



Meeting of the

LICENSING SUB COMMITTEE

Tuesday, 20 July 2010 at 6.30 p.m.

A G E N D A

VENUE

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

Members:	Ward Represented
Chair: Councillor Peter Golds	Blackwall & Cubitt Town;
Councillor Kabir Ahmed	Weavers;
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:

Simmi Yesmin, Democratic Services,

Tel: 020 7364 4120, E-mail: simmi.yesmin@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 20 July 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
3. RULES OF PROCEDURE	3 - 14	
To note the rules of procedure which are attached for information.		
4. UNRESTRICTED MINUTES	15 - 34	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committees held on 15 th June, 24 th June and 29 th June 2010.		
5. ITEMS FOR CONSIDERATION		
5.1 Application to Review the Premises Licence for Virginia Supermarket, 59 Virginia Road, London E2 7NF (LSC 13/011)	35 - 124	Weavers;
5.2 Application to Vary the Premises Licence for the Madison's Bar & Restaurant, Manhattan Building, Bow Quarter, Fairfield Road, London E3 2UJ (LSC 14/011)	125 - 134	Bow East;
6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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:-

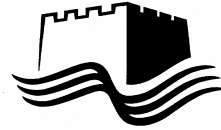
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph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

Legend

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 15 JUNE 2010

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Kabir Ahmed (Chair)

Councillor David Snowdon
Councillor Amy Whitelock

Officers Present:

Mohshin Ali – (Acting Senior Licensing Officer)
Luke Elford – (Trainee Solicitor)
Paul Greeno – (Senior Advocate)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

PC Andy Jackson - Metropolitan Police

Objectors In Attendance:

PC Alan Cruickshank - Metropolitan Police
Paul Johnson - Environmental Health Officer
Ashfaq Keyani - Docklands Food & Wine

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

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Kabir Ahmed, declared a personal interest in agenda item 5.1, application for a new premises license for Perfect Chicken, 491 Cambridge Heath Road, London E2 9BU on the basis that he had visited the shop once.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. UNRESTRICTED MINUTES

The unrestricted minutes of the Licensing Sub Committee meetings held on 6th April, 14th April and 22nd April 2010 were agreed.

5. ITEMS FOR CONSIDERATION

The order of business was varied, however for ease of reference the minutes are in the same order as in the agenda.

5.1 Application for a New Premises License for Perfect Chicken, 491 Cambridge Heath Road London E2 9BU (LSC 01/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the application for a new premises license for Perfect Chicken 491 Cambridge Heath Road, London E2 9BU. It was noted that objections had been received by the Metropolitan Police and Environmental Health.

It was noted that the applicant was not present at the meeting. The Clerk advised the Sub Committee that the applicant had been sent a notification letter and a copy of the agenda in advance of the meeting. However had not had any contact with the applicant and neither received any correspondences from him. In light of this information Members decided to consider the application in the absence of the applicant.

At the request of the Chair, PC Alan Cruickshank on behalf of the Metropolitan Police, referred to his statement contained within the agenda on page 67, he briefly highlighted that the hours applied for, were far too excessive, especially in a residential area with flats directly above the premises and strongly believed that extended hours would give rise to public nuisance. He stated that if members were minded to grant the application they were to consider an extension up to 12 midnight with the condition of having CCTV cameras installed.

At the request of the Chair, Mr Paul Johnson, Environmental Health Officer, explained that he too had not heard from the applicant, he agreed with PC Alan Cruickshank, that if Members were minded to grant the application that they should consider a one hour extension up to 12 midnight and include the conditions recommended in his representation on page 72 of the agenda. He stated that the operation of the premises would give rise to public nuisance in noise and smell nuisance, and the probability that nuisance would be caused by public frequenting the premises up till the early hours of the morning and people congregating outside the premises.

Mr Johnson also raised the concern that the premises had no planning permission and that the premise is intended to be used as an office for Financial Services. However Members were advised that planning issues were separate and could not be given any consideration during a licensing hearing.

In response to questions by Members, Mr Johnson explained that the premise was currently operating as a fast food takeaway up till 23:00 hours and that there had been no complaints received by Environmental Health regarding the premises.

In response to questions regarding noise and smell nuisance, Mr Paul Greeno, Senior Advocate, explained that conditions for such nuisance would be covered under the planning regime and that an informative could be put on the license so that the applicant knew that any license granted did not override the need to obtain relevant planning consent.

At the request of Members, Mr Ali confirmed the opening and closing hours of other takeaways in the local vicinity.

Members expressed their concern that the premises did not have planning permission. However it was accepted that a license could not be refused on that basis.

In the absence of the Applicant, Members noted the applicant's application and considered and noted the hours for which they had applied for.

The Chair advised that the Sub Committee would at 6.50pm adjourn to consider the evidence presented. The Members reconvened at 7.35pm. Mr Greeno reported that;

Members considered the application, having read and heard the representation of both PC Alan Cruickshank and Mr Paul Johnson and having noted what the applicant had stated in Section P of the application form which stated the steps that would be taken in promoting the licensing objectives. It was noted that the applicant had not attended the meeting and therefore Members were not in a position to ask the applicant any questions or challenge any steps they would have taken that would have been made in their representation. Members having had regard to the licensing objectives and the Council's Statement of Licensing, unanimously;

RESOLVED

That the new application for Prefect Chicken, 491 Cambridge Heath Road, London E2 9BU be **GRANTED in part** with the following conditions;

The Provision of Late Night Refreshments

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

Hours Premises Open to the Public

Monday to Sunday from 10:00 hours – 00:00 hours (midnight)

Conditions

1. The premises is required to have CCTV cameras installed both externally and internally.
2. The CCTV system should incorporate a recording facility and any recordings should 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.
3. Waste materials shall not be placed in any external bins during the hours of 23:00 hours to 05:00 hours the following day.
4. Any contract with a waste collector for the collection of waste should not provide for the collection of such waste between the hours of 23:00 hours to 05:00 hours.
5. There should be no deliveries of stock to the premises between the hours of 23:00 hours to 05:00 hours
6. Clearly legible notices shall be displayed at all exists from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
7. If deliveries of food are to be made from the premises then all delivery personnel are to be advised that they are to respect the needs of local residents and to leave the premises and the area quietly

5.2 Application to Review the Premises Licence for Dockland Food & Wine, 139 Manchester Road, London E14 3DN (LSC 02/011)

The review application was **withdrawn** at the meeting by PC Andy Jackson on behalf of the Metropolitan Police.

The meeting ended at 7.50 p.m.

Chair, Councillor Kabir Ahmed
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 24 JUNE 2010

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Zara Davis
Councillor Harun Miah

Officers Present:

Kathy Driver – (Acting Principal Licensing Officer)
Paul Greeno – (Senior Advocate)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

Kutub Din - Subway
Shahbir Din - Subway
Brian Coughlan - The Castle
Andrew Mac Manus - The Castle
Colin Weaving - The Castle
Chris Lewis - Zonemax

Objectors In Attendance:

PC Alan Cruickshank - Metropolitan Police
Ian Wareing - Environmental Health
Alex Southern - The Castle
Charles Morris - The Castle
Ben Ward - Zonemax
Jane Curtis - Zonemax
John Critchley - Zonemax
Juliet McKoen - Zonemax
Keith Bowler - Zonemax
Clair Johnston - Zonemax

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

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Peter Golds, declared a personal interest in agenda item 4.3, Application for a time limited premises license for Zonemax, 91-95 Brick Lane London E1 6RL on the basis that there was a representation made by an acquaintance of his, however he confirmed that he had no contact with them regarding the application.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION**4.1 Application for Premises Licence for Subway, 395 Bethnal Green Road, London E2 0AN (LSC 03/011)**

At the request of the Chair, Ms Kathy Driver, Acting Principal Licensing Officer, introduced the report which detailed the application for a new premises license for Subway, 395 Bethnal Green Road, London E2 0AN. It was noted that objections had been received by three local residents.

