

Meeting of the

LICENSING SUB COMMITTEE

Thursday, 19 August 2010 at 6.30 p.m.

A G E N D A

VENUE

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

Members:	Ward Represented
Chair: Councillor Rajib Ahmed	East India & Lansbury;
Councillor Khales Uddin Ahmed	Bromley-By-Bow;
Councillor David Snowdon	Millwall;

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

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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Thursday, 19 August 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 6 th July, 13 th July & 20 th July 2010.		
5. ITEMS FOR CONSIDERATION		
5 .1 Application for a New Premises Licence for Perfect Fried Chicken, 197 East India Dock Road, London E14 0ED (LSC 18/011)	35 - 130	East India & Lansbury;
5 .2 Application to Vary the Premises Licence for Liberty Lounge, 1A Bell Lane, London E1 7LA (LSC 19/011)	131 - 190	Spitalfields & Banglatown;

6. EXCLUSION OF PRESS AND PUBLIC

In view of the remaining items on the Agenda, the Sub Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the Press and Public be excluded from the meeting on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972.”

EXEMPT/CONFIDENTIAL SECTION (PINK)

The exempt/confidential (Pink) papers in the Agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

	PAGE NUMBER	WARD(S) AFFECTED
7. ITEMS FOR CONSIDERATION		
7 .1 Application for a Variation of Designated Premises Supervisor for the Thai Tiger, 96 Brick Lane, London E1 6RL (LSC 20/011)	191 - 210	Spitalfields & Banglatown;
7 .2 Application for a Transfer of Premises Licence Holder for the Thai Tiger, 96 Brick Lane, London E1 6RL (LSC 21/011)	211 - 230	Spitalfields & Banglatown;
8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

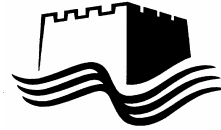
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph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

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

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

4. Procedure at the Hearing

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

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

8. Notices

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

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

9. Appeals

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

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

APPENDIX A

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

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

APPENDIX B

Regulation 8

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 6 JULY 2010

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

Members Present:

Councillor Carlo Gibbs (Chair)

Councillor Khaled Uddin Ahmed
Councillor David Snowdon

Officers Present:

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

Applicants In Attendance:

Syed Hussain - (Costcutter)
Deborah Silverston - (Costcutter)

Objectors In Attendance:

Peter Morgan - (Costcutter)
Robin Millward - (Costcutter)
Steve Nearchou - (Costcutter)
Alan Cruickshank - (Lahori Masala)
Thomas Doyle - (Lahori Masala)
Reazul Haque - (Lahori Masala)

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

Apologies for absence was received on behalf of Councillor Oliur Rahman for whom Councillor David Snowdon substituted for.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION**4.1 Application for New Premises Licence for Costcutter, 123 Wapping High Street, London E1W 3NG (LSC 09/011)**

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 Costcutter, 123 Wapping High Street, London E1w 3NG. It was noted that objections had been received by local residents.

It was noted that the applicant had agreed to a condition with the Metropolitan Police detailed in page 45 of the agenda, the condition agreed was not to sell any beer, larger, cider or perry that exceeds the strength of 5.7 abh or higher.

At the request of the Chair, Ms Deborah Silvereston, on behalf of the applicant stated that Costcutter had been operating for the past 25 years with 21 stores around the London area and that staff received extensive training on the responsible sale of alcohol. At this point, with the agreement of residents, Members were, shown training records for staff as evidence. She explained that CCTV cameras would be installed and maintained and fully operational at all times and recordings would be kept for a minimum of 30 days. It was noted that Costcutter was the first to introduce the Challenge 25 policy and confirmed that Challenge 25 policy would be operated in the premises if the license was to be granted.

It was further noted that the applicant would maintain a refusal book and have till prompts, prompting staff to check ID when selling alcohol, also that there would always be two personal license holders in the store during opening hours. Ms Silverstone also highlighted that the condition agreed with the Police would discourage street drinkers. She explained the reason for wanting a alcohol license as a large proportion of customers would want to buy alcoholic drinks when buying their groceries and therefore if the premises did not sell alcohol, customers would go elsewhere where they could buy everything together.

Ms Silverston explained that the applicant acknowledged the concerns of local residents especially in relation to anti-social behaviour however did not feel that this could be identified with Costcutter as the premise was currently not open. She urged Members not to judge Costcutter due to the objections received by residents and that reiterated that Costcutter staff, were fully aware of the responsibilities in selling alcohol. It was noted that the applicant would

welcome the opportunity to work with local residents to create a safer place to live.

The Chair then invited residents who wished to address the Committee, Peter Morgan, Robin Millward and Steve Nearchou 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. They explained that it was a quite residential area and believed that anti-social behaviour in the area would increase as a result of another premises selling alcohol. They also insisted that the hour of 23:00 hours was far too excessive and mentioned that local off licenses closed at 22:00 hours as a special agreement with local residents to help prevent further anti-social behaviour. It was noted that the local area was served well, and had four off licenses, five licensed pubs and several restaurants and that the premises would affect local businesses in the area too.

Members noted all written representations made by local residents, contained within the agenda.

In response to Members' questions, it was noted that the other off licenses closed at 22:00hrs by way of an informal agreement made between residents and the shop owners. The applicant stated that they would welcome a condition to close at 22:00hours, if there was a same condition on all the other premises licenses in the local area. Ms Driver confirmed that all the other off licence premises had a premise license to sell alcohol until 23:00hrs and therefore this was an informal agreement not included on the license.

In response to further questions it was noted that the other off license premises did attract anti-social behaviour and at one point a premise license holder had to employ a security staff to safeguard the premises. The applicant confirmed that Sprints would be displayed behind the till counter and wines would be displayed in the drinks area. The applicant stated that they would use 25% of the premises display area for the display of alcohol, also that the premises was not a very big premises, Members and residents in attendance were shown a map of the shop layout.

It was confirmed that CCTV cameras would be installed internally and externally. In response to another question it was confirmed that training was conducted for the sale of alcohol, however there was no specific training for combating anti-social behaviour, however if customers were out of control and causing problems, the police would be called.

Mr Paul Greeno, Senior Advocate, then referred Members to sections 9.25 and 10.21 of the guidance issued under section 182 of the Licensing Act 2003 as well as section 13 of the Council's Licensing Policy.

The Chair advised that the Sub Committee would at 7.10pm adjourn to consider the evidence presented. The Members reconvened at 7.35pm. The Chair reported that;

Members considered the representations made at the meeting by the applicant and local resident 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 and therefore did not consider this as a reason for reducing hours.

Members noted that although it had been stated that other licensed premises in the area closed at 22.00 hours, that this was an informal arrangement as it had been confirmed that those premises were licensed to 23.00 hours. Members did not therefore consider it necessary to reduce the hours to 22:00 hours but noted that the applicant had indicated during the hearing that he was prepared to informally agree with local residents and be minded to close at 22:00 hours. It was also noted that premise's operating schedule included; the introduction of the Challenge 25 policy; CCTV cameras to be installed and in operation both internally and externally within the premises, and that two personal license holders would be on duty during all opening hours.

Members also suggested that the applicant work with residents to help prevent anti-social behaviour in the area.

RESOLVED

That the new application for Costcutter, 123 Wapping High Street, London E1w 3NG be **GRANTED** with the following conditions;

Sale of Alcohol (off sales only)

Monday to Sunday from 07:00 hours – 23:00 hours

Hours Premises Open to the Public

Monday to Sunday from 07:00 hours – 23:00 hours

Conditions

1. The premises will not sell any beer, larger, cider or perry that exceeds the strength of 5.7% abv or higher.
2. No more than 25% of the premises display area should be used to display the retail sale of alcohol.

4.2 Application for a New Premises Licence for Lahori Masala, 159 Commercial Street, London E1 6BJ (LSC 10/011)

Members were informed that the applicant was not present at the meeting and officers and interested parties had not been able to contact him. Therefore the Chair decided to consider the paper application contained with the agenda, Members also noted and considered the written objections made by the

Metropolitan Police, Planning Enforcement, Environmental Protection and local residents also contained within the agenda.

The Chair advised that the Sub Committee would at 7.40pm adjourn to consider the evidence presented. The Members reconvened at 7.50pm. The Chair reported that;

Having considered the application made the applicant and the objections received from responsible authorities and local residents and as the applicant was not present to comment on and answer questions in respect of the representations, Members felt that they could not be satisfied that the licensing objectives of crime and disorder and public nuisance would be upheld and promoted.

RESOLVED

That the new application for Lahori Masala, 159 Commercial Street, London E1 6BJ be **Refused**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent by the Chair.

The meeting ended at 8.00 p.m.

Chair, Councillor Carlo Gibbs
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 13 JULY 2010

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

Members Present:

Councillor Kabir Ahmed (Chair)

Councillor Zara Davis
Councillor Harun Miah

Officers Present:

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

Applicants In Attendance:

Ian Moseley - (Trading Standards)
Matthew Butt - (Royal Duke Superstore)
David Davies - (Royal Duke Superstore)
Abbas Naqui - (Royal Duke Superstore)
Michael King - (Royal Duke Superstore)
Ronald Parish - (Royal Duke Superstore)
Rashmi Patel - (Royal Duke Superstore)
Howard Timms - (Royal Duke Superstore)

Objectors In Attendance:

Mashood Alom - (Poplar Convenience Store)
Alan Cruickshank - (Metropolitan Police)
Thomas Doyle - (Planning Enforcement)
Linda Hutchins - (Metropolitan Police)

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

Apologies for absence were received on behalf of Cllr Peter Golds for whom Cllr Zara Davis substituted for and Cllr Ohid Ahmed for whom Cllr Harun Miah substituted for.

2. DECLARATIONS OF INTEREST

Councillor Harun Miah, declared a personal interest in agenda item 4.2, Application for a new premises licence for Royal Duke Superstore, 474 Commercial Road, London E1 0JN on the basis that the premises was in his ward.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for Poplar Convenience Store, 225 East India Dock Road, London E14 0EG (LSC 11/011)

At the request of the Chair, Ms Kathy Driver, Acting Principal Licensing Officer, introduced the report which detailed the review application for Poplar Convenience Store, 225 East India Dock Road, London E14 0EG. It was noted that the review had been triggered by Trading Standards.

