

Meeting of the

# LICENSING SUB COMMITTEE

---

Tuesday, 15 June 2010 at 6.30 p.m.

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## A G E N D A

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### VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

Members:	Ward Represented
Chair: Councillor Kabir Ahmed	Weavers;
Councillor Khales Uddin Ahmed	Bromley-By-Bow;
Councillor Ohid Ahmed	East India & Lansbury;
Councillor Rajib Ahmed	East India & Lansbury;
Councillor Rofique U Ahmed	Mile End & Globe Town;
Councillor Lutfa Begum	Limehouse;
Councillor Zara Davis	Millwall;
Councillor Carlo Gibbs	Bethnal Green North;
Councillor Peter Golds	Blackwall & Cubitt Town;
Councillor Shafiqul Haque	St Katharine's & Wapping;
Councillor Aminur Khan	Whitechapel;
Councillor Harun Miah	Shadwell;
Councillor Oliur Rahman	St Dunstan's & Stepney Green;
Councillor David Snowdon	Millwall;
Councillor Amy Whitelock	Mile End & Globe Town;

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

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# LONDON BOROUGH OF TOWER HAMLETS

## LICENSING SUB COMMITTEE

Tuesday, 15 June 2010

6.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

	PAGE NUMBER	WARD(S) AFFECTED
<b>3. RULES OF PROCEDURE</b>	<b>3 - 14</b>	
To note the rules of procedure which are attached for information.		
<b>4. UNRESTRICTED MINUTES</b>	<b>15 - 32</b>	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committees held on 6 <sup>th</sup> April, 14 <sup>th</sup> April and 22 <sup>nd</sup> April 2010.		
<b>5. ITEMS FOR CONSIDERATION</b>		
<b>5 .1 Application for a New Premises License for Perfect Chicken, 491 Cambridge Heath Road London E2 9BU (LSC 01/011)</b>	<b>33 - 82</b>	<b>Bethnal Green North;</b>
<b>5 .2 Application to Review the Premises Licence for Dockland Food &amp; Wine, 139 Manchester Road, London E14 3DN (LSC 02/011)</b>	<b>83 - 132</b>	<b>Blackwall &amp; Cubitt Town;</b>

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

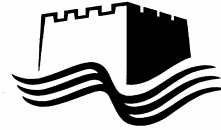
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph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

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

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

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

**TOWER HAMLETS**



**LICENSING COMMITTEE**

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

## **1. Interpretation**

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

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

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

## **3. Timescales**

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **3.5 Failure of Parties to Attend the Hearing**

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

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

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

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

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



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

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

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

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

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee

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

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

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

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

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

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

The Authority will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:

- a) their application, representation or notice; and
- b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit the person to return; or
- allow them to return only on such conditions as the authority may specify.

4.5 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

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

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

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

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

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

## **6. Record of Proceedings**

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

## **7. Irregularities**

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

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

## **8. Notices**

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

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

## **9. Appeals**

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

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

## APPENDIX A

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

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

## APPENDIX B

### Regulation 8

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 6 APRIL 2010**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor M. Shahid Ali  
Councillor Rupert Eckhardt

**Other Councillors Present:**

None

**Officers Present:**

Zakir Hussain	– (Solicitor)
Paul Johnson	– (Temo TO)
Nick Kemp	– (Licensing Officer)
Simmi Yesmin	– (Senior Committee Officer)

**Applicants In Attendance:**

David Dadds	- Counsel (Nemrut Kebab House)
Bekir Yalbirdak	- Applicant (Nemrut Kebab House)

**Objectors In Attendance:**

Alan Cruickshank - Metropolitan Police

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor David Snowdon for whom Councillor Rupert Eckhardt substituted for.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3. RULES OF PROCEDURE**

The rules of procedures were noted.

#### 4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee held on 23<sup>rd</sup> February and 11<sup>th</sup> March 2010 were agreed as a correct record of proceedings.

#### 5. ITEMS FOR CONSIDERATION

##### 5.1 **Application for a New Premises Licence for Cousins Snooker and Pool Club, First Floor, 244 - 254 Cambridge Heath Road, London E2 9DA (LSC 059/910)**

The Chair reported that this item had been **Resolved** and therefore did not require consideration by the Licensing Sub Committee.

##### 5.2 **Application for a New Premises Licence for Nemrut Kebab House, 503 Cambridge Heath Road, London, E2 9BU (LSC 060/910)**

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

At the request of the Chair, Nick Kemp, Licensing Officer, introduced the report which detailed the new application for Nemrut Kebab House, 503 Cambridge Heath Road, London E2 9BU. It was noted that objections had been received by the Metropolitan Police, Environmental Health and Planning Enforcement.

At the request of the Chair Mr David Dadds, Counsel for the applicant, explained that officers representing the Metropolitan Police and Environmental Health had agreed to extend the hours up to 12 midnight, however he stated that the applicant did not wish to accept this condition.

Mr Dadds explained that the representation made by Planning Enforcement was not relevant and that licensing and planning were separate functions and supported this with relevant case law. He stated that real evidence would need to be presented to show why licensing objectives would not be met.

He explained that the objections made by Environmental Health and Metropolitan Police did not provide any real evidence which supported their objection, such as noise readings, complaints or historical data. He stated that other local premises were open till later hours including takeaways, pubs and a club.

Mr Dadds explained that their objections could not be based on a policy decision or based on anxiety as this is what he believed it to be. In concluding he asked Members to grant the application as the applicant could not compromise on the hours recommended as this would affect the business financially.

At the request of the Chair Paul Johnson, Environmental Health referred to his statement contained within the agenda and explained that Environmental Health were objecting on the grounds of public nuisance and the opening hours applied for. He explained that Environmental Health had concerns that the premises being opened till late would give rise to public nuisance by customers frequenting and leaving the premises up till early morning hours and from people congregating outside the premises, with their cars playing loud music etc.

He stated that the hours recommended were the Council's framework hours and if hours beyond these are granted then the applicant should provide evidence as to why they are an exception. He explained that there were residential flats directly above the premises and that the premise was located in a quieter part of Cambridge Heath Road.

Mr Johnson explained that based on his experience, his experience of the out of hours service and on the balance of probabilities it was likely that a premises selling food during late hours would attract customers of a boisterous nature coming out clubs or pubs, driving up in cars with loud music and therefore was confident to assume that customers would cause significant public nuisance and affect residents. He believed that if the premise is opened till 5am, it would cause nuisance and there was no evidence to say that it would not cause nuisance.

Mr Johnson said that the hours proposed by Environmental Health, was reasonable and if, Members were minded to grant a license then he would like for the conditions proposed by Environmental Health to be included on the licence. Mr Dadds, on behalf of the applicant confirmed that all the conditions proposed by Environmental Health were accepted by the applicant.

At the request of the Chair, PC Alan Cruickshank explained that he also agreed with the submission made by Mr Johnson as to the likelihood of public nuisance occurring if later hours were to be granted. He then referred to his statement and explained that during a recent visit to the premises food had been served to a customer outside the licensed hours to which the premises owner had been fined for. He explained that the premises was located in a partly residential area with flats directly above the premises and therefore urged Members to consider granting the license only up to 12 midnight as there were no other takeaways in close proximity to the premises opened beyond 11pm. Mr Cruickshank requested that the condition for CCTV cameras on the premises be included in any license that is granted. Mr Dadds confirmed that the applicant accepted the condition for CCTV cameras.

In response to questions by Members it was noted that the premises would not provide a delivery service, and would consider employing a SIA Registered Door Supervisor to manage the late night opening hours. It was noted that local residents in the area were notified of the application as well as a notice put up outside the premises.

In response to a Member's question, Mr Kemp confirmed the opening hours of the local businesses in the area i.e. an off licence, a pub and a takeaway were licensed to be opened till 1am and a pub licensed to be opened till 1.30am.

At the request of the Chair, all parties concluded by summarising their submissions.