Ms Driver informed Members that the applicants, since making the application, had amended their hours for the provision of late night refreshments by reducing the hours to 23:00 hours to 00:00 hours (midnight) on Fridays and Saturdays to accommodate the concerns of residents.

The applicant, Mr Kutub Din, explained that ever since they had opened Subway, customers have always encouraged and requested Subways to stay open till late as it was a healthier option for customers and on that basis had applied for a late night refreshments license.

Mr Din stated that there were already other premises licensed to stay opened till late and he strongly believed that Subway staying open till midnight would not cause any additional nuisance then what currently existed. He explained that he and his business partner have tried everything to minimise nuisance that could be associated with the premises. Mr Din stated that some of the statements made by the residents were false, and questioned why the Police there was no objections made by the Police if these were genuine concerns. It was noted that if the premises was to stay open till late, the area would be well lit and would deter people from causing anti social behaviour nearer the premises. Mr Din named a few other premises in the local vicinity with late night licenses with residents living in flats directly above the premises and questions why there had not been any objections to those. He concluded by

stating that anti-social behaviour existed widely in Bethnal Green Road and could not be identified with Subway.

It was noted that the resident objectors were not present at the meeting and therefore Members noted and considered the written representations contained in the agenda.

In response to questions from Members, Mr Din confirmed the hours applied for and that there were no toilet facilities for members of the public in the premise. In response to questions Mr Shahbir Din, Applicant, explained additional measures that were in place such as CCTV cameras and also suggested that another camera could be placed on the fire exit doors behind the shop to prevent people congregating behind the premises. It was further noted that on an occasion Police had used their CCTV camera footage for their investigation. Mr Din also suggested using the fire exit door for deliveries etc and felt that if regularly used then this would also lessen opportunity for youth to congregate at the back of the premise, it was noted that previously the fire exit door was not used at the request of the tenants who lived above the premises.

The Chair advised that the Sub Committee would at 6.48pm adjourn to consider the evidence presented. The Members reconvened at 6.55pm. The Chair reported that;

Members considered the representation made at the meeting by the applicant and noted the written representations made by objectors and were satisfied that the granting of the licence would not lead to an increase in anti-social behaviour, as strong concerns of anti-social behaviour already existed in the local area and could not be identified with the premises.

Members also suggested that local Police Officers and Tower Hamlets Enforcement Officers (THEO's) should do regular patrols in the area to help prevent anti-social behaviour.

RESOLVED

That the new application for Subway, 395 Bethnal Green Road, London E2 0AN be **GRANTED**;

The Provision of Late Night Refreshments

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

Hours Premises Open to the Public

Monday to Saturday from 08:00 hours – 00:00 hours (midnight)

Sunday from 08:00 hours – 23:00 hours

4.2 Application to Vary the Premises Licence for The Castle, 44 Commercial Road, London E1 1LN (LSC 04/011)

At the request of the Chair, Ms Kathy Driver, introduced the report which detailed the application for a variation of the premises license for The Castle, 44 Commercial Road, London E1 1LN. It was noted that objections had been received from the Metropolitan Police, Environmental Health and local residents. It was further noted that the Fire Authority had made a representation however had now withdrawn their objection.

At the request of the Chair, Mr Colin Weaving, representative for the Castle explained that they had a 24 hour license which was not used on a regular basis, however allowed them the flexibility if needed to be used. It was noted that they would always consult with the Police if the license was to be used for 24 hours.

Mr Weaving stated that there were often gangs of 30-40 youths congregated outside the venue causing public nuisance, they were not customers and therefore anti-social behaviour should not always be associated with the Castle.

He explained that bottles were not allowed to be taken outside the premises after 9pm and that individuals have a responsibility to look after their own belongings while they are in the premises. He stated that smashed glasses outside the premises were allegations and could not be verified. Mr Weaving stated that the Premises License Holder would be happy to agree to increase the number of SIA door supervisors and increase CCTV cameras from 8 to 16 cameras however cannot insist on limiting only 5 people to smoke outside at any one time. He explained that they were willing to compromise on the hours for regulated entertainment in the hope that this would alleviate the concerns of residents.

At the request of the Chair PC Alan Cruickshank referred to his statement on page 137 of the agenda. He detailed the incidents which had taken place in the premises and highlighted the on going problem of thefts inside the pub. It was noted that a further two reports of the theft had been reported since the representation was made. He briefly explained that he was also aware of noise complaints and the growing concerns in regard to anti-social behaviour. He stated that the pub was open until early hours of the morning during the weekend and it is the only one in the area that is opened till late. He believed that the current hours for regulated entertainment are more than sufficient and Members should refuse the application.

Mr Ian Wareing, Environmental Health Officer referred to his representation on pages 143-145, he explained that Environmental Health had received many requests for service because of the noise levels emanating from the premises and despite letters being sent, warnings given and visits made no action has been taken by the Premises License Holder to resolve these issues. It was noted that Environmental Health continues to receive complaints. Mr Wareing also told members about his experience during a service request visit at the premises and that he too witnessed problems of

noise nuisance. He suggested that music activities should be moved to the basement.

Mr Alex Southerland, a resident objector, explained that the Castle regularly abused its license and illegally extends its hours for regulated entertainment on a regular basis, even when complaints are made. He stated that on occasions he has had to contact the noise pollution team to report these nuisances.

He stated that the premises was an old fashioned Victorian pub which was now operating as a club in an increasing residential area, he explained that the Castle allows its patrons to stand outside on the pavement until all hours drinking, shouting, smoking, smashing bottles and urinating in the streets. Mr Southerland explained that there was no sound proofing and no double glazed windows and if regulated entertainment is moved to the basement this would still be a problem for those with basement flats.

He concluded that there had been an increase in anti-social behaviour since the Pub had changed. He also mentioned that there were other pubs/clubs and strip clubs in the local area however these did not cause any nuisance/problems as door staff control their customers.

In response to questions Mr Weaving stated the reason for the increase in the number of people is to accommodate the increase number of people now living and visiting the Whitechapel area. It was confirmed that the Castle currently had the capacity of 260 people and if numbers are increased, the Premises License Holder would increase door security from 2/3 to 6 SIA door supervisors and increase CCTV cameras from 8 to 16 cameras.

In response to a question Mr Southerland confirmed that he didn't experience any form of nuisance from other clubs in the area other than the Castle. Mr Wareing also confirmed that music could clearly be heard emanating from the Castle past 2am in the mornings.

The Chair referred to a written representation contained in the agenda and highlighted the abuse the resident had received from a member of staff from the Castle. Mr Andrew Mac Manus, DPS, believed this not to be true and welcomed for the resident to give the name of the staff.

In summing up Mr Weaving explained that the conditions offered will help alleviate problems that residents have, and assured Members that the Castle would be run properly and in turn benefit the local community. Mr Mac Manus explained by moving regulated entertainment to the basement would be help reduce noise levels and that the 24 hour license would only be used on Fridays and Saturdays and not during the rest of the week. He also offered to work with residents to identify ways to help reduce anti-social behaviour.

Mr Sutherland stated that he had lived in the borough for 12 years and that even moving the entertainment to the basement would mean that sound would still be permitted everywhere. He believed that the Castle had increased the anti-social behaviour in the area.

Mr Greeno advised Members to consider whether a variation of the license would increase public nuisance and crime and disorder and to make sure that conditions are necessary, clear and concise not only to persons who enforce them but to holders of licences and local residents who may be effected by the conditions and wish to report a breach..

