



Meeting of the

LICENSING SUB COMMITTEE

Monday, 20 October 2008 at 6.30 p.m.

A G E N D A

VENUE

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

| Members: | Ward Represented |
|---------------------------------------|-------------------------------|
| Chair: Councillor Fazlul Haque | Weavers |
| Councillor Oliur Rahman | St. Dunstan's & Stepney Green |
| Councillor Motin Uz-Zaman | Mile End East |

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:

Margaret Sampson, Democratic Services,
Tel: 020 7364 4850, E-mail: margaret.sampson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Monday, 20 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 |
|---|------------------|----------------------------|
| 3. RULES OF PROCEDURE | 3 - 14 | |
| To note the rules of procedure which are attached for information. | | |
| 4. UNRESTRICTED MINUTES | 15 - 22 | |
| To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 8 th September 2008. | | |
| 5. ITEMS FOR CONSIDERATION | | |
| 5 .1 Application for New Premises Licence: 95 Columbia Road, London E2 7RG (LSC036/809) | 23 - 58 | Weavers |
| 5 .2 Application for New Premises Licence: cafe de London: 507 Hackney Road, London E2 9ED | 59 - 102 | Bethnal Green North |
| 5 .3 Application for New Premises Licence: 83 Redchurch Street, London E2 7DJ (LSC038/809) | 103 - 178 | Weavers |

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:-

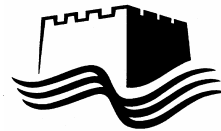
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 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). | | | | |

APPENDIX B

Regulation 8

| Action Following receipt of notice of hearing | |
|--|---|
| 1. | 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. |
| 2. | 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. |
| 3. | 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. |
| 4. | 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. |
| 5. | 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 6.37 P.M. ON MONDAY, 8 SEPTEMBER 2008

**ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON,
E14 2BG**

Members Present:

Councillor Fazlul Haque (Chair)
Councillor Fozol Miah
Councillor M. Mamun Rashid

Other Councillors Present:

Councillor Clair Hawkins (Ward Member)
Councillor Bill Turner (Ward Member)

Officers Present:

| | |
|------------------|-----------------------|
| Mohshin Ali | - Licensing Officer |
| Zakir Hussain | - Legal Officer |
| Margaret Sampson | - Democratic Services |

Applicants In Attendance:

| | |
|-----------------|--------------------------|
| Mr M Davis | - Wellington Pub Company |
| Mr T Islam | - Director, Vicki Park |
| Ms S Naqshbandi | - Counsel |

Objectors In Attendance:

| | |
|--------------|----------------------|
| Paul Johnson | Environmental Health |
| C McLean | Cyprus Street |
| J Wade | Cyprus Street |
| M Parkes | Mace Street |
| J Nockles | Cyprus Street |
| E Elgon | Bonner Street |
| J Warkins | Bonner Street |
| M Burns | Bonner Street |
| T Burns | Bonner Street |
| B Burns | Bonner Street |
| J McNiff | Cyprus Street |
| M Shannon | Cyprus Street |
| C O'Dwyer | Cyprus Street |
| J Dean | Cyprus Street |
| J Chernin | Cyprus Street |

There were several other residents present who did not sign

the attendance book.

1. APOLOGIES FOR ABSENCE

Several resident objectors had given their apologies.

2. DECLARATIONS OF INTEREST

Councillor Haque reported that he did not have an interest but had been contacted by another Member of the Council regarding this application. He had advised that he could not comment as he was participating in the meeting.

Councillor Hawkins declared a personal interest as she was present in her capacity as a Ward Member to speak on behalf of residents. Councillor Hawkins also reported that she was the Member who had contacted Councillor Haque and confirmed that they had not discussed the application.

Councillor Turner declared a personal interest as he was present in his capacity as a Ward Member to speak on behalf of a resident. Councillor Turner also reported that he was a member of the Licensing Committee but had not discussed the application with any other Member.

3. RULES OF PROCEDURE

Noted. Mr Hussain advised as to how the meeting would proceed.

4. UNRESTRICTED MINUTES

The minutes of the meeting held on 10 July 2008 were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION

5.1 Application for New Premises Licence: Habanas, 74 Bonner Street, London E2 0QP (LSC026/809)

The Chair stated that the report would be taken as read unless Mr Ali had additional information to report. Mr Ali confirmed there was no additional information and as Members had no questions for the officer, The Chair invited Ms Naqshbandi, Counsel for the applicant, to present the case for the applicant.

Ms Naqshbandi advised that she represented Wellington Pub Company, the freeholders of the premises. The previous tenants, Elite Leisure, had obtained the leasehold and run the premises from 1999. There had been a number of problems arising from the premises during this time, hence the objections from residents. Due to this and the non-payment of rent, the lease had subsequently been withdrawn. Wellington Pub Company had not been in a position to take on the licence at that time and the licence had since lapsed.

The company had submitted the current application in order to regularise the licensing position. Since then, discussions had identified a company (Vicky Park) to lease the premises to who propose to run the business as befits the premises and its location. If the application is granted there will be a subsequent application to transfer the licence to Vicky Park.

Ms Naqshbandi further reported that Mr Islam, who was present as a representative of Vicky Park, would be responsible for controlling the premises with a separate manager. Both Mr Islam and the proposed manager had extensive experience in the restaurant business and wished to run a Mediterranean style restaurant as smoothly as possible.

Mr Islam stated he would be at the premises, which would operate more as a restaurant than as a bar, most of the time. It would not be a club and there would be no music other than the occasional weekend and as was appropriate to the style of the premises. Recorded music would be for background purposes only and as the dance floor was extremely small, it was unlikely to be used.

Discussions had been held with the Police and the Commercial H&S team in Environmental Health; both had put forward conditions for consideration and the hours applied for had subsequently been amended.

The premises would be refurbished if the application was granted, with improvements to both the internal and external parts of the premises, which would improve the general environment.

The applicant did not agree with the hours put forward by the EH Noise officer for the use of the forecourt but was happy to accept the hours put forward by the Police for use of this area. A noise limiter was not felt to be necessary though all other conditions put forward were acceptable.

Both the pub company and the proposed licence holder did not wish to see the area or the premises being vandalised, this would not attract the type of clientele the premises would cater for; this would be a family orientated restaurant. The applicant had met with some residents though not necessarily those who were present and was happy to attend any meetings with residents and to make a contact number available.

Councillor Miah asked why it was felt there would be no nuisance caused by noise nuisance to adjoining residents when the properties shared a party wall and whether the applicant would consider carrying out soundproofing.

Ms Naqshbandi advised that soundproofing was not felt to be necessary as it was not intended that club or bass music would take place, mellow music would be provided. In replying to further points from Councillor Miah on this issue, the applicant confirmed he would take advice on what may be required.

The applicant further advised that 60 covers would be provided in the restaurant and there would be no separate bar.

As there were no further questions, the Chair invited those who had made representations to present their evidence.

Mr Johnson, Environmental Health, reported that his objections were detailed on page 143 and related to noise nuisance from the proposed use to the residential properties located in close proximity to the premise, particularly the nuisance to the property that shared a party wall with the premise which would occur from even recorded music being played.

He was happy to agree to the conditions put forward by the Police and Commercial EH with one exception. The evidence on which the Noise team objections were based had not been available to these parties and was the basis of the proposed hours of operation detailed on page 144, including restricting the use of the outside area to 8pm. No live music should be provided and recorded music should go through a noise limiter and/or sound attenuation carried out to ensure that music could not be heard in the adjacent property.

Mr Johnson confirmed the hours sought were 11:00 to 23:00 Sunday to Thursday and 11:00 to Midnight Friday and Saturday with all licensable activities ceasing 30 minutes before closing time on all days. All live music must go through a noise limiter and no drums or bass music should be operated.

A sound test would be required in order to identify and address any weak points within the premises and remedial work carried out if needed to ensure that the operation of the premises was inaudible within the nearest residential properties.

Mr McLean, Cyprus Street resident, expressed concern that if the licence was granted, the restaurant could be converted to a pub. A number of residents were only hearing about the proposed restaurant use and the amended hours for the first time. Residents had no wish to see the premises operate as a pub/restaurant; the area was predominantly residential which was why there had been so many representations. The Pub Company had failed to show any accountability for the premises when operated by the previous licensee and residents were not aware of the proposed management arrangements for this application.

A number of properties had no front gardens or parking spaces and there was no other licensed premise within the immediate area. There was a need for the premise to be substantially soundproofed and the applicant had not shown a willingness to address this, let alone undertake any work. Mr McLean stated that he was not confident that the applicant would run the premise in a way that would assist residents.

Ms Wade, Cyprus Street resident, queried why the Pub Company were making the application and presenting evidence to the Sub Committee when they would not be managing the premise or be the eventual licence holder. Mr Hussain advised.

Ms Wade stated that this was the first time any of the residents had seen a representative of the Pub Company and were now informed that the premises would be leased to someone else. The past history of the Pub Company to completely fail to respond to resident's concerns was indicated by the number of representations.

The applicant had said they did not intend to operate late or need regulated entertainment but they had applied for both and they remained within the licence being sought. The report showed how many residents had suffered in the past and their level of concern. There were four other licensed premises within half a mile, all of whom closed at 10.30 or 11pm on a Sunday. Residents did not wish to see customers leave these premises to come to this one, as had been the case in the past. The premises had also previously opened later than it had been licensed to.

Whilst residents would prefer to see no licence granted, if it were the EH proposed conditions should be adopted. The Council was the freeholder of the premise which was located on the edge of the estate and close to financial ruin. Residents had indicated that they wished to see an alternative use of the premise being considered.

Related noise nuisance had been suffered from cars, taxis and people, with related ASB also being experienced. There was no parking available and this caused difficulties for residents in the evening, especially as the premise was not near public transport links.

The applicant confirmed that the restaurant would provide 60 covers though Ms Wade pointed out that the Business Plan referred to 80 covers. Irrespective of what the applicant said they would do, the application covered a number of other points and hours of use.

Councillor Hawkins stated that she was a Ward Member and was present on behalf of Mr & Mrs Legon who lived in the property next to the premises. She was not a member of the Licensing Committee and had not discussed the application with any of the Committee Members.

Mr & Mrs Legon's property shared a party wall with the premises and had registered complaints with EH on numerous occasions regarding noise and reverberation throughout the house from amplified music. Their garden was also used as a rubbish dump and urinal by patrons. Mr Braun, who lived two doors away from the premise, also felt that no licence should be granted unless the premises were soundproofed.

The premise had not been used as a local pub for many years and its past operation had ignored residents. If a licence was to be granted, consideration should be given to the hours operated, whether music and dance should be available and sound proofing. The proposed EH conditions would mitigate some concerns though residents did not feel that any conditions would allow the premise to operate without nuisance given the previous history of the premise.

Councillor Turner stated that he was a Ward Member and was present on behalf of Mr Heyes, resident of Cyprus Street. Whilst he was a member of the Licensing Committee, he had not discussed the application with any of the Committee Members.

Councillor Turner stated the immediate area accommodated a number of elderly residents as well as those with young families. Endorsing Councillor Hawkins's comments, Councillor Turner also stated that the contents of the Business Plan that had been seen by some residents did not appear to support the need for all the licensable activities sought in the application and this, together with the past history of the premise and the lack of support from the Pub Company, had resulted in the number of objections that had been made to the application.

In response to a question from the Chair, Mr Davies (Applicant) advised that the name of the company had resulted in some confusion. Whilst called 'Wellington Pub Company Ltd.', it was not a pub company but a building company. The application had been made at a time when a suitable tenant for the property had been identified. Since then, a suitable tenant, Mr Islam's company, had been identified and if a licence were to be granted, an application to transfer the licence to the named tenant would be made.

At this juncture, the Chair advised that the Sub Committee would now, at 7.35pm, adjourn for a comfort break. The Sub Committee reconvened at 8.20pm.

Mr Dick, Cyprus Street, spoke on behalf of another resident who was unable to be present. Mr Dick stated that all residents had a right to quiet enjoyment under the Human Rights Act and queried whether, under S.17 of the Licensing Act 2003, Wellington Pub Company was the actual applicant.

The premise shared three party walls and had a single glazed frontage. He had been an EH Officer for many years and was aware that the insulation and additional extraction costs arising from the application would be expensive. He asked whether any costing for this work had been carried out.

Ms Naqshbandi, on behalf of the applicant, reported that no acoustician had been appointed but she had, during the adjournment, spoken to EH and the applicant was prepared to accept this matter as a condition of the licence.

The costs referred to by the last speaker were a matter for the applicant who was as stated in the report. Mr Islam was present in the capacity of the prospective tenant and was an experienced manager. Whilst the past history of the premises was acknowledged, there had to be a point where the new application was considered along with the realisation that there was no intention to run the premise as it had been in the past. The legislation was in place that would allow any problems to be addressed.

Mr Johnson, EH, advised that if an acoustic report was carried out and any work arising was completed to the department's satisfaction, it would address concern on this point though the use of the external area and external

smoking noise concern would only be addressed in part by reducing the hours of operation.

Mr Shannon, Cyprus Street resident stated that he believed the restaurant proposal was a red herring as once a licence was granted; the premises could operate any or all of the activities in the application for the hours being sought.

Insulating the building was all very well, but the noise and nuisance generated by those leaving the premise could not be tolerated; especially late at night when the general area was quieter. The layout of local streets and the number of properties that fronted directly onto the street meant that residents and their families were directly affected by the noise of those leaving the premise by foot and by car. There was no specific parking for residents let alone those visiting the area and vehicles parked on double yellow lines prevented access for emergency services.

People leaving the premises to smoke also caused nuisance to residents, particularly given the proximity to residential properties. Mr Shannon concluded by stating he did not believe the premises was particularly family friendly if proposed to open until midnight.

There being no further representations, the Chair thanked those present for their submissions to the Sub Committee and proposed that Members would now, at 8.35pm, adjourn to consider the evidence presented.

The Sub Committee reconvened at 8.55pm and the Chair reported that the Sub Committee had resolved:

That the application for a new Premises Licence for Habanas, 74 Bonner Street, London E2 0QP had been **REFUSED** as Members of the Sub Committee had not been convinced that the Licensing Objective relating to the Prevention of Public Nuisance would be upheld.

The Chair reported that Members had heard sufficient evidence from residents and Environmental Health that the type of establishment that this licence would potentially allow the premises to be would not be suitable in this location. Particular regard had been taken to the fact that the premises shared a party wall with residential accommodation. In addition, taking the character of the locality into consideration, Members had not been convinced that the Licensing Objective relating to the Prevention of Public Nuisance would be upheld.

The meeting ended at 8.58 p.m.

Chair, Councillor Fazlul Haque
Licensing Sub Committee

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Agenda Item 5.1

| | | | | |
|--|-------|---------------------------------------|---|-----------------|
| Committee: Licensing Sub-committee | Date: | Classification Unclassified | Report No. <i>LSC034</i> <i>809</i> | Agenda Item No. |
|--|-------|---------------------------------------|---|-----------------|

| | |
|---|--|
| Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) | Title: Licensing Act 2003 Application for a premises licence application for 95 Columbia Road London E2 7RG |
| Originating Officer: John Cruse Team Leader Licensing | Ward affected: Weavers |

1.0 Summary

Applicant: **Emma Luisa Lantosca**

Address of Premises: **95 Columbia Road
London
E2 7RG**

Licence sought: **Premises Licence - Licensing Act 2003**
• **Sale of alcohol**

Representations: **Local resident**

2.0 Recommendations

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

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

| Brief description of "background paper" | Tick if copy supplied for register | If not supplied, name and telephone number of holder |
|---|------------------------------------|--|
| File Only | | John Cruse 020 7364 5024 |

3.0 **Background**

- 3.1 This is an application for a new premises licence for 95 Columbia Road London E2 7RG.
- 3.2 A copy of the application is enclosed as **Appendix 1**.