At the request of the Chair Mr Ian Moseley, Trading Standards, explained that the premises was situated adjacent to an area identified as being at a higher risk of alcohol linked anti-social behaviour. He then explained the incidents which had led to the review, In April 2009, information was received from the Police stating that a 10 and 14 year old was found in possession of cigarettes believed to have been brought from the premises.

It was noted that on 26th August 2009 a person under the age of 18 was sold a pack of 4 cans of Kronebourg 1664 lager by a member of staff who received a £80 penalty charge notice and a written warning had been sent to Mr Mashood Alom the Premises Licence Holder. On 4th November 2009, a volunteer under the age of 18 was sold a can of Fosters lager by another member of staff. It was noted that in neither case did anyone on the premises identify themselves as a personal licence holder as it was a condition of the premises licence that all sales must be made or authorised by a person who holds a personal licence.

Also on 22nd March 2010 during a joint visit between Trading Standards, Police and HMRC, two bottles of Glen's Vodka and 95 bottles of wine on which duty had not been paid were found on the premises and then seized by Customs and Excise officers. Mr Moseley concluded that in view of the nature

of the offences and the apparent lack of day to day control at the premises the Trading Standards Service urged the Licensing Sub Committee to exercise its powers under section 52 of the Licensing Act 2003 and revoke the license or alternatively suggested conditions which could be imposed which was referred to in his statement on page 29 of the agenda.

At the request of the Chair Mr Mashood Alom explained that on both incidents where underage sales were conducted, he himself was not present at the premises and that he had told members of staff not to sell alcohol while he was away. However his instructions were ignored and therefore sales to underage children were made, he also stated that as a result of this he had dismissed the member of staff involved in the transactions. Mr Alom concluded by explaining that he was trying to do his best to train staff on the responsible sale of alcohol and was also sending staff on training to become personal licence holders.

In response to a question Mr Alom explained that he was unable to tell the difference between counterfeit vodka and the original, he explained it was his first shop, and it had only been opened since 2008. It was noted that the non duty paid alcohol was brought from someone who came to the shop, who appeared to be a trader, and that it was sold to Mr Alom without an invoice but was told that he would return with the invoice the next day however he did not come back.

In response to another question it was noted that since the incidents, Mr Alom had introduced the Challenge 21 policy and had signs up on the premises informing customers that they would require ID for the sale of alcohol/tobacco. He explained that on both occasions he had told staff not to serve customers alcohol while he was away from the premises. It was also noted that Mr Alom had arranged for members of staff to attend a training session on 10th August 2010.

Mr Paul Greeno, Senior Advocate advised Members that the Designated Premises Supervisor (DPS), did not always have to be present in the shop when there is a sale of alcohol, however staff needed to be trained on the responsible sale of alcohol.

The Chair advised that the Sub Committee would at 6.47pm adjourn to consider the evidence presented. Members reconvened at 7.05pm. The Chair reported that;

Having heard from both the applicant, Mr Ian Moseley, Trading Standards and Mr Mashood Alom, Premise License Holder, Members considered their various options. Due to the nature of the issues, the sale of alcohol to minors and the possession of a large amount of smuggled/counterfeit alcohol, it is not considered appropriate to take no action.

Due to the nature of failures, Members did not consider it appropriate to impose additional conditions. Members were satisfied that the problems at the premises were down to poor management and conditions would not address this.

Further, as the issue was down to poor management, it was not considered that the removal of the DPS would assist. That left suspension or revocation of the licence. Members noted the DCMS guidance at paragraphs 11.23 to 11.27, and were satisfied that the prevention of crime and disorder objective had been undermined. Members therefore considered that the Licence should be revoked.

RESOLVED

That the review application for Poplar Convenience Store, 225 East India Dock Road, London E14 0EG be **GRANTED**, with the revocation of the licence.

4.2 Application for a New Premises Licence for Royal Duke Superstore, 474 Commercial Road, E1 0JN (LSC 12/011)

At the request of the Chair, Ms Kathy Driver, introduced the report which detailed the new application for Royal Duke Superstore, 474 Commercial Road, London E1 0JN. It was noted that objections had been received from the Metropolitan Police, Environmental Health and Planning Enforcement.

Mr Greeno explained that the Licensing Sub Committee on 9th February 2010 had revoked the premises license following a review triggered by the Metropolitan Police and supported by a large number of local residents. It was further noted that the revocation was yet to be determined by an appeal process currently being determined. It was noted that the supporting documents received from the applicants were quite clearly from the evidence for the appeal. It was highlighted that this was a new application and should be determined on its new submission and not on what previously occurred.

At the request of the Chair, Mr Matthew Butt, Counsel for the applicant stated that there had been a significant improvement in Ms Patel the premise license holder and the premises since the revocation. He explained that he would address the issues of crime and disorder and public nuisance separately.

The concerns of crime and disorder were due to the underage sale and the purchase of non duty paid alcohol. He explained that since November 2009 there have been obvious problems with the premises. He briefly highlighted the previous incidents which had occurred and as result of a successful test purchase and the purchase of non duty paid alcohol, the member of staff involved in both transactions was dismissed. He explained that it was an isolated incident and highlighted that during both incidents, of the underage sale and the purchase of non duty paid wine the licensee, Ms Patel was not present. Therefore he asked Members to consider this application on compassionate grounds and as isolated incidents, it was also noted that since the incidents there had been two further test purchases, which were unsuccessful.

Mr Butt explained that since the revocation of the licence, Ms Patel had sought advice and guidance from Mr David Davies, Licensing Consultant to help her become a responsible Premise License Holder, to train staff, introduce practices, procedures, measures and control in the work place.

Mr Butt referred Members to Section O of the supporting documents submitted on behalf of the applicant and explained that there was no evidence that the alcohol was non duty paid and that the condoms were counterfeit. He referred to invoices/receipts for vodka and durex condoms which were believed to have been counterfeit goods by Customs & Excise Officers, however there had been no evidence from Customs Officers to confirm this. He explained that Ms Patel only brought stock from the same supplier and produced letters from the supplier together with invoices and accountants records, proving not to be a fraudulent business and just a victim of an isolated incident.

He explained that staff had wrongly accepted the underage sale and the purchase/delivery of the non duty paid alcohol and that if Ms Patel was present both would have been refused. Mr Butt stated that allegations in regards to CCTV cameras was incorrect and said that that the footage requested by the Police had been handed into Limehouse police station the next day after the incident and that all staff assisted the police and therefore had not breached any licence conditions.

He then addressed the concerns of public nuisance, it was noted that this was mainly the concern of local residents, however there had been no objections made by residents. Members were referred to Section E of the supporting documents which were letters and a petition in support of the applicant. The proposed draft conditions were also noted which included a condition that an hourly patrol around the premises would be undertaken each day by a trained member of staff. Mr Butt highlighted a supporting letter from a local resident which said that Royal Duke Superstore would provide extra surveillance for residents with the introduction of hourly patrols.

Mr Butt stated that the allegations that customers of Royal Duke Superstore congregated outside the premises in the local area causing anti-social behaviour was only hearsay and also explained that the planning permission aspect was irrelevant and not supported.

Mr Butt then called his witnesses and asked questions of them, in Ms Petal's submission it was noted that she had been a licensee for 6 years, in November a staff had failed the test purchase, and also accepted delivery of the non duty paid alcohol, and as a result of this, was no longer working in the premises. It was noted that all staff now received training and that the Challenge 21 policy, the logging of all incidents and refusals on the occurrence book and the hourly patrols around the local area had been introduced. Ms Patel stated that if she was unable to sell alcohol then she could not keep the premises open.

Mr Butt also questioned Mr Abbas Naqui, Night Manager, who confirmed his experience of CCTV cameras and confirmed that the CCTV cameras had

always been in operation except for the one time in May 2009 for two days and stated that he and staff of Royal Duke Superstore would always be happy to help the Police and have done so in the past and will continue to do so in the future.

Mr Ronald Parish and Michael King also spoke in support of the premises as local residents and local businessman.

He then called upon Mr David Davies, Licensing Consultant, who gave a brief history of his achievements, and his experience of working with the applicant who had been willing to take on board all the suggestions he had made. He commended Ms Patel's willingness and determination to become a responsible licensee. He explained that he was confident with Ms Patel's progress and stated that during his visits he had witnessed both Ms Patel and her staff working hard and ensuring that good practices were in place.

Mr Butt confirmed that if the licence was to be granted then the applicant would agree to the conditions referred to in a document tabled by Trading Standards which detailed the Bottle Watch Scheme.

The Chair reported that apologies for absence had been received on behalf of Mr Ian Wareing, Environmental Health, and asked for his statement on page 113 of the agenda to be noted and considered.

At the request of the Chair, PC Alan Cruickshank on behalf of the Metropolitan Police referred to his submission on page 117 of the agenda and explained the incidents which had led to the revocation as well as a number of occasions when the CCTV cameras were believed not to be working, with staff appearing to be obstructive when asked to see CCTV camera footage.

He explained that an application requesting a 24 hour license to sell alcohol seemed inconsistent with the licensing objectives of preventing crime and disorder and public nuisance. He explained that the applicants were aware of the concerns of local residents and the safer neighbourhood team. He stated that to ask for another 24 hour license whilst their original license was revoked indicated that the applicant has not listened to any of the complaints raised at the previous sub committee. Mr Cruickshank concluded that the hours were too excessive and cannot see anti-social behaviour decreasing if such a license was to be granted. He also suggested reduced hours and conditions if Members were minded to grant the application.

At the request of the Chair, Thomas Doyle presented his submission by referring to his statement on page 135, he explained that planning did not support the application by the applicant to extend their hours to be permitted to sell alcohol, as this would cause a serious public nuisance to surrounding residential occupiers far later into the evening and morning than what currently occurs. He stated that the extension of the premises license hours is unreasonable and would not maintain a balance between commercial activities and residential amenities in an area where this was clearly required.