The Chair advised that the Sub Committee would at 7.05pm adjourn to consider the evidence presented. The Members reconvened at 7.25pm, the Chair reported that the Sub Committee had;

After hearing representations from the Applicant's Counsel and Metropolitan Police and the Environmental Health Officer, Members felt that there was real prospect of public nuisance being caused if later hours were to be granted. Members believed that they could not be satisfied that adding further conditions would promote the licensing objective of the prevention of public nuisance and did not feel that there were any conditions that could be imposed to alleviate their concerns.

### **RESOLVED**

That the new application for Nemrut Kebab House, 503 Cambridge Heath Road, London E2 9BU be **GRANTED in part** with the following conditions;

#### The Provision of Late Night Refreshments

Monday to Wednesday from 23:00 hours – 00:00 hours (midnight)  
Thursday to Saturday from 23:00 hours – 01:00 hours

#### Hours Premises Open to the Public

Monday to Wednesday from 10:00 hours – 00:00 hours (midnight)  
Thursday to Saturday from 10:00 hours – 01:00 hours  
Sunday from 10:00 hours – 23:00 hours

#### Conditions

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in suitable and secure manner for a minimum of 31 days. 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. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

That the Licensee satisfies EH concerns re noise, vibration and odour prior to the License being valid.

Waste materials shall not be placed in the external bins during the night hours (23:00 hours to 07:00 hours the following day)

There shall be no collection or deliveries between 23:00 hours and 07:00 hours

Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

*If premises are to make deliveries, the following conditions are recommended:*

Ensure that all motorcycle vehicles used for the home delivery service remain switched off at all times when the vehicles are not in use whilst kept outside the licensable premises.

Ensure that all motorcycles used for the home delivery service are not kept on the footway at any time.

Ensure that all motorcycles used for the home delivery service are switched on and operate from the carriageway only and not the footway.

Ensure that all motorcycles used for the home delivery service are fitted with the original manufacture's silencers and provisions are made for their non-interference.

The meeting ended at 7.45 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.00 P.M. ON WEDNESDAY, 14 APRIL 2010**

**MEETING ROOM M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5  
CLOVE CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Fozol Miah  
Councillor M. Mamun Rashid

**Officers Present:**

Thomas Doyle	- (Planning Enforcement)
Zakir Hussain	- (Solicitor)
Alkesh Solanki	- (Environmental Protection)
Nick Kemp	- (Licensing Officer)
Simmi Yesmin	- (Senior Committee Officer)

**Applicants In Attendance:**

M. Sooba	- Lahore Express
Salahuddin Sahibzada	- Lahore Express
Shahrul Alom	- Pizza Point
Hassan Uddin	- Pizza Point
Kazi Abdul	- Café Fresh
Abdul Kashim	- Café Fresh

**Objectors In Attendance:**

Alan Cruickshank	- Metropolitan Police
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**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3. RULES OF PROCEDURE**

The rules of procedure were noted.

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

##### **4.1 Application for a New Premises Licence for Lahore Express, 265 Bethnal Green Road, London E2 6AH (LSC 061/910)**

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application for extended hours for late night refreshments for Lahore Express, 265 Bethnal Green Road, London E2 6AH. It was noted that objections had been received from the Metropolitan Police and Environmental Health.

At the request of the Chair, Mr M. Sooba, Co-Director of Lahore Express explained that Lahore Express was a family restaurant, it did not sell alcohol despite having a licence to sell alcohol and served a large Muslim family community and wished to extend the opening hours to cater for the local community. He stated that he could not envisage any public nuisance occurring as there hasn't been a problem before.

The Chair invited Mr Alkesh Solanki, Environmental Health to present his reasons for objection, Mr Solanki referred to his statement within the agenda and explained that there were residential properties adjoining and surrounding the business and that the impact of having a late night establishment in a location where residential properties have had the quiet solitude of no commercial activities beyond 11pm in the majority of cases would be detrimental and inappropriate.

He stated that the premises was located next to mixed residential and commercial properties and the majority of the side streets in the locality were residential and therefore the potential for public nuisance was high. Mr Solanki explained that customers that frequent the establishment after 11pm and up to 2am were likely to have had a night out and be in high spirits. He concluded by offering to agree to a one hour extension to the opening hours to 12 midnight on Fridays and Saturdays.

At the request of the Chair, Mr Alan Cruickshank, Metropolitan Police presented his reasons for objections he explained that there had been one recorded disorder call to the premises on 14<sup>th</sup> October 2009 at 23:29 hours at which time they did not have a premises license allowing them to be open at that time. He stated that there were no other eateries within the immediate vicinity that were open till the time requested.

Mr Cruickshank questioned the fact that families would be at the restaurant till 2am on a Friday or Saturday. He explained that late night eateries often attract people who are either under the influence of alcohol who may not be violent but can be very loud or it can attract people who are either anti-social



or violent. He concluded by also offering and agreeing to an extension of hours to 12 midnight on Fridays and Saturdays.

In response to questions the Mr Sooba confirmed that he expected families to eat at the restaurant up till 2am on Fridays and Saturdays. It was also noted that they had not surrendered the alcohol license despite not selling alcohol.

At the request of the Chair, all parties concluded by summarising their submissions.

The Chair advised that the Sub Committee would at 2.25pm adjourn to consider the evidence presented. The Members reconvened at 2.35pm, the Chair reported that the Sub Committee had by a majority vote of 2/1;

### **RESOLVED**

That the new application for a premises license for Lahore Express, 265 Bethnal Green Road, London E2 6AH be **GRANTED** subject to the following condition;

#### The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hours to 00:00 hours (midnight)  
Friday and Saturday from 23:00 hours to 02:00 hours

#### Hours Premises are Open to the Public

Monday to Thursday from 11:30 hours to 00:00 hours (midnight)  
Friday and Saturday from 08:30 hours to 02:00 hours  
Sunday from 08:30 hours to 00:00 hours (midnight)

#### Condition

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 31 days. 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. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

#### **4.2 Application for a New Premises Licence for Pizza Point, 280 Bethnal Green Road, London, E2 0AG (LSC 062/910)**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application to extend the hours for late night refreshments for Pizza Point, 280 Bethnal Green Road, London E2 0AG. It

was noted that objections had been received from the Metropolitan Police, Environmental Health, Planning Enforcement and a local resident.

At the request of the Chair, the applicant, Mr Hassan Uddin, explained that the shop had been running for the past 2 years and would now like to increase income by opening till late to support staff financially. He emphasised on the National Government's incentive to help small businesses. He explained that there were a number of premises including franchises like McDonalds and KFC on Bethnal Green Road who had late licenses. He highlighted that he was not applying for hours beyond the hours that other local businesses had. He referred to his supporting documents which detailed other local premises around the local area and their opening hours according to his own observations. He believed that no public nuisance would be caused as a result of opening late.

At the request of the Chair, Mr Alan Cruickshank referred to his statement within the agenda and explained that there were no other late night eateries within the immediate vicinity that were open till the time requested by the Mr Uddin, and although Bethnal Green Road has a number of licensed premises all along the road it still had a considerable residential population. He stated that the night time economy had to be balanced between the needs of local businesses and the welfare of the nearby residents.

Mr Cruickshank explained that to remain open until 4am for late night refreshments was excessive and would certainly have a detrimental effect on the local residents. He explained that late night eateries often attracted people who are either under the influence of alcohol, who can be very loud or it can attract people who are either anti-social or violent. In conclusion Mr Cruickshank offered to agree to an extension to 12 midnight 7 days a week.

Mr Alkesh Solanki, explained that there were residential properties adjoining and surrounding the business and that a late license would not protect the local amenity from public nuisance. He further explained that the impact of having a late night establishment in a location where residential properties have had the quiet solitude of no commercial activities beyond 11pm in the majority of cases would be detrimental and inappropriate. He stated that the potential for public nuisance was high and customers that would frequent the establishment after 11pm and up to 4am were likely to have had a night out and be in high spirits. He stated that the licensing objective of prevention of public nuisance can not be met by the applicant especially when their customers are off the site and on their way to their next destination. Again Mr Solanki offered to agree to an extension to 12 midnight, however, only on Fridays and Saturdays.