The hours that have been applied for are as follows:-

Sale of Alcohol (on and off sales)

- Monday to Saturday, from 12 00 to 19 00
- On Wednesdays in December alcohol will be on sale until 21 00 hrs

Hours premises are open to the public:

- Monday to Saturday from 12 00 hours to 19 00 hrs
- On Wednesdays in December alcohol will be on sale until 21 00 hrs

- 3.3 Members may care to note that a late night refreshment application is not necessary as the sale of food does not go beyond 23 00 hrs.
- 3.3 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.
- 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. 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 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.9 The representation in this report has been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003. Not all representations have been accepted in this case.
- 5.10 All of 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

5.11 This hearing is required by the Licensing Act 2003, because a relevant representation have been made by a local resident.

5.12 Please see **Appendix 4** for the representation of Ms. Jankunas.

5.13 The application was required to be advertised in a local newspaper and by a blue poster. In addition the Licensing Section now consults residents within 40m.

5.14 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

Essentially, the local resident has raised issues that relate to

- the prevention of public nuisance.

5.15 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 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.

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 5 Licensing Officer comments on noise while the premise is in use

Appendix 6 Licensing Officer comments on access/egress problems

Appendix 7 Planning

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 premises licence application
- Appendix 2** Maps of the area
- Appendix 3** Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
- Appendix 4** Representation of Ms. Jankunas
- Appendix 5** Licensing Officer comments on noise while the premise is in use
- Appendix 6** Licensing Officer comments on access/egress problems
- Appendix 7** Planning

Appendix 1



| | | | |
|-----------------------|---------------|-------|-----------|
| FOR OFFICE USE | | | |
| RECEIPT / INVOICE NO. | FEE REQUIRED: | Date: | Initials: |

This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

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 (Insert name(s) of applicant) EMMA WISAJANTO & CA

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 | |
| <u>915 COLUMBIA ROAD</u> <u>LONDON</u> <u>E2 7JG</u> | <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>LBTH TRADING STANDARDS 3 - JUL 2008</p> </div> |
| Post town <u>LONDON</u> | Post code <u>E2 7JG</u> |

Telephone number at premises (if any)

Non-domestic rateable value of premises

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)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual 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 Mrs Miss Ms Other title
(for example, Rev)

Surname
IANTOSCA

First names
EMMA LUISA

I am 18 years old or over

Please tick yes

Current postal
address if different
from premises
address

91 COLUMBIA ROAD
LONDON

Post Town

LONDON

Postcode

E2 7RG

Daytime contact telephone number

020 77391089

E-mail address
(optional)

emma.iantosca@yahoo.co.uk

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if different
from premises
address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

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 | EMMA IANTOSCA |
| Address | 91 COLUMBIA ROAD, LONDON, E2 7RG |
| Registered number (where applicable) | / |
| Description of applicant (for example partnership, company, unincorporated association etc) | SOLE TRADER |
| Telephone number, if any | 020 77391089 07525 173153 |
| E-mail (optional) | emmaiantosca@yahoo.co.uk |

Part 3 Operating Schedule

When do you want the premises licence to start?

| Day | Month | Year |
|-----|-------|------|
| 01 | 08 | 2008 |

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

| Day | Month | Year |
|-----|-------|------|
| / | / | / |

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

| |
|---|
| / |
|---|

Please give a general description of the premises (please read guidance note1)

A small shop which will be used as a delicatessen - Food will be available to consume on and off the premises.
The property is situated at the end of Columbia Road, it is the last property and is not amongst residential properties.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 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 for:

- 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

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 [X] (please read guidance note 2) | Indoors | |
|--|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 4) | Both | |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| | | | 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 (please read guidance note 5) | | |

M

| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption - please tick [X] (please read guidance note 7) | On the premises | |
|---|-------|--------|---|------------------|-------------------------------------|
| Day | Start | Finish | | Off the premises | |
| Mon | | | Please give further details here (please read guidance note 4) A delicatessen providing fine wine to purchase. A few wines will be available to consume on the premises. | Both | <input checked="" type="checkbox"/> |
| Tue | 12-00 | 19-00 | | | |
| Wed | 12-00 | 19-00 | | | |
| Thur | 12-00 | 19-00 | | | |
| Fri | 12-00 | 19-00 | | | |
| Sat | 12-00 | 19-00 | | | |
| Sun | 12-00 | 15-00 | | | |
| | | | State any seasonal variations for the supply of alcohol (please read guidance note 4) WEDNESDAYS IN DECEMBER - WE WILL BE OPEN UNTIL 21-00 FOR THE ANNUAL XMAS SHOPPING EVENT. | | |
| | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) | | |

Box M continues on the next page...

Box M continued

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

Name

EMMA IANTOSCA

Address

91 COLUMBIA ROAD
LONDON

Postcode E2 7LG

Personal Licence number(if known)

Issuing licensing authority (if known)

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)

NONE



O

| Hours premises are open to the public Standard timings (please read guidance note 6) | | | State any seasonal variation (please read guidance note 4) |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | | | <p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list. (please read guidance note 5)</p> <p>EARLY WEDNESDAY IN DECEMBER - OPENING HOURS CHANGE TO 11.00 - 21.00</p> |
| Tue | 11.00 | 19.00 | |
| Wed | 11.00 | 19.00 | |
| Thur | 11.00 | 19.00 | |
| Fri | 11.00 | 19.00 | |
| Sat | 11.00 | 19.00 | |
| Sun | 9.00 | 14.30 | |
| | | | |
| | | | |
| | | | |

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)

Our alcohol supply will attract a particular market reducing the risk of any unwanted behaviour. Alcohol will only be available from 12.00 - 19.00 and will therefore, not be consumed in the evening for any events. We will clearly advertise age restrictions and requirements for purchase + consumption as the premises. Wine will be out of reach of children and not served to anyone we suspect would be already over the limit -

b) The prevention of crime and disorder

Alcohol will be kept in an area where by staff assistance will be required.
Nobody will be served that are already under the influence of alcohol -

c) Public safety

Alcohol is a very small percentage of our business - It will be kept to a minimum and not consumed anywhere thought unsafe.

d) The prevention of public nuisance

Alcohol will only be served with food - The delicatessen is not available for alcohol only unless purchased and taken off the premises. The business is open during the day and will not attract people wanting to only drink. Noise will be maintained, should anyone wish to drink and eat.

e) The protection of children from harm

No alcohol will be in a child's reach - No person under the age of 18 will be served alcohol and I.d will be requested for anyone uncertain.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

- I have made or enclosed payment of the fee Please tick yes
- 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

Part 4 – Signatures (please read guidance note 10)

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

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 Autun

Date 16-06-08

Capacity _____

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

| | |
|------------------|------------------|
| Post town | Post code |
|------------------|------------------|

Telephone number (if any)

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



TOWER HAMLETS

LICENSING ACT 2003

| | | | |
|-----------------------|---------------|-------|-----------|
| FOR OFFICE USE | | | |
| RECEIPT / INVOICE NO. | FEE REQUIRED: | Date: | Initials: |

This form should be completed and forwarded to Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

Consent of individual to being specified as premises supervisor

EMMA LISA JANTOSKA
 [full name of prospective premises supervisor]

of 91 COLUMBIA ROAD, LONDON, E2 7RG
 [home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for SUPPLY OF ALCOHOL [type of application]

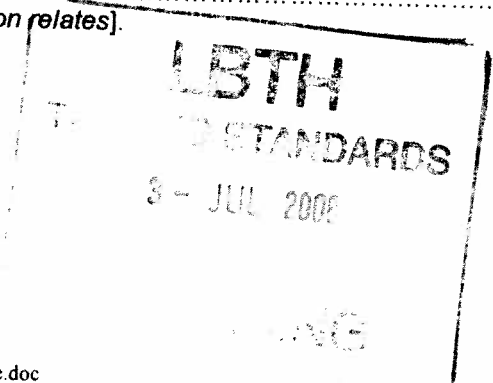
by EMMA LISA JANTOSKA [name of applicant]

relating to a premises licence [number of existing licence, if any]

for 95 COLUMBIA ROAD, LONDON, E2 7RG
 [name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by EMMA LISA JANTOSKA [name of applicant]

concerning the supply of alcohol at 95 COLUMBIA ROAD, LONDON E2 7RG
 [name and address of premises to which application relates]



I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

.....
[insert personal licence number, if any]

Personal licence issuing authority

.....
[insert name and address and telephone number of personal licence issuing authority, if any]

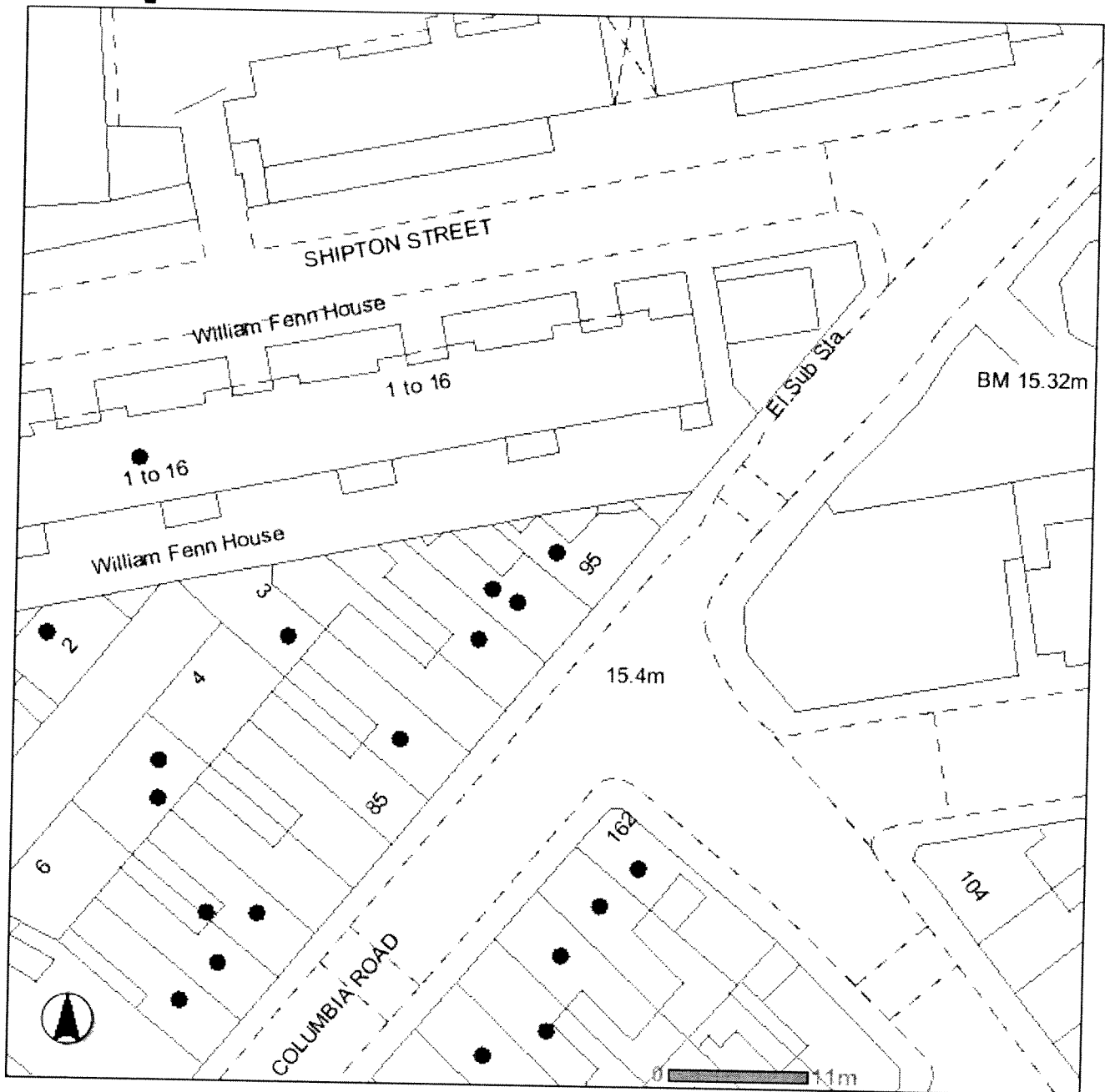
.....signed

.....name (please print)

.....dated

Appendix 2

Map



Scale 1:500

Map of:

Site Plan

Notes:

95 Columbia Road

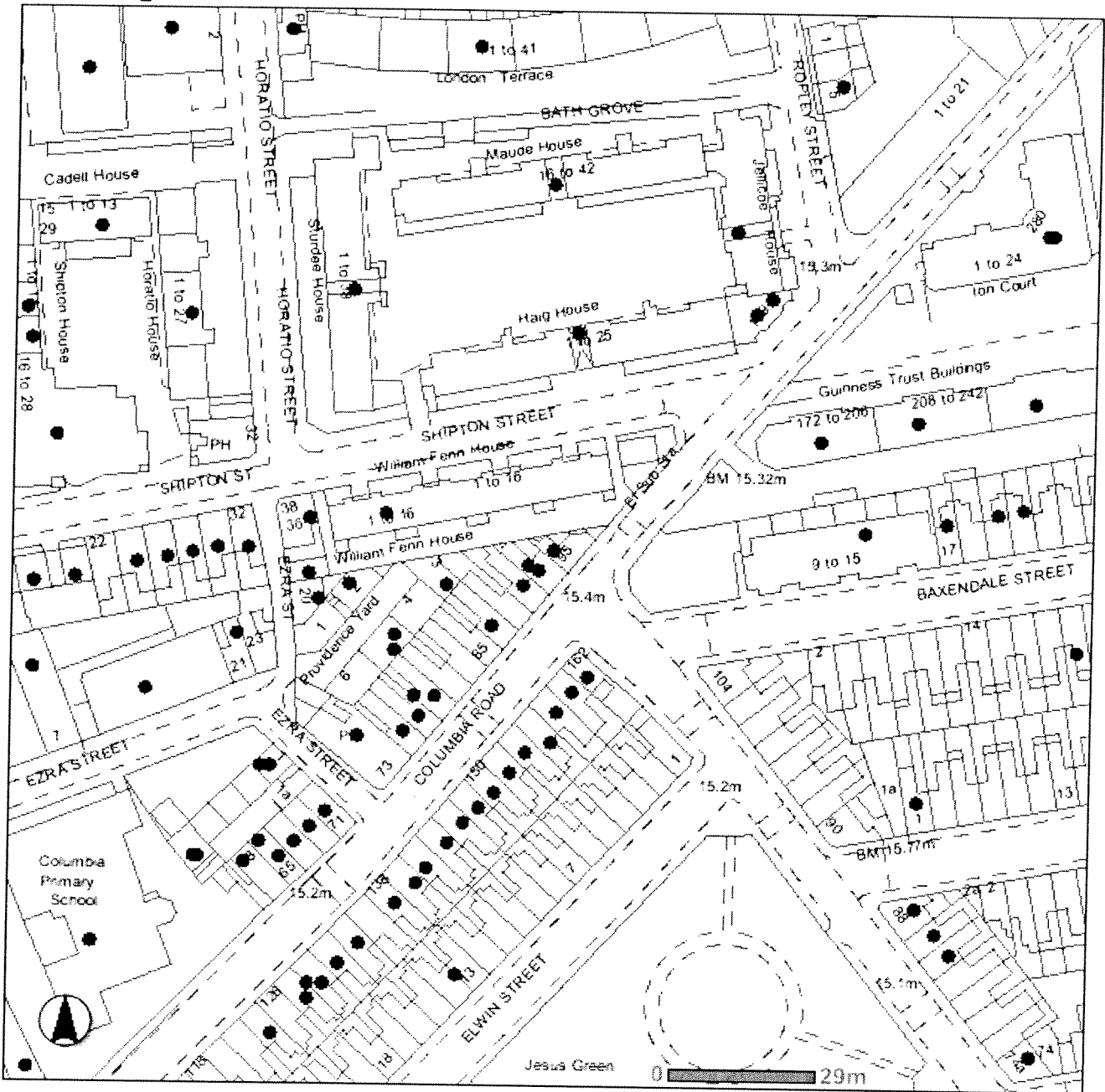
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Map