In response to questions from Members the following was noted;

That there had been two further incidents where CCTV cameras were not working, on 21st January and 28th January 2010 and 1st February 2010 there was trouble downloading the CCTV images, however officers seized the USB stick. Mr Naqui explained that the CCTV cameras had always been in operation and that the only one time it wasn't working was for two days during May 2009.

Mr Butt clarified that the Police report should be amended and should state that the person attacked was not a male as referred to in the statement but should be Ms Patel. It was also noted that the CCTV cameras were currently working and all staff had been trained how to use it.

It was noted that the CCTV footage for the incident on 21st January 2010 was handed in to Limehouse police station the very next day on 22nd January. It was further noted that CCTV footage for the assault on 28th January 2010 was not requested by the police.

In response to another questions, Ms Patel confirmed that the member of staff who was involved in the incidents on 4th November and 17th November had not received 'proper' training.

Mr Butt explained that Ms Patel had changed, was more aware and responsible and there were fewer problems in the area. Mr Cruickshank confirmed that there was no increase or decrease in anti-social behaviour in the local area.

In response to a further question Mr Butt confirmed that if the application was to be granted they would withdraw their appeal. Members asked questions regarding SIA door supervisors, types of customers who came to the shop, what their peak hours of trading were and where alcohol was displayed in the premises.

Despite, Mr Butt questioning the statements by Mr Cruickshank, Mr Cruickshank confirmed that he stood by the statements he had made. He also confirmed that he checked the crime incident reports on a regular basis to see if there were any amendments or updates, however had not done so over the last couple of weeks. It was noted that the police were currently not investigating the wholesale supplier, as this would be done by Customs and Excise.

In response to another question it was unclear whether any enquires were made to confirm if the condoms/alcohol were counterfeit. Mr. Greeno selling counterfeit goods did not always lead to prosecution as suppliers would have to be investigated.

Mr. Greeno advised that as it had not been clarified whether or not the goods were counterfeit then it would be for members to consider and decide on a balance of probabilities. Mr. Greeno also again confirmed that the application should be considered as a fresh new application and would not be determined by the previous decision.

The Chair advised that the Sub Committee would at 8.32pm adjourn to consider the evidence presented. Members reconvened at 9.20pm. Mr Greeno reported that Members wished to suspend standing orders and extend the meeting by a further 1 hour in accordance with the Council's Constitution;

The Chair advised that the Sub Committee would at 9.24pm adjourn to continue considering the evidence presented. Members reconvened at 10.05pm. The Chair reported that;

Members had listened carefully to all parties, although Members were aware that the previous licence was revoked and was subject to an appeal, Members had disregarded this and considered this as a fresh new application.

Members had separated the objections into two areas. Firstly, that of public nuisance. Aside from the statement attributed to PC Marshall, there was no other evidence of public nuisance. The applicant had called two local residents, as well as Mr Davies, who had stated that they did not suffer nuisance from the premises. On balance, Members were therefore satisfied that public nuisance is not attributable to the premises.

The second area was crime and disorder. This was of three issues. Firstly the sale of alcohol to minors; Members noted that the member of staff who had sold alcohol has been dismissed from work after the incidents. Members also noted that Ms Patel had accepted that training may not have been 'proper'. Mr Davies had said that training had improved. It is also noted that the two recent test purchases had been unsuccessful. Members were therefore satisfied that this has been addressed.

The remaining two issues were both disputed, namely counterfeit goods and the operation of CCTV cameras.

As to whether the goods were counterfeit, this had not been confirmed one way or the other, Members noted that Kevin Maple, Trading Standards, stated that the Vodka was believed to have been counterfeit and based on the batch numbers, the condoms were likely to have been counterfeit. Members were prepared to accept the evidence of the Trading Standards Officer, that the goods were counterfeit.

As to the CCTV cameras, Members accepted what the police stated and that staff were obstructive when asked to provide CCTV images.

Members did not therefore consider that the prevention of crime and disorder objective had been met and would be met. Members also did not consider that additional conditions could be imposed and were satisfied that they could not grant the application.

RESOLVED

That the new application for Royal Duke Superstore, 474 Commercial Road, London E1 0JN be **Refused**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent by the Chair.

The meeting ended at 10.15 p.m.

Chair, Councillor Kabir Ahmed
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 20 JULY 2010

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Kabir Ahmed
Councillor Amy Whitelock

Officers Present:

Mohshin Ali – (Acting Senior Licensing Officer)
Paul Greeno – (Senior Advocate)
Kerry Muré – (Senior Lawyer)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

Jane Burke - (Metropolitan Police)
Matthew Clark - (HRMC Customs & Excise)

Objectors In Attendance:

Habib Altun - (Virginia Supermarket)

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 in agenda item 5.1, Application for a review of the premises licence for Virginia Supermarket, Virginia Road, London E2 7NF on the basis that the premise was in his ward.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. UNRESTRICTED MINUTES

The unrestricted minutes of the Licensing Sub Committees held on 15th June, 24th June and 29th June were agreed as a correct record of the proceedings.

5. ITEMS FOR CONSIDERATION

5.1 Application to Review the Premises Licence for Virginia Supermarket, 59 Virginia Road, London E2 7NF (LSC 13/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the review application for Virginia Supermarket, Virginia Road, London E2 7NF. It was noted that the review had been triggered by the Metropolitan Police.

At the request of the Chair, Jane Burke, Metropolitan Police explained that on the 19th January 2010 Police Officers together with HRMC Customs Officers and Trading Standards conducted a joint operation targeting licensed premises in the borough. She explained that Virginia Supermarket was one of the premises identified for a visit. She explained that an examination of the alcohol on sale at the premises 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 brought 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, giving the premise license holders the opportunity to be able to reclaim the goods if they could produce proof that the alcohol was purchased legitimately and that taxes had been paid. This was to be done a within a certain period of time, however this had not been done. The total amount of duty and VAT evaded has been calculated as £332.44.

Mr Matthew Clark, Customs Officer referred to his statement on page 49 of the agenda and explained that the bottles of Pernot were found to have counterfeit stamps, he also emphasised that the wines were on a special offer of 2 bottles for £6, a price where the shop could not be making a profit had duty been paid.

Ms Burke then referred Members to the DCMS guidance, where it stated that “there is a certain activity that may arise in connection with licensed premises, which the secretary of state considers should be treated particularly seriously, one of which is for the use of the licensed premises for the sale of smuggled tobacco and alcohol”. Ms Burke concluded that taking into account the amount of goods seized they were asking that the premises license be suspended for a period of time.

At the request of the Chair, Mr Habib Altun, Premise License Holder referred to his statement on page 85 of the agenda and explained that between 16th

January and 5th February 2010 he had gone to visit his ill grandmother in Turkey. He explained that whilst he was away an alcohol supplier came into the shop and made a very good offer on the sale of wine, he explained that his brother accepted this offer and then put it on sale as a special offer. He explained that it emerged later that the offer was based on a failure to pay duty on the wine, he explained that it was a mistake made by his brother and apologised.

He explained that the Pernod which was also seized at the same time as the wine, had not been part of a cut price deal with the supplier. He explained that the HRMC believed this not to have duty stamp, however this was because the Pernod was purchased before the new arrangements were brought in for the requirement of duty stamps. It was noted that the Pernod was a slow mover and had been on the shelf for a very long time.

Mr Altun stated that he normally purchased alcohol and goods from big suppliers such as bestways cash and carry and imperials. He stated that it was a family run business and that his family depended on this income. He concluded that it was a mistake made by his brother and that if had been in the shop this would not have happened.

In response to Members' questions it was noted that it was his brother Ergin Altun, who is also the premise license holder who had purchased the drinks, it was also noted that the amount of goods seized was considerably lower than what had been found and seized from other premises elsewhere in the borough. Ms Burke confirmed that the premises had no history of any previous incidents concerning underage sales, anti-social behaviour etc and that this had been a one off incident.

In response to further questions Mr Altun explained that wine bottles did not display stamps on them and that's why it is often difficult to check whether duty has been paid or not. Mr Habib Altun stated that he was out of the country for approximately three weeks during which the incident occurred. It was noted that the Pernod bottles were old and may not have had stamps on them.

The Chair advised that the Sub Committee would at 6.58pm adjourn to consider the evidence presented. Members reconvened at 7.20pm. The Chair reported that;

Members had heard representations from PC Burke, Mr Matthew Clark and Mr Altun. Members were concerned the fact that it had been one of the Premises License Holder, who had overall control of the running of the premises, that had actually purchased the alcohol. Members accepted what the Customs Officer had said about the price the alcohol was sold at and therefore believed that this was done purely for financial gain.

Members noted that the premises had no record of any previous issues/problems. However, taking into consideration the DCMS guidance and the nature of the incident, it was considered necessary to suspend the premise licence for the promotion of the licensing objectives for the prevention of crime and disorder.

RESOLVED

That the review application for Virginia Supermarket, 59 Virginia Road, London E2 7NF be **GRANTED**, with the suspension of the sale of alcohol licence for a period of four weeks.

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)

The application was withdrawn by the applicant and therefore no longer required to be considered by the Licensing Sub Committee.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business that the Chair considered urgent.

The meeting ended at 7.20 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 5.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	19th August 2010	Unclassified	LSC 18/011	

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for a New Premises Licence for Perfect Fried Chicken, 197 East India Dock Road, London E14 0ED
Originating Officer: Nick Kemp Licensing Officer	Ward affected East India & Lansbury

1.0 Summary

Applicant: **Mohammed Ali Ahmed**
Name and
Address of Premises: **Perfect Fried Chicken**
197 East India Dock Road
London
E14 0ED

Licence sought: **Licensing Act 2003, New Premises Licence**
Late Night Refreshment

Objectors: **Local Residents**
Metropolitan Police
Environmental Protection
Planning Enforcement

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

020 7364 7446

3.0 **Background**

3.1 This is an application for a new premises licence for:

Perfect Fried Chicken, 197 East India Dock Road, E14 0ED

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

- Due to recent directions from Information Governance, personal details have been redacted from the report. The original details are on file and can be produced by the Licensing Officer.