Mr Thomas Doyle, Planning Enforcement Officer explained that planning objected to the opening hours as they were too excessive and approving these hours would result in a greater degree of noise and disturbance to persons living in the area, later into the night and early morning than already being caused by this venue and others in the near vicinity.

At the request of Members, Mr Kemp clarified and confirmed the opening times of the other premises that were detailed in the applicants supporting documents.

In the absence of the local resident who had objected to the application, Members noted and considered his statement which was contained in the agenda.

In response to Members questions, Mr Uddin explained that the flats directly above the premises were vacant and had been vacant for the past couple of years. In response to another Mr Uddin explained that premises like McDonalds and KFC were open till 2am.

At the request of the Chair, all parties concluded by summarising their submissions.

The Chair advised that the Sub Committee would at 3.00pm adjourn to consider the evidence presented. The Members reconvened at 3.25pm, the Chair reported that the Sub Committee had by a majority vote of 2/1, The Chair, Councillor Peter Golds, wished for his dissent to be recorded;

### **RESOLVED**

That the new application for a premises license for Pizza Point, 280 Bethnal Green Road, London E2 0AG be **GRANTED in part** subject to the following condition;

#### The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hours to 00:00 hours (midnight)  
Friday and Saturday from 23:00 hours to 02:00 hours

#### Hours Premises are Open to the Public

Sunday to Thursday from 11:00 hours to 00:00 hours (midnight)  
Friday and Saturday from 11:00 hours to 02:00 hours

#### Condition

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 31 days. 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. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

#### **4.3 Application for New Premises Licence for Café Fresh, 29-31 Commercial Road, E1 1LD (LSC 063/910)**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application for the sale of alcohol and regulated entertainment for Café Fresh, 29-31 Commercial Road, London E1 1LD. It was noted that objections had been received from the Metropolitan Police, and Environmental Health – Smoke Free Team.

The Applicant wished to table late supporting documents, all interested parties were consulted, who then accepted this document. Members adjourned the meeting at 3.30pm for all parties to consider and note the document. The meeting was reconvened at 3.40pm.

At the request of the Chair, the applicant, Mr Abdul Kashim explained that he had previous experience of running a restaurant for 15 years which was licensed. He apologised for the problems concerning the Shisha Bar in the basement and explained that he had now removed all the Shisha equipment from the premises. He stated that if Members were to grant the application he would introduce CCTV cameras, the Challenge 21 policy and employ a SIA door supervisor.

Mr Kazi Abdul, Mr Kashim's representative, explained that the Shisha business was inherited from the previous owner, and that Mr Kashim had merely continued with was an existing trade. He explained that the applicant was a tax payer, was seeking an alcohol licence and as a result would recruit more staff, and was aware of the regulations for selling alcohol. Mr Abdul referred to page 179 of the agenda and stated that the allegation of drugs being used in the premises was only hearsay and that there was no evidence to support this, he explained that late night hours would only be used for private events.

At the request of the Chair, Mr Alan Cruickshank explained that Police intelligence from the 18th September 2009 until the 27th October 2009 indicated that drugs were being used in the café and also supplied from there. It also mentioned that it was being used as a Shisha (smoking) Bar.

It was noted that since that time LBTH Smoking Team had attended the Café and the applicant has been successfully prosecuted for smoking offences. Mr Cruickshank then referred to his statement in the agenda and took Members through the incidents which took place during visits made by police officers at the premises.

He concluded that the café was already breaking the law on smoking ban, and felt that there was no reason to believe that the applicant would abide by the Licensing Act and maintain the licensing objectives. He stated that Mr Kashim deliberately flouted the smoking laws, and recommended that he is not to be considered as the DPS if Members were to grant any license.

At the request of the Chair Mr David Tolley, Environmental Health Manager referred to his statement within the agenda and explained that the premises

operated as a café and Shisha Bar where shisha pipes are smoked within an enclosed area and in the open rear garden. He explained that Mr Kashim was required by the Health Act 2006 to prevent smoking from taking place in the premises. However officers had found the breach of this many times in the premises and as a result Mr Kashim had been given numerous warnings and taken to court and successfully prosecuted for his actions. Mr Tolley then gave a summary of the incidents that took place in relation to Shisha smoking in the premises.

Mr Tolley concluded that Mr Kashim as a person in control and concerned with the management of a premises allowed smoking of shisha in a smokefree premises and he had actively encouraged it therefore officers had no confidence that this attitude to the law will not continue if the premises becomes a licensed premises.

In response to Members questions it was noted that there had been 9 occasions where there were breaches of the smoking ban, it was noted that currently the business closed at 7pm. It was further noted that since 5<sup>th</sup> March 2010 all the shisha equipment had been removed from the premises.

As for assurances the applicant said that he would appoint a new DPS if required and explained that CCTV cameras had been ordered and would be accessible for all responsible authorities. Mr Abdul explained that the basement had a capacity of 15-20 people therefore would only be used for private events and that Mr Kashim was fully aware of his obligation and duties for selling alcohol.

At the request of the Chair, all parties concluded by summarising their submissions.

The Chair advised that the Sub Committee would at 4.10pm adjourn to consider the evidence presented. The Members reconvened at 4.30pm, the Chair reported that the Sub Committee had unanimously;

### **RESOLVED**

That the new application for the premises license for Café Fresh, 29-31 Commercial Road, London E1 1LD be **REFUSED**.

### **Reason for Decision**

After hearing representations from the Applicant and his representative and subsequently hearing submissions from the Metropolitan Police and Environmental Health, Members felt that they could not be satisfied that the applicant would promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Members felt that they heard no reassurances from the Licensee to satisfy them that the appropriate steps would be taken and followed. Therefore Members felt that there was no other option but to refuse the application.

Members did consider the imposition of conditions to alleviate the strong concerns that they had about the numerous repeated breaches of licensing and other legislation, but were not confident that conditions would resolve the issues.

The meeting ended at 4.40 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 5.41 P.M. ON THURSDAY, 22 APRIL 2010**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Carli Harper-Penman (Chair)  
Councillor Peter Golds  
Councillor Clair Hawkins

**Other Councillors Present:**

None

**Officers Present:**

Paul Greeno – (Senior Lawyer)  
Mohshin Ali – (Acting Senior Licensing Officer)  
Nadir Ahmed – (Democratic Services)

**Applicants In Attendance:**

None

**Objectors In Attendance:**

Alkesh Solanki – (Environmental Protection)  
PC Andy Jackson – (Metropolitan Police)

**Members of the Public In Attendance:**

Robert Sheppard

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**3. RULES OF PROCEDURE**

The rules of procedure were noted.

**4. UNRESTRICTED MINUTES**

There were no unrestricted minutes to confirm.

## **5. ITEMS FOR CONSIDERATION**

### **5.1 Application to Vary the Premises Licence for Devons Food & Wine, 214 Devons Road, London, E3 3PN**

The Chair introduced herself and the other Members who constituted the Sub Committee for that evening. It was noted that the applicant was not present, however Paul Greeno, Senior Licensing and Prosecutions Lawyer, stated that they had received notification of the meeting and the agenda within the statutory timescales, and subsequently Members agreed to proceed in their absence.

The report was introduced by Mohshin Ali, Acting Senior Licensing Officer, who informed the Members that the application was for a 24 hour licence for the off sale of alcohol for Devons Food & Wine, 214 Devon's Road, London E3 3PN . A compromise agreement had been proposed with Environmental Health and the Police, however the applicant was not present to clarify the proposed agreement or provide further explanations. The objections received had been under the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

In the absence of the applicant, the Chair invited the objectors to make their representations.