Scale 1:1250

Map of:

Site Plan

Notes:

95 Columbia Road

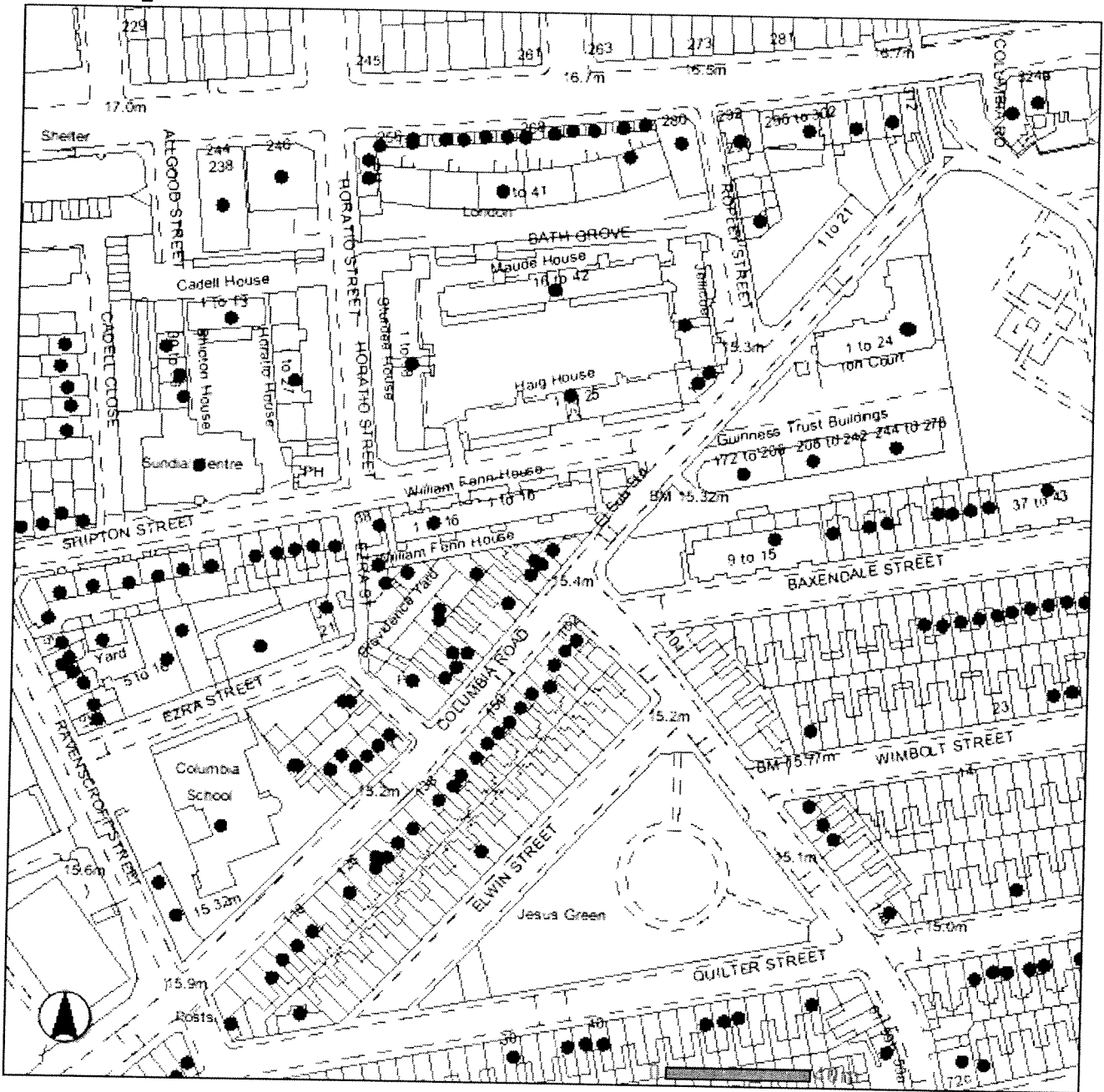
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Map



Scale 1:1750

Map of:

Site Plan

Notes:

95 Columbia Road

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Appendix 3

Section 182 Advice by the DCMS

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.
- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 4

Jill Jankunas
3 William Fenn
Shipton Street
London E2 7RX

29 July 2008

Mr John Cruse
The Licensing Section
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55379
5 Clove Crescent
London
E14 1BY
(Sent via email to: john.cruse@towerhamlets.gov.uk)

Dear Mr Cruse

Re: Licensing Act 2003 and 95 Columbia Road E2

I am writing to object to the issuing of a license for the above-named premises. I have viewed the application alongside accompanying plans and I was unable to establish fully what the nature of the business will be: restaurant, wine shop, wine bar or delicatessen. It would appear to show that customers will be catered for on the premises.

This is a residential area and these premises are only a few steps away from my home and those of my neighbours. My concern is that the issuing of a licence will create a public nuisance to nearby residents for the following reasons,

- noise nuisance
- environmental nuisance

I am strongly opposed to the potential congregation of customers outside and next to the above-named premises eating, drinking or smoking as this will result in unwanted prolonged noise very close to my home. This is a quiet area and I wish to retain the quiet enjoyment of my home when I return from work in the evenings and at weekends.

There is a small window at the rear of the premises (this does not appear on the premises plan for some unknown reason) and I am concerned that we will also suffer noise spillage through this window. Until recently this window has always remained firmly closed but residents' attention has been drawn to it over the last two weeks as we have suffered the noise of industrial machinery and building alterations - outside of permitted hours. This noise has reverberated around the rear area and I would anticipate that we will suffer the same problem with the noise of customers inside the premises as it echoes around our communal garden area.

I am also concerned about the refuse that will be created as a result of the changed use

of the premises (previously a clothing retailer). Recently it has become apparent that nearby units are depositing their refuse on the pavement where Columbia Road and Barnet Grove meet. As time passes this problem seems to grow worse, as other nearby residents/businesses follow this example. As the premises appears to have no outdoor facility to store their food refuse I believe that this should be a consideration as refuse can be a local nuisance as it can create a health hazard in addition to being unsightly.

I would also hope that suitable arrangements will be in place for the responsible disposal of glass refuse- such as bottles. Glass can be a serious potential hazard, particularly for children. There is a recycling bin nearby but I believe this is for residential, not business use. The disposal of large numbers of glass bottles creates an unwanted and unacceptable public noise nuisance.

In conclusion, I would request that should you decide to grant this licence, in spite of my objections, that the following conditions are applied:

- No consumption of food and alcohol or smoking permitted on the pavement directly in front of or beside the premises
- Small rear window is sealed to prevent noise spillage
- No music (live or recorded) permitted
- Responsible and correct disposal of recycling and food refuse.

Thank you,

Yours sincerely,

Jill Jankunas

4
2

Appendix 5

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)**.

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 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)**.

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 6

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 7

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.

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Agenda Item 5.2

| | | | | |
|---|------|--------------------------------|------------------------------|-----------------|
| Committee : Licensing Sub Committee | Date | Classification Unclassified | Report No. LSC037/ 809 | Agenda Item No. |
|---|------|--------------------------------|------------------------------|-----------------|

| | |
|---|--|
| Report of Colin Perrins Head of Trading Standards and Commercial | Title Licensing Act 2003 Application for a Premises Licence for Café de London, 507 Hackney Road, London E2 9ED |
| Originating Officer: Jackie Randall Principal Licensing Officer | Ward affected Bethnal Green North |

1.0 Summary

Applicant: **Café de London Limited**
 Name and **Café de London**
 Address of Premises: **507 Hackney Road**
London E2 9ED

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 Café de London, 507 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 open to the public was omitted from the application however the applicant clarified the hours for these and the hours for the sale of alcohol. The letter is attached in **Appendix 2**.

3.4 The hours that have been applied for are as follows:-

Sale of Alcohol (on sales only)

Monday to Friday from 18:00 hrs to 03:00 hrs the following day
Saturday and Sunday from 12:00 hrs to 03:00 hrs the following day

The Provision of Late Night Refreshment:

Monday to Sunday until 03:00 hrs the following day

Hours premises is open to the public:

Monday to Sunday from 07:00 to 03:00 hrs the following day

3.5 Members may wish to note that in relation to the sale of alcohol and late night refreshment this is the same as when the premises close to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met. The problem, of course, is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the regulated activities and the time the premises closes to the public.

3.6 A map showing the relevant premises is included as **Appendix 3**.

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 7th 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. 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 4**)
- 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 5 Licensing Officer comments on Noise While The Premise Is In Use

Appendix 6 Licensing Officer comments on Egress Problems

Appendix 7 Planning

Appendix 8 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 | Applicants letter amending hours |
| Appendix 3 | Maps of the area |
| Appendix 4 | Representations of Environmental Health |
| Appendix 5 | Licensing Officer comments on Noise While The Premise Is In Use |
| Appendix 6 | Licensing Officer comments on Egress Problems |
| Appendix 7 | Planning |
| Appendix 8 | Licensing Policy relating to hours of trading |

Appendix 1



| | | | |
|-----------------------|---------------|-------|-----------|
| FOR OFFICE USE | | | |
| RECEIPT / INVOICE NO. | FEE REQUIRED: | Date: | Initials: |

This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

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

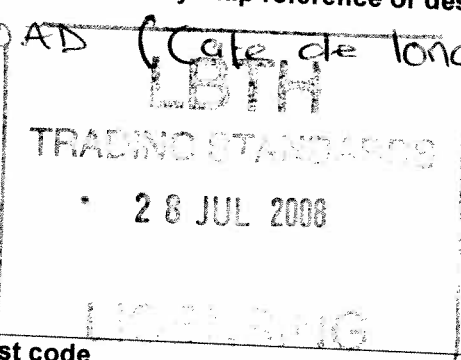
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 (Insert name(s) of applicant) FOISAL AHMED CAFE DE LONDON LTD

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 | |
| 507 HACKNEY ROAD (Cafe de London) LONDON E2 9ED | |
|  | |
| Post town | Post code |
| LONDON | E2 9ED |

Telephone number at premises (if any)

07507559898

Non-domestic rateable value of premises

£

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick yes no Please complete section (A)
- 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)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual 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 no
- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname
AHMED

First names
FOISAL

I am 18 years old or over

Please tick if yes

Current postal address if different from premises address

31 WELSTEAD HOUSE
CANNON STREET ROAD

Post Town

LONDON

Postcode

E1 2LJ

Daytime contact telephone number

07507559898

E-mail address (optional)

ahmedfoisal85@hotmail.com

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

I am 18 years old or over

Please tick if 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 | CAFE DE LONDON LTD. |
| Address | 507 HACKNEY ROAD LONDON E2 9ED |
| Registered number (where applicable) | AWAITING |
| Description of applicant (for example partnership, company, unincorporated association etc) | PRIVATE LIMITED COMPANY |
| Telephone number, if any | 07507 55 98 98 |
| E-mail (optional) | ahmedfaisal85@hotmail.com |

Part 3 Operating Schedule

When do you want the premises licence to start?

| Day | Month | Year |
|-----|-------|------|
| 01 | 09 | 2008 |

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

| Day | Month | Year |
|-----|-------|------|
| | | |

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

| |
|--|
| |
|--|

Please give a general description of the premises (please read guidance note1)

A cafe lounge serving snacks, hot food & drinks.
Counter
Stock room
serving area with table & sofas.
Restricted alcohol areas.
Child friendly area.
disabled toilets & unisex toilet.
Fridge & food display cabinets
Marked fire exits & extinguishers.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

- | | |
|--|--|
| a) plays (if ticking yes, fill in box A) | Please tick <input type="checkbox"/> yes |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities for:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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

| Plays Standard days and timings (please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2) | Indoors | | |
|---|-------|--------|---|--|--|--|
| Day | Start | Finish | | Outdoors | | |
| Mon | | | Please give further details here (please red guidance note 3) | Both | | |
| Tue | | | | | | |
| Wed | | | | State any seasonal variations for performing plays (please read guidance note 4) | | |
| Thur | | | | | | |
| Fri | | | | | | |
| Sat | | | | Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sun | | | | | | |

B

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

C

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

D

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

E

| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2) | Indoors | |
|---|-------|--------|---|--|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 4) | Both | |
| Tue | | | | | |
| Wed | | | | State any seasonal variations for the performance of live music (please read guidance note 4) | |
| Thur | | | | | |
| Fri | | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| Sat | | | | | |
| Sun | | | | | |

F

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

H

| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | |
|---|-------|--------|--|--|
| Day | Start | Finish | | |
| Mon | | | Please give further details here (please read guidance note 3) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the entertainment of 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) | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

| | | | | | | | |
|--|-------|--------|---|--|--|---------|--|
| Provision of facilities for making music Standard days and timings (please read guidance note 6) | | | Please give a description of the facilities for making music you will be providing | | | | |
| | | | Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2) | | | Indoor | |
| | | | | | | Outdoor | |
| | | | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance | | | | |
| Mon | | | | | | | |
| Tue | | | | | | | |
| Wed | | | | | | | |
| Thur | | | | | | | |
| Fri | | | | | | | |
| Sat | | | | | | | |
| State any seasonal variations for the facilities for making music (please read guidance note 4) | | | Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | | | |
| | | | | | | Sun | |

J

| | | | | | | | |
|---|-------|--------|--|--|--|---------|--|
| Provision of facilities for dancing Standard days and timings (please read guidance note 6) | | | Please give a description of the facilities for dancing you will be providing | | | | |
| | | | Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2) | | | Indoor | |
| | | | | | | Outdoor | |
| | | | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance | | | | |
| Mon | | | | | | | |
| Tue | | | State any seasonal variations for the facilities for dancing (please read guidance note 4) | | | | |
| Wed | | | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | | | |
| Fri | | | | | | | |
| Sat | | | | | | | |
| Sun | | | | | | | |

K

| | | | | |
|---|-------|--------|--|--|
| Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment facility you will be providing | |
| | | | Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2) | |
| Day | Start | Finish | Indoor | |
| Mon | | | Outdoor | |
| | | | Both | |
| Tue | | | Please give further details here (please read guidance | |
| | | | | |
| Wed | | | State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4) | |
| | | | | |
| Thur | | | 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 (please read guidance note 5) | |
| | | | | |
| Fri | | | | |
| | | | | |
| 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 [Y] (please read guidance note 2) | Indoors | Y |
|--|-------|--------|--|---|---|
| Day | Start | Finish | | Outdoors | |
| Mon | 07:00 | 03:00 | Please give further details here (please read guidance) | Both | |
| Tue | 07:00 | 03:00 | | | |
| Wed | 07:00 | 03:00 | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | |
| Thur | 07:00 | 03:00 | | | |
| Fri | 07:00 | 03:00 | | 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 (please read guidance note 5) | |
| Sat | 07:00 | 03:00 | | | |
| Sun | 07:00 | 03:00 | | | |

M

| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7) | On the premises | Y |
|---|-------|--------|--|---|---|
| Day | Start | Finish | | Off the premises | |
| Mon | 07:00 | 03:00 | Please give further details here (please read guidance) | Both | |
| Tue | 07:00 | 03:00 | | | |
| Wed | 07:00 | 03:00 | | State any seasonal variations for the supply of alcohol (please read guidance note 4) | |
| Thur | 07:00 | 03:00 | | | |
| Fri | 07:00 | 03:00 | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| Sat | 07:00 | 03:00 | | | |
| Sun | 07:00 | 03:00 | | | |

Box M continues on the next page...

