licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

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

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary Of State or an authorised mess of members of Her Majesty's naval, military or air forces

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

**Awal Abdul &  
Rahman Mahbub**      **4 Woodall Close  
London  
E14 0HB  
0207 515 2935**

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

Off sales supplies

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

N/A

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

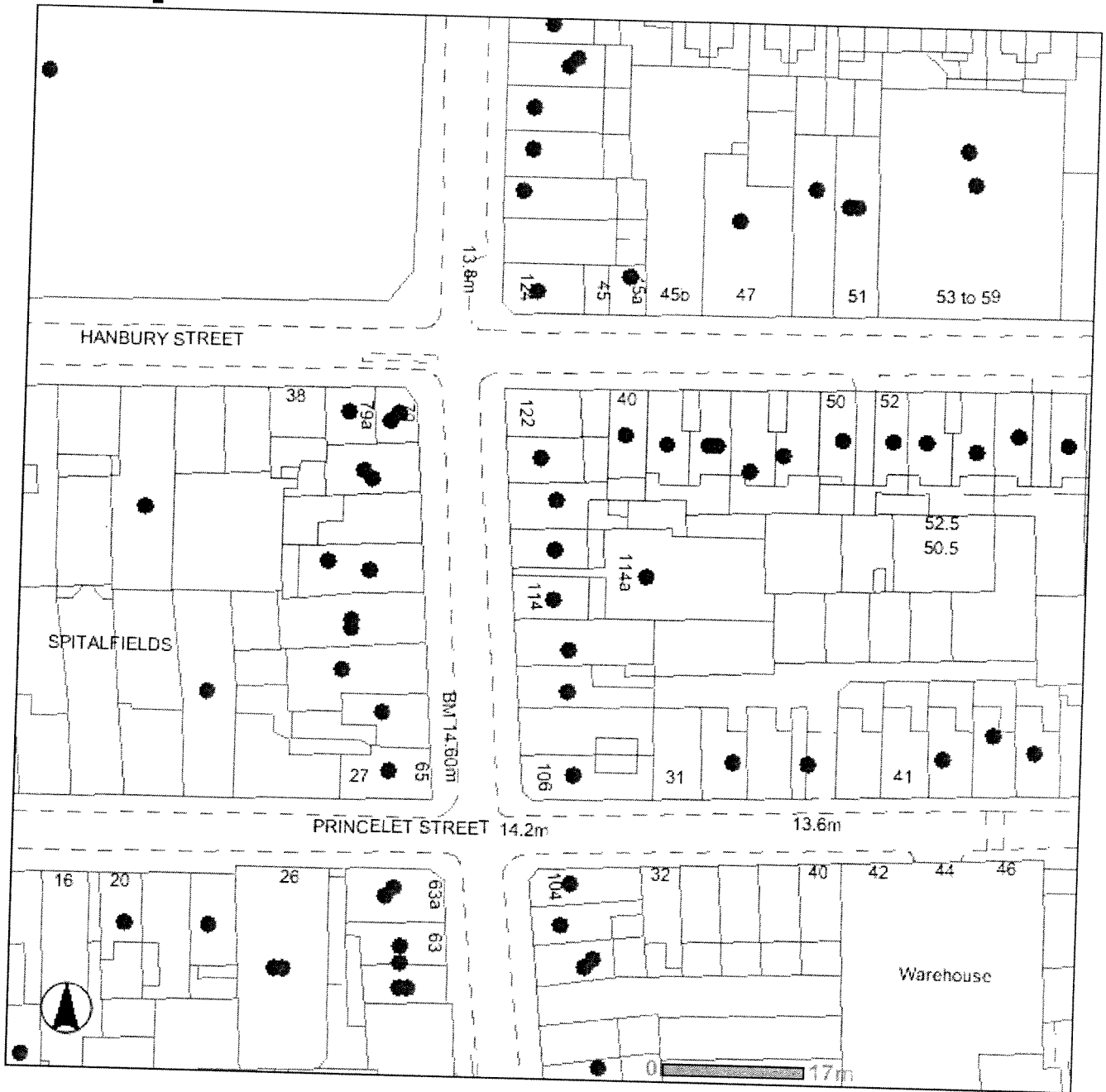
**Abdul Awal  
4 Woodall Close  
London  
E14 0HB**