PC Andy Jackson reported that he was a Licensing Officer with the Metropolitan Police Force and was objecting to the application due to the location of the premises in the middle of an overwhelmingly residential area and the anti-social behaviour that occurred in the vicinity of the premises. PC Jackson also pointed out that other comparable licensed premises in the area had shorter hours, terminating at 11pm Monday to Saturday and 10.30pm on Sundays.

The 24 hour licence would have a serious impact on crime and disorder in the area, which already had problems relating to gangs of youth congregating and anti-social behaviour. There had been a recent incident involving a shooting very close to the premises.

Although communication had been received from the applicant's solicitors stating that they were happy to reduce their application to only a 30 minute extension on their current hours during the week, the applicant's absence meant that clarification could not be sought in relation to the operating schedule.

The Chair then invited Alkesh Solanki, Environmental Health Officer, to address the Committee. Mr Solanki read out his letter of objection which was contained on page 69 of the agenda and focussed primarily on the detrimental impact of a 24 hour licence on the local residential properties.



Following requests for clarification from the Members, it was confirmed that no noise complaints had been made about the premises and it currently operated 24 hours, although the sale of alcohol was restricted to the hours on their existing licence.

Mr Greeno advised the Members that case law stated that where a premises was already open 24 hours, and when objections were on the grounds of Public Nuisance, the Sub Committee needed to be satisfied that Public Nuisance would increase as a result of any increased hours for the sale of alcohol.

The Chair advised that the Sub Committee would now, at 5.50pm, adjourn to consider the evidence presented. The Members reconvened at 5.57pm, the Chair reported that the Sub Committee had unanimously;

**RESOLVED**

That the application for a variation of the premises license for Devons Food & Wine, 214 Devon's Road, London, E3 3PN be **REFUSED**.

The Chair stated that this was due to the Sub Committee believing that there was a strong chance of Public Nuisance and Crime & Disorder occurring as a result of an increase in the licensing hours and the applicant's absence meant that mitigation methods could not be clarified.

The meeting ended at 5.59 p.m.

Chair, Councillor Carli Harper-Penman  
Licensing Sub Committee

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# Agenda Item 5.1

Committee: <b>Licensing Sub-Committee</b>	Date: <b>15<sup>th</sup> June 2010</b>	Classification: <b>Unclassified</b>	Report No. <b>LSC 01/011</b>	Agenda Item No.
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Report of: <b>Colin Perrins</b> <b>Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>Mohshin Ali</b> <b>Acting Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a premises licence for Perfect Chicken, 491 Cambridge Heath Road, London E2 9BU</b>  Ward affected: <b>Bethnal Green North</b>
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## 1.0 Summary

Applicant: **Hykmat Ullah**

Name and **Perfect Chicken**

Address of Premises: **491 Cambridge Heath Road  
London  
E2 9BU**

Licence sought: **Premises Licence under Licensing Act 2003**  
• **Late night refreshment**

Representations: **Police**  
**Environmental Protection**

## 2.0 Recommendations

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

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

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

### 3.0 **Background**

3.1 This is an application for a premises licence for Perfect Chicken, 491 Cambridge Heath Road, London E2 9BU.

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

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

#### **Late night refreshment**

- Sunday to Thursday, from 10:00 hours to 02:00 hours the following day
- Friday and Saturday, from 10:00 hours to 04:00 hours the following day

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

- Sunday to Thursday, from 10:00 hours to 02:00 hours the following day
- Friday and Saturday, from 10:00 hours to 04:00 hours the following day

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

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

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 7<sup>th</sup> January 2008.

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

4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.culture.gov.uk](http://www.culture.gov.uk). It was last revised on 29<sup>th</sup> March 2010.

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 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.
- 5.2 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
- 5.3 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Police and Environmental Protection.
- 5.4 Please see **Appendix 3** for the representation of Police.
- 5.5 Please see **Appendix 4** for the representation of Environmental Protection.
- 5.6 The application was required to be advertised in a local newspaper and by a blue poster. In addition the licensing section consulted on a 40 m basis.
- 5.7 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
- 5.8 Essentially, the responsible authorities 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
- 5.9 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.

❖ 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 crime and disorder on the premises
- Appendix 6** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 7** Licensing Officer comments on noise while the premise is in use
- Appendix 8** Licensing Officer comments on egress problems
  
- Appendix 9** Planning
  
- Appendix 10** 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

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Representation of Police
<b>Appendix 4</b>	Representation of Environmental Protection
<b>Appendix 5</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 6</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 7</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 8</b>	Licensing Officer comments on access and egress problems
<b>Appendix 9</b>	Planning
<b>Appendix 10</b>	Licensing Policy relating to hours of trading

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# Appendix 1





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.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

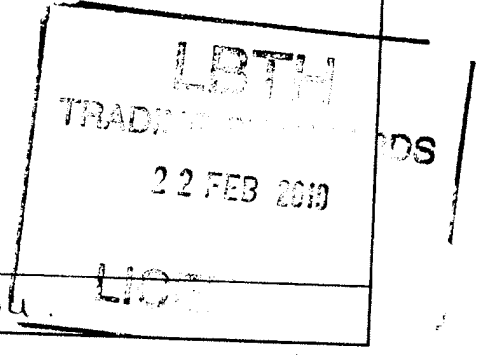
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep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

I/We (Insert name(s) of applicant) HYKMAT ULLAH

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	
PERFECT CHICKEN 491 CAMBRIDGE HEATH ROAD	
Post town	Post code
HACKNEY	Ea 9BU



Telephone number at premises (if any)

[Redacted telephone number]

Non-domestic rateable value of premises

£ 2500-

## 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  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)

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
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
01	03	2010

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)

HOT FOOD TAKE-AWAY SERVED FROM A  
LOCK-UP SHOP,



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 <input type="checkbox"/> 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 (e), (f) or (g)<br>(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)<br>(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**

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

**B**

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

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

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)	
			<b>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</b> (please read guidance note 5)	

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>		
			<b>Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoor	
				Outdoor	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance</b>		
Mon					
Tue					
Wed			<b>State any seasonal variations for the facilities for making music (please read guidance note 4)</b>		
Thur					
Fri					
Sat			<b>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)</b>		
Sun					

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for dancing you will be providing</b>				
			<b>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>			Indoor	
						Outdoor	
						Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance)				
Mon							
Tue							
Wed							
Thur							
Fri							
Sat							
Sun							
			<b>State any seasonal variations for the facilities for dancing</b> (please read guidance note 4)				
			<b>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</b> (please read guidance note 5)				

**K**

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



**L**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	10.00 AM	2.00 AM	<b>Please give further details here (please read guidance note 4)</b>	N/A.	
Tue	10.00 AM	2.00 AM			
Wed	10.00 AM	2.00 AM	<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b>	N/A.	
Thur	10.00 AM	2.00 AM			
Fri	10.00 AM	4.00 AM	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>	N/A.	
Sat	10.00 AM	4.00 AM			
Sun	10.00 AM	2.00 AM			

**M**

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

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

HYKMAT ULLAH

Address

[REDACTED]  
[REDACTED]  
[REDACTED]  
Postcode [REDACTED]

Personal Licence number(if known)

[REDACTED]

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)

"NONE"

0

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	10.00 am	2.00 am	N/A
Tue	10.00 am	2.00 am	
Wed	10.00 am	2.00 am	
Thur	10.00 am	2.00 am	
Fri	10.00 am	4.00 am	
Sat	10.00 am	4.00 am	
Sun	10.00 am	2.00 am	

**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)**

N/A

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

IN ACCORDANCE WITH LOCAL POLICE GUIDELINES.