Box M continued

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

Name

KOBIR AHMED

Address

7 GIBSON CLOSE
LONDON
Postcode E1 4JT

Personal Licence number(if known)

Issuing licensing authority (if known)

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)

O

| Hours premises are open to the public Standard timings (please read guidance note 6) | | | <u>State any seasonal variation</u> (please read guidance note 4) |
|--|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5) |
| | | | |
| Tue | | | |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

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)

Objective of opening a cafe lounge is to promote community cohesion by creating a friendly environment for local & non-local people to come and enjoy healthy food, in a safe environment for both adult & children, maintaining ~~adult~~ public safety in terms of food & hygiene, including a safe & non-violent area.

b) The prevention of crime and disorder

CCTV
Security guard if open until late night.
Building friendly, close relationship with local community.
Holding venue for local community events. In particular for young people.
Alcohol prevention/control - limiting alcohol intake of customers.
Exercising age requirement for customers buying alcohol. - 'look 18, think 21'.

c) Public safety

Fire exits
Hygiene control - cleaning
Safety signs.
Quality control of food and hygiene.
Hazard signs.
Smoke alarm.
First aid staff on sight.
Fire extinguishers
No gaming machines on sight & no access to semi or full nudity films for any age group.

d) The prevention of public nuisance

Meeting environmental health regulations.
Sound control.
Minimising work noise.
Working with local council, groups & voluntary organisations and police.
Preventing overcrowding by limiting customers allowed into the premise.

e) The protection of children from harm

Keeping sharp & dangerous objects away from children.
CCTV constant & throughout - monitoring everything.
Training staff in health & safety, including first aid.
No children allowed, during unsociable hours.
Designated child-friendly area.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

- | | Please tick <input type="checkbox"/> yes |
|--|--|
| ▪ I have made or enclosed payment of the fee | <input checked="" type="checkbox"/> |
| ▪ I have enclosed the plan of the premises | <input checked="" type="checkbox"/> |
| ▪ I have sent copies of this application and the plan to responsible authorities and others where applicable | <input checked="" type="checkbox"/> |
| ▪ I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable | <input checked="" type="checkbox"/> |
| ▪ I understand that I must now advertise my application | <input checked="" type="checkbox"/> |
| ▪ I understand that if I do not comply with the above requirements my application will be rejected | <input checked="" type="checkbox"/> |

Part 4 – Signatures (please read guidance note 10)

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

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 *[Handwritten Signature]*

Date 28/07/08

Capacity 40 to 50 people

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

| | |
|-----------|-----------|
| Post town | Post code |
|-----------|-----------|

Telephone number (if any)

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

Appendix 2

Colin Perrins
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Café de London Limited
507 Hackney Road
London
E2 9ED

Tel 07507 559898
Email: ahmedfoisal85@hotmail.com

05 August 2008

Your reference
My reference: LSE/COLIN

Dear Mr Perrins,

Re: 507 Hackney Road, London 9ED Licensing Act 2003

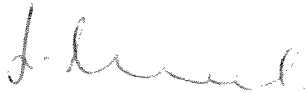
Thank you for your recent letter regarding the opening times for Café de London. I would like to confirm the licensable activities include late night refreshment and the provision of alcohol at the premises, as already stated on the application the opening times for the café are:

Normal opening hours:
Monday – Sunday 07.00 to 03.00

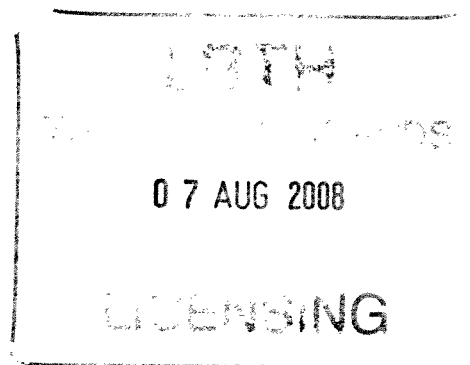
Timings for serving Alcohol are as follows:
Mon – Fri from 18.00 – 03.00
Sat – Sun 12.00 – 03.00

I confirm I have written a separate letter to all the relevant authorities you have provided in your letter and trust this will be sufficient in issuing the licenses applied for. However should you require any further information or have any further instructions please do not hesitate to contact me.

Kind Regards,

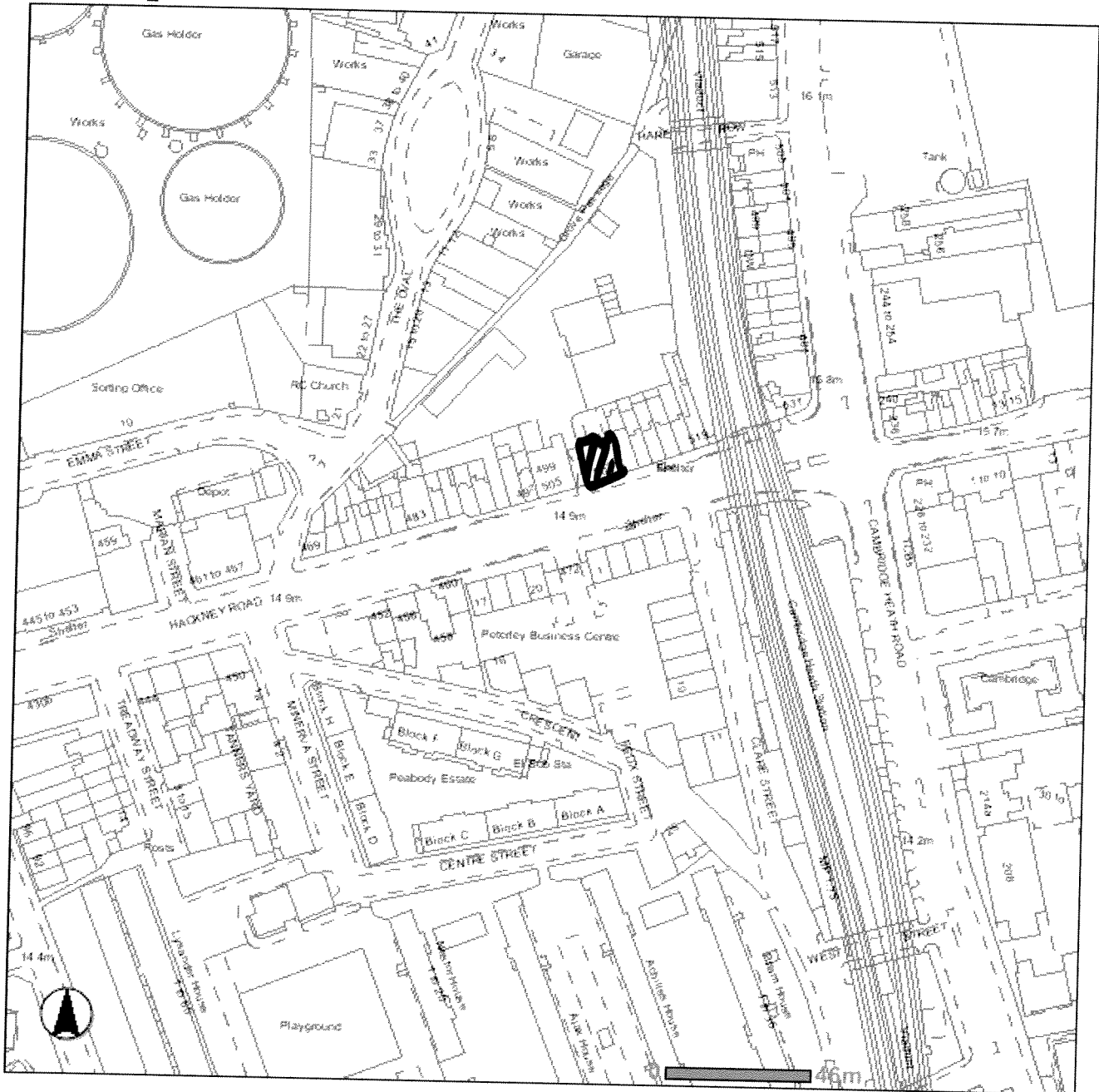


Faisal Ahmed
Café de London Limited



Appendix 3

Map



Scale 1:1985

Map of:

507 Hackney Road

Notes:

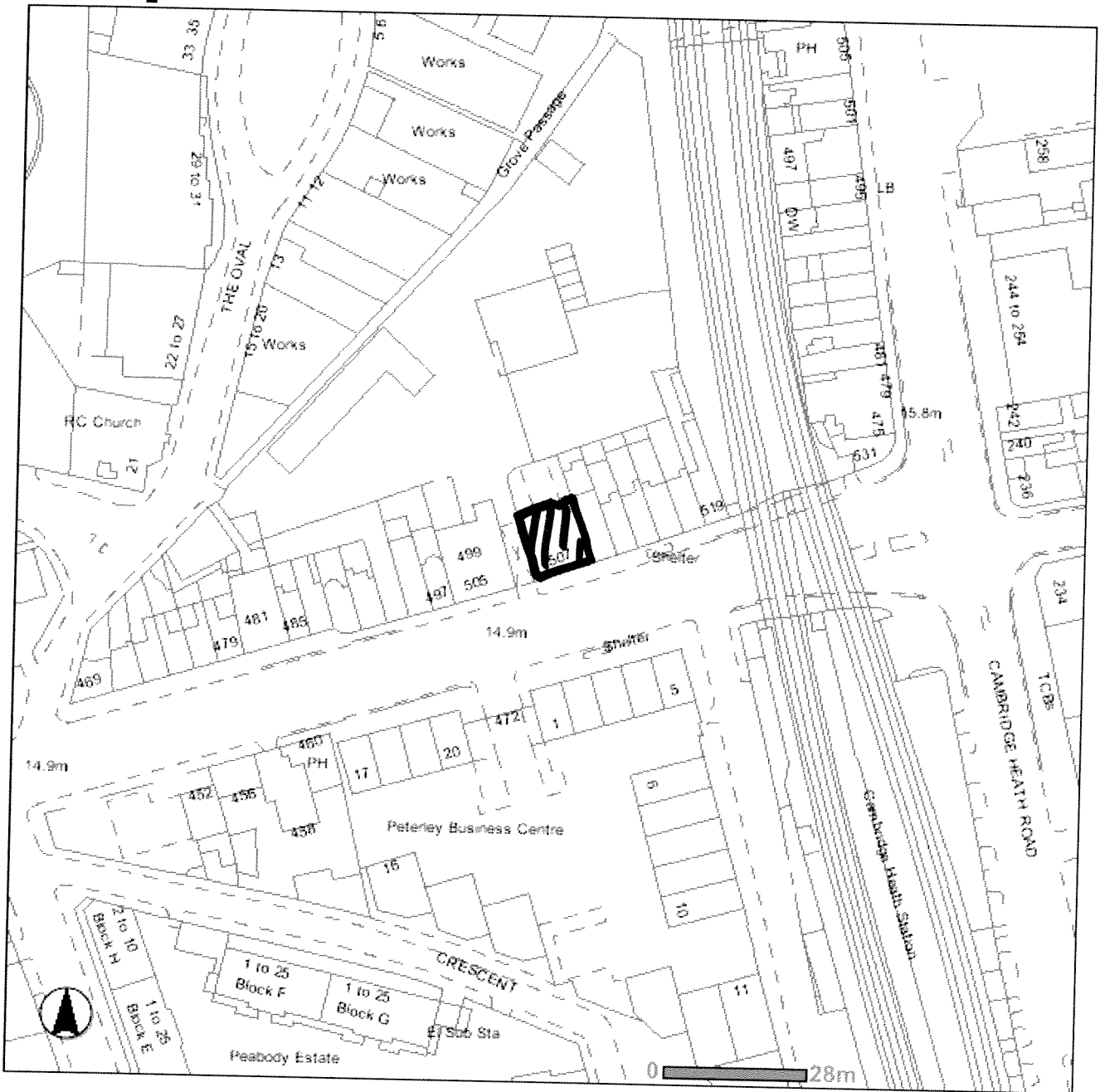
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:1228

Map of:

507 Hackney Road

Notes:

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 4

Kathy Butler

From: Sonia Joseph
Sent: 21 August 2008 12:48
To: Kathy Butler
Subject: FW: Cafe De London, Flare Ref:27388

From: Lamin Tamba
Sent: 21 August 2008 11:24
To: Sonia Joseph
Cc: ahmedfoisal85@hotmail.com
Subject: Cafe De London, Flare Ref:27388

Ahmed,

Following our conversation the additional information which i requested is confirmed in writing, below:

Directorate of Environment & Culture

| | | |
|-----------|------------------------|---|
| To | Licensing | Environmental Health, Environmental Protection |
| From | EH/EP North Team | Council Offices Anchorage House, PO BOX 55739 |
| Reference | FLARE 27388 | 5 Clove Crescent, London E14 1BY |
| Extension | 6783 | |
| Date | 19 June 2008 | Tel: 020 7364 5007 Fax: 020 7364 6831E-mail: |
| Regarding | Café de London, | Email: envhealth.envprotection@towerhamlets.gov.uk |

507 Hackney Road, London, E2 9ED

This section objects to this application of a premises licence for **Café de London, 507 Hackney Road, London, E2 9ED**, until further information in relation to the extract ventilation system and its installation details are supplied to us.

Public Nuisance

The applicant has not submitted any details of the extract ventilation system for this section to examine in terms of potential public nuisance.

Noise and vibration caused by extract ventilation system could cause public nuisance if unsuitable or improperly installed and maintained. Noise generated from cooling units, e.g. freezers/fridges, chilling units or other machinery could also cause disturbance to people in the vicinity

especially when such equipment is improperly installed and maintained.

Full details of concerns raised above need to be supplied to Environmental Health for our perusal. This would enable us to make comments as to whether the proposed operations are capable of causing public nuisance especially to nearby residents.