The Chair advised that the Sub Committee would at 7.35pm adjourn to consider the evidence presented. The Members reconvened at 7.45pm. The Chair reported that;

After hearing representations from both parties, Members felt that they could not be satisfied that the Licensee would promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Members believed that public nuisance and anti-social behaviour already existed with the current number of people attending the premises and if Members were minded to increase the capacity to 350 people it was likely that this would give rise to an increase in anti-social behaviour and public nuisance. Having heard representations made by objectors it was clear that anti-social behaviour and public nuisance was identified with the premises. Therefore Members felt that there was no other option but to refuse the application as Members were satisfied that there were no conditions appropriate to alleviate their strong concerns.

RESOLVED

That the variation application for The Castle, 44 Commercial Road, London E1 1LN be **Refused**.

4.3 Application for a Time Limited Premises Licence for Zonemax Ltd, 91 - 95 Brick Lane, The Old Truman Brewery (Z Block outdoor area), London E1 6RL (LSC 05/011)

At the request of the Chair, Ms Kathy Driver, introduced the report which detailed the application for a time limited premises license for Zonemax, 91-95 Brick Lane, London E1 6RL. It was noted that objections had been received by Environmental Health and local residents.

It was noted that no representative from Environmental Health was present at the meeting and it was not clear whether representation had been withdrawn and if conditions had been agreed.

At the request of the Chair the applicant Mr Chris Lewis explained that he had done everything in his power to satisfy residents concerns ie. employing 15 SIA door supervisors, exiting customers through Hanbury Street, avoiding residential areas such as Wilkes Street, and Princelet Street.

Mr Lewis explained that all drinks were decanted into plastic containers and that they had voluntarily taken it upon themselves to do this. It was noted that Zone Bar had its own recycling program, sound proof fabric was used in the bar, that they employed twice as many SIA door supervisors, and had adequate toilet facilities such as urinals, porter loos, toilet cubicles and disabled toilet facilities. It was also noted that at present, customers were asked to bring their own drinks and reiterated that fact that all drinks were decanted in to plastic containers and therefore broken glass could not be associated with the Zone Bar. It was further noted that from next week wine would be sold in PET bottles which demonstrated their responsible attitude to drinking and residents.

Mr Lewis stated that the three England matches were successful and customers were given lollipops when leaving to help reduce levels of noise. Mr Lewis concluded by stating that Hanbury Street and Quaker Street was used for customer egress and no complaints had been received from residents living there.

The Chair then invited residents who wished to address the Committee, Jane Curtis, John Critchley, Juliet McKoen, Keith Bowler and Ben Ward on behalf of Clair Johnston were among the residents who spoke in objection to the application, each addressing similar concerns in relation to noise nuisance, public disorder, anti-social behaviour, and crime and disorder.

In response to questions, Mr Lewis explained that the televising of the football matches would finish by 9.30pm and the area was cleared straight afterwards. He also confirmed that families were welcome to attend and some had done. In response to another question it was noted that building developments were taking place and there were other venues in the area which contributed to the problems residents' experienced.

Mr Lewis was then asked to give an approximate breakdown of the number of people who have attended the events. Mr Lewis assured members that he was going to all lengths to minimise impact on residents ie. increasing security staff and using Quaker Street and Hanbury Street as egress exits.

The Chair advised that the Sub Committee would at 8.30pm adjourn to consider the evidence presented. The Members reconvened at 8.45pm. The Chair reported that;

Members considered all representations made both by the applicant and local residents and felt that they could not be satisfied that the licensing objectives of crime and disorder and public nuisance would be upheld and promoted.

Members appreciated the steps taken by the applicant to adhere to the licensing objectives, however believed that in granting the license, it would give rise to an increase in anti-social behaviour and public nuisance. Members recognised that the premises was allowed to open without the sale of alcohol and it was noted that without the sale of alcohol there had been a reduction in the number of customers attending the event. Members also referred to guidance from the Licensing Act 2003 section 182 para 9.9 where

it refers to the cumulative impact on the licensing objectives of a concentration of multiple licensed premises which may also give rise to relevant representation(s).

RESOLVED

That the Time Limited Premises Licence for Zonemax Ltd, 91-95 Brick Lane, The Old Truman Brewery (Z Block Outdoor Area) London E1 6RL be **Refused**.

The meeting ended at 8.55 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 29 JUNE 2010

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

Members Present:

Councillor David Snowdon (Chair)

Councillor Kabir Ahmed
Councillor Aminur Khan

Officers Present:

Paul Greeno – (Senior Advocate)
Nick Kemp – (Licensing Officer)
Kerry Muré – (Senior Lawyer)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

Alan Cruickshank - (Metropolitan Police)
Andy Jackson - (Metropolitan Police)
Claudine Kidd - (Metropolitan Police)

Objectors In Attendance:

Serdar Tas - (London Food Centre)
Dilaver Taskiran - (London Food Centre)
Maria Guida - (Perfect Fried Chicken)
Salima Khatun - (Perfect Fried Chicken)
Kabir Ahmed - (Perfect Fried Chicken)
Ahmed Hussain - (Perfect Fried Chicken)
Sulta Ahmed - (Perfect Fried Chicken)
Forid Miah - (Perfect Fried Chicken)

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

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Kabir Ahmed, declared a personal interest in agenda item 4.3, application to review the premises license for Perfect Fried Chicken, 214 Mile End Road, London E1 4JL on the basis that he may have ate at the shop once.

Councillor David Snowdon, declared a personal interest in agenda item 4.3, application to review the premises license for Perfect Fried Chicken, 214 Mile End Road, London E1 4JL on the basis that he knew Mr Ahmed Hussain who was speaking in support of the premises. However, Councillor Snowdon confirmed that he had not been contacted by Mr Hussain regarding the application.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for The Urban Bar, 27 Three Colt Street, E14 8HH (LSC 06/011)

This item was postponed at the request of the Premises License Holder and has now been rescheduled to be considered at the Licensing Sub Committee meeting to be held on 31st August 2010.

4.2 Application to Review the Premises Licence for London Food Centre, 407 Roman Road, London E3 5QS (LSC 07/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the application for a review of the premises license for London Food Centre, 407 Roman Road, London E3 5QS. It was noted that the review had been triggered by the Metropolitan Police.

At the request of the Chair, PC Andy Jackson, on behalf of Metropolitan Police explained that the premises had been reviewed twice before under it's former name Buy to Save and gave a brief history of the premises. He explained that during a visit together with HMRC Customs and Excise on 18th November 2009, an examination of the stock being sold revealed that a large quantity of both spirits and wine were believed to be smuggled and these were later seized. It was noted that a total of 265.5 litres of wine and 229.4 litres of spirits had been seized. He explained that a further visit was made to the premises on 20th January 2010 by Police, Customs and Excise and Trading Standards, again on this occasion officers found 189 smuggled bottles of wine and 38.3 litres of spirits which were either smuggled or bore counterfeit customs stamps. In addition a further 12.3 litres of counterfeit champagne and vodka was seized, also no premise license was displayed at

the premises. The owners were given 28 days to give receipt for the goods but none were received. It was noted that the total amount of duty and VAT evaded was £4664.

Mr Jackson explained that after January 2010, the license had been transferred over to new owners. Another visit was conducted on 5th March 2010, when operating under new owners, and also found numerous licensing offences.

He referred Members to the DCMS guidance with regard to the sale of smuggled/counterfeit goods which states that the sale of smuggled goods was a criminal activity and was to be treated particularly seriously and therefore advised Members that revocation should be considered.

Mr Jackson also stated that there was suspicion that last operators still worked in the premises. It was noted that the new owners had on one occasion gave Police the details of a van selling smuggled/counterfeit alcohol.