**c) Public safety**

IN ACCORDANCE WITH LOCAL AUTHORITY HEALTH & SAFETY REQUIREMENTS AND FIRE SAFETY REGULATIONS, BY DESIGNATION OF WELL DEFINED PUBLIC AREA AND RELEVANT SIGNAGE.

d) The prevention of public nuisance

ENSURING NOISE LEVELS ARE KEPT TO MINIMAL, ESPECIALLY DURING LATE HOURS, AND APPROPRIATE SIGNAGE TO INFORM PUBLIC TO RESPECT DECORAM OF LITTER AND NOISE, ALL TO ACCORD WITH LOCAL AUTHORITY ENVIRONMENTAL HEALTH GUIDELINES.

e) The protection of children from harm

IN STRICT ACCORDANCE WITH GUIDELINES AND RECOMMENDATIONS OF CPRS UNIT. ENSURE THAT ALL STAFF ARE FAMILIAR TO REQUIREMENTS IN THIS RESPECT.

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
  - 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

[Redacted signature]

Date

9 . 2 . 10

Capacity

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

Signature

Date

Capacity

**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)

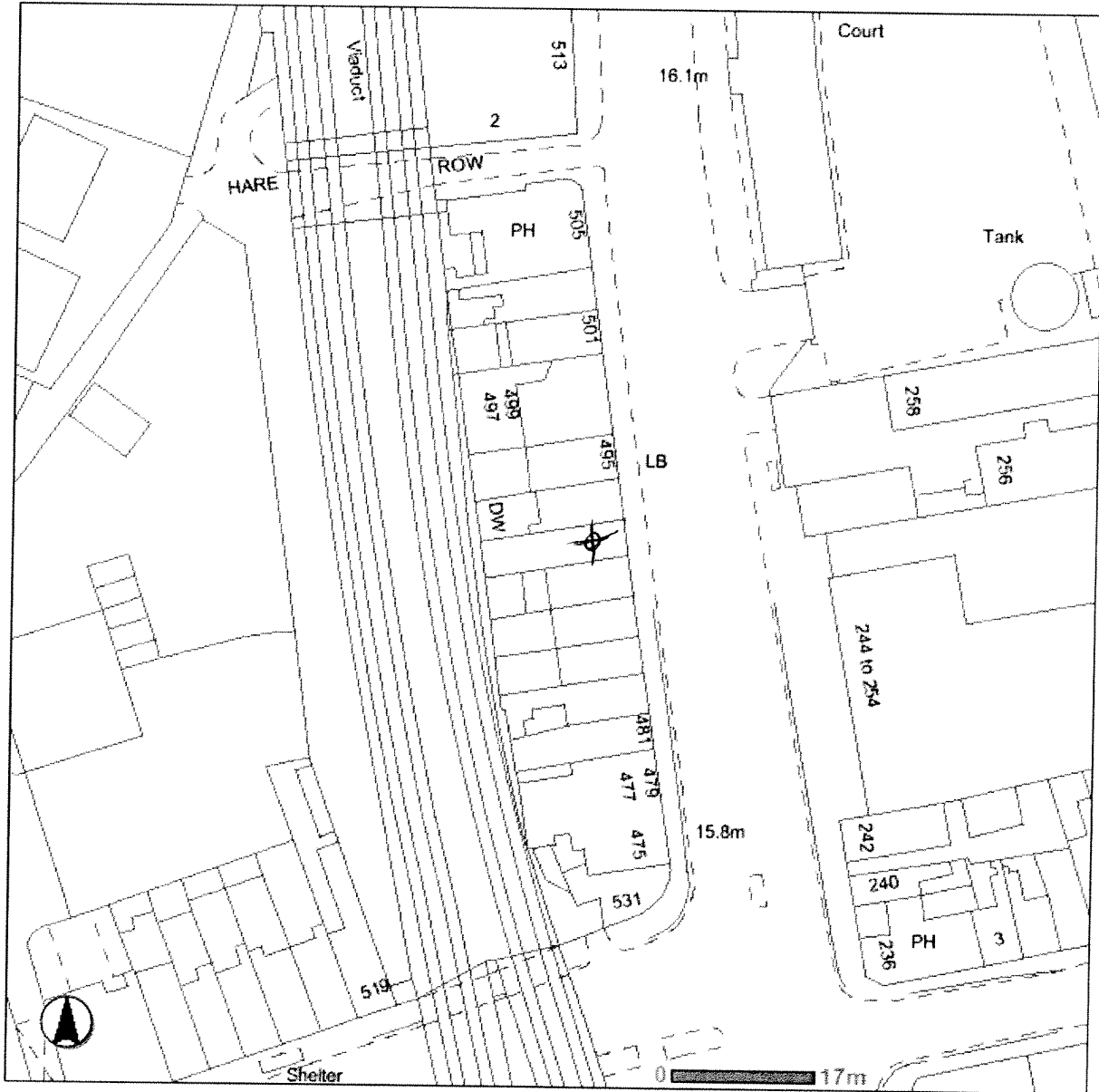
If you would prefer us to correspond with you by e-mail your e-mail address (optional)

# Appendix 2





# Map



Scale 1:750

Map of:

## 491 Cambridge Heath Road



Notes:

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

# Map



Scale 1:1750

Map of:

Notes:

## 491 Cambridge Heath Road



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Licence Number: LA100019288

# Appendix 3





TERRITORIAL POLICING

17.03.2010

Jacqueline Randall

LBTH Licensing  
Mulberry Place (AH)  
5 Clove Crescent  
E14 1BY

**HT - Tower Hamlets Borough  
Licensing Office**

Bethnal Green Police Station  
12 Victoria Park Square  
Bethnal Green  
E2 9NZ

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk

www.met.police.uk

Your ref:

Our ref:

Dear Ms Randall

**Re: The application for a premises licence  
Perfect Chicken,491 Cambridge Heath Road,E2**

I write with reference to the above application which was received in this office on the 22nd February 2010

Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following licensing objective

**The prevention of public nuisance**

Although Cambridge Heath Road has a number of takeaway shops all along the street, it still has a considerable residential population, including directly above the takeaway. The night time economy has to be balanced between the needs of local businesses and the welfare of the nearby residents.

The application to remain open on Friday to Saturday until 4am for late night refreshments in my opinion is excessive and would certainly have a detrimental effect on the local residents. I also believe the hours for the rest of the week are also excessive ( all 2am ).

There are no other late night eateries within the immediate vicinity that are open till the time requested.

It is unfortunate but late night eateries often attract people who are either under the influence of alcohol who can be very loud or it can attract people who are either anti-social or violent. With the best will in the world, it is difficult for staff to stop the noise or the potential ASB

There is another application nearby to Perfect Chicken which I am opposing on the same public nuisance issue. I believe if any further late licences are granted that allows them to remain open until the early hours of the morning , it will lead to further

applications from nearby eateries which would be of great concern to the local residents and the police.

If the committee is to grant the application I would like them to consider the following times

Late night refreshments : Mon - Sun ; 2300 - midnight  
Opening Hours                      Mon - Sun ; 1000 - midnight

I would also like them to consider the following condition

#### CCTV

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 31 days. 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. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority,

**Alan Cruickshank PC 189HT**

# Appendix 4





**Mohshin Ali**

---

**From:** Jacqueline Randall  
**Sent:** 09 March 2010 18:25  
**To:** Nick Kemp; Mohshin Ali  
**Subject:** FW: New Premises License - 491 Cambridge Heath Road, London E2 9BU

*Jackie Randall*  
*Acting Licensing Services Manager*

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

Tele: 0207 364 5109  
Fax: 0207 364 0683

---

**From:** Paul Johnson  
**Sent:** 09 March 2010 12:35  
**To:** Jacqueline Randall  
**Cc:** Alan.Cruickshank@met.pnn.police.uk  
**Subject:** New Premises License - 491 Cambridge Heath Road, London E2 9BU

Dear Jacqueline,

Environmental Health object to this application on the grounds of public nuisance.

The premises is located directly beneath flats and located on a quieter part of Cambridge Heath Road.