Mr Lamin Tamba

Environmental Health Enforcement Officer

Appendix 5

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 6

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 7

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 8

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: Licensing Sub-committee | Date: | Classification Unclassified | Report No. <i>LSC036/809</i> | Agenda Item No. |
|--|-------|---------------------------------------|---------------------------------|-----------------|

| | |
|---|---|
| Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) | Title: Licensing Act 2003 Application for a premises licence application for Convenience Store, 83 Redchurch Street, London E2 7DJ |
| Originating Officer: Mohshin Ali Licensing Officer | Ward affected: Weavers |

1.0 Summary

Applicant: **Mr Mizanur Rahman**

Name and Address of Premises: **Convenience Store
83 Redchurch Street
London
E2 7DJ**

Licence sought: **Premises Licence - Licensing Act 2003**
• **Sale of alcohol**

Representations: **Environmental Protection
Local residents**

2.0 Recommendations

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

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

| Brief description of "background paper" | Tick if copy supplied for register | If not supplied, name and telephone number of holder |
|---|------------------------------------|--|
| File Only | | Mohshin Ali 020 7364 5498 |

3.0 **Background**

3.1 This is an application for a new premises licence for Convenience Store, 83 Redchurch Street, London E2 7DJ.

3.2 A copy of the application is enclosed as **Appendix 1**.

The hours that have been applied for are as follows:-

Sale of Alcohol (off sales)

- Monday to Sunday, from 11:00 hours to midnight

Hours premises are open to the public:

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

3.3 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. 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 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.9 The representation in this report has been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003

- 5.10 All of 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
- 5.11 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Environmental Protection and local residents.
- 5.12 Please see **Appendix 4** for the representation of Environmental Protection.
- 5.13 Please see **Appendix 5** for the representations of Marta Gonzalez and Sancho Cole.
- 5.14 Please see **Appendix 6** for the representation of Marcus Taylor.
- 5.15 Please see **Appendix 7** for the representation of Rupert Cole.
- 5.16 Please see **Appendix 8** for the representation of Daniel Jackson.
- 5.17 Please see **Appendix 9** for the representations of Ruth and Ken Campbell.
- 5.18 For Members' information, the applicant has agreed conditions with the Metropolitan Police. Please see **Appendix 10**.
- 5.19 The application was required to be advertised in a local newspaper and by a blue poster. Due to failure of advertising the application correctly, the consultation period was extended to 29th July 2008.
- 5.20 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
- 5.21 Essentially, Environmental Protection and the residents oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objectives, particularly:
- the prevention of crime and disorder
 - the prevention of public nuisance

5.22 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 access/egress as follows:
 - Appendix 11** Licensing Officer comments on noise while the premise is in use
 - Appendix 12** Licensing Officer comments on access/egress problems
 - Appendix 13** Licensing Officer comments on crime and disorder on the premises
 - Appendix 14** Licensing Officer comments on crime and disorder from patrons leaving the premises
 - Appendix 15** Planning
 - Appendix 16** 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 premises licence application
- Appendix 2** Maps of the area
- Appendix 3** Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
- Appendix 4** Representation of Environmental Protection.
- Appendix 5** Representation of Marta Gonzalez and Sancho Cole
- Appendix 6** Representation of Marcus Taylor
- Appendix 7** Representation of Rupert Cole
- Appendix 8** Representation of Daniel Jackson
- Appendix 9** Representation of Ruth and Ken Campbell
- Appendix 10** Conditions agreed with the Police
- Appendix 11** Licensing Officer comments on noise while the premise is in use
- Appendix 12** Licensing Officer comments on access/egress problems
- Appendix 13** Licensing Officer comments on crime and disorder on the premises
- Appendix 14** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 15** Planning
- Appendix 16** Licensing Policy relating to hours of trading

Appendix 1



| FOR OFFICE USE | | | |
|---------------------|---------------|-------|-----------|
| RECEIPT INVOICE NO. | FEE REQUIRED: | Date: | Initials: |

This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

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.

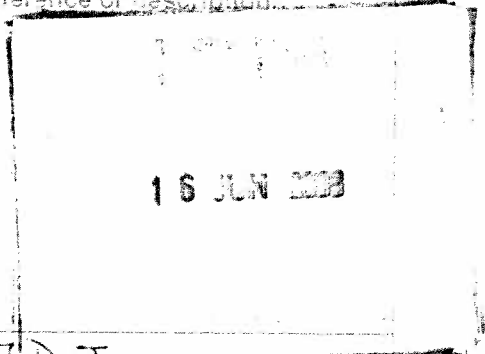
I/We (insert name(s) of applicant) MIR. MUZANUR RAHMAN

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

83, REDCHURCH STREET
LONDON
E2 7DJ



Post town LONDON Post code E2 7DJ

Telephone number at premises (if any) 0207 739 0412

Non-domestic rateable value of premises £ 7,000.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick yes
- a) as an individual or individuals* Please complete section (A)
- b) as 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) as a recognised club please complete section (B)
- d) as a charity please complete section (B)
- e) as the proprietor of an educational establishment please complete section (B)
- f) as a health service body please complete section (B)
- g) as an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) as 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
- * that you are carrying on or proposing to carry on a business which involves the use of the premises for licensable activities.
- * that you are making the application pursuant to a
- * statutory function or
 - * a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname: RAHMAN
First names: MIZANUR

I am 18 years old or over Please tick yes

Current postal address if different from premises address: 38, WESTHOPE HOUSE STREET, DERBYSHIRE, LONDON, E2 6HL

Post Town: Postcode: E2 6HL

Daytime contact telephone number:

E-mail address (optional):

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname: First names:

I am 18 years old or over Please tick yes

Current postal address if different from premises address:

Post Town: Postcode:

Daytime contact telephone number:

E-mail address (optional):

3) 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 (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| Day | Month | Year |
|-----|-------|------|
| 15 | 07 | 2008 |

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

| Day | Month | Year |
|-----|-------|------|
| | | |

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

| |
|--|
| |
|--|

Please give a general description of the premises (please read guidance note 1)

CONVENIENCE STORE

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

- | | Please tick | yes |
|---|--------------------------|-----|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> | |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> | |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> | |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> | |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> | |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> | |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> | |
| h) anything of a similar description to that falling within (a), (f) or (g) if ticking yes, fill in box H) | <input type="checkbox"/> | |

Provision of entertainment facilities for:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) if ticking yes, fill in box K) | <input type="checkbox"/> |

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

C

| | | | |
|--|-------|--------|--|
| Indoor sporting events Standard days and timings (please read guidance note 6) | | | <u>Please give further details here</u> (please read guidance note 3) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4) |
| Wed | | | |
| Thu | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5) |
| Fri | | | |
| Sat | | | |
| Sun | | | |

D

| | | | | |
|---|-------|--------|---|--------------------------------------|
| Boxing or wrestling entertainment Standard days and timings (please read guidance note 8) | | | <u>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 2) | Indoors <input type="checkbox"/> |
| Day | Start | Finish | | Outdoors <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | Both <input type="checkbox"/> |
| Tue | | | | |
| Wed | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4) | |
| Thu | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | |
| Sat | | | | |
| Sun | | | | |

A

| Plays | | | Will the performance of a play take place | |
|---|-------|--------|---|----------|
| Standard days and timings (please read guidance note 1) | | | indoors or outdoors or both - please tick (please read guidance note 2) | Indoors |
| Day | Start | Finish | | Outdoors |
| Mon | | | Please give further details here (please read guidance note 3) | |
| Tue | | | | |
| Wed | | | State any seasonal variations for performing plays (please read guidance note 4) | |
| Thu | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| Sat | | | | |
| Sun | | | | |

B

| Films | | | Will the exhibition of a film take place | |
|---|-------|--------|--|----------|
| Standard days and timings (please read guidance note 6) | | | indoors or outdoors or both - please tick (please read guidance note 2) | Indoors |
| Day | Start | Finish | | Outdoors |
| Mon | | | Please give further details here (please read guidance note 3) | |
| Tue | | | | |
| Wed | | | State any seasonal variations for exhibition of films (please read guidance note 4) | |
| Thu | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| Sat | | | | |
| Sun | | | | |

| Live music Standard days and timings (please read guidance note 6) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2) | Indoors Outdoors Both |
|--|-------|--------|---|-----------------------------|
| Day | Start | Finish | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | |
| Tue | | | | |
| Wed | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) | |
| Thu | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | |
| Sat | | | | |
| Sun | | | | |

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

H

| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing |
|--|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | Please give further details here (please read guidance note 7) |
| Tue | | | |
| Wed | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) |
| Thu | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the entertainment of 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) |
| Sat | | | |
| Sun | | | |

Provision of facilities for making music
(standard days and timings (please read
guidance note 3))

Please give a description of the facilities for making music you will be
providing

Will the facilities for making music be indoors
or outdoors or both – please tick [x] (please
read guidance note 2)

Indoor

Outdoor

Both

Day Start Finish

Please give further details here (please read guidance

Tue

Wed

State any seasonal variations for the facilities for making music (please
read guidance note 4)

Thur

Fri

Non standard timings. Where you intend to use the premises for the
facilities for making music entertainment at different times to those listed
in the column on the left, please list (please read guidance note 5)

Sat

Sun

K

| Provision of facilities for entertainment of a similar description to that falling within I or J | Please give a description of the type of entertainment facility you will be providing | |
|--|--|---------|
| Standard days and timings (please read guidance note 6) | Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2) | |
| Day | Indoor | Outdoor |
| Start | Both | |
| Finish | Please give further details here (please read guidance | |
| Mon | | |
| Tue | | |
| Wed | | |
| Thu | | |
| Fri | | |
| Sat | | |
| Sun | | |

State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or K (please read guidance note 4)

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 (please read guidance note 5)

L

| <u>Late night refreshment</u> Standard days and timings (please read guidance note c) | | | <u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</u> | |
|--|-------|--------|--|----------|
| Day | Start | Finish | Indoors | Outdoors |
| Mon | | | | |
| Tue | | | | |
| Wed | | | | |
| Thu | | | | |
| Fri | | | | |
| Sat | | | | |
| Sun | | | | |

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of late night refreshment (please read guidance note 4)

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 (please read guidance note 5)

M

| <u>Supply of alcohol</u> Standard days and timings (please read guidance note 6) | | | <u>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)</u> | |
|---|-------|--------|--|-------------------------------------|
| Day | Start | Finish | On the premises | Off the premises |
| Mon | 11:00 | 24:00 | | <input checked="" type="checkbox"/> |
| Tue | 11:00 | 24:00 | | |
| Wed | 11:00 | 24:00 | | |
| Thu | 11:00 | 24:00 | | |
| Fri | 11:00 | 24:00 | | |
| Sat | 11:00 | 24:00 | | |
| Sun | 11:00 | 24:00 | | |

Please give further details here (please read guidance note 8)

State any seasonal variations for the supply of alcohol (please read guidance note 4)

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)

Box M continues on the next page...

Box M continued

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

Name

MR AKTAR ALI

Address

9 RIGA HOUSE
SHANDY STREET
LONDON

Postcode E1 3LY

Personal Licence number (if known)

12543

Issuing licensing authority (if known)

LONDON BOROUGH OF TOWER HAMLETS

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)

SALE OF CIGARETTES

0

Hours premises are open to the public

Standard timings (please read guidance note 6)

| Day | Start | Finish |
|-----|-------|--------|
| Mon | 07:00 | 24:00 |
| Tue | 07:00 | 24:00 |
| Wed | 07:00 | 24:00 |

State any seasonal variation (please read guidance note 4)

N/A

| Day | Start | Finish |
|-----|-------|--------|
| Thu | 07:00 | 24:00 |
| Fri | 07:00 | 24:00 |
| Sat | 07:00 | 24:00 |
| Sun | 07:00 | 24:00 |

Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)

N/A

2

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)

I WILL BE VIGILANT IN RESPECT OF THE CUSTOMERS BEING SERVED AND TO THE INSIDE AND OUTSIDE OF THE PREMISES. I WILL REGULARLY CONSULT TO THE LICENSING OBJECTIVES IN ORDER TO CONTINUE PROMOTING THE OBJECTIVES.

b) The prevention of crime and disorder

I CURRENTLY HAVE CCTV CAMERAS INSTALLED ON THE PREMISES AND I RETAIN VIDEO RECORDS FOR A MINIMUM PERIOD OF 30 DAYS.

c) Public safety

I WILL CONSULT REGULARLY WITH THE FIRE AUTHORITY AND OTHER RESPONSIBLE AUTHORITIES.

I WILL CARRY OUT REGULAR CHECKS OF FIRE EXITS TO ENSURE THAT THEY ARE CLEAR AND ENSURE ALL STAFF ARE PROPERLY TRAINED IN FIRE PROCEDURES.

I WILL MAKE REGULAR INSPECTIONS FOR BROKEN GLASS OR SPILLAGES AND CLEAR UP AS NECESSARY.

J) The prevention of public nuisance

I WILL CLEAR THE AREA AROUND THE PREMISES REGULARLY (ESPECIALLY IF FLYERS ARE USED)

I WILL ENSURE COMMERCIAL REFUSE IS CLEARED REGULARLY AND AT TIMES THAT WILL NOT DISTURB LOCAL RESIDENTS

a) The protection of children from harm

I WILL INSIST THAT ANYONE WHO APPEARS TO BE UNDER 21 IS ASKED TO PROVIDE PHOTOGRAPHIC PROOF OF THEIR AGE.

I WILL ACCEPT ONLY PASSPORTS, PHOTO DRIVING LICENCES AND CARDS INCORPORATING THE PROOF OF AGE STANDARDS SCHEME PASS (PASS)

I WILL KEEP AND MAINTAIN A REFUSALS BOOK

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

- | | Please tick | yes |
|--|-------------------------------------|-------------------------------------|
| • I have made or enclosed payment of the fee | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I have enclosed the plan of the premises | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I understand that I must now advertise my application | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I understand that if the authority and/or relevant customer's my application will be rejected | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

Part 4 – Signatures (please read guidance note 10)

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

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 EGL

Date 13th June 2008

Capacity SOLICITORS

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

CITYGATE SOLICITORS
3A OLD MONTAGUE STREET

DL: 40511
BETHNAL GREEN

Post town LONDON

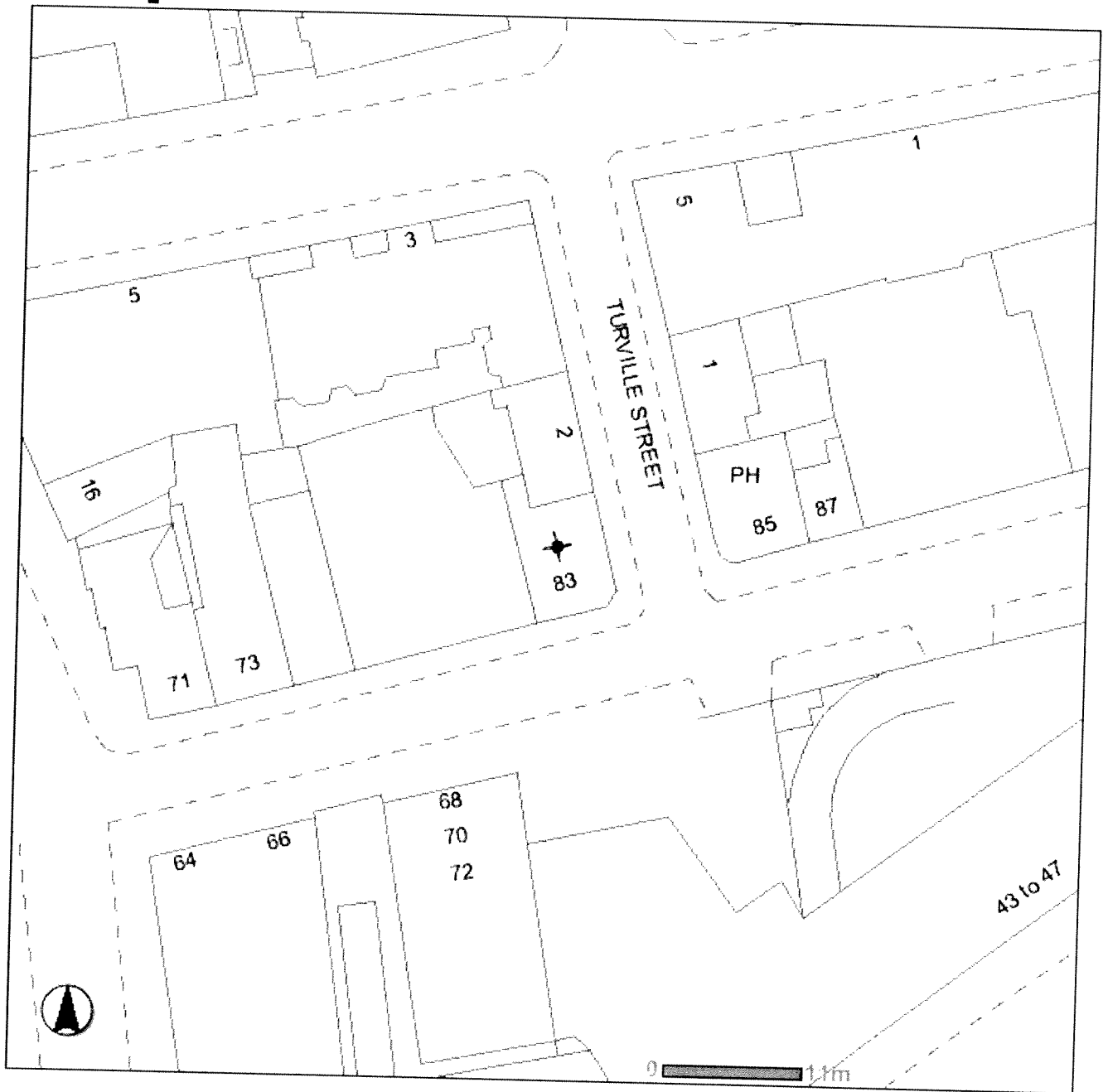
Post code E1 5NL

Telephone number (if any) 020 7375 2930

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

Appendix 2

Map



Scale 1:500

Map of:

83 Redchurch Street

Notes:

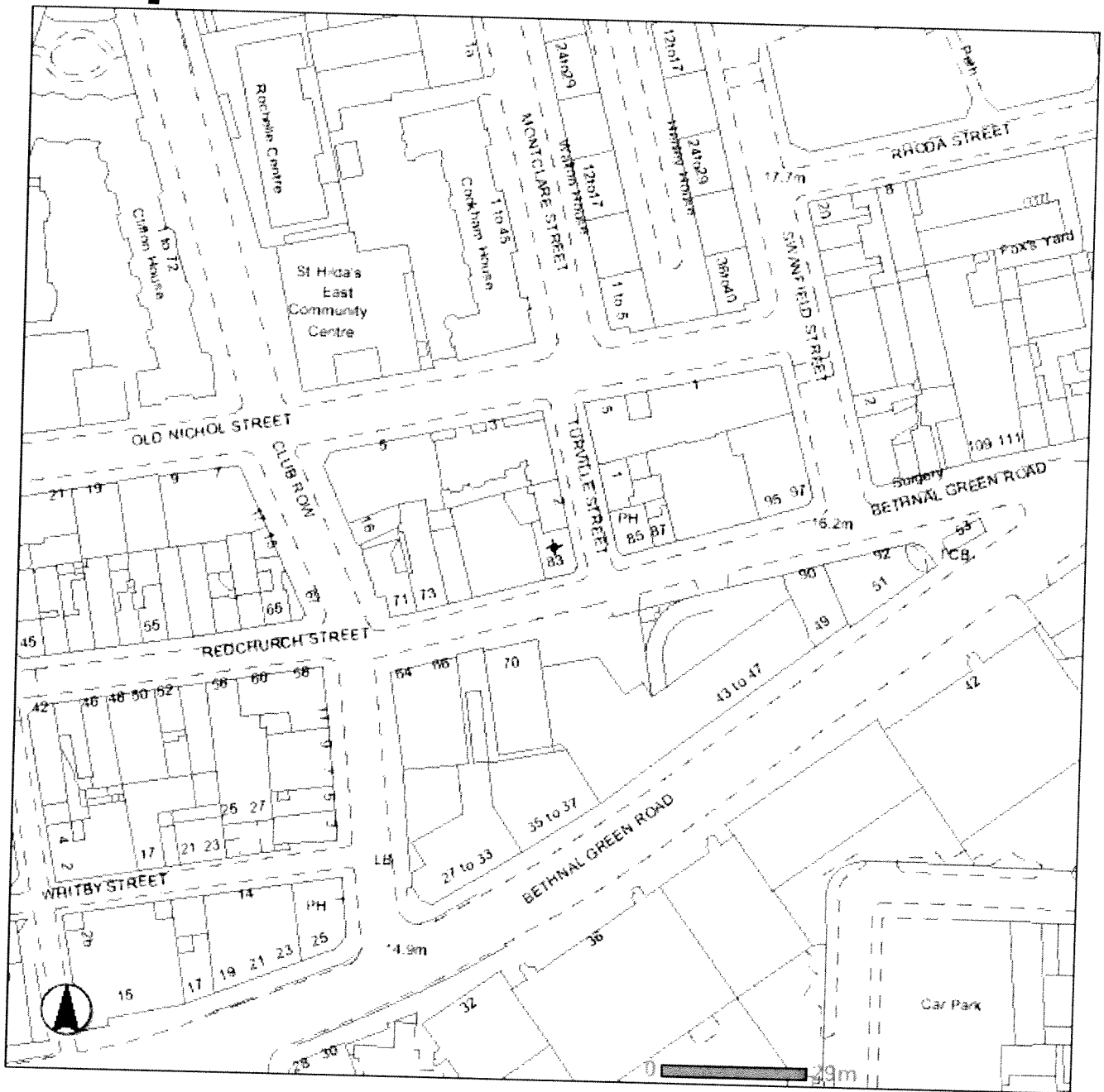
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Map



Scale 1:1250

Map of:

Notes:

83 Redchurch Street

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Appendix 3

Section 182 Advice by the DCMS

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 4

| | | |
|-----------|---|--|
| | | Directorate of Environment & Culture |
| To | Licensing | Environmental Health, Environmental Protection |
| From | EH/EP North Team | Council Offices Anchorage House, PO BOX 55739 83 Redchurch Street, London E2 7DJ |
| Reference | FLARE 26661 | |
| Extension | 6783 | |
| Date | 29 June 2008 | Tel: 020 7364 5007 Fax: 020 7364 6831E-mail: |
| Regarding | Convenience Store, 83 Redchurch Street, London, E2 7DJ | Email: envhealth.envprotection@towerhamlets.gov.uk |

This section objects to this application for a premises licence for **Convenience Store, 83 Redchurch Street, London, E2 7DJ**, unless full details of the conditions below are addressed:

Public Nuisance

The applicant has not taken into account in the operation schedule the potential impact of public nuisance with regards to the provision of supply of alcohol and sale of cigarettes by retail.

The operating schedule does mention some aspects of the impact of public nuisance but has not adequately outlined measures to prevent public nuisance. Control of noise and vibration from equipment which could be used within the premises has not been explained. Structure borne noise generated from within the premises or outside it due to the use of machinery is an area of concern. Noise generated from cooling units, e.g. freezers/fridges, chilling units or other machinery could cause disturbance to people in the vicinity especially when such equipment is improperly installed or installed at inappropriate locations; or failure to maintain such machinery in accordance with the manufacturer's instructions.

The applicant has to fully comply with this statement of management measures to be taken to prevent and control noise, covering matters such as:

Planned Management Measures for Control of Noise

- a) Acquire and properly install suitable plant and/or equipment which is not capable of causing noise and/or vibration nuisance to nearby residents before, during and after operating hours.
- b) Take measures to limit noise from patrons and staff entering and leaving the premises and vehicles arriving, departing in the vicinity to prevent avoidable noise disturbance to noise sensitive properties.

- c) Restrict the generation of noise within the premises and from activities associated with the premises in the vicinity;
- d) Limit the escape of noise from the premises;
- e) Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home, both while relaxing and while sleeping;
- f) Minimise and control noise from customers arriving at the premises or outside it and departing from it;
- g) Minimise and control noise from staff, contractors and suppliers and their activities;
- h) Minimise and control noise from vehicles associated with and providing services to the premises and their customers.
- i) Guidance to drivers to limit noise during deliveries and deliveries should be conducted between the hours of 08:00 and 18:00, from Mon – Fri, Saturdays from 09:00 and 17:00, no deliveries on Sundays and Bank Holidays.
- j) Communications with suppliers and service providers;
- k) Providing quiet means for storage and movement of waste and recycling materials.

Full details of concerns raised above need to be supplied to Environmental Health for our perusal. This would enable us to make comments as to whether the proposed operations are capable of causing noise nuisance/public nuisance or not.

Mr Lamin Tamba

Environmental Health Enforcement Officer

Appendix 5

Mohshin Ali

From: gonzalez marta [marta1001@yahoo.com]
Sent: 25 July 2008 23:50
To: Mohshin Ali
Cc: John Cruse
Subject: RE: Licensing Act 2003 and Convenience Store,83 Redchurch Street,london E2 7DJ

Dear John Cruse

RE: license application for 83 Redchurch Street London E2.

I live next door to the with my family and young children, I object inevitable increased noise levels due to the coming and going of people at late hours at this busy corner property which is adjacent to residential houses and flats especially on Turville Street. The area is saturated with the sale of alcohol and there is no need for further off licenses, there are already at least eight off licenses within very short walking distance, this will not offer greater choice for the customer as they all sell virtually the same products.

There is a proven link with anti social behavior and those involved with the sale and consumption of alcohol, and there is no evidence or measures taken to prove the contrary for this application. This premises will be not be immune from the antisocial behavior especially as this specific corner location is regularly busy with people drinking outside it in the street. This location has a history of anti social behavior specific to this corner and this building, of violence, disorder, noise, drugs, alcohol abuse, (check police and council records) and see recent photos. The increased availability of alcohol this off license will supply on this very corner will only further contribute the stress to an area already over saturated with bars and off licenses.

Marta gonzalez
Sancho Cole

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Mohshin Ali

From: gonzalez marta [marta1001@yahoo.com]
Sent: 25 July 2008 23:36
To: Mohshin Ali
Cc: John Cruse
Subject: RE: Licensing Act 2003 and Convenience Store,83 Redchurch Street,london E2 7DJ

RE: Licensing Act 2003 and Convenience Store,83 Redchurch Street,london E2 7DJ RE:Licensing Act 2003 119a Bethnal Green

My objection is that already the new bars in the area has increased the levels of noise and criminal activities, therefore these twonew licenses will increase even more the levels of noise and the stress upon residents due to new customers leaving the premises, antisocial behaviour associated with the selling of alcohol. The has been a marked increase in late night activity and noise when any new bar or alcohol outlet is opened in this area, exacerbated by the smoking ban which now means that people stand on the street talking loudly and drinking(whether or not they have permission to do so). My house is in near vicinity to the above premises. My family and I would be awakened in the night due to the increased foot and car traffic generated in this local area by these applications. I would consider this a Public Nuisance and that this area has reached or exceeded saturation point of noise and stress caused by late night drinking and selling of alcohol.

Sincerely,

marta gonzalez

--- On Fri, 25/7/08, Mohshin Ali <Mohshin.Ali@towerhamlets.gov.uk> wrote:

> From: Mohshin Ali <Mohshin.Ali@towerhamlets.gov.uk>
> Subject: RE: Licensing Act 2003 and Convenience Store,83 Redchurch
> Street,london E2 7DJ
> To: marta1001@yahoo.com
> Cc: "John Cruse" <John.Cruse@towerhamlets.gov.uk>
> Date: Friday, 25 July, 2008, 4:56 PM
> Re: 83 Redchurch Street, London E2 7DJ
>
> Please note that the consultation end date for the above application
> is 29th July 2008.
>
> 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 2: 020 7364 0863 | E-mail
> ::
> mohshin.ali@towerhamlets.gov.uk
>
>
> -----Original Message-----
> From: John Cruse
> Sent: 25 July 2008 15:10

> To: 'marta1001@yahoo.com'
> Cc: Mohshin Ali
> Subject: RE: Licensing Act 2003 and Convenience Store,83 Redchurch
> Street,london E2 7DJ
>

> You are still not saying anything specific about these applications.
> Rupert Cole has, in relation to 83 redchurch explained how customers
> will disturb him. You have until midnight tonight re 119a.

> Thanks

> John Cruse
> Licensing Team Leader
> Tower Hamlets Council
> Mulberry Place (AH)
> PO Box 55739
> 5 Clove Crescent
> London E14 1BY

● TEL: 020 7364 5024

> -----Original Message-----

> From: gonzalez marta [mailto:marta1001@yahoo.com]
> Sent: 15 July 2008 11:54
> To: John Cruse
> Subject: RE:Licensing Act 2003 and Convenience Store,83 Redchurch
> Street,london E2 7DJ

Marta Gonzalez
85 Redchurch Street
London

● E2 7DJ

> Marta1001@yahoo.com

> John Cruse
> The Licensing section
> London Borough of Tower Hamlets
> Mulberry Place (AH)
> PO box 55739
> 5 Clove Crescent
> London
> E14 1BY

> Dear MR Cruse,
> RE:Licensing Act 2003 and Convenience Store,83 Redchurch Street,london
> E2 7DJ Quoting the point 13th from Daniel Thwaites Plc and Wirral
> Borough Magistrates' Court, The Saughall Massie Conservation Society

> Wirral Metropolitan Borough Council.

> 13. The Licensing Act 2003 was intended to provide a

> "more

> efficient" "more responsive" and

> "flexible" system of licensing which

> did not interfere unnecessarily. It aimed to give business greater

> freedom and flexibility to meet the expectations of customers and to

> provide greater choice for consumers whilst protecting local residents

> from disturbance and anti-social behaviour.

> I object to the application from above for the followings reasons.

> As a costumer it is not going to provide me with a greater choice

> because there already lots of places selling alcohol around my house.

> There is no need of more, we are already saturated.

>

> As a local resident I haven't been protected from disturbances and

> anti-social behavior triggered from licensing concessions in my area.

> On the contrary Redchurch street has turn into noisy night street,

> criminal activities and antisocial behavior all due to alcohol

> Licensing. You can check this with the police records and noise

> control.

>

> I want to turn my street safer and cleaner again. My son is already

> unnecessarily witnessing antisocial behavior from drunken people. We

> have enough I object for these 2 reasons:

> No need of filling a business gap or a product gap.

> These licessing don't' come with any kind of protection for local

> residents.