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

No

# Appendix 2

# Map



Scale 1:750

Map of:

## Site Plan

Notes:  
116 Brick Lane

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# Map



Scale 1:1228

Map of:

## Site Plan

Notes:  
116 Brick Lane

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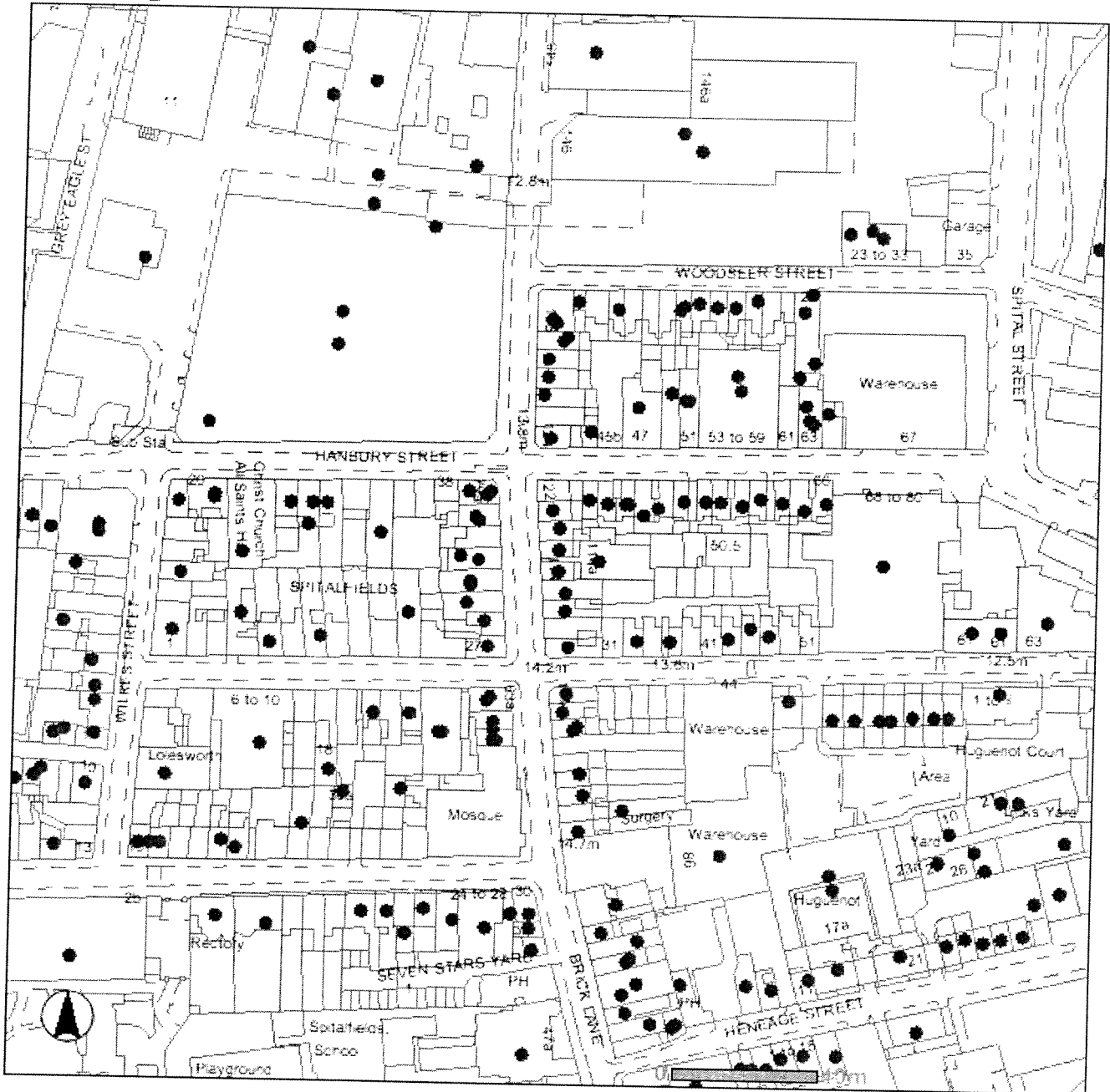
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Licence Number LA100019288