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

The Provision of Late Night Refreshment:

Sunday to Thursday 11:00 hours to 02:00 hours the following day
Friday & Saturday 11:00 hours to 04:00 hours the following Day

Hours premises are open to the public:

Members may like to note that the applicant has not stated the hours he intends to be open to the public. This will have to be established during the hearing.

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

4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 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 substantially revised on the 28 June 2007.

4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.9 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 the following:
 - Local Residents**
 - Metropolitan Police**
 - Environmental Protection**
 - Planning Enforcement**
 - See Appendices 4-8**

5.11 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 (Environmental Health)
- Trading Standards
- Child Protection

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

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

5.13 The objections cover allegations of:

- Anti-social behaviour on the premises
- Anti social behaviour from patrons leaving the premises
- Acting as a magnet attracting the young who then engage in anti-social behaviour
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties
- Noxious smells or light pollution
- Noise leakage from the premises
- Lack of planning permission
- Rodent infestation

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

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives. A condition may be imposed provided of course that Members are satisfied that it is necessary and proportionate
- ❖ 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. (S10.24).
- ❖ 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)
- ❖ Mandatory conditions must be imposed (10.09) and censorship avoided (10.31).
- ❖ Routine conditions about drink promotions are not permitted but can be imposed in appropriate circumstances (10.40). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.

6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol 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 9 - 17** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

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 application
- Appendix 2** Maps of the area
- Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 4** Petition from Local residents
- Appendix 5** Details of names on the petition
- Appendix 6** Representation from Metropolitan Police
- Appendix 7** Representation from Environmental Protection
- Appendix 8** Representation from Planning Enforcement
- Appendix 9** Licensing Officer comments on Anti-Social Behaviour On The Premises
- Appendix 10** Licensing Officer comments on Anti-Social Behaviour From Patrons Leaving The Premises
- Appendix 11** Licensing Officer comments on Acting As A Magnet Attracting The Young Who Then Engage In Anti-Social Behaviour
- Appendix 12** Licensing Officer comments on Noise while the premise is in use
- Appendix 13** Licensing Officer comments on Access and Egress problems
- Appendix 14** Licensing Officer comments on Noxious smells or light pollution
- Appendix 15** Licensing Officer comments on Noise Leakage from the Premises
- Appendix 16** Licensing Officer comments on Planning
- Appendix 17** Licensing Officer comments on Licensing Policy relating to hours of trading

Appendix 1



LICENSING ACT 2003

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) MOHAMMED ALI AHMED

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Perfet fried chicken 197 East India Dock Rd Poplar	LBTH TRADING STANDARDS 16 JUN 2010 LICENSING
Post town <u>LONDON</u>	Post code <u>E14 0ED</u>

Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £ 4714.75

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals* Please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

ALIHO

First names

MOHAMMED ALI

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Perfect Fried Chicken
197 East India Dock Road
LONDON

Post Town

LONDON

Postcode

E14 3ED

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	5	0	7	2	0	1	0

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

Day		Month		Year			

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

--

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

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

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

J

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

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>						
				Outdoors	<input type="checkbox"/>						
				Both	<input type="checkbox"/>						
Day	Start	Finish									
Mon	11am	2am	Please give further details here (please read guidance note 4) Selling Hot food & refreshment								
	11:00	2:00									
Tue	11am	2am									
	11:00	2:00									
Wed	11am	2am				State any seasonal variations for the provision of late night refreshment (please read guidance note 4) No Seasonal Variation					
	11:00	2:00									
Thur	11am	2am									
	11:00	2:00									
Fri	11am	4am							Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5) No Intension of changing the operating time.		
	11:00	4:00									
Sat	11am	4am									
	11:00	4:00									
Sun	11am	2am									
	11:00	2:00									

M

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

Box M continues on the next page...

Box M continued

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

Name

Address

Postcode

Personal Licence number(if known)

Issuing licensing authority (if known)

N

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

O

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

P

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

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

we have safety measures in place for public & staff, we have CCTV coverage of our premises, all our staff is food & hygiene trained. All on look out for unusual events

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

we have CCTV in the premises & sign mentioning CCTV in operation.

c) **Public safety**

Public safety is our number one priority, all our staff is food & hygiene trained, & safety at work trained as well. All measures taken on our behalf to ensure public safety. i.e. first aid box

d) The prevention of public nuisance

We are establish business for 14 years, we are well aware of trouble makes, we deal with each incident accordingly and report to relevant authority, if need to be.

e) The protection of children from harm

If we see any out of ordinary we will report to authority. As our premise is concern we are very vigilant if anything happens in our premises.

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

CHECKLIST:

Please tick yes

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

Part 4 – Signatures (please read guidance note 10)

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

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

Signature



Date

16/6/10

Capacity

MANAGER

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

Signature

Date

Capacity

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

Post town

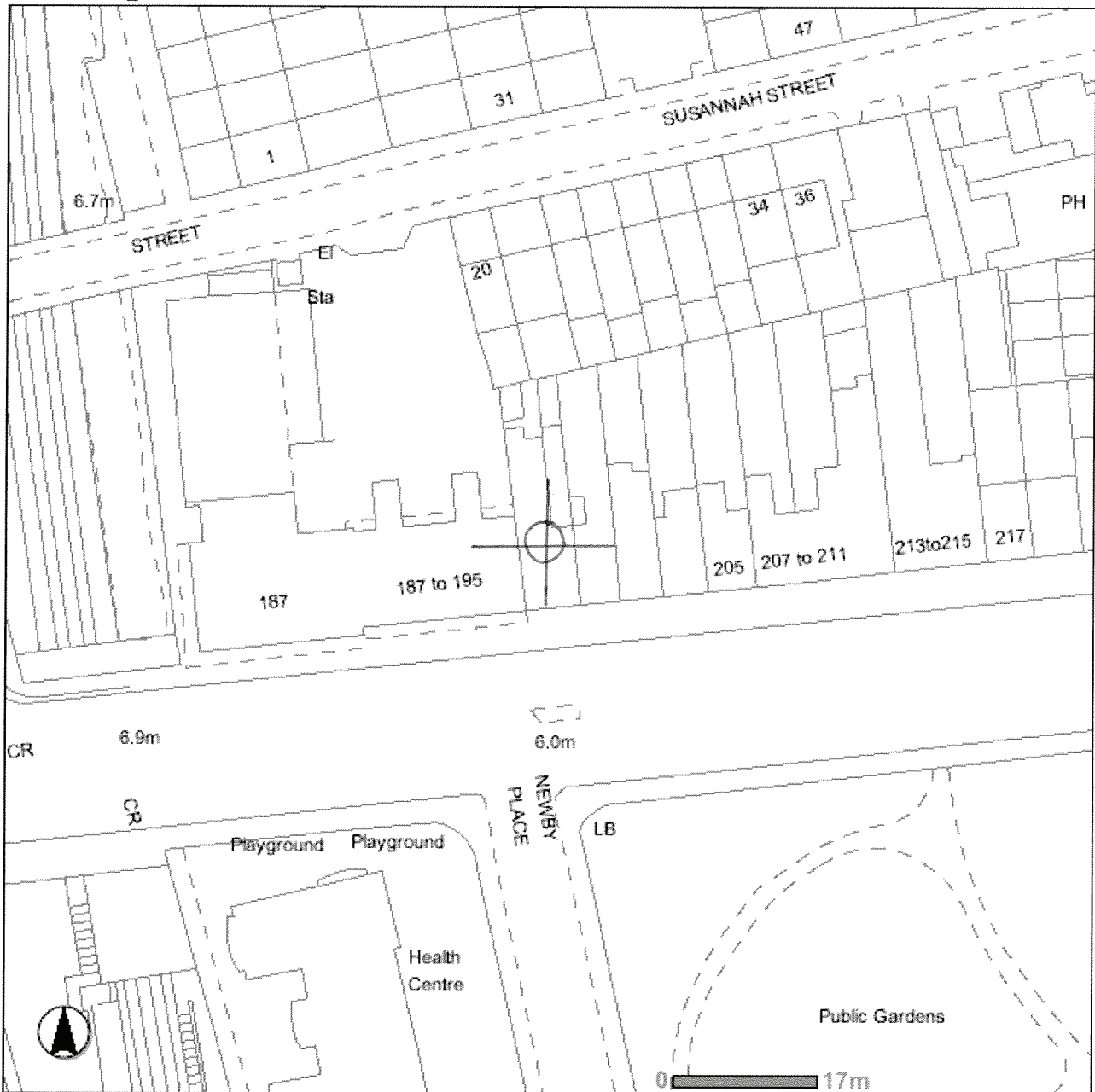
Post code

Telephone number (if any)

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

Appendix 2

Map



Scale 1:750

Map of:

197 East India Dock Road

Notes:

Large Scale

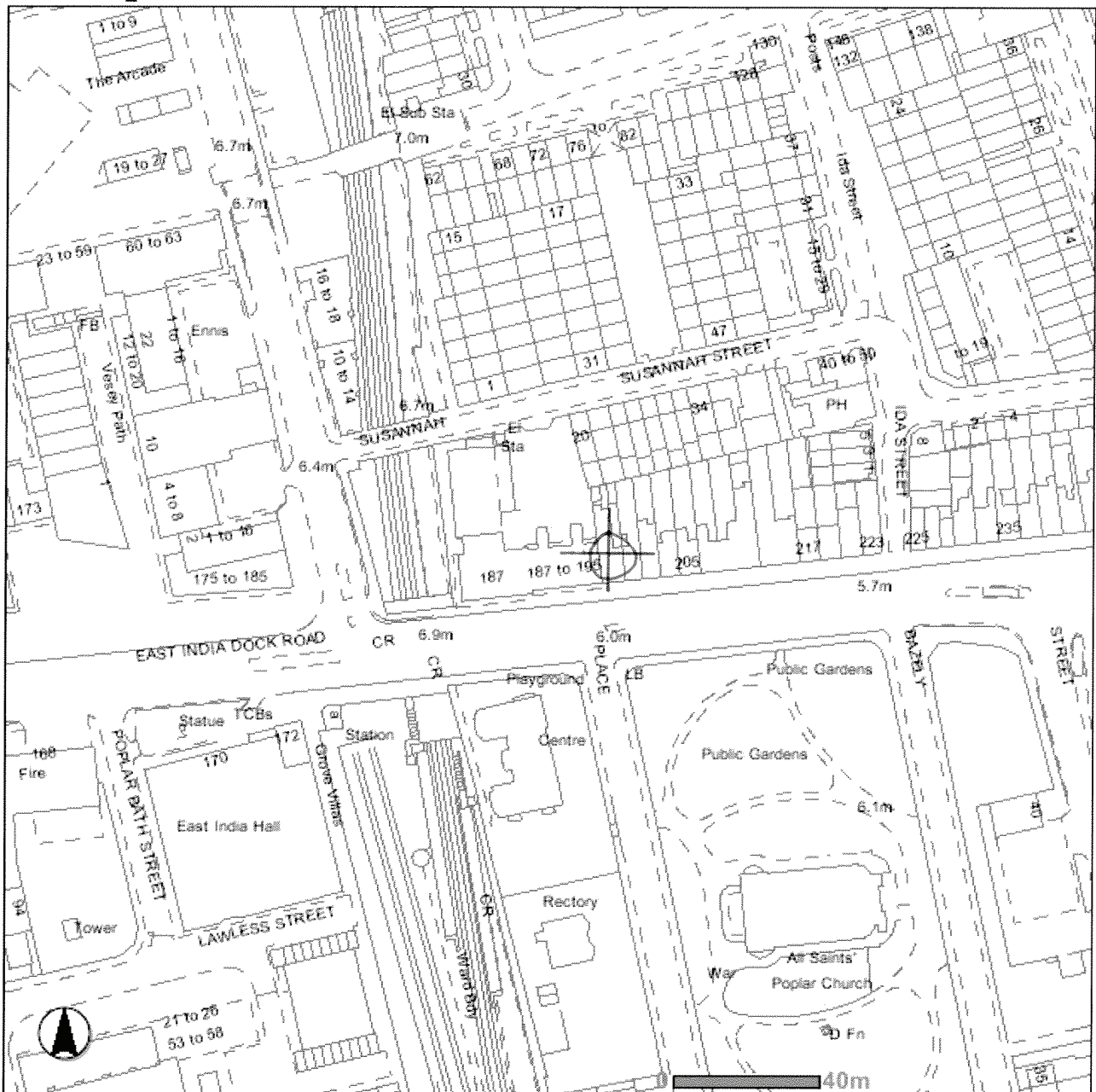
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Map



Scale 1:1750

Map of:

197 East India Dock Road

Notes:

Medium

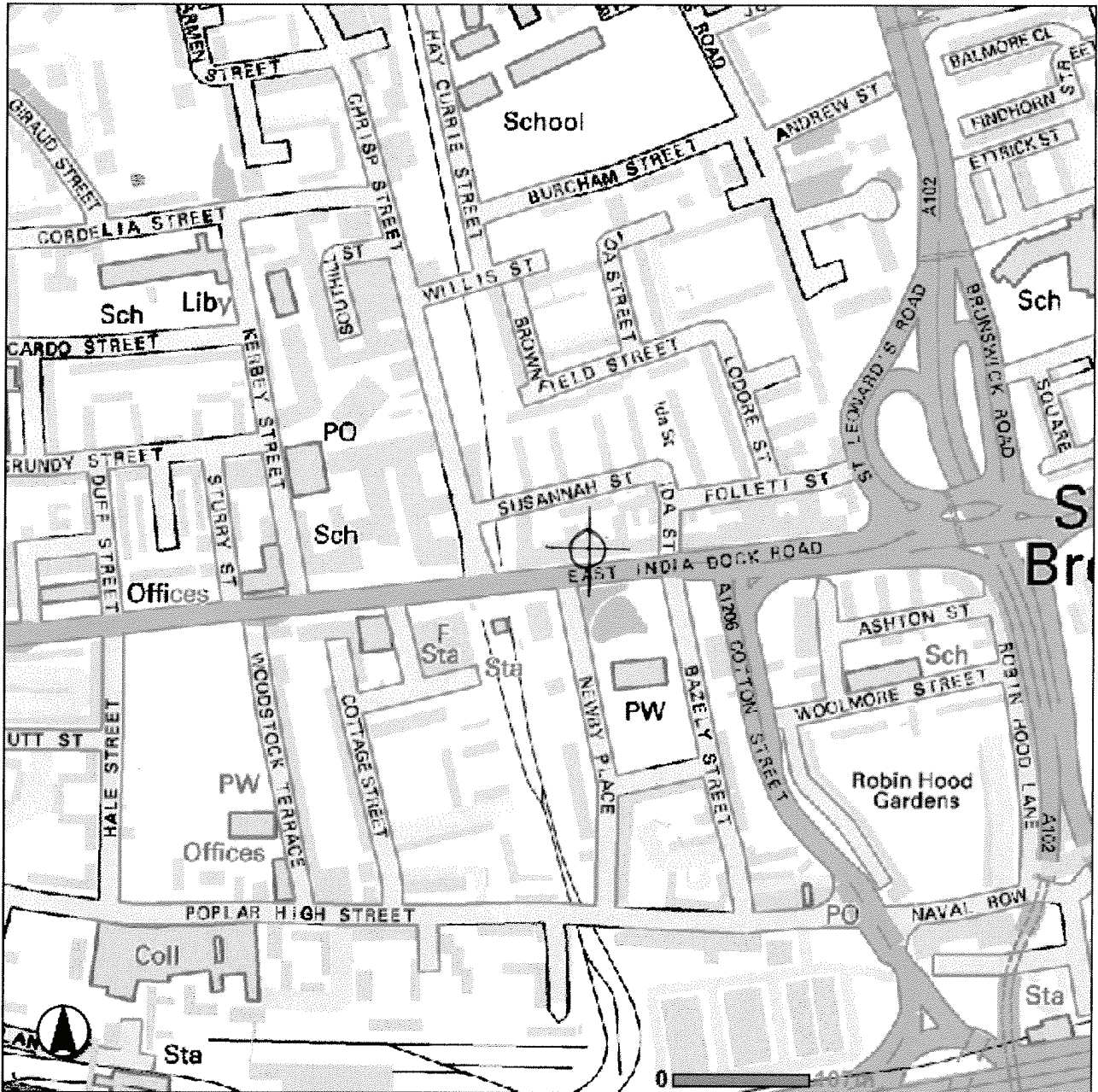
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Map



Scale 1:5000

Map of:

197 East India Dock Road

Notes:

Small scale

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Appendix 3

Section 182 Advice by the DCMS

Updated Jan 08

Relevant, vexatious and frivolous representations

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

representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.

- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 4

01/07/10

Attention: The Licensing Section

PO Box 055739

London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 1BY

Dear Sir/Madam,

Re: Premises Licensing Application (Late license) for Mohammed Ali Ahmed Perfect Fried Chicken at 197 East India Dock Road, London E14 OED

It has been brought to our attention that Mr Ahmed of the above address is applying to extend his business hours of operations to the following:

Sun to Fri: 11:00 to 02:00

Sat: 11:00 to 04:00

We are writing to inform you that we (the residents at 187 East India Dock Road, London E14 OEF – refer to the below for details) object to the proposal of this application. We highlight the reasons of our objections and cause of concern:

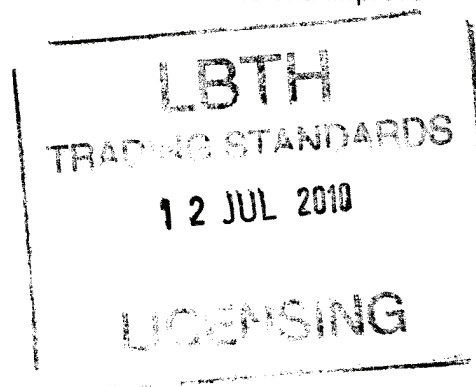
Some of the retail units along East India Dock Road presently trade until 11:00 pm. This has been causing youths to congregate outside these premises causing ASB and a nuisance to the local residents. People and the residents of 187 East India Dock Road have reported repeated incidents of mugging, burglary, harassment, and physical attacks experienced over the last 5 year period. As a result, with the assistance from our local MP Jim Fitzpatrick and the police, CCTV has been installed however it is debatable whether this has had a positive effect. Moreover, there is already the concern from a health and safety risk perspective on the smells and refuse bin kept in front of the shop along East India Dock Road. We had experienced unpleasant mice/rodent infestation issue present throughout our flats and the entire building over a long period. Therefore, we strongly believe that by extending the trading hours for the above address will only further exacerbate these issues and cause further misery to the local residents.

In light of the above, we believe that Tower Hamlets Council will make the right decision and refuse the application in line with the policy of committing to reduce ASB and noise nuisance and improve the safety of all residents.

Yours sincerely,

Fusion Residents, 187 East India Dock Road, London E14 OEF

Cc: Mr Jim Fitzpatrick, Local MP



Objections to Premises Licensing Application (Late license) for Mohammed Ali Ahmed Perfect Fried Chicken at 197 East India Dock Road, London E14 0ED

Name	Signature	187 East India Dock Rd Flat Number
THAI TRAN		
THAI TRAN		
TARIFAN		
R. MURPHY		
C. Harrie		
A. Harrie		
Halima		
A. Bari		
O. Rahman		
T. Tham		
SOKARI HIGWE		
N. Saha Mukhi		
N.M. RAHMAN		
S. SHARIPOL		
C. MCGHEE		
D. Ng		
U. PATEL		
Roscel Boyd		
Terry Coleman		
King-Hsiang Chen		
Parham Jahani		
CRAGIE LEE PATEL		
Jane Dwyer		

Objections to Premises Licensing Application (Late license) for Mohammed Ali Ahmed Perfect Fried
Chicken at 197 East India Dock Road, London E14 0ED

Name	Signature	187 East India Dock Rd Flat Number
P. Lam.	[Redacted]	[Redacted]
Eric	[Redacted]	[Redacted]
Euriza mata	[Redacted]	[Redacted]
SAHIL KHAN	[Redacted]	[Redacted]
Abdullah Osman	[Redacted]	[Redacted]
CHARLES GARRY	[Redacted]	[Redacted]
Nancy	[Redacted]	[Redacted]
Lee	[Redacted]	[Redacted]
Tommie	[Redacted]	[Redacted]
Dewan	[Redacted]	[Redacted]
Sordan Horner	[Redacted]	[Redacted]
L. HANW	[Redacted]	[Redacted]
P. SOLANKI	[Redacted]	[Redacted]
N. Hadd	[Redacted]	[Redacted]
T MARKS	[Redacted]	[Redacted]
WADY ICAN	[Redacted]	[Redacted]
QUOC & REGINA	[Redacted]	[Redacted]
MIN MIN MAC	[Redacted]	[Redacted]
Popovtski	[Redacted]	[Redacted]
BRETT	[Redacted]	[Redacted]
DONNA	[Redacted]	[Redacted]
Kate	[Redacted]	[Redacted]
NATHANAEL BENJAMIN	[Redacted]	[Redacted]

Appendix 5

Name	Address1	Address2	Address3	Postcode
Thai Tran		187 East India Dock Road	London	E14 0EF
Taziran		187 East India Dock Road	London	E14 0EF
The Occupier		187 East India Dock Road	London	E14 0EF
C Harmie		187 East India Dock Road	London	E14 0EF
A Ibbotson		187 East India Dock Road	London	E14 0EF
Hailima		187 East India Dock Road	London	E14 0EF
A Bari		187 East India Dock Road	London	E14 0EF
O Rahman		187 East India Dock Road	London	E14 0EF
T Tham		187 East India Dock Road	London	E14 0EF
Sokari		187 East India Dock Road	London	E14 0EF
The Occupier		187 East India Dock Road	London	E14 0EF
S Sharipov		187 East India Dock Road	London	E14 0EF
C McGhee		187 East India Dock Road	London	E14 0EF
D Ng		187 East India Dock Road	London	E14 0EF
U Patel		187 East India Dock Road	London	E14 0EF
R Boyd		187 East India Dock Road	London	E14 0EF
Terry Colenan		187 East India Dock Road	London	E14 0EF
D H Chen		187 East India Dock Road	London	E14 0EF
Payam Jaham		187 East India Dock Road	London	E14 0EF
Craigie-Lee Paterson		187 East India Dock Road	London	E14 0EF
Jane Diya		187 East India Dock Road	London	E14 0EF
P Lam		187 East India Dock Road	London	E14 0EF
Eric		187 East India Dock Road	London	E14 0EF
Evriza Mata		187 East India Dock Road	London	E14 0EF
Sahil Khan		187 East India Dock Road	London	E14 0EF
Abdullah Osman		187 East India Dock Road	London	E14 0EF
Charles Garry		187 East India Dock Road	London	E14 0EF
Nancy		187 East India Dock Road	London	E14 0EF
Lee		187 East India Dock Road	London	E14 0EF

Tommie		187 East India Dock Road	London	E14 0EF
Dewan		187 East India Dock Road	London	E14 0EF
Jordan Horner		187 East India Dock Road	London	E14 0EF
L Horner		187 East India Dock Road	London	E14 0EF
P Solanki		187 East India Dock Road	London	E14 0EF
N Adds		187 East India Dock Road	London	E14 0EF
T Marks		187 East India Dock Road	London	E14 0EF
Wendy Ican		187 East India Dock Road	London	E14 0EF
Quoc & Regina		187 East India Dock Road	London	E14 0EF
Yin Mac		187 East India Dock Road	London	E14 0EF
The Occupier		187 East India Dock Road	London	E14 0EF
Brett		187 East India Dock Road	London	E14 0EF
Donna		187 East India Dock Road	London	E14 0EF
Katie		187 East India Dock Road	London	E14 0EF
Nathanael Benjamin		187 East India Dock Road	London	E14 0EF

Appendix 6



TERRITORIAL POLICING

Jackie Randall
Licensing Section
LBTH
E14

**HT - Tower Hamlets Borough
HT - Whitechapel Police Station**

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

Telephone: 02082174118
Facsimile: 0208217 6688
Email: Andy.Jackson@met.police.uk
www.met.police.uk

Your ref:
Our ref: LIC/243/10
5 July 2010

Dear Jackie

I have received the application for a premise licence at Perfect Fried Chicken, 197 East India Dock Road E14.

Upon looking into the matter and I wish to inform you that the police would wish to object to this licence being issued for the following reasons.

Police made a site visit to the premise on 30th June 2010 together with Ian Wareing from LBTH Environmental Health. At that visit we spoke to the manager who introduced himself as Mr Mohammed Ali Ahmed, the applicant.

The application asks for a premise licence to sell hot food until 0200hrs during the week and 0400hrs at weekends. When asked what time he closes now he stated that he closes at midnight. I pointed out that he needs a premise licence before he can stay open past 2300hrs.

Ian Wareing pointed out that he had bought food there about 2 weeks earlier at 0130hrs to which the manager had no answer.

I checked the application and it mentions having CCTV and signage for CCTV at the premise. I could see no cameras or signs and pointed this out to the manager. Together we went looking around the premise for any cameras or signs but couldn't find any. He produced a business card and said that it had all been removed which made no sense. There was no indication that any cameras had been present inside or outside the shop recently.

I also understand that last Thursday council officers again went into the premise after midnight and purchased a hot meal despite the warning I had given him the day before.

The behaviour shows a complete disregard for the Licensing Act as well as apparently committing 2 offences.

I believe that the applicant has demonstrated that he is not suitable to be a premise licence holder and for this reason the police wish to object to a premise licence being issued.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Andy Jackson

Appendix 7

Communities, Localities & Culture

Licensing Dept,
4th Floor Anchorage House,
5 Clove Crescent,
London,
E14 1BY

Environmental Health, Environmental Protection
Mulberry Place (AH)
5 Clove Crescent
London E14 1BY

Enquiries Mr I Wareing
Tel 020 7364 5008
Fax 020 7364 6831
Flare Ref 041688
Your Ref
Email : environmentalhealth@towerhamlets.gov.uk

Date 12th July 2010

www.towerhamlets.gov.uk

Re: Application for Variation of Premises Licence at 197 East India Dock Road, London, E14 0ED

Environmental Health Representations

A. Contextual Information

Description of location. Situated in East India Dock Road, mainly commercial but with many residential premises above the shops.

Proximity of noise sensitive premises: Residential premises situated directly above.

Description of background noise: High levels of traffic noise as it is situated on the main A13.

Existing noise sources in use at the premises: High powered extraction fans and cooking equipment,

B. Complaint History, Investigation and Enforcement

There have been no complaints about this premises.

Corporate Director
Communities, Localities & Culture
Stephen Halsey

Representation

Environmental Protection does object to the licence variation. The applicant has failed to identify potential problems associated with opening until 04.00 with regard to public nuisance.

Due to the fact that there are residents contained within the same building we are concerned that the late opening would lead to complaints about noise from patrons, increased vehicle movement directly outside the premises, noise from plant and machinery (extract systems) and other ASB issues.

During my visit on the 30th June 2010, the owner stated that he opens until 00.00 6 days a week. This is currently illegal as the premises does not have a premises licence under the Licensing Act 2003. I explained that whilst working on the council's Out of Hours Noise Service, my security guard and I attended at 01.35 on the 26th June 2010 and purchased hot food. He said they must have been clearing up. I explained that when they served me, there were 5 people behind us in a queue that were also served and that there were at least 6 other people in the shop eating. The owner then smiled at me. I asked about the flat above the shop and the owner stated there are 7-8 people living there. I went on to explain the associated problems from noise with opening until 4am. During my late night visit I witnessed several people outside talking and eating and throwing food onto the pavement. There were also vehicles pulling up (including mine), some leaving engines running, music playing, doors being opened and shut etc.

I attended the premises again on 1st July 2010 at 00.55. The officer I was working with that night went and purchased hot food. Bearing in mind that the applicant was warned by both myself and a police officer the day before, he has shown blatant disregard to our advice and continued serving past 23.00 despite not having a premises licence.

We would recommend that the application be refused until the applicant can show that he can promote the licensing objective of Prevention of Public Nuisance.

Ian Wareing
Environmental Health Technical Officer

*Corporate Director
Communities, Localities & Culture*
Stephen Halsey

Appendix 8



To Licensing Department
From Planning Enforcement
Contact Thomas Doyle
Extension 5204
Date 09/07/2010
Our Ref.
Your Ref.
Subject Licensing Objection

Development & Renewal Directorate
Planning Enforcement
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Tel **020 7364 5204**
Fax **020 7364 5415**
e-mail thomas.doyle@towerhamlets.gov.uk

Objection to Premises License, 197 East India Dock Road, London, E14 0ED

The Planning Department wishes to object to the granting of a premises License at 197 East India Dock Road, London, E14 0ED on the basis that the opening hours are excessive. Approving these hours will result in a greater degree of noise and disturbance to persons living in the area, later into the night and morning than already being caused by this venue and others in the near vicinity.

We accept that business performs an important function in supporting a night time economy. However, this has to balance against the needs of residents who reasonably expect a level of "quiet" late into the evening. Due to the properties close proximity to residential dwellings the granting of a premises license until 2.00am on Mondays to Thursdays and Sundays and until 4.00am on Fridays and Saturdays would be detrimental to the amenity of the neighbouring properties.

As an aside from this, the premise only has planning permission to operate as a restaurant and hot food take-away between the following hours:

- a) Mondays to Saturdays - 08.00am to 12pm (midnight)
- b) Sundays – 11.00am to 10.30pm and shall not take place on Public Holidays

Public Nuisance

Reference should be made to the Council's Licensing Policy and the framework hours for the operation of Licensed Premises. It states that more scrutiny should be given to premises operating past midnight on Friday and Saturdays, past 11.30pm on Mondays to Thursdays and past 10.30pm on Sundays. In particular the following points should be taken into consideration.

- The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).

- The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.
- The adequacy of the applicant's proposals to address the issues of (a) the prevention of crime and disorder and (b) the prevention of public nuisance.
- Where the premises have been previously licensed, the past operation of the premises.
- Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.
- The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

The location of 197 East India Dock Road is in an area where residential properties are likely to be adversely affected by noise from patrons leaving the venue.

Conclusion

Planning Enforcement **do not** support the application by 197 East India Dock Road to extend their opening hours, as this will cause a serious public nuisance to surrounding residential occupiers far later into the evening and morning than what currently occurs.

The application for a new Premises License hours is unreasonable and will not maintain a balance between commercial activities and residential amenity in an area where this is clearly required.

Thomas Doyle
Planning Enforcement Officer

Appendix 9

Anti-Social Behaviour On The Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder,

but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (S2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003
Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 10

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 6 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

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

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

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures "within the direct control of the licence holder" (2.38).

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 11

Acting As A Magnet Attracting The Young Who Then Engage In Anti-Social Behaviour

General Advice

Members will need to consider whether any of the problems alleged to be associated with young people are the responsibility of the premises. Are they encouraging gangs in any way? If not, there may not be any proportionate conditions that can be applied? Are these patrons of the premises?

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

Licensing Policy

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

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

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

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 6 of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

Other Legislation

Crime and Disorder Act 1998

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

Anti-Social Behaviour Act 2003

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

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

Appendix 12

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

Other Legislation

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

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

Appendix 13

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 12.10)**.

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

The Council has adopted a set of framework hours **(See 12.8 of the licensing policy)**. This relates to potential disturbance caused by late night trading.

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

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

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

Appendix 14

Noxious smells or light pollution

General Advice

Members need to be satisfied that any problems cannot be adequately addressed by existing legislation. Conditions must relate proportionately to the licensable activity. Thus for example, a café that is emitting noxious smells does so whether or not it is permitted to open past 23 00 hrs.

Any nuisance from bright lights needs to be balanced against potential crime and disorder benefits from bright lights.

Other Legislation

The Environmental Protection Act 1990

Part 111 of the Act gives Environmental Health Officers the power to deal with statutory nuisances including smells

Planning legislation may restrict external lighting.

Appendix 15

Noise Leakage from the Premises

General Advice

Extending hours may bring issues about noise leakage to the fore, as many premises are close to residential properties (or even sometimes commercial).

The obvious areas for Members to consider, if they believe there is a problem and it is proportionate to consider conditions are:

- Can internal works, actions or equipment reduce the noise leakage
- Does the problem justify curtailing the activities that are licensed. If Members are minded to do this they must ensure conditions are clear and readily enforceable. For example “Jazz Music Only” is not capable of legal definition and is unenforceable.
- Does the problem justify limiting the hours or place of particular activities. For example “no music in the beer garden at any time and no music past 22 30 hrs” although the premises can stay open until 01 00 hrs.

Members also need to bear in mind the statutory exemptions under the Act (see below).

Licensing Policy

The Licensing Authority expects applicants to have sought advice and to be able to explain how they will address problems. **(See Sections 8. 1-2)**, especially where a negative impact is likely on local residents or businesses **(See 12.1 for core licensing hours)**.

The Licensing Policy recognises that staggered hours can make a positive contribution to alcohol related issues but that consideration will be given to imposing stricter conditions in respect of noise control where premises are close to residents. **(See 12.4)**.

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

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

Police Powers

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

Licensing Act 2003

Schedule 1 Part 2 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.

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."

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.

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

Public Nuisance Guidance issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (13.20).

The prevention of the public nuisance could include low level nuisance, perhaps affecting a few people living locally (2.33). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36), but it is "essential that conditions are focused on measures within the direct control of the licence holder" (2.38).

It may be appropriate to require take-aways to provide litter bins. (2.40).

Other Legislation

Environmental Health Officers have extensive powers under the Environmental Protection Act 1990 to control a noise nuisance, including a power of immediate closure.

Appendix 16

Planning

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

Appendix 17

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only

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Agenda Item 5.2

Committee: Licensing Sub-committee	Date: 19 August 2010	Classification: Unclassified	Report No. LSC 19/011	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 Liberty Lounge, 1A Bell Lane, London E1 7LA
	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant:	Mr Rachid Radi
Name and Address of Premises:	Liberty Lounge 1A Bell Lane London E1 7LN
Licence sought:	Licensing Act 2003 – Premises variation - To add licensable activities - To extend the hours for licensable activities
Representations:	Police Planning

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 the Liberty Lounge, 1A Bell Lane, London E1 7LA.
- 3.2 Due to recent directions from Information Governance, personal details have been redacted from the report, however, the original are on file and can be produced by the Licensing Officer.
- 3.3 A copy of the existing premises licence is enclosed for information in **Appendix 1**.

The current hours are as follows:-

The sale by retail of alcohol (On sales)

- Monday to Friday from 11:00 hours to 22:40 hours
- Sunday from 12:00 hours to 22:30

Hours premises are open to the public:

- Monday to Friday from 11:00 to 23:00 hours
- Sunday from 12:00 hours to 23:00 hours

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

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

- **To add licensable activities**
- **To extend the hours for licensable activities**

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

The sale by retail of alcohol (On sales)

- Monday and Tuesday, from 12:00 hours to 22:40 hours
- Wednesday to Saturday, from 12:00 hours to 02:00 hours the following day
- Sunday, from 12:00 hours to 22:30 hours

The provision of regulated entertainment - Indoors

Live music

- Wednesday to Friday, from 20:00 hours to 23:00 hours

Recorded Music

- Sunday to Tuesday, from 12:00 hours to 22:00 hours
- Wednesday, from 12:00 hours to 20:00 hours and 23:00 to 03:00 hours the following day
- Thursday, from 12:00 hours to 20:00 hours and 23:00 to 03:00 hours the following day
- Friday, from 12:00 hours to 20:00 hours and 23:00 to 03:00 hours the following day
- Saturday, from 12:00 hours 03:00 hours the following day

The provision of late night refreshment

- Sunday to Tuesday, from 12:00 hours to 22:40 hours
- Wednesday to Saturday, from 12:00 hours to 02:00 hours the following day

For members' information, late night refreshment starts from 23:00 hours. A premises licence is not required prior to 23:00 hours

Hours premises are open to the public:

- Sunday to Tuesday, from 12:00 hours to 23:00 hours
- Wednesday to Saturday, from 12:00 hours to 03:00 hours the following day

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

- 5.2 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise
 - Trading Standards
 - Child Protection
- 5.3 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Police and Planning Department.
- 5.4 Please see **Appendix 4** for the representation of the Police.
- 5.5 Please see **Appendix 5** for the representation of the Planning Department.
- 5.6 The applicant has agreed reduced timings and also conditions with Environmental Protection. Please see **Appendix 6** for the agreement.
- 5.7 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.
- 5.8 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
- 5.9 Essentially, the responsible authorities oppose the application because the applicant has not explained how within the context of the variation they will meet the 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 their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
 - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
 - ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).
 - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence

conditions when the circumstances in their view are not already adequately covered elsewhere.

- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations as follows:

- Appendix 7** Licensing Officer comments on crime and disorder on the premises
- Appendix 8** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 9** Licensing Officer comments on noise while the premise is in use
- Appendix 10** Licensing Officer comments on egress problems
- Appendix 11** Planning
- Appendix 12** Licensing Policy relating to hours of trading

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 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	Representation of the Police
Appendix 5	Representation of the Planning Department
Appendix 6	Conditions agreed with Environmental Protection
Appendix 7	Licensing Officer comments on crime and disorder on the premises
Appendix 8	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 9	Licensing Officer comments on noise while the premise is in use
Appendix 10	Licensing Officer comments on access/egress problems
Appendix 11	Planning
Appendix 12	Licensing Policy relating to hours of trading

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

14101

(Liberty Lounge)
1A Bell Lane
London
E1 7LA

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

Jacqueline Randall
Licensing Services Manager

Date: 20th March 2007

M:\Licensing\Word\97\2003 LicAct certs & lics\Prem Lic\Bell Lane1a.002.doc

FOR OFFICE USE	Receipt Number	Fee Paid	Fee Req.	Date	Initial
✓ 3 55799	212611	623		21/03	JR
✓ 3 55600	212610	623			



Part A - Format of premises licence

Premises licence number

14101

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Liberty Lounge)
1A Bell Lane

Post town
London

Post code
E1 7LA

Telephone number
020 7337 0665

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday and Friday from 11:00 hours to 22:40 hours
Sunday from 12:00 hours to 22:30

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday and Friday from 11:00 to 23:00 hours
Sunday from 12:00 hours to 23:00 hours

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

On sales only

Part 2

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

Mr Rachid Radi

[REDACTED]
[REDACTED]
[REDACTED]

Tel: 07891073136

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

Not applicable

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

Philip Sanders

[REDACTED]
[REDACTED]

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

14006
London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable

manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

Annex 2 - Conditions consistent with the operating Schedule

CCTV to be installed and maintained.

Notices shall be displayed requesting customers leave quietly.

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

Not applicable

Annex 4 - Plans

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

2nd February 2007



Part B - Premises licence summary

Premises licence number

14101

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Cheeky Petes)
1A Bell Lane

Post town
London

Post code
E1 7LA

Telephone number
020 7337 0665

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday and Friday from 11:00 hours to 22:40 hours
Sunday from 12:00 hours to 22:30

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday and Friday from 11:00 to 23:00 hours
Sunday from 12:00 hours to 23:00 hours

Name, (registered) address of holder of premises licence

Mr Rachid Radi
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

On sales only

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

Not applicable

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

Philip Sanders

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

No restrictions

Appendix 2



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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We RACHID RAOI (Insert name(s) of applicant)

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

Premises Licence number 14101

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>1A BELL LANE</u>	
Post town	Post code
<u>LONDON</u>	<u>E1 7LA</u>

Telephone number at premises (if any)

0207 377 5118

Non-domestic rateable value of premises

£ 14,000

Part 2 - Applicant details

Daytime contact telephone number		02073775118	
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

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



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

Day	Month	Year

Please describe briefly the nature of the proposed variation (please see guidance note1)

We are a basement bar/restaurant, fitting about 25 people seated. There is a shop above us (on the ground floor) and no residential dwellings. We have no windows as we are in the basement - so sound is contained. We intend to play quiet dining jazz music. We would like to extend our licensing hours to 3am closing on wed, Thurs, fri and sat evenings.

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

--

Part 4 Operating Schedule

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4) un amplified jazz music ie: double bass, saxophone, piano. Quiet / mellow music whilst people dine. State any seasonal variations for the performance of live music (please read guidance note 4) No seasonal variations. Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) NIA.	Both	
Tue					
Wed	20:00	23:00			
Thur	20:00	23:00			
Fri	20:00	23:00			
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	12:00	22:00	Please give further details here (please read guidance note 3) Quiet jazz music (ie frank Sinatra, Ray Charles) as background music whilst people are eating / chatting. State any seasonal variations for playing recorded music (please read guidance note 4) NIA Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) NIA	Both	
Tue	12:00	22:00			
Wed	12:00	20:00			
Thur	12:00	20:00			
Fri	12:00	20:00			
Sat	12:00	03:00			
Sun	12:00	22:00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
				Both	
Mon	12.00	22.40	Please give further details here (please read guidance note 5) We intend to serve food (and alcohol) until we close at night.		
Tue	12.00	22.40			
Wed	12.00	02.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) NIA.		
Thur	12.00	02.00			
Fri	12.00	02.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5) NIA.		
Sat	12.00	02.00			
Sun	12.00	22.40			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	
				Both	
Mon	12.00	22.40	Please give further details here (please read guidance note 5) We intend to serve alcohol on the premises along with food in a relaxed jazz music setting.		
Tue	12.00	22.40			
Wed	12.00	02.00	State any seasonal variations for the supply of alcohol (please read guidance note 4) NIA.		
Thur	12.00	02.00			
Fri	12.00	02.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) NIA.		
Sat	12.00	02.00			
Sun	12.00	22.30			

N

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

NIA.

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12.00	23.00	NIA.
Tue	12.00	23.00	
Wed	12.00	03.00	
Thur	12.00	03.00	
Fri	12.00	03.00	NIA.
Sat	12.00	03.00	
Sun	12.00	23.00	

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

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

NIA.

Please tick yes

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

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

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

P

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

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

We are a quiet bar/restaurant playing jazz music as customers dine. Our clientele consists of professional city workers at lunchtimes and evenings, and jazz fans. We are located amongst other businesses, most of which close in the evenings. These factors coupled with our plans below, and the fact there are no residential properties in our block minimises the chance of our extending our licensing hours causing a nuisance to those around us.

b) The prevention of crime and disorder

Our staff will be trained to serve alcohol responsibly. Staff will make regular checks outside. We shall open an account with the taxi firm next door to us, to ensure our customers leave our premises in an orderly and safe manner - no loitering out on the street.

c) Public safety

Our staff will be trained in first aid, fire safety and health and safety. We will assess occupancy levels are safe, and ensure controls exist to prevent these levels being exceeded. Staff will be trained to serve alcohol responsibly and provide free drinking water to our customers.

d) The prevention of public nuisance

As we are a basement premises with no windows, noise should be mostly contained, however we will close the doors in the evening as well. Non amplified jazz music will finish before food/alcohol sales to limit noise. We will display signs requesting customers to vacate quietly, the performers will announce this also. We will have no beer pumps kegs, cylinders etc to cause noise. Staff will do noise monitor checks outside / check for empty bottles / litter patrol. We will provide recycle bins and take account so customers don't need to walk on the street noisily.

e) The protection of children from harm

As it is a jazz bar for adults, no children will be allowed entrance.

CHECKLIST:

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	[REDACTED]
Date	05.05.11
Capacity	OWNER.

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

Signature	
Date	
Capacity	

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

RACHID RADI	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
[REDACTED]	

Appendix 3

Map



Scale 1:500

Map of:

1A Bell Lane = 

Notes:

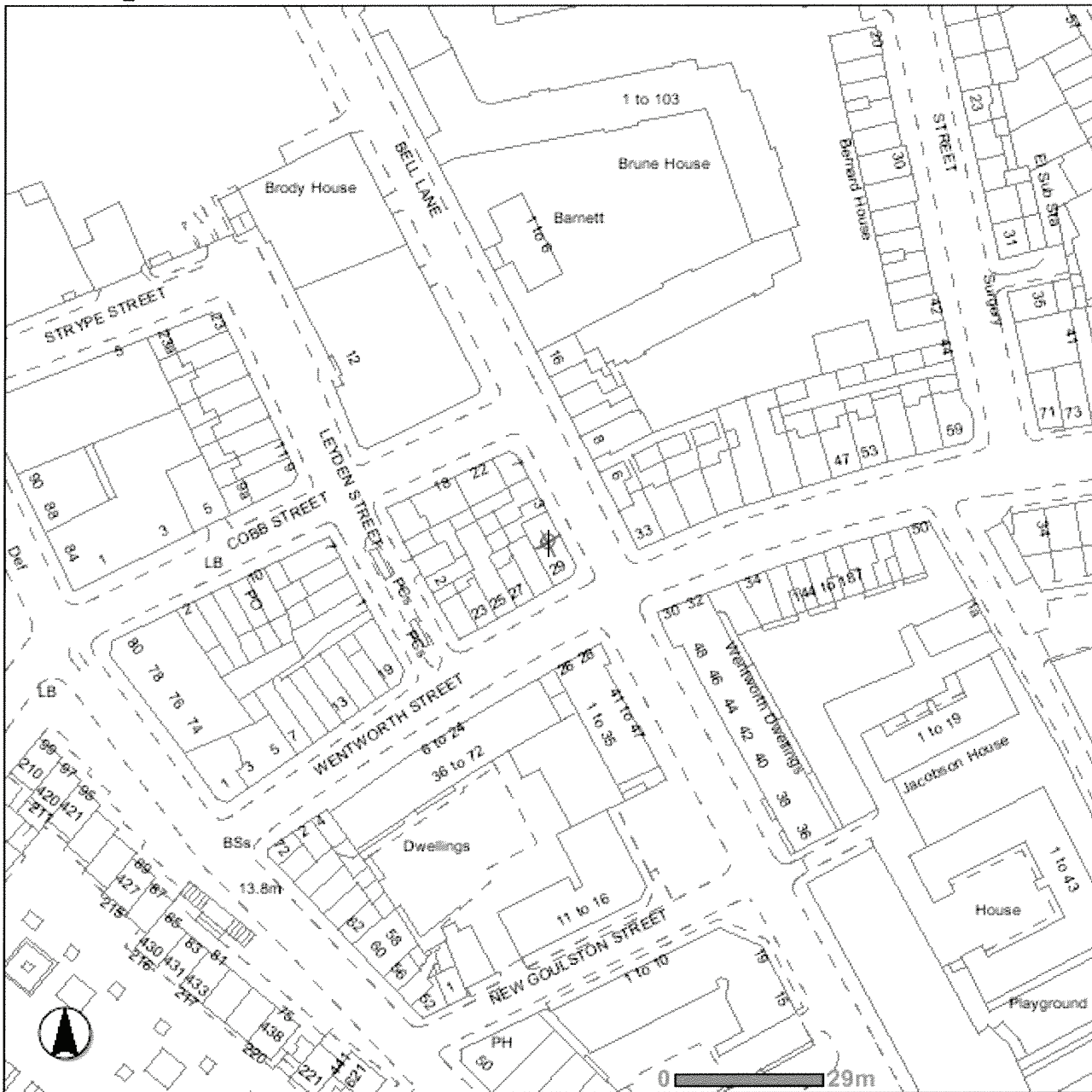
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Licence Number: LA100019288

Map



Scale 1:1250

Map of:

1A Bell Lane = 

Notes:

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 4



LBTH Licensing
Mulberry Place (AH)
5 Clove Crescent
E14

HT - Tower Hamlets Borough

Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
Bethnal Green
E2 9NZ
Telephone: 0208 217 6699
Facsimile:
Email: Alan.Cruickshank@met.police.uk
www.met.police.uk

Your ref:
Our ref:
9 July 2010

Dear Ms Randall

RE: application to vary a premises licence
Liberty Lounge, 1a Bell Lane, E1 7LA

I write with reference to the above application which was received in this office on the 20th May 2010

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

The prevention of crime and disorder
The prevention of public nuisance

The Bell Lane area is slowly attracting more shops, cafes and licensed premises. A short distance away is the new student accommodation which is described as the tallest student accommodation in the world.

Although this benefits the local business community, the needs of the local residents must also be taken into consideration. I would not wish to see the excess numbers of premise licences that has developed over the past several years in the Brick Lane and Commercial Street area. The hours relating to these premises should also be considered as part of an overall Tower Hamlets licensing policy.

I believe the times applied for are excessive. Having spoken to the applicant he is willing to reduce the hours, although we did not reach an agreement.

I am also aware that the premises only has planning permission until 11pm Mon - Sat. Sun until 1030pm. Any agreement should not come into effect until planning permission is granted.

Opposite the venue on the left and right hand side are a large number of flats. If the premise was to open past midnight I think there may be a danger of anti-social behaviour with people leaving the venue probably in high spirits or by just remaining around in the street, cause a public nuisance in the early hours of the morning.

There is a nearby licensed restaurant which is open until midnight

I would like the Committee to consider the following:

E (live music)

Wed - Fri 2000 -2230

F (recorded music)

Sun - Tues 2200 (as per application)

Wed 2000 - 2230

Thur - Sat 2000 - 2330

L (late night refreshments)

Thur - Sat 2300 - 2330

M (supply of alcohol)

Sun - Wed 1200 - 2230

Thur - Sat 1200 - 2330

O (Opening hours)

Sun - Wed 1200 - 2300

Thur - Sat 1200 - midnight

Conditions

1