>

> Sincerelly,

>

> Marta

>

>

>

> --- On Fri, 11/7/08, John Cruse

> <John.Cruse@towerhamlets.gov.uk> wrote:

>> From: John Cruse

>> <John.Cruse@towerhamlets.gov.uk>

>> Subject: RE: objection to alcohol licences at 119a

> bethnal green rd

>> To: rupert.cole@virgin.net

>> Cc: marta1001@yahoo.com, "Catrina Marshall"

>> <Catrina.Marshall@towerhamlets.gov.uk>,

> "Jacqueline Randall"

>> <jacqueline.randall@towerhamlets.gov.uk>,

> "John Cruse"

>> <John.Cruse@towerhamlets.gov.uk>, "Kathy

> Butler"

>> <Kathy.Butler@towerhamlets.gov.uk>, "Linnie

> Gunn"

>> <Linnie.Gunn@towerhamlets.gov.uk>, "Marie

> Harding"

>> <Marie.Harding@towerhamlets.gov.uk>,

> "Mohshin Ali"

>> <Mohshin.Ali@towerhamlets.gov.uk>, "Sonia
> Joseph"
>> <Sonia.Joseph@towerhamlets.gov.uk>
>> Date: Friday, 11 July, 2008, 12:36 PM Further to our recent
>> conversations and emails I think
> you may find
>> the following useful:
>>
>> 1) I will get the Council's licensing policy
> emailed to you. It covers
>
>> the issue of a "saturation" policy, but once
> you have read it please
>> come back for further advice.
>>
>> 2) The Secretary of State has issued statutory
> guidance under Section
>> 182 of the Licensing Act 2003. This is a substantial
> work, but you may
>> find the sections on representations and saturation of
> interest. it is
>
>> accessible from their web. If you have any difficulty
> finding it let
>> me know and I will take you to it.
>>
>> 3) In view of your questions I have enclosed a recent
> appeal case
>> Daniel Thwaites Plc v Wirral Borough magistrates
> Court. It is a
>> substantial read, but you have asked me why I have
> given the advice
>> that I have and the analysis of Mrs. Justice Black
> explains my
>> position. It also demonstrates that I am not taking a
> personal or
>> maverick position. I draw your attention to part of
> para 63:
>>
>> "However, in my view their approach to what was
> "necessary" was
>> coloured by a failure to take proper account of the
> changed approach
>> to licensing introduced by the Act. Had they had
> proper regard to the
>> Act and the Guidance, they would have approached the
> matter with a
>> greater reluctance to impose regulation and would have
> looked for real
>
>> evidence that it was required in the circumstances of
> the case."
>>
>> It follows that any representation needs to show how

> the objector will
 >
 >> be personally adversely affected by the specific
 > application, as
 >> otherwise it will not be successful.
 >>
 >> 4) It has been suggested that it inappropriate to
 > screen objections,
 >> or arguments put forward by local residents. This is
 > not the case. The
 >
 >> licensing authority is obliged, by law to consider
 > every potential
 >> representation that is made, and it is my burden to
 > carry out that
 >> exercise. You can get access to the Licensing Act 2003
 > via the DCMs
 >> website, but I will quote the relevant part.
 > Incidentally, don't
 >> bother wasting time trying to find any reference to
 > "saturation" as it
 >
 >> isn't mentioned at all, but is entirely a creation
 > of government
 >> advice, not statute. Anyway, it is as follows, from
 > Section 17
 >> :
 >> "6) For the purposes of this section,
 > "relevant representations" means
 >
 >> representations which-
 >>
 >> (a) are about the likely effect of the grant of the
 > premises licence
 >> on the promotion of the licensing objectives,
 >>
 >> (b) meet the requirements of subsection (7),
 >>
 >> (c) if they relate to the identity of the person named
 > in the
 >> application as the proposed premises supervisor, meet
 > the requirements
 >
 >> of subsection (9), and
 >>
 >> (d) are not excluded representations by virtue of
 > section
 >> 32
 >> (restriction on making representations following issue
 > of provisional
 >> statement).
 >>
 >> (7) The requirements of this subsection are-
 >>
 >> (a) that the representations were made by an

> interested party or
 >> responsible authority within the period prescribed
 > under section
 >> 17(5)(c),
 >>
 >> (b) that they have not been withdrawn, and
 >>
 >> (c) in the case of representations made by an
 > interested party (who is
 >
 >> not also a responsible authority), that they are not,
 > in the opinion
 >> of the relevant licensing authority, frivolous or
 > vexatious.
 >>
 >> (8) Where the authority determines for the purposes of
 > subsection
 >> (7)(c) that any representations are frivolous or
 > vexatious, it must
 > notify the person who made them of the reasons for its
 > determination.
 >>
 >> It follows that general statements about alcohol, or
 > the area in
 >> general without relating it to the specific
 > application are not about
 >> the grant of the premises licence on the promotion of
 > the licensing
 >> objectives, and are not valid.
 >>
 >> It is also clear that the licensing authority has to
 > consider all
 >> representations and come to a view about their
 > acceptability. Failure
 >> to do this would, in fact be a breach of a clear
 > statutory duty.
 >>
 >> 5) just so that we are clear, if I receive a petition
 > which states, in
 >
 >> effect, "we petitioners are opposed to licence
 > application X" I will
 >> not accept it as a valid representation. I will
 > communicate this to
 >> the petitioners, but my experience is that by the time
 > this is done
 >> the consultation period is finished and it is too late
 > to make a valid
 >
 >> representation.
 >>
 >>
 >> Finally, if I can be of any further help please let me
 > know.
 >>

>> John Cruse
>> Licensing Team Leader
>> Tower Hamlets Council
>> Mulbery Place (AH)
>> PO Box 55739
>> 5 Clove Crescent
>> London E14 1BY
>>
>> TEL: 020 7364 5024
>>
>>
>>
>>
>>
>>
>>
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> enquiry, please
>> resend this to foi@towerhamlets.gov.uk
>>
>> *****
>> *****

Marta Gonzalez
85 Redchurch Street
London E2 7DJ
Marta1001@yahoo.com

10.7.2008

John Cruse

The Licensing section
London Borough of Tower Hamlets
Mulberry Place (AH)□
PO box 55739
5 Clove Crescent□
London□E14 1BY□

Dear John,

RE:Licensing Act 2003 and Convenience Store, 83
Redchurch Street, london E2 7DJ

I object to the application from above for the followings reasons.
This premises is opposite my house, and the people coming and
going will further contribute to already noisy alcohol fuelled
behavior area.

I believe the area is already stress zone, and cannot cope with any
more establishment selling alcohol.

I believe that my general concerns of my previous emails, should be
considered as specific to these applications because they are
specifically about the sale and consumption of alcohol. I don't think
my comments should be withheld from the committee.

Signed

Marta gonzalez

Mohshin Ali

From: John Cruse
Sent: 10 July 2008 13:49
To: Mohshin Ali
Subject: FW: Licensing Act 2003 and Convenience Store,83 Redchurch Street,london E2 7DJ

Attachments: objection_letter_02.doc



objection_letter_02.doc (31 KB...)

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

From: gonzalez marta [mailto:marta1001@yahoo.com]
Sent: 10 July 2008 12:50
To: John Cruse
Subject: RE:Licensing Act 2003 and Convenience Store,83 Redchurch Street,london E2 7DJ

Marta Gonzalez
85 Redchurch Street
London E2 7DJ
Marta1001@yahoo.com

John Cruse
The Licensing section
London Borough of Tower Hamlets
Mulberry Place (AH)

PO box 55739
5 Clove Crescent

London
E14 1BY

Dear John,

RE:Licensing Act 2003 and Convenience Store.83 Redchurch Street,london E2 7DJ

I object to the application from above for the followings reasons.
This premises is opposite my house, and the people coming and going will further contribute to already noisy alcohol fuelled behavior area.

I believe the area is already stress zone, and cannot cope with any more establishment selling alcohol.

I believe that my general concerns of my previous emails, should be considered as specific to these

applications because they are specifically about the sale and consumption of alcohol. I don't think my comments should be withheld from the committee.

Signed

Marta gonzalez

--- On Wed, 9/7/08, John Cruse <John.Cruse@towerhamlets.gov.uk> wrote:

> From: John Cruse <John.Cruse@towerhamlets.gov.uk>
> Subject: 119a Bethnal Green Road and 83 Redchurch Street
> To: marta1001@yahoo.com
> Cc: "Mohshin Ali" <Mohshin.Ali@towerhamlets.gov.uk>
> Date: Wednesday, 9 July, 2008, 3:16 PM Dear Ms. Gonzalez

>
> You have sent in potential objections to the above premises in
> relation to the Licensing Act 2003. As far as I can see you have made
> the same general comments in relation to both applications.

>
> however, in neither case have you explained how the specific
> application will have an adverse effect upon you. You need to explain
> how where you live will be personally affected in relation to any
> issues relating to public nuisance or crime and disorder.

>
> If I can be of any further help please do not hesitate to contact me.

>
> Yours sincerely

>
> John Cruse

>
> *****

> ***** Working Together for a Better Tower Hamlets Web site :

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

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> resend this to foi@towerhamlets.gov.uk

Mohshin Ali

From: John Cruse
Sent: 09 July 2008 11:52
To: Mohshin Ali
Subject: FW: Licensing Act 2003 119a Bethnal Green Road , London E2

Attachments: objection_letter.doc



objection_letter.doc
(34 KB)

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

From: gonzalez marta [mailto:marta1001@yahoo.com]
Sent: 09 July 2008 11:35
To: John Cruse
Subject: RE:Licensing Act 2003 119a Bethnal Green Road , London E2

Marta Gonzalez
85 Redchurch Street
London E2 7DJ
Marta1001@yahoo.com

John Cruse
The Licensing section
London Borough of Tower Hamlets
Mulberry Place (AH)

PO box 55739
5 Clove Crescent

London
E14 1BY

Dear John,

RE:Licensing Act 2003 119a Bethnal Green Road , London E2

I object to the application from above for the followings reasons.

There are already too many places selling alcohol in the area, turning Redchurch street into a

- perfect arena for dangerous criminal activities out of hand for the police and the NHS services.

- pissing street- toilet.

-drunken harrasement of women scenario (that I had personally witnessed)

- unbereable noisy nights.

- antisocial, dirty and antifamily street.

When you turn an area into leisure, please think about healthy leisure, it will bring more money and safety to the area, and more important something to be proud of, rather than destroy our sense of community.

How about planting some trees, creating activities for the youth. The alcohol will increase the frightening number of alcoholics among the young people, drug addicts and gun users. The alcohol, will promote the segregation, especially in this area, where there is a big Bangladeshi community with the mosque already surrounded by alcohol.

I object because

I don't think that it is a good idea to promote alcoholism, and its terrible political and social consequences.

 Signed

Marta gonzalez

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<http://uk.docs.yahoo.com/ymail/new.html>

Dear John,

RE:Licensing Act 2003 and Convenience Store,83 Redchurch Street,london E2 7DJ

I object to the application from above for the following reasons. There are already too many places selling alcohol in the area, turning Redchurch street into a

- perfect arena for dangerous criminal activities out of hand for the police and the NHS services.
- pissing street, toilet.
- unbereable noisy nights.
- antisocial, dirty and antifamily street.

When you turn an area into leisure, please think about healthy leisure, it will bring more money and safety to the area, and more important something to be proud of, rather than destroy our sense of community.

How about planting some trees, creating activities for the youth. The alcohol will increase the frightening number of alcoholics among the young people, drug addicts and gun users. The alcohol, will promote the segregation, especially in this area, where there is a big Bangladeshi community with the mosque already surrounded by alcohol.

I object because

I don't think that it is a good idea to promote alcoholism, and its terrible political and social consequences.

Appendix 6

Mohshin Ali

From: Marcus Taylor [marcus@dircon.co.uk]
Sent: 21 July 2008 14:25
To: John Cruse
Cc: Mohshin Ali
Subject: Letter Re: Licensing act 2003 and 83 Redchurch Street and 119a Bethnal Green Road London E2

Dear John Cruse,

Thank-you for you recent letter.

I recently signed a petition objecting to the 2 licensing applications in the subject of this email and you wrote to me asking for a fuller explanation. My objection is that there will be an increase in the levels of noise and stress upon residents in this area due to customers leaving the premises to hail taxis, going to cars and the raucous behaviour associated with the selling of alcohol late at night. There has been a marked increase in late night activity and noise when any new bar or alcohol outlet is opened in this area, exacerbated by the smoking ban which now means that people stand on the street talking loudly and drinking(whether or not they have permission to do so). My house is in near vicinity to the above premises. My family and I would be awakened in the night due to the increased foot and car traffic generated in this local area by these applications. I would consider this a Public Nuisance and that this area has reached or exceeded saturation point of noise and stress caused by late night drinking and selling of alcohol.

Thank-you

Marcus Taylor
marcus@dircon.co.uk

28 CHANGE STREET
LONDON
E1 6DT

Appendix 7

Dear John Cruse

RE: license application for 83 Redchurch Street London E2.

I live next door to the with my family and young children, I object inevitable increased noise levels due to the coming and going of people at late hours at this busy corner property which is adjacent to residential houses and flats especially on Turville Street. The area is saturated with the sale of alcohol and there is no need for further off licenses, there are already at least eight off licenses within very short walking distance, this will not offer greater choice for the customer as they all sell virtually the same products.

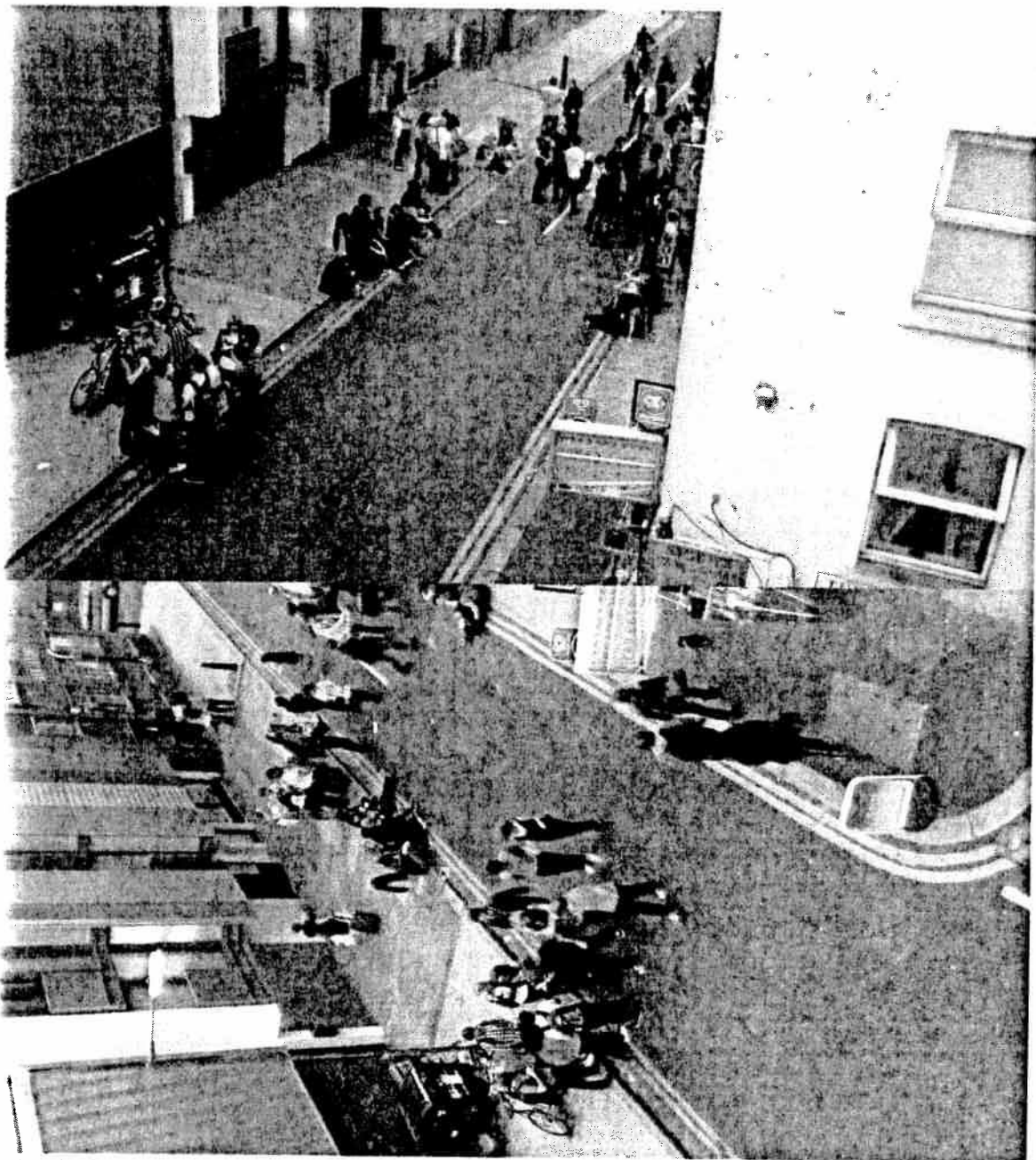
There is a proven link with anti social behavior and those involved with the sale and consumption of alcohol, and there is no evidence or measures taken to prove the contrary for this application. This premises will be not be immune from the antisocial behavior especially as this specific corner location is regularly busy with people drinking outside it in the street. This location has a history of anti social behavior specific to this corner and this building, of violence, disorder, noise, drugs, alcohol abuse, (check police and council records) and see recent photos. The increased availability of alcohol this off license will supply on this very corner will only further contribute the stress to an area already over saturated with bars and off licenses.