Environmental Health has concerns that the operation of this premises will give rise to public nuisance in the following forms:

Noise nuisance from the kitchen extract system

Smell nuisance from the cooking of the fatty foods

Noise and public nuisance from members of the public frequenting the premises up till early morning hours and noise from customers leaving till the proposed hours.

Persons congregating outside premises till the early hours of the morning

High probability that there will be noise nuisance created from customers cars and car stereos throughout the opening hours.

This particular premise does not have planning permission to be used as a take away premise. There has been no application made submitting any details or plans as to what type of kitchen extract system that they will be installing to ensure that there will be no noise, vibration or odour nuisance. Without any of these details, EH has no other option that to object to this premises being granted a License to operate beyond 11pm, let alone operate at all.

The hours that the applicant has applied for in EH opinion are excessive given that there are residential flats directly above.

With reference to section 182 - Advice by the DCMS, paragraph 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 of variation of a premises license is

10/03/2010

being considered, but not in relation to an application for review which must relate to an individual premises.

Within the last couple of weeks, there have been 2 applications for takeaway premises requesting to open till 4-5am in very close proximity to one another. EH has concerns that if Licenses are granted allowing late night takeaway premises to operate in this part of Cambridge Heath Road that this 'cumulative impact' will give rise to public nuisance for the residents that live in and around this area.

The Council has adopted a set of framework hours which are as follows in regards to Licensed Premises which are as follows:

Sunday to Thursday 06 00hrs to 23 30 hrs

Friday and Saturday 06 00hrs to midnight

If members are minded to grant this application, EH would propose that the terminal hour be in line with the Council framework terminal hour.

### **Conditions**

That the Licensee satisfies EH concerns re noise, vibration and odour prior to the License being valid.

Opening Hours be no more than that of Council Framework hours should Councillors be minded to grant a License

Waste materials shall not be placed in the external bins during the night hours (23:00 hours to 7:00 hours the following day).

There shall be no collection or deliveries between 23:00 and 07:00

Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

If premises are to make deliveries, the following conditions are recommended:

Ensure that all motorcycle vehicles used for the home delivery service remain switched off at times when the vehicles are not in use whilst kept outside the licensable premises.

Ensure that all motorcycles used for the home delivery service are not kept on the footway at any time.  
Ensure that all motorcycles used for the home delivery service are switched on and operate from the carriageway only and not the footway.

Ensure that all motorcycles used for the home delivery service are fitted with the original manufacturer's silencers and provisions are made for their non-interference.

Regards,

Paul Johnson  
Environmental Health Enforcement Officer  
Environmental Protection

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

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

Telephone : 020 7364 6617  
Website : <http://www.towerhamlets.gov.uk>

10/03/2010

# Appendix 5

## 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 (10.40).

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 6

## 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 (10.40).

*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 7

## 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 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):

- 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 8

## 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 9

## **Planning**

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

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# Agenda Item 5.2

Committee: <b>Licensing Sub-Committee</b>	Date: <b>15 June 2010</b>	Classification: <b>UNRESTRICTED</b>	Report No. <b>LSC 02/011</b>	Agenda Item No.
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Report of: <b>Colin Perrins</b> <b>Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>Kathy Driver</b> <b>Acting Principal Licensing Officer</b>	Title: <b>Licensing Act 2003</b>  Application to Review the Premises Licence for <b>Dockland Food &amp; Wine, 139 Manchester Road, London E14 3DN</b>  Ward affected: <b>Blackwall and Cubitt Town</b>
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## 1.0 Summary

Name and Address of premises: **Dockland Food & Wine  
139 Manchester Road  
London  
E14 3DN**

Licence under review: **Premises Licence under Licensing Act 2003**  
▪ **Sale by retail of alcohol**

Representations: **Police**

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application for review and then adjudicates accordingly.

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"><li>Guidance Issued under Section 182 of the Licensing Act 2003</li><li>Tower Hamlets Licensing Policy</li><li>File</li></ul>		<b>Kathy Driver 020 7364 5171</b>

### 3.0 **Review Application**

3.1 This is an application for a review of the premises licence for Docklands Food & Wine, 139 Manchester Road, London E14 3DN. The review was triggered by the Metropolitan Police.

3.2 A copy of the review application is attached in **Appendix 1**.

### 4.0 **The Premises**

4.1 The premises licence was issued on 27<sup>th</sup> September 2005. There have been no changes of the Premises Licence Holder since first issue of licence during transitional period. The current Designated Premises Supervisor has been in place since 16<sup>th</sup> July 2007. A copy of the current licence is contained in **Appendix 2**.

4.2 Maps showing the premises and surrounding area are included in **Appendix 3**.

### 5.0 **Representations**

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Metropolitan Police

5.2 Only representations that relate to the following licensing objectives are relevant:

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

5.3 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objective of the prevention of crime & disorder.

### 6.0 **Review Explained**

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

- 6.2 The Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 4**. It is available on the Government's website, [www.culture.gov.uk](http://www.culture.gov.uk). It was last revised on 29<sup>th</sup> March 2010.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the DCMS advice is that "The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted."
- 6.4 In relation to its advice on representations the DCMS has also advised that "there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations." It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 5**.
- 6.5 Members should also note the Council's Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 6**. The Pool Conditions in the Policy are the same as the Government's.
- 6.6 The DCMS has advised that in relation to reviews "It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review."
- 6.7 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident or business).
- 6.8 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority.

All the matters stated in 6.8 were considered before any representations were accepted for inclusion in this report.

6.9 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:

- The ground is not relevant to one or more of the licensing objectives
- In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

## 7.0 Review Advertisement

7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.

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

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

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

## 8.0 Licensing Officer Comments

8.1 The Governments advice in relation to reviews is contained in **Appendix 4**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a period
- Revoke the licence completely



- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

## 9.0 **Legal Comments**

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

## 10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

## 11.0 Appendices

<b>Appendix 1</b>	Copy of the review application
<b>Appendix 2</b>	Current Premises Licence
<b>Appendix 3</b>	Maps of the premises and surrounding area
<b>Appendix 4</b>	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews
<b>Appendix 5</b>	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
<b>Appendix 6</b>	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder

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# Appendix 1





This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I PC 124HT Andy Jackson on behalf of the Commissioner of the Metropolitan Police (Insert name of applicant) apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

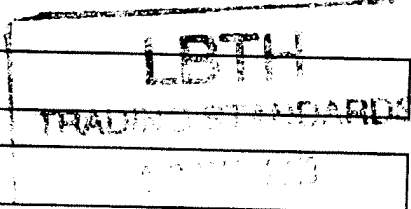
Postal address of premises or club premises, or if none, ordnance survey map reference or description Docklands Food and Wine 139 Manchester Road	
Post town London	Post code (if known) E14 3DN

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

Abdul Gani

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

~~10000~~



LICENSING

**Part 2 - Applicant details**

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

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

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

**Surname**

**First names**

**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) DETAILS OF OTHER APPLICANT

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

Surname

First names

I am 18 years old or over

Please tick  yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

PC124HT Andy Jackson  
Licensing Officer  
Bethnal Green Police Station  
12 Victoria Park Square  
London E2 9NZ

Telephone number (if any) ~~0200 897 0112~~

E-mail (optional) ~~Andy.Jackson@met.police.uk~~

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

Please tick one or more boxes

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

- x
- 
- 
-



Please provide as much information as possible to support the application (please read guidance note 2)

This review relates to the crime and disorder licensing objective.

On 19th January 2010 officers from Police Licensing, HMRC (Customs) and Trading Standards conducted a joint operation targeting licensed premises on the Borough. The operation was intelligence led and a total of 14 Off Licence premises were identified as worthy of a visit.

One of the premises identified was Docklands Food and Wine at 139 Manchester Road E14. Officers entered under legislation including the Licensing Act 2003, Customs and Excise Management Act 1979 and the Weights and Measures Act 1985.