# Map



Scale 1:1750

Map of:

## Site Plan

Notes:

116 Brick Lane

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Licence Number: LA100019288

# Appendix 3

**John Cruse**

**From:** Paul Johnson  
**Sent:** 09 July 2008 11:42  
**To:** John Cruse  
**Subject:** Application to vary premises license. 116 Brick Lane - MAU 26832

Hi John,

Outlined below are comments for the above Licensing application.

The application is made for the proposed extension of the opening hours for the sale of alcohol to 02.30hrs 7 days/week. EH object to this application on the grounds of public nuisance.

There are residential propertied directly above and adjacent to the applicants premises.

I am concerned of the possibility of noise nuisance being caused from members of the public frequenting the premises in the early morning hours. It is not unreasonable to assume that the state of the people that would be buying alcohol at these proposed times increase the likelihood of public nuisance

Other potential public nuisance issues that EH envisage will occur are:

Persons congregating outside the premises

Noise from Motor vehicles pulling up outside the premises on a regular basis

EH propose the following times:

Sun 8:00 - 23:00

Mon to Thursday - 8:00 - 00:00

Friday to Saturday 800 - 01:00

Paul Johnson  
Environmental Health Enforcement Officer  
Environmental Protection

Postal Address  
Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY

Location Address  
Anchorage House, 2 Clove Crescent, London, E14 2BE

Telephone : 020 7364 6617

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

# Appendix 4

## Access and egress problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy, and also Section 12.5**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.4**)

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to the prevention of Public Nuisance. (**See Appendix 2 Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

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

The pool of conditions, adopted by the council is recommended (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

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 (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38).

# Appendix 5

## 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 or more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

# Appendix 6

## 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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 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 applicants 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 12.8 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
- Premises licensed for off sales only

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# Agenda Item 5.3

Committee : <b>Licensing Sub Committee</b>	Date	Classification Unclassified	Report No. LSC035/ 804	Agenda Item No.
---	------	--------------------------------	------------------------------	-----------------

Report of <b>Colin Perrins</b> <b>Head of Trading Standards and Commercial</b>  Originating Officer: <b>Jackie Randall</b> <b>Principal Licensing Officer</b>	Title <b>Licensing Act 2003</b> <b>Application for a Premises Licence for Elegant BBQ,</b> <b>388 Hackney Road, London E2 7AP</b>  Ward affected <b>Bethnal Green North</b>
--	--

## 1.0 Summary

Applicant: **Kemal Kacmaz**  
 Name and Address of Premises: **Elegant BBQ**  
**388 Hackney Road**  
**London E2 7AP**  
  
 Licence sought: **Licensing Act 2003**  
**The sale of alcohol**  
**Provision of Late Night Refreshment**

Objectors: **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 Only		Jackie Randall 020 7364 5109

### 3.0 **Background**

- 3.1 This is an application for a premises licence for Elegant BBQ, 388 Hackney Road, London E2 9ED.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the nature of the application as follows:  
The sale of alcohol  
Provision of late night refreshment (the supply of hot food and hot drink)
- 3.3 The hours that have been applied for are as follows:-

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

Monday to Sunday from 11:00 hrs to 02:00 hrs the following day

**The Provision of Late Night Refreshment:**

Monday to Sunday until 02:00 hrs the following day

**Hours premises is open to the public:**

Monday to Sunday from 11:00 hrs to 02:30 hrs the following day

- 3.4 A map showing the relevant premises is included as **Appendix 2**.