Mr Jackson concluded by referring to the supporting document of PC Alan Cruickshank who had visited the premises on 8th May 2010 as a test purchase exercise and was able to buy a can of cider at 02:15 hours, after licensed hours. Mr Cruickshank confirmed that display shutters were not closed and while still in the shop another male had placed cans of larger on the counter with the intent of purchasing them.

At the request of the Chair Mr Dilver Taskiran, DPS explained that they had brought the shop three months ago, and that the incidents regarding smuggled/counterfeit alcohol was the responsibility of the previous owners and not them. He asked for Members to give them another chance to prove that they are able to promote and uphold the licensing objectives. Mr Taskiran on behalf of the new premise license holder offered to close the shop at 01:00 hours, as a voluntary closure despite having a 24 hour license.

In response to a question Mr Taskiran explained that during the police visit on 8th May 2010, the shutters weren't working, however they were repaired last week costing them £3.5k. He explained, that if there were any sale of alcohol out side the licensed hours, it is when customers just leave the money and go. Mr Cruickshank stated that he was not challenged when purchasing the alcohol and there was no disagreement from the member of staff on the counter as it was treated as a normal transaction.

Mr Tas also confirmed that they had CCTV cameras and confirmed that they keep CCTV footage for two weeks and report any problems to the police. In response to another question Mr Taskiran stated that they also suffer from anti-social behaviour as youth congregate outside the premises, making it difficult for customers to enter or leave the premises and hence wish to offer an early closure time of 01:00 hours.

Mr Taskiran confirmed that none of the previous owners worked in the shop and that other shops in the local vicinity closed at 01:00 hours. Mr Taskiran concluded by asking Members to give him another chance.

The Chair advised that the Sub Committee would at 7.05pm adjourn to consider the evidence presented. The Members reconvened at 7.30pm. The Chair reported that;

Members heard representations from PC Jackson and Mr Taskiran and Mr Tas. It was noted that a reduction of opening hours has been offered and it was considered necessary to reduce these hours for the promotion of the licensing objectives for the prevention of crime and disorder.

Although Members were prepared to draw a line under the previous activities, they were concerned about the sale of alcohol outside the permitted hours. The explanation given by Mr Taskiran for this was not accepted and Members therefore considered it necessary to suspend the licence for the first Friday and Saturday following despatch of the notification letter of the decision.

RESOLVED

That the review application for the London Food Centre, 407 Roman Road London E3 5QS be **GRANTED in part** with the suspension of the sale of alcohol licence and the following conditions;

Suspension

Suspension of the sale of alcohol licence for the first Friday and Saturday following despatch of the notification letter of the decision.

Conditions

1. The opening times to be restricted to 07:00 hours – 01:00 hours
2. No activities shall take place at the London Food Centre, 407 Roman Road, London E3 5QS between the hours of 01:00 hours – 07:00 hours.

4.3 Application to Review the Premises Licence for Perfect Fried Chicken, 214 Mile End Road London E1 4LJ (LSC 08/011)

At the request of the Chair, Mr Nick Kemp, introduced the report which detailed the application for a review of the premises license for Perfect Fried Chicken, 214 Mile End Road, London E1 4LJ. It was noted that the review had been triggered by the Metropolitan Police.

At the request of the chair, PC Alan Cruickshank on behalf of Metropolitan Police referred to his statement on pages 284-286. He highlighted the incidents which had taken place, involving extremely violent attacks it was noted that on all occasions the CCTV camera was either not working or staff were not able to download images. As a result officers went to speak to the Premises License Holders and reminded them of the conditions attached to

the license one of which is to have CCTV cameras in operation whilst there are licensable activities.

He then highlighted a recent incident on 1st May 2010 at 04:19, when police were called outside the premises where a male had been stabbed. It was noted that the victim and his brother were in the premises eating when a male entered and started arguing and then told him to come outside which is when the assault took place. It was noted that yet again the CCTV camera was not working and the premises was open past its closing hours of 03:00 hours. Mr Cruickshank explained that even if CCTV cameras were working there was no staff on duty whom could have downloaded the images. The Police Officers spoke to both Premise License Holders again, Ms Salima Khatun, Premises License Holder informed Police Officers that cameras were not working and would be fixed by 6th May 2010. Again there was confusion about the closing hours as Mr Kabir Ahmed, Premise License Holder believed that he should stop serving at 03:00 hours and then his customers could take as long as they needed to finish eating. Ms Khatun offered to employ one SIA door supervisor on busy nights. Mr Cruickshank then referred to the petition in support of the premises submitted on behalf of the Premises License Holders and highlighted that there was no addresses and had frivolous comments on them, therefore asked member to consider what weight to give them.

Mr Cruickshank concluded by stating that overall there had been five serious incidents of crime and disorder, resulting in either GBH or ABH on the victims. There have been a clear breach of the CCTV conditions and the premises had been open past its licensed hours. The lack of CCTV cameras has stopped the early identification of any suspects and by operating after hours, disorder had occurred in the shop also leading to assaults outside in the street. He therefore urged Members to consider removing their late night refreshments license.

In response to a question by a Member it was noted that no one was trained to download CCTV footage and level of CCTV compliance was low.

Maria Guida, Legal Representative for the Premises License Holders explained that the Premises License Holders do take the police officers concerns seriously and explained that they both and one other staff are able to download images from CCTV cameras.

M Guida explained that Mr Ahmed and Ms Khatun were very hard working and wanted to work with the police by taking every step to minimise and prevent these incidents from happening again. She explained that there have been no incidents since May 2010. Ms Guida then put forward suggested conditions including one which suggests that the supply of food would cease 30 minutes before the closing time and at 03:00 hours customers would be strictly told to leave. Also another condition suggested was that there would be two SIA door supervisors on duty on Fridays and Saturdays from 23:00 hours to 03:00 hours.

It was also noted that Ms Khatun would have staff trained on anti-social behaviour and how to handle difficult situations so therefore the Premises

License Holders were investing time and money to help and work with police. Ms Khatun asked Members for another chance and highlighted that there had been no incidents since May 2010.

Mr Ahmed Hussian, in support of the premises explained that Mr Ahmed and Ms Khatun were very hard working and highlighted that they lacked knowledge of opening hours. He explained that he worked locally and visited all the shops on the parade on a regular basis and concerns of anti-social behaviour were common in all shops. He stated that incidents occurred outside the premises should not be associated with the premises and suggested that there should be more patrols made by the police in the area.

The Chair opened up for questions.

In response to questions it was noted that there had been five serious incidents, which all took place over the weekend. Members asked questions about staff training, the CCTV camera facility and how it can be down loaded. Ms Khatun explained that there previous contact for CCTV cameras did not allow for staff to download images and that any request for download would have to be done by the company.

It was noted that the timings and CCTV conditions were now clear to the Premises License Holders. Ms Khatun explained that even if CCTV camera images were not available during the time of the incident it could have been available the next day if Police had requested it.

Ms Guida confirmed that they would stop supplying food at 02.30 hours and customers would be asked to leave at 03:00 hours. It was noted that CCTV cameras were positioned facing the door and it was confirmed that it captured the full image of people entering the shop. It was noted that the role of SIA door supervisors was for the safety of customers and to prevent anti-social behaviour.

The Chair advised that the Sub Committee would at 8.15pm adjourn to consider the evidence presented. The Members reconvened at 8.40pm. The Chair reported that;

Members listened carefully to the representations both for and against the review application. Members were extremely concerned that licensing conditions had been wilfully misunderstood. Members were also concerned regarding the nature of the assaults and noted that these incidents generally occurred after 2am.

Members thought long and hard but on balance considered that the licence should not be revoked but due to the mismanagement of the premises it is considered that the hours on Friday and Saturday should be reduced to 2am.