An examination of the alcohol on sale at the premise revealed that a total of 16.9 litres of spirits did not display the required UK Duty Stamp. This meant that the duty had not been paid on the alcohol and that it had either been smuggled into the country illegally or not bought from an official source. It was also found that there were 107 bottles of wine for sale at the premises at a price where the shop would have been unable to sell it at a profit. The goods were seized and a Seizure Information Notice was issued. This gives the seller the opportunity to be able to reclaim the goods if he can produce proof that the alcohol was purchased legitimately and that the taxes had been paid. This was to be done within a certain time and this has not been done. The total amount of duty and VAT evaded has been calculated as £378.38.

The Secretary of State for Culture Media and Sport (DCMS) has issued guidelines with regard to this sort of activity by licensed premise operators. Below is direct quote from that guidance.

There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale of smuggled tobacco and alcohol

For this reason and taking into account the amount of goods seized we are asking that the premise license be suspended for a period up to the maximum 3 months allowed.

Have you made an application for review relating to this premises before

Please tick ? yes

If yes please state the date of that application

Day	Month	Year

\\KST0007NAS.aware.mps\HomefoldersFS409\p178779\My Documents\Blank review\Docklands Food and Wine 13 review.doc

**If you have made representations before relating to this premises please state what they were and when you made them**

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Please tick  yes  x

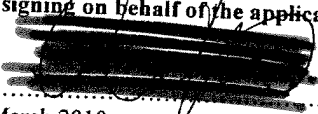
I understand that if I do not comply with the above requirements my application will be rejected  x

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

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

 RCHIT

Date 17th March 2010

Capacity Police Licensing Officer

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

# WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of: Benjamin Cooper

Age if under 18: OVER 18 (If over 18 insert 'over 18')

Occupation: OFFICER OF H.M. Revenue & Customs

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

Signature: Ben Cooper

Date: 19th February 2010

I am an Officer of H.M. Revenue & Customs based at Jubilee House, Stratford, London, E15 1AT.

On 19<sup>th</sup> January 2010, Officer Clark from H.M. Revenue & Customs and I, with Officers from Tower Hamlets Police Licensing Unit (Bethnal Green) and Trading Standards (Tower Hamlets) conducted a joint operation targeting various Off Licences within the area.

At 10:10 hours, Officers from the above mentioned agencies and I entered the premise at Dockland Food & Wine, 139 Manchester Road, London, E14 3DN.

We all identified ourselves accordingly and explained the reasons for the visit (checks on UK Duty Paid stickers/stamps on both alcohol and cigarettes) to a man I now know to be Mr Mohammed Javed.

A search was conducted under Customs & Excise Management Act 1979, s.112 and s.118.

Found on shelving behind the counter and on the floor next to it, was a total of 16.9 litres of mixed spirits which either did not have any UK Duty Paid stamps/stickers on them or no Stamps/Stickers at all.

Also found in boxes next to the freezer was a total of 107 non UK Duty Paid bottles (80.25 litres) of mixed wines.

At 10:25 hours, all the above mentioned goods were seized under CEMA 1979, s.139.

Forms C156 (Notice of Seizure) and C162 (Warning letter) were issued to and signed by Mr M. Javed.

At approximately 10:45 hours, all officers exited the premises.

It has been calculated that the total amount of Duty evaded equates to £378.38.

Date: 19th February 2010

Signature: Ben Cooper

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 1 of 1

EHFO 681A

CEP (Aug 2008)



# Appendix 2





# TOWER HAMLETS

Licence / Registration

Certificate Number

10728

(Dockland Food & Wine)  
 139 Manchester Road  
 London  
 E14 3DN

**Licensable Activities authorised by the licence**  
 Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse   
 Team Leader Licensing

RA

Date: 27/09/05

FOR OFFICE USE	Receipt Number	Fee Paid	Fee Req.	Date	Initial
----------------	----------------	----------	----------	------	---------

015109

101810

£23.00

17/3/06

MH



**Part A - Format of premises licence**

Premises licence number

10728

**Part 1 - Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> (Dockland Food & Wine) 139 Manchester Road London	
<b>Post town</b> London	<b>Post code</b> E14 3DN
<b>Telephone number</b> 0207 613 9911	

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

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



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

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

In this condition, permitted hours means:

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

See Mandatory conditions for drinking up time

**The opening hours of the premises**

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

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

Off sales only

**Part 2**

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

**Keyani Ashfaq Ahmed  
(Dockland Food & Wine)  
139 Manchester Road  
London  
E14 3DN  
[REDACTED]**

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

N/A

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

**Mr Zain Ahmed Keyani  
102 Dockland Quay  
London  
E14 3DU  
[REDACTED]**

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

**P01503  
London Borough of Redbridge**

## **Annex 1 - Mandatory conditions**

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

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

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

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

### **Private Entertainment**

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

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

### **Public Entertainment**

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

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

None

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

M:\LICENSING\Word97\2003 LicAct certs & ics\Prem Lics\Manchester Road 139.doc

None

**Annex 4 - Plans**

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

*27 JUL 2005*



**Part B - Premises licence summary**

**Premises licence number**

10728

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(Dockland Food & Wine)

139 Manchester Road  
London

**Post town**  
London

**Post code**

~~BT1 2SD~~

**Telephone number**

Where the licence is  
time limited the  
dates

N/A

Licensable activities  
authorised by the  
licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Ashfaq A.Keyani (Dockland Food & Wine)  
139 Manchester Road  
London  
E14 3DN