### 4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 7<sup>th</sup> January 2008.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.culture.gov.uk](http://www.culture.gov.uk). It will also be available at the hearing. It was substantially revised on the 28 June 2007.
- 4.4 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.

## 5.0 **Objections**

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authorities:  
Environmental Health (**See Appendix 3**)
- 5.2 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
- 5.3 Essentially, the regulatory Authority oppose the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:  
the prevention of public nuisance
- 5.4 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.

## 6.0 **Licensing Officer Comments**

- 6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 6.2 Guidance issued under section 182 of the licensing Act 2003
- ❖ As stated in the guidance it is "provided for licensing authorities carrying out this their functions." It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).  
Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.7).
  - ❖ 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." (1.10)

- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
  - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
  - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
  - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
  - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 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.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows:

**Appendix 4** Licensing Officer comments on Noise While The Premise Is In Use

**Appendix 5** Licensing Officer comments on Egress Problems

**Appendix 6** Planning

**Appendix 7** Licensing Policy relating to hours of trading

## 7.0 Exemptions

7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.

7.2 Acts of religious worship, wherever performed are not licensable.

7.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."

7.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.

7.5 Section 177 can be disapplied on a licence review if it is proportionate to do so.

## 8.0 Legal Comments

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

## 9.0 Finance Comments

9.1 There are no financial implications in this report.

## 10.0 Appendices

**Appendix 1** A copy of the application.

**Appendix 2** Maps of the area

**Appendix 3** Representations of Environmental Health

**Appendix 4** Licensing Officer comments on Noise While The Premise Is In Use

**Appendix 5** Licensing Officer comments on Egress Problems

**Appendix 6** Planning

**Appendix 7** Licensing Policy relating to hours of trading

# Appendix 1

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We KEMAL KACMAZ  
(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 388 HACKNEY ROAD			
Post town	LONDON	Post code	E2 7AP
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£7500	

**Part 2 - Applicant Details**

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  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)

23 JUN 2009

- 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  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:

Please tick yes

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

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

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> KACMAZ			<b>First names</b> KEMAL		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
<b>Current postal address if different from premises address</b>		388A HACKNEY ROAD			
<b>Post Town</b>	LONDON		<b>Postcode</b>	E2 7AP	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes



Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
2	0	7
2	0	0
8		

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

Day	Month	Year

Please give a general description of the premises (please read guidance note1)  
The premises is beeing used as a Restaurant. Please refer to the enclosed plan.

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

**Please tick yes**

- 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)

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

**In all cases complete boxes N, O and P**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				<b>Please give further details here</b> (please read guidance note 3)	
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur			<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 5)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat								
Sun								

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<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 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
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 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur			<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 5)		
Fri					
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
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 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue				
Wed			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Thur				
Fri			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sat				
Sun				

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>	
			<b>Please give a description of the facilities for dancing you will be providing</b>		
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)  <b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)  <b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur					
			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	02:00	<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23:00	02:00			
Wed	23:00	02:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur	23:00	02:00			
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 5)		
Sat	23:00	02:00			
Sun	23:00	02:00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) N/A		
Mon	11:00	02:00			
Tue	11:00	02:00			
Wed	11:00	02:00			
Thur	11:00	02:00			
Fri	11:00	02:00			
Sat	11:00	02:00			
Sun	11:00	02:00			
			<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 5) N/A		

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

<b>Name</b> MR KEMAL KACMAZ ✓	
<b>Address</b> 388 A HACKNEY ROAD, London	
<b>Postcode</b>	E2 7AP
<b>Personal Licence number (if known)</b> APPLICATION IN PROGRESS	
<b>Issuing licensing authority (if known)</b> L.B. OF TOWER HAMLET	

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8)

N/A

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) N/A
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5) N/A
Mon	11:00	02:30	
Tue	11:00	02:30	
Wed	11:00	02:30	
Thur	11:00	02:30	
Fri	11:00	02:30	
Sat	11:00	02:30	
Sun	11:00	02:30	



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

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

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

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

An alarm system that meets a minimum standard of BSEN50131 grade 1 must be installed at the premises. A panic button facility must be provided at the counter.

CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

Premises shall be well lit both inside and out to deter offenders and support the CCTV (subject to any planning constraints)

Premises to adopt Challenge 21 The National Proof Of Age Standards Scheme.t

**c) Public safety**

Appropriate fire safety procedures are in place along with appliances including fire extinguishers (Foam, H2O and CO2), fire blankets, internally illuminated fire exit signs, a smoke detector and emergency lighting. All appliances are checked annually and comply with relevant British Standards.

All fire escapes/escape routes will be clearly marked and kept free from obstructions at all times...

**d) The prevention of public nuisance**

**All ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties**

Notices will clearly and prominently displayed reminding customers to leave quietly.

Trade refuse agreement to be arranged and maintained at all times.

All waste generated by the premises will be dealt with appropriately..

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 18 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

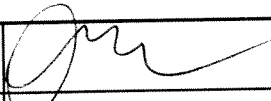
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	19 <sup>TH</sup> JUNE 2008
Capacity	Authorised Agent

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

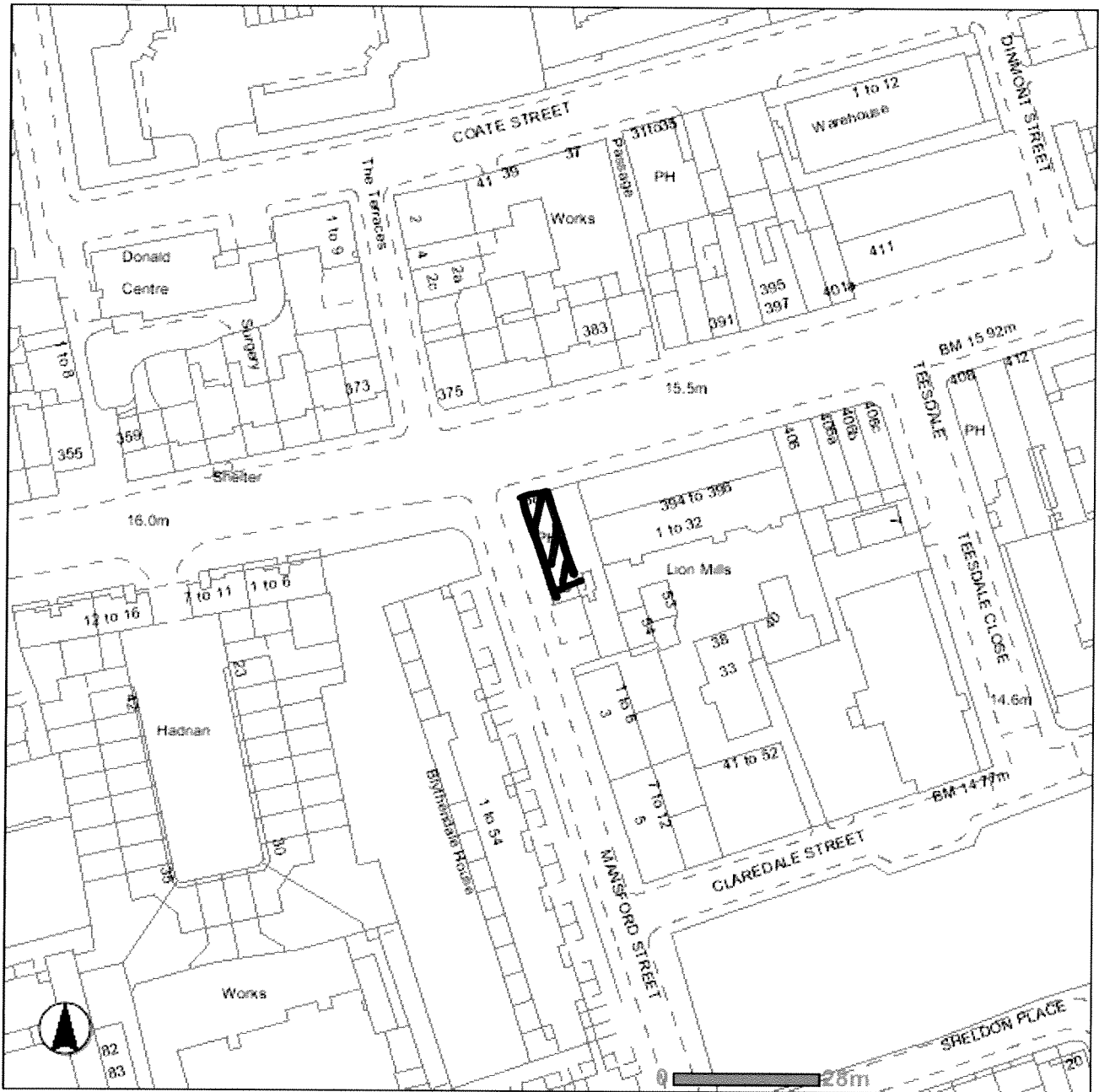
<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b> ACT 2003, LICENSING DEPARTMENT 507 GREEN LANES, PALMERS GREEN			
<b>Post town</b>	London	<b>Post code</b>	N13 4BS
<b>Telephone number (if any)</b>	020 8090 0376		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> info@act2003.com			