RESOLVED

That the review application for the Perfect Fried Chicken, 214 Mile End Road, London E1 4LJ be **GRANTED in part** with the reduction in hours and the following conditions;

The Provision of Late Night Refreshments

Monday to Saturday from 23:00 hours – 02:00 hours

Hours Premises Open to the Public

Monday to Saturday from 12:00 hours – 02:00 hours

Sunday from 12:00 hours – 23:00 hours

Conditions

1. Children under the age of 10 shall be accompanied by an adult
2. The premise is required to have CCTV cameras installed, covering the premises internally and externally
3. That the CCTV system should incorporate a recording facility and any recording should be retained and stored in a suitable and secure manner for a minimum of 31 days. A system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
4. A staff member from the premises who is fully conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.
5. A minimum of 2 SIA door supervisors shall be on duty within the premises from 23:00 hours on Fridays and Saturdays and shall remain on duty within the premises until customers have left the premises and doors have been locked.
6. That customers should use no metal cutlery after 22:00 hours.
7. That there should be an increase in signage for the appropriate disposal of litter.
8. The supply of food shall cease 30 minutes before closing time and all patrons will be asked to leave at the appropriate time so that the premises shall close promptly and on time.

9. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and the area quietly.

The meeting ended at 9.00 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee

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 Virginia Supermarket 59 Virginia Road	
Post town London	Post code (if known) E2 7NF

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

Habib Altun

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

9946

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
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
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Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

(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) 0208 327 4118
E-mail (optional) [REDACTED]

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 Virginia Supermarket at 59 Virginia Road, E2. 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 2.1 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 119.25 litres 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 £332.44.

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\Homefolders\F5409\p178779\My Documents\Blank review\Virginia Supermarket.doc 13

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 no


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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

 126411

Date 17th March 2010

Capacity Police Licensing Officer

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

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: Matthew John Clark

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

Occupation: HM Revenue and Customs


This statement (consisting of 1 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Date: 19.02.10

On 19 January 2010 at 1410 hours I entered a shop called Virginia Supermarket, 59 Off Licence Newsagent and Grocers London E2 7NF with Officer Cooper and Police Officers from Bethnal Green Licensing Team. I identified myself as a Customs Officer to a man I now know to be Ali Altun. We then conducted a search of the premises for non UK duty paid excise goods using the powers contained in The Customs and Excise Management Act 1979 (CEMA) sections 112 and 118. I found 119.25 Litres of wine and 2.10 Litres of Pernot. There were 117 bottles of wine and 3 bottles of Pernot. The wine was being sold for 2 bottles for £6.00. This alcohol had no supporting invoices and it was apparent that duty had not been paid. At 1435 hours a form (Seizure Information Notice) and Warning Letter were issued and the excise goods were seized in accordance with section 139 of CEMA. The total amount of duty and VAT involved is £332.44. I left the premises with the other Officers at 1450 hours.

Date: 19.02.10

Signature: 

(signature of witness)

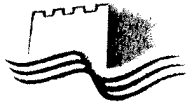
Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 1 of 1

Appendix 2



TOWER HAMLETS

Licence / Registration

Certificate Number

09946

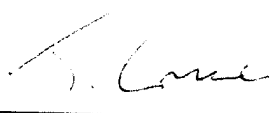
(Virginia Off Licence & Supermarket)
59 Virginia Road
London
E2 7NF

Licensable Activities authorised by the licence

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse 
Team Leader Licensing

Date: 12th October 2005

M:\LICENSING\Word97\2003 Licensing Act certs & lics\2003 Issued Premises Licences\Virginia Road 59.doc

FOR OFFICE USE

Receipt Number	Fee Paid	Fee Req.	Date	Initial
60080	100		12/10/05	K.C.



Part A - Format of premises licence

Premises licence number

9946

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Virginia Off Licence & Supermarket)
59 Virginia Road
London

Post town
London

Post code
E2 7NF

Telephone number
0207 729 7004

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

Habib Altun & Ergin Altun

[REDACTED]

[REDACTED]

[REDACTED]

0207 729 7004/07984 145@19

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

Habib Altun

[REDACTED]

[REDACTED]

[REDACTED]

0207 729 7004

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

Personal Licence No: LN/00000930

Issuing Authority: Haringey Council

Annex 1 - Mandatory conditions

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

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

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

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

Private Entertainment

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

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

Public Entertainment

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

None

Annex 4 - Plans

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

29 JUL 2005



Part B - Premises licence summary

Premises licence number

9946

Premises details

**Postal address of premises, or if none, ordnance survey map reference or description
(Virginia Off Licence & Supermarket)
59 Virginia Road
London**

Post town
London

Post code
E2 7NF

Telephone number
[REDACTED]

**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

Habib Altun [REDACTED] [REDACTED] [REDACTED]	Ergin Altun [REDACTED] [REDACTED] [REDACTED]
--	--