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

Off sales supplies

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

N/A

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

**Mr Zain Ahmed Keyani**

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

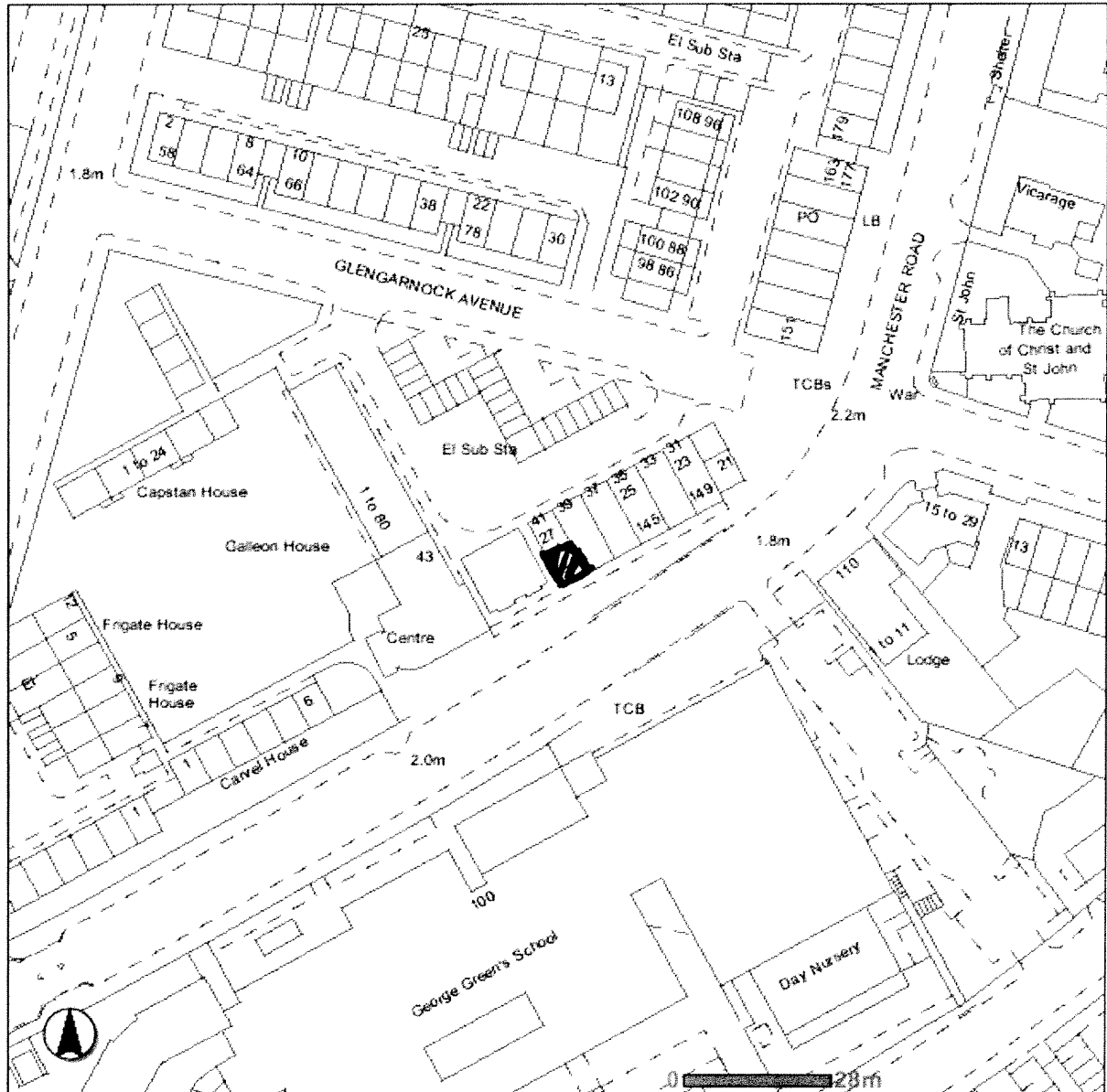
No

# Appendix 3





# Map



Scale 1:1228

Map of:

Notes:

## 139 Manchester Road

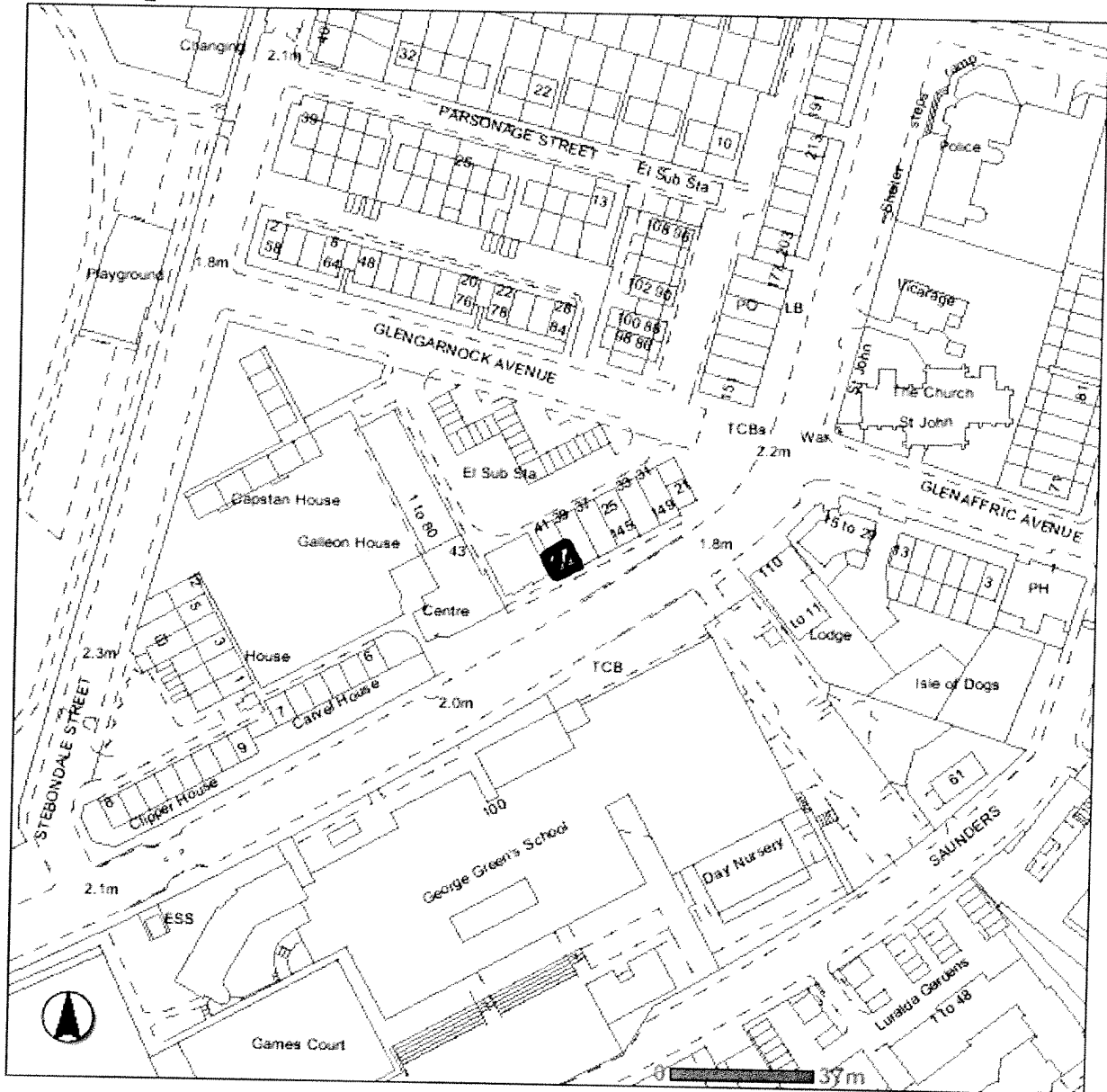
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# Map



Scale 1:1627

Map of:

## 139 Manchester Road

Notes:

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# Appendix 4



## **Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003**

### **POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW**

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

## **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

- 11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for unlawful gaming and gambling; and
  - for the sale of smuggled tobacco and alcohol.

- 11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.
- 11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.



# Appendix 5



## **Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003**

### **Crime and Disorder Act 1998**

- 1.28 All local authorities must fulfil their obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.
- 1.29 Section 17 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area.
- 1.30 The Government believes that licensing authorities should, as a matter of good practice, involve Crime and Disorder Reduction Partnerships (CDRPs) in decision-making in order to ensure that statements of licensing policy include effective strategies that take full account of crime and disorder implications.

### **Pool Conditions**

**Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003**

### **Annex D**

#### **Conditions relating to the prevention of crime and disorder**

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

**Conditions enforcing these arrangements are therefore unnecessary.**

## CORE PRINCIPLES

1. When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.
2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:
  - the nature and style of the venue;
  - the activities being conducted there;
  - the location; and
  - the anticipated clientele.

**Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.**

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.
5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

## **CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER**

### **Text/Radio pagers**

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
- the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- any police instructions/directions are complied with whenever given; and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

### **Door supervisors**

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues.

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:

- the number of supervisors;
- the displaying of name badges;
- the carrying of proof of registration;
- where, and at what times, they should be stationed on the premises; and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

### **Bottle bans**

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

### **Plastic containers and toughened glass**

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries.

Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

### **Open containers not to be taken from the premises**

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises.

This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

### **CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

### **Restrictions on drinking areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Part 4).

### **Capacity limits**

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

### **Proof of age cards**

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, licensed premises should have in place an age verification policy. This requires the production of "proof of age" before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While age verification policies may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof which bears a photograph, the individual's date of birth and a holographic mark, such as photo-driving licences, National Identity Cards, some student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 25", "Challenge 21" or other similar initiatives. Under these initiatives those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the specified age and who is attempting to buy alcohol.

### **Crime prevention notices**

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

### **Drinks promotions**

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels. Discounting at individual premises may be permissible provided it is consistent with the licensing objectives.



Irresponsible promotions are addressed through mandatory licensing conditions (see section 10). Licensing authorities are reminded that there may be a judgement needed on whether a specific promotion is responsible or irresponsible. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

### **Signage**

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

### **Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)**

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.



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# Appendix 6



## **Licensing Policy Adopted by the London Borough of Tower Hamlets**

- 5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

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