### 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. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

# Appendix 2

# Map



Scale 1:1228

Map of:

## 388 Hackney Road

Notes:

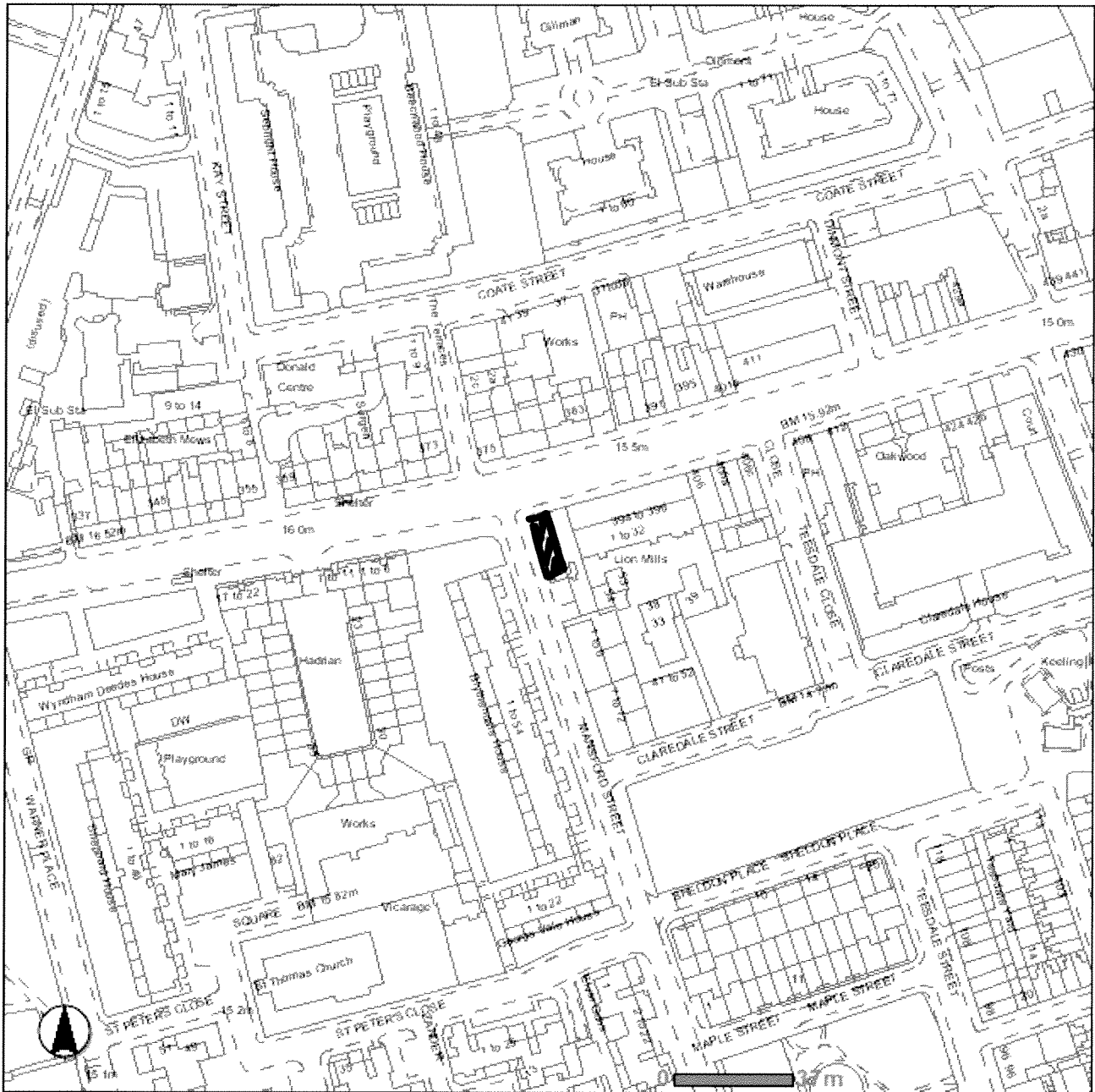
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Licence Number: LA100019288