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

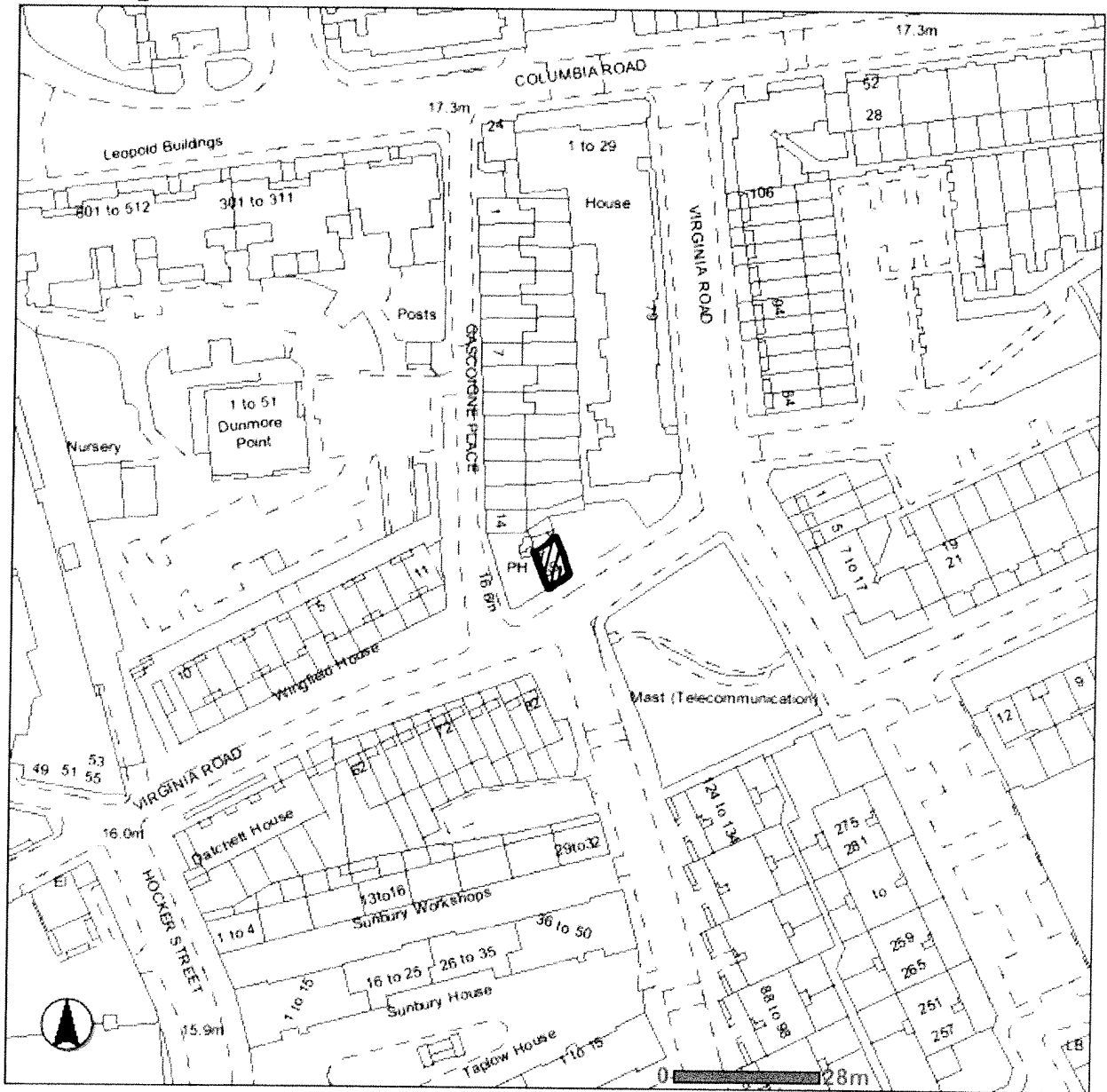
Habib Altun

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

No

Appendix 3

Map



Scale 1:1228

Map of:

Notes:

59 Virginia Road

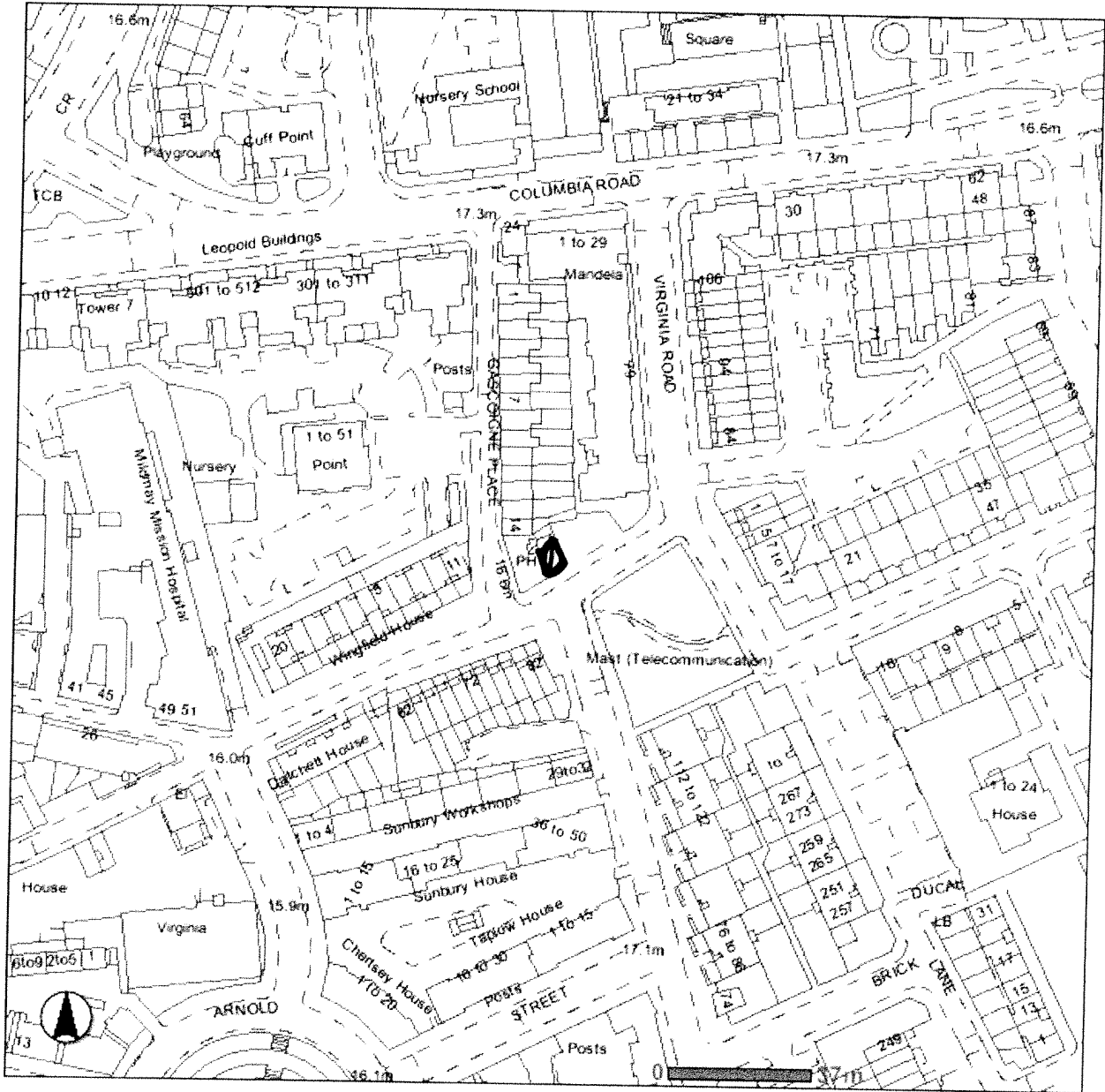
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Map



Scale 1:1627

Map of:

59 Virginia Road

Notes:

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

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 initiative 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.

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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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 Virginia Supermarket 59 Virginia Road	
Post town London	Post code (if known) E2 7NF

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

Habib Altun

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

9946

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
<input type="text"/>	<input type="text"/>

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) 0208 327 4118
E-mail (optional) [REDACTED]

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 Virginia Supermarket at 59 Virginia Road, E2. 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 2.1 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 119.25 litres 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 £332.44.

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\Homefolders\F5409\p178779\My Documents\Blank review\Virginia Supermarket.doc 13

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 no


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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

 1264115

Date 17th March 2010

Capacity Police Licensing Officer

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

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: Matthew John Clark

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

Occupation: HM Revenue and Customs


This statement (consisting of 1 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Date: 19.02.10

On 19 January 2010 at 1410 hours I entered a shop called Virginia Supermarket, 59 Off
Licence Newsagent and Grocers London E2 7NF with Officer Cooper and Police Officers from
Bethnal Green Licensing Team. I identified myself as a Customs Officer to a man I now know to
be Ali Altun. We then conducted a search of the premises for non UK duty paid excise goods
using the powers contained in The Customs and Excise Management Act 1979 (CEMA) sections
112 and 118. I found 119.25 Litres of wine and 2.10 Litres of Pernot. There were 117 bottles of
wine and 3 bottles of Pernot. The wine was being sold for 2 bottles for £6.00. This alcohol had
no supporting invoices and it was apparent that duty had not been paid. At 1435 hours a form
(Seizure Information Notice) and Warning Letter were issued and the excise goods were seized
in accordance with section 139 of CEMA. The total amount of duty and VAT involved is
£332.44. I left the premises with the other Officers at 1450 hours.

Date: 19.02.10

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 1 of 1

Appendix 2



TOWER HAMLETS

Licence / Registration

Certificate Number

09946

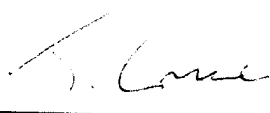
(Virginia Off Licence & Supermarket)
59 Virginia Road
London
E2 7NF

Licensable Activities authorised by the licence

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse 
Team Leader Licensing

Date: 12th October 2005

M:\LICENSING\Word97\2003 Licensing Act certs & lics\2003 Issued Premises Licences\Virginia Road 59.doc

FOR OFFICE USE	Receipt Number	Fee Paid	Fee Req.	Date	Initial
	60080	100		11/10/05	K.C.