Rupert Cole

85 REDCHURCH STREET

LONDON

E2 7DJ



17 July 08

Appendix 8

Mohshin Ali

From: John Cruse
Sent: 29 July 2008 10:44
To: Mohshin Ali
Subject: FW: ALCOHOL LICENCE APPLICATIONS

From: Daniel Jackson [mailto:daniel@avco.com]
Sent: 25 July 2008 17:18
To: John Cruse
Subject: Re: ALCOHOL LICENCE APPLICATIONS

Dear John Cruse

Many Thanks for your prompt reply regarding alcohol licence applications for both **119a Bethnal Green Rd. and 83 Redchurch St.**

Both of these premises will have a direct impact on the quality of life for myself and my partner, living at 13, Gibraltar Walk.

Both these premises would add to the nuisance and disturbance already experienced by ourselves and all residents in the area. The specific effects are:

1. Increase in noise late at night, myself and my partner are frequently woken by people shouting and screaming on their way home. Gibraltar Walk is a main walking route for pedestrians walking North from the Brick Lane area.
2. Urination in our street. This not only happens at night but during the day - it is extremely offensive and poses a health hazard. Often the doors and steps of our houses are urinated on.
3. Increase in drug dealing and all the associated petty crime problems.
4. Vomit in the streets
5. Defecation
6. Increase in the number of cars parking around the area, in resident spaces and on single yellow lines. It is becoming increasingly difficult to find spaces and this trend will only continue.
7. Because Gibraltar and Padbury Court are darker side streets not covered by CCTV, with many access routes, they are often used by frequenters of the local bars for post-closing-time nocturnal activities, including continued drinking, drug taking and drug dealing. Any increase in the number of bars in the immediate vicinity will only lead to an increase in these activities which start anytime from 10pm and frequently continue until the early hours, often not finishing until 4 or 5am.

Whilst I understand that you may be able to interpret this representation as not having specific effects on myself, my partner and the other residents and businesses on Gibraltar Walk and the surrounding streets, I do consider that any more granting of licences will cumulatively add to the VERY SPECIFIC problems and stresses that are increasing in this area.

The points above occur on a daily basis and will only increase with further licences being given in

the area.

Surely there should be a limit to the number of bars in any area, there are plenty here already? How can the council just award a licence to every single premise that applies for one? There are many so called restaurant cafes/bars that are operating primarily as bars, with the food taking a very secondary role. I understand that the Kandy bar would be applying for a food and drink licence, from the experience of the other premises near the top of Brick Lane the food has largely disappeared as the culture of the area has determined that it is not such a pleasant place in which to eat as the top of Brick Lane has become one giant bar.

Any increase to the size of this giant indoor/outdoor drinking bar zone that sprawls onto the streets late at night is going to have an extremely negative impact on this area.

I would suggest that it would be wise to moderate this increase in the number of bars in the area, to create a more pleasant environment for the residents of the immediate vicinity and visitors to the area. There are many residents with families in the area - we should be striving for a better healthier environment in which to live. There are many muslim families in the area who do not drink, I feel that Tower Hamlets has a responsibility to the culture of the area to be sensitive to its residents.

So any increase in the number of licenced premises will have very specific negative impacts on our community and specifically granting licences to the above mentioned premises will worsen these trends.

Obviously it is not the responsibility of the licencees to control the behaviour of their customers outside their premises, but it is as a direct result of their profit from the sale of alcohol that we are increasingly experiencing these problems.

I find it hard to understand why my representations are not dealing with the specific effects these two potential drinking venues will have on my life and the lives of everyone else around here. And I am not even considering here the detrimental effect these new licences could have on local businesses. Potentially we could see the loss of all retail trade at the end of Brick Lane - who wants to go into a clothes shop surrounded by drunken bar clients and sticky beer covering the streets?

Many Thanks for your attention
Daniel Jackson
13, Gibraltar Walk,
E2 7LH

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

From: John Cruse
To: Daniel Jackson
Cc: Mohshin Ali
Sent: Friday, July 25, 2008 3:01 PM
Subject: RE: ALCOHOL LICENCE APPLICATIONS

Please see attached letter.

John Cruse
Licensing Team Leader
Tower Hamlets Council
Mulbery Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

TEL: 020 7364 5024

From: Daniel Jackson [mailto:daniel@avco.com]
Sent: 25 July 2008 12:56
To: John Cruse
Subject: ALCOHOL LICENCE APPLICATIONS

To John Cruse

I am a resident living near the end of Brick Lane. I would like to register my strong objection to **any** new alcohol licences in the area surrounding the junction of Brick Lane, Bethnal Green Road and Redchurch Street.

In connection with two license application being currently considered at
 (1) Austin Art Kandy Gallery and Coffee shop: 119a Bethnal Green Road, and
 (2) 83 Redchurch Street E2

I consider that further new licences will transform the entire end of Brick Lane into one massive bar come pub serving the crowds of drinkers that descend on the area.

This would have an extremely detrimental impact on the area as other types of business would become non-viable. It would mean that the drinking culture that is emerging in the area would become the dominant character of the area and would make it unattractive for other types of business.

Many of the premises that are applying for liceneces are inappropriately constructed, most not having adequate toilet facilities. They tend to be dark and dingy, poorly ventilated, the streets become blocked with drinkers and smokers.

It seems that every man and their dog wants to open a bar at the end of Brick Lane as an easy way to make money - this has lead to extremely poorly thought out spaces that are not appropriate to the activities conducted in them.

It has lead to a street culture where begging, drug dealing, abusive drunken behaviour has become prevalent. There is a constant problem of bar customers defacing and urinating in the surrounding quieter streets and green spaces before loudly making their way home.

For every new bar there will be more drug dealing, I have witnessed this on numerous occasions in many of the local establishments. The more drug dealing there is the more this will attract an increasingly hedonistic clientele with all the surrounding social problems.

It may seem like a good short term strategy to grant licences and raise money from rates and services, but in the long term it will mean that this area will become a sleazy, dirty, noisy cess pit of drunken idiocy - not really that attractive.

It would be extremely short sighted of Tower Hamlets not to recognise the impact these new bars have already had and how this would only get worse with new licence applications.

The vibrancy and culture of Brick Lane is threatened by the establishment of these bars, if liceneces are easily granted then I believe that every other non-alcohol business on Brick Lane will be taking the easy option and turning themselves into a bar.

Does Tower Hamlets really want to let one of its jewels become tarred with what has become a national shame - the all too predicatable crowds of drunken youth wobbling, snorting, shrieking, vomitting, pissing, shitting, crawling in the gutter?

I think that other types of business should be encouraged, it would seem that clothing shops, restaurants, crafts stores, grocers, delicatessens, galleries, architectural practices, design agencies etc... would be far more appropriate to the character of the area and would also create a better business environment with

more employment opportunities. You only have to look at the examples that work, the surf shop on the corner of Brick Lane and Bethnal Green Road, the 2 branches of cafe@, the various designer T-shirt shops, the vintage stores, the Bagel Shop, the Brick Lane gallery, Maida's, the Turkish restaurants, the Carpenters Arms pub, the numerous crafts shops on Cheshire Street, the Bangladeshi restaurants.

I certainly enjoy a drink or two, or three..., but I do not often go to these new bars, they are not for the locals, they smell, the floors are sticky with beer etc... etc... Why do we have to have this culture imposed on our area? Many of the prospective licencees have hawkishly identified this area as an alcohol based money making opportunity. Why should we let this happen to what is effectively our community, where we live!!!!

Other areas of London have made these mistakes, you only have to look at how the area around Hoxton Square has been totally ruined by the bar culture there, there are some alley ways where on a Friday night the stench of urea is overwhelming, there are pools of vomit at regular intervals, I could go on and on.

I would recommend a change in policy, and that would be to start revoking the licences of those businesses that do not adhere to the rules.

Many Thanks for Your Attention

Daniel Jackson

13, Gibraltar Walk,
London E2 7LH
020 7613 0089

Regarding Drink Licenses in the Redchurch Street / Brick Lane area of E2 within the Weavers ward district of Tower Hamlets Council.

I personally object to the license permissions being given by Tower Hamlets council to the variety of new businesses in our local area.

We have late night bars, art galleries and café venues **purporting to be offering** recreational and social spaces to meet; instead we the residents are witnessing a take-over of our area, which has become a late night drinking parade of alcohol supermarkets.

The north end of Brick Lane is littered with 'drinking venues' starting at the Truman's Brewery, towards Exit Bar, Hookah Lounge and continues up to the Verge and Casa Blue Bar; all are situated within 200 yards of the Beigel shop on Brick Lane. This small area has become over-run with drinkers, visitors to area aim here for a place to drink! No longer are our streets social destinations for people to come and enjoy a meal or take in the historic nature of the area.

In comparison Hackney council, has taken action to revoke licenses, consistently monitor successful applications and visibly reduced the social drinking culture which began to dominate popular areas of their borough. In short, they have noticeably helped to support the local residents.

In contrast Tower Hamlets Council is enforcing a late-night drinking culture onto our streets without any care or consideration for the residents or the negative impact this is having within our neighbourhood.

In connection with another two license application being currently considered at
(1) Austin Art Kandy Gallery and Coffee shop: 119a Bethnal Green Road, and
(2) Our local Bangladeshi Corner shop: 83 Redchurch Street E2

I fail to comprehend the necessity to provide licenses to these applicants as they shall not be enhancing the area, or bringing a positive benefit to the neighbourhood.

Local businesses should be encouraged to 'make more effort' to be viable and not rely on alcohol

sales to boost their revenue.

I personally object to the above two applications for the sale of alcohol.

18 July 2008

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Working Together for a Better Tower Hamlets

Web site : <http://www.towerhamlets.gov.uk>

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If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

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Appendix 9

July 25th 2008

Alcohol Licences in the Redchurch Street / Brick Lane area of E2 within the Weavers ward district of London Borough of Tower Hamlets.

We object to the license permissions being considered by the London Borough of Tower Hamlets to the variety of new businesses in our local area. This letter outlines *general* aspects of our complaint and also *specific* ones in relation to the latest applications.

General complaint

In the last three years, late-night bars, galleries and café venues purporting to be offering recreational and social spaces to meet, have sprung up in and around the area. Most have alcohol licences and serve alcohol as part of their commercial remit. Alcohol supermarkets have developed, some within the corner shops and groceries to extend the 'drinking culture' into the streets. As residents, what we observe is a drinking parade, especially at night and in the early hours of the morning, which is impacting very negatively on the quality of life in the area. There is now a neverending stream of sirens from police and emergency vehicles, as emergency crews attempt to cope with the fallout from alcohol and drug-related 'socialising', which turns quickly to violence.

The north end of Brick Lane is replete with 'drinking venues' starting at the Truman's Brewery, towards Exit Bar, Hookah Lounge and continuing to the Verge and Casa Blue Bar. All are situated within 200 yards of the landmark Beigal shop on Brick Lane. This small area has become over-run with drinkers. No longer are our streets social destinations for people to come and enjoy a meal or take in its historic nature.

Specific Objections

The two new license applications currently being considered at

- (1) Austin Art Kandy Gallery and Coffee shop: 119a Bethnal Green Road, and
- (2) Our local Bangladeshi Corner shop: 83 Redchurch Street E2 will add to the problems in the area. They are both close to the bus-stop (8, 388, eastbound), near to a busy junction. We (two people of pension age) use the bus regularly. If people who have been using alcohol mill around this location, it will severely impede effective alighting on and off the bus. In addition, people congregating in larger numbers at the junction of Brick Lane, Bethnal Green Road and Redchurch Street can only cause further confusion at an already dangerous intersection (which has only recently been subject to traffic light control)

We live about 100 yards from the proposed licenced premises. We have already noted an increase in noise in our home both from emergency vehicles and noise and nuisance (litter, car parking disputes), especially at night time and weekends. The new proposals will increase this along Bethnal Green Road east of Brick Lane, Redchurch Street and into North Brick Lane. All these roads are mixed residential and business use, but so far, with few licensed premises

As residents, we personally object to these recent applications for the sale of alcohol, and would like to see monitoring and management of the establishments in Weavers Ward where alcohol licences have been granted.

Ruth and Ken Campbell,

3 GibraltarWalk, London E2 7LH

Appendix 10

Mohshin Ali

From: Alan.Cruickshank@met.pnn.police.uk
Sent: 15 July 2008 09:06
To: Kathy Butler
Subject: Anisha Cash and Carry , 82 Redchurch St, E2

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

From: Cruickshank Alan D - HT
Sent: 14 July 2008 12:16
To: 'uzrof@hotmail.com.uk'
Cc: 'Kathy.butler@towehamlets.go.uk'
Subject: Anisha Cash and Carry , 82 Redchurch St, E2

Good afternoon

Further to attending your premises on Friday 11th of July 2008 , the Metropolitan Police will not object to your application if you agree to the following conditions being put on your Licence

1. A CCTV system shall be installed or the existing system maintained. The system will incorporate a camera covering the entrance door and the payment / till area 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 premises 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.
- A staff member to be conversant with the operation of the CCTV system and 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. This data or footage reproduction should be almost instantaneous.

If you agree, please send an e-mail to myself and Kathy Butler , stating your agreement to these conditions

Regards

Alan Cruickshank PC 189HT

PH 0208 217 6699

It is the policy of the MPS that:

MPS personnel (or agents working on behalf of the MPS) must not use MPS systems to author, transmit or store documents such as electronic mail (e-mail) messages or attachments:

- * containing racist, homophobic, sexist, defamatory, offensive, illegal or otherwise inappropriate material;
- * containing material requiring a protective marking higher than RESTRICTED, (and not higher than NOT PROTECTIVELY MARKED across the internet) without the use of approved encryption;
- * containing personal data for use other than in accordance with the notification(s) under the Data Protection Act, 1998 of the system(s) from which the data originates.

* This Email message has been scanned for viruses and contents.

Appendix 11

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**).

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 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**).

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 12

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 13

Crime and disorder on the premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 5.2. of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Pool 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):

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D).

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity "vertical consumption" premises (10.43).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 14

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” Other controls need to be borne in mind. **(See Section 4.10 and 4.11 of the Licensing Policy).**

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D). The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Conditions can be imposed for large capacity "vertical consumption" premises (10.43).

There is also guidance issued around the heading of "public nuisance as follows

The pool of conditions, adopted by the council is recommended (Annexe G). 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). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Other Legislation

Crime and Disorder Act 1998

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

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

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 15

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 16

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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