# Map



Scale 1:1985

Map of:

## 388 Hackney Road

Notes:

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Licence Number: LA100019288

# Appendix 3

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**From:** Paul Johnson  
**Sent:** 04 July 2008 13:54  
**To:** Jacqueline Randall  
**Subject:** Application for a premises licence - Elegant BBQ Restaurant, 388 Hackney Road, London - MAU 26780

Hi Jackie,

Please find below objection to the above premises Licence.

Environmental Health object to all aspects of the above premises Licence on the grounds of public nuisance.

This particular premises has an extraction system and 2 air-conditioning units that have been installed without planning permission. In doing so, the extraction system, primarily the fan and the 2 air-conditioning units are causing noise problems. This matter is with Planning Enforcement at the moment with a view to serve an enforcement notice for the removal of the extraction system and air conditioning units. By permitting an increase in hours for late night refreshment, sale of alcohol and opening hours, this would in turn increase current problem of noise from both of these units.

The above issue was so serious that in January of this year, Environmental Health obtained a warrant from the Magistrates Court to enter 388 Hackney Road by force and disable both the extraction system and air conditioning unit. EH did not execute this warrant as remedial works were carried out on the fan at the last minute which reduced the noise to a level that such strong enforcement action was not necessary. This said, the current noise from the fan and air-conditioning units are still an issue hence the action being taken from Planning Enforcement and this objection.

Further to the points raised above, EH feel that there is potential for public nuisance from access and egress of customers till the proposed hours.

Regards,

Paul Johnson  
Environmental Health Enforcement Officer  
Environmental Protection

07/07/2008



# Appendix 4

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 of the Licensing Policy**).

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.11**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 8.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

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

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) 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 (2.38).

### Other Legislation

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

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

# Appendix 5

## Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 8.2 of the Licensing Policy**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.10**)

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to the prevention of Public Nuisance. (**See Appendix 2 Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)

- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

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 (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

# Appendix 6

## **Planning**

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



# Appendix 7

## **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

Sunday to Thursday      06 00 hrs to 23 30 hrs

Friday and Saturday      06 00 hrs to midnight

(see 12.8 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 applicants 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 12.8 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
- Premises licensed for off sales only