Part A - Format of premises licence

Premises licence number

9946

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Virginia Off Licence & Supermarket)
59 Virginia Road
London

Post town
London

Post code
E2 7NF

Telephone number
0207 729 7004

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
Habib Altun & Ergin Altun
[REDACTED]
[REDACTED]
[REDACTED]
0207 729 7004/07984 145@19

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

Habib Altun
[REDACTED]
[REDACTED]
[REDACTED]
0207 729 7004

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

Personal Licence No: LN/00000930
Issuing Authority: Haringey Council

Annex 1 - Mandatory conditions

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

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

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

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

Private Entertainment

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

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

Public Entertainment

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

None

Annex 4 - Plans

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

29 JUL 2005



Part B - Premises licence summary

Premises licence number

9946

Premises details

**Postal address of premises, or if none, ordnance survey map reference or description
(Virginia Off Licence & Supermarket)
59 Virginia Road
London**

Post town
London

Post code
E2 7NF

Telephone number
[REDACTED]

**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

Habib Altun [Redacted]	Ergin Altun [Redacted]
----------------------------------	----------------------------------

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

Habib Altun

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

No

Appendix 3

Map



Scale 1:1228

Map of:

Notes:

59 Virginia Road

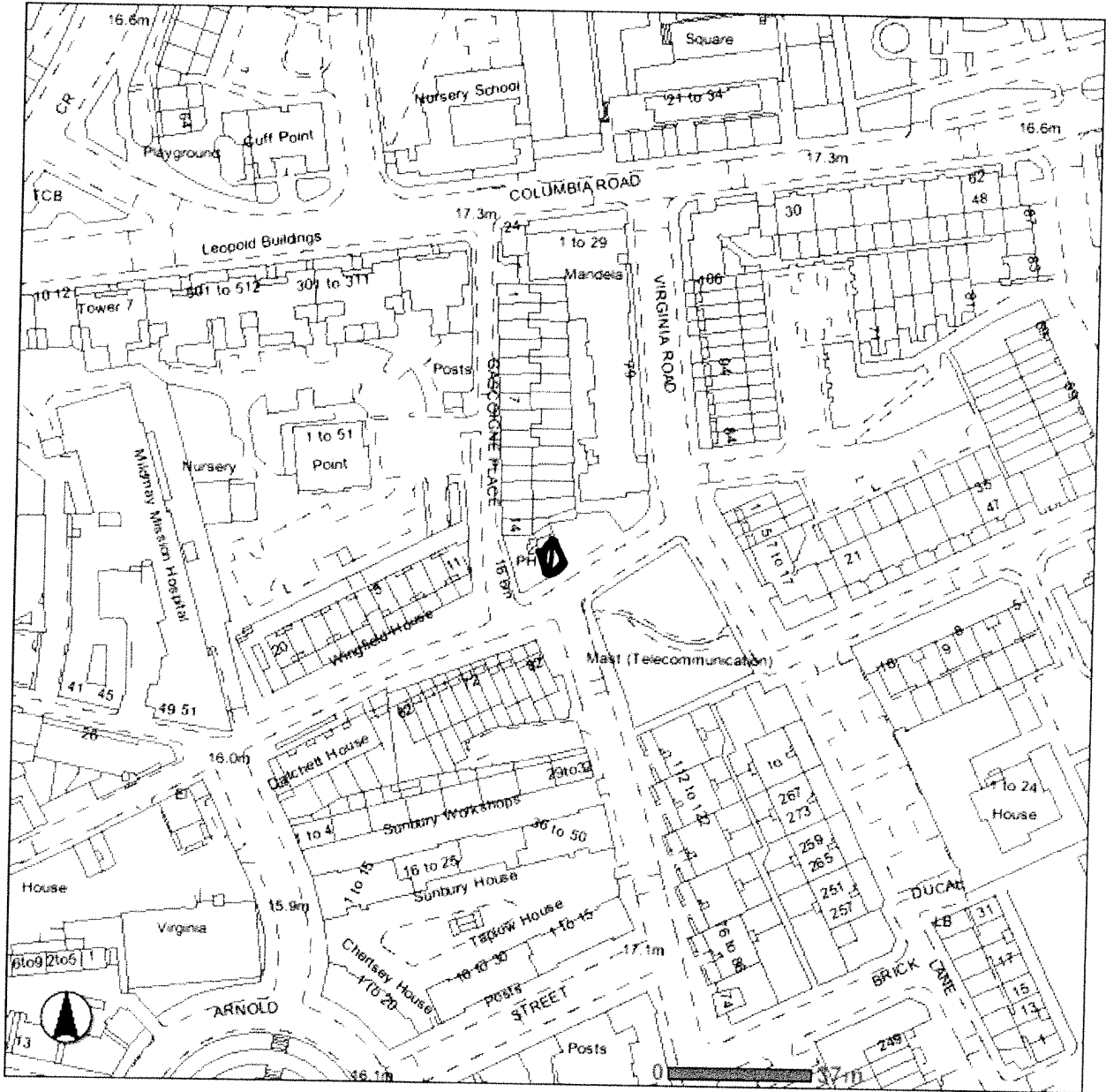
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Licence Number: LA100019288

Map



Scale 1:1627

Map of:

59 Virginia Road

Notes:

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Licence Number: LA100019288

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 initiative 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.

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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To the Licensing Committee, London Borough of Tower Hamlets

From Habib Altun, Manager, Virginia Supermarket, Virginia Road, London E2

I, Habib Altun, am the manager of Virginia Supermarket on Virginia Road, London E2. I am normally responsible for the purchase of alcoholic beverages for sale from these premises.

Between 16th January 2010 and 5th February 2010 I was on holiday in Osmaniye, Turkey. Whilst I was on holiday, an alcoholic drinks supplier with whom I have done business in the past came in to the shop and made an offer to one of the staff on some wine which seemed a very good offer. The staff member took up the offer and the wine was then retailed on special offer from Virginia Supermarket.

Unfortunately, it later emerged that the offer was based on a failure to pay duty on the wine. The wine was seized by the HM Revenue and Customs in what I understand to be an intelligence-led operation which involved a number of retailers.

Permod was also seized at the same time. However this was not part of a cut price deal with that supplier. I believe HMRC believed duty had not been paid on this Permod because it did not carry the sticker that certain alcoholic beverages, ie spirits, now carry by law showing UK duty paid. This was because we bought this Permod before the new arrangements came. It is a very slow mover and it had been on our shelves for a very long time.

The purchase of the wine was done in good faith, but because I was not present at the time no invoice was secured against the purchase. Had I been there, this would not have been the case. Nonetheless even if I had been present, I do not think I would have necessarily been aware that the wine had not had duty paid. Wine does not require the stickers that are now mandatory on spirits.

We are a small corner shop providing a valuable and some would say vital service to the local community, from early in the morning to late at night seven days a week. We sell a wide range of goods, including food, kitchen and other supplies as well as alcohol. We do not sell alcohol or tobacco products to those who are under age. There is no problem we have been made aware of involving nuisance drinking in the vicinity of our shop and caused by sales from our shop.

This is the first time an aberration of this kind has occurred with us. It clearly demonstrates our management systems were not sufficiently robust, especially in my absence. We will not be doing business with this supplier again.

I would appeal to the Licensing Committee to be lenient with this with regard to this first offence. We are dependent for our survival on the sale of alcoholic drinks to the local community on a responsible basis. To remove our licence to sell alcohol, even for a period of three months, would place our business in jeopardy and thereby threaten a service we are committed to providing to our community.

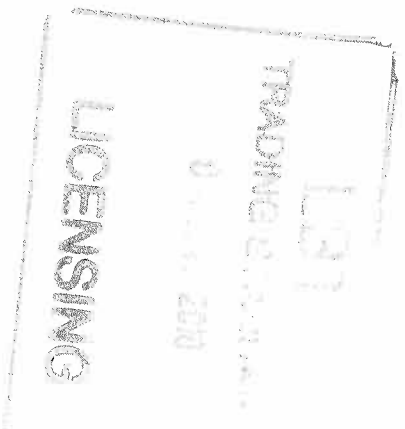
Habib Altun



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9th April 2010

To whom this may concern,

Virginia Supermarket, Virginia Road, London E2

I am familiar with the Virginia Supermarket which is on Virginia Road and is near my surgery. I can confirm from talking to many constituents who use the store that it serves a valuable role in the local community. The shop is open from early in the morning until late at night and provides a variety of essential goods.

The store does sell both alcohol and cigarettes but constituents tell me there is no anti-social behaviour specifically associated with sales from this shop. It is my strong impression from those who manage and staff the shop that they have a very positive relationship with their customers and they act responsibly in their sales. There is, to my knowledge, no history, for example, of them selling either tobacco products or alcohol to those who are under-age.

I hope they will be able to continue in their role of serving the local community and that the information above is of help in your deliberations.

Yours faithfully,



Councillor Fazlul Haque, Weavers Ward



2006 - 2007
Early Intervention
(Children at Risk)
2003 - 2006
Winner of 4 previous
Beacon Awards



INVESTOR IN PEOPLE

Agenda Item 5.2

Committee: Licensing Sub-committee	Date: 20 July 2010	Classification: Unclassified	Report No. LSC 14/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Commercial	Title: Licensing Act 2003
Originating Officer: Mohshin Ali Acting Senior Licensing Officer	Application to Vary the Premises Licence for the Madison's Bar & Restaurant, Manhattan Building, Bow Quarter, Fairfield Road, London E3 2UJ
	Ward affected: Bow East

1.0 Summary

Applicant:	Ali Investments Ltd
Name and Address of Premises:	Madison's Bar & Restaurant Manhattan Building Bow Quarter Fairfield Road, London E3 2UJ
Licence sought:	Licensing Act 2003 – Premises variation - To add licensable activities - To extend the hours for licensable activities - To remove the transitional embedded hours and conditions
Representations:	Environmental Protection Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for Madison's Bar & Restaurant, Manhattan Building, Bow Quarter, Fairfield Road, London E3 2UJ.
- 3.2 A copy of the existing premises licence is enclosed for information in **Appendix 1**.

The current licensable activities and timings are as follows:-

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

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Supper Hours Certificate

Alcohol may be sold or supplied (for one hour following the hours set out above and) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply. In addition on Christmas Day for the purposes set out under Supper Hours Certificate the permitted hours shall extend between the first and second parts of the general licensing hours

Late Night Refreshment

Hot drinks and hot food can be served up to 30 minutes after the last permitted sale of alcohol.

Thus Monday to Saturday until 00:30 hrs
Sunday 12 midnight

For conditions re. "drinking up time" see
Annex 1 Mandatory Conditions

Regulated entertainment (recorded music only)

There are no time restrictions on recorded music or private entertainment

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Hours premises are open to the public:

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

3.3 A copy of the variation application is enclosed as **Appendix 2**.

The applicant has described the nature of the variation as follows:

“To vary the sale of alcohol by an additional hour on Monday to Thursday and by an additional 2 hours on Friday and Saturday and by an hour and a half on Sunday. To add the performance of live music and dance and the performance if karaoke to the regulated entertainment”. The applicant has also applied to change the sale of alcohol from to “on sales” to both on and off sales.

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

The sale by retail of alcohol (On and off sales)

- Sunday to Thursday, from 10:00 hrs to 01:00 hrs the following day
- Friday and Saturday, from 10:00 hrs to 02:00 hrs the following day

The provision of regulated entertainment - Indoors

Live music,

- Sunday to Thursday, from 10:00 hrs to 23:00 hrs
- Friday and Saturday, from 10:00 hrs to 01:00 hrs the following day

Recorded music, performances of dance and anything of a similar description

- Sunday to Thursday, from 10:00 hrs to 01:00 hrs the following day
- Friday and Saturday, from 10:00 hrs to 02:00 hrs the following day

Provision of late night refreshment

- Sunday to Thursday, from 23:00 hrs to 01:00 hrs the following day
- Friday and Saturday, from 23:00 hrs to 02:00 hrs the following day

Non-standard timings

- Christmas Eve, New Years Eve and Sunday preceding Bank Holidays from opening until 04:00 hours the following day.
- An additional hour for the start of British summer time

Hours premises are open to the public:

- Monday to Thursday, from 10:00 hrs to 01:30 hrs the following day
- Friday to Sunday, from 10:00 hrs to 02:30 hrs the following day

Non-standard timings

- Christmas Eve, New Years Eve and Sunday preceding Bank Holidays from opening until 05:00 hours the following day.
- An additional hour for the start of British summer time

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

4.0 Licensing Policy and Government Advice

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

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

4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It was last revised on 29th 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 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.

5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.

5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

5.5 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 All the representations in this report have been considered by the relevant officer (Licensing Services Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.10 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Environmental Protection and local residents. In relation to the residents, representations have been received both against the premises and in support of the premises.
- 5.11 Please see **Appendix 5** for the representation of Environmental Protection.
- 5.12 In relation to the application and the representations, the personal details such as emails, phone numbers and signatures have been redacted for the purposes of identity theft protection. The Licensing Officer has the original documents on file.
- 5.13 Please see **Appendix 6** for the list of residents making representations.
- 5.14 Please see **Appendices 7 to 33** for the individual representations.
- 5.15 A petition has been submitted by a local resident, Prafula Copp, which is included in **Appendix 34**. Please note that parts of the supporting letter to the petition have been blanked out as it contains information on a personal dispute between two residents which is irrelevant to Members' making their decision on the variation application.
- 5.16 A second petition has been submitted by Prafula Copp. A list of the residents on the petition with their addresses and the petition itself has been included in **Appendix 35**.
- 5.17 A petition has also been submitted by the licence holder which includes residents who are in support of the premises. A list of the residents on the petition with their addresses and the petition itself has been included in **Appendix 36**.
- 5.18 Please see **Appendix 37** for the representation of Gareth Davies who is in support of the premises.
- 5.19 Please see **Appendix 38** for the representation of Andrew and Malini Luke who are in support of the premises.

- 5.20 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
 - Noise
 - Trading Standards
 - Child Protection

5.21 In addition 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.

- 5.22 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

- 5.23 Essentially, Environmental Protection and the residents oppose the application because the applicant has not explained how within the context of the variation they will meet all of the above licensing objectives, particularly:
- the prevention of crime and disorder
 - the prevention of public nuisance

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(See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

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

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

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
 - ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).
 - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)

- 6.7 The Council's licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 39 - 45** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters in the representations.

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 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 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."
- 7.5 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.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy of the current premises licence
Appendix 2	A copy of the application for variation
Appendix 3	Maps of the premises in the surrounding area
Appendix 4	Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
Appendix 5	Representation of Environmental Protection
Appendix 6	A list of residents making representations
Appendices 7 – 33	Individual representations of local residents
Appendix 34	A petition has been submitted by Prafula Copp, a local resident
Appendix 35	A second petition has been submitted by Prafula Copp, a local resident
Appendix 36	A petition in support of the premises
Appendix 37	Representation of Gareth Davies
Appendix 38	Representation of Andrew and Malini Luke
Appendix 39	Licensing Officer comments on noise while the premise is in use
Appendix 40	Licensing Officer comments on access/egress problems
Appendix 41	Licensing Officer comments on crime and disorder on the premises
Appendix 42	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 43	Section 182 Advice by the DCMS concerning public safety
Appendix 44	Planning
Appendix 45	Licensing Policy relating to hours of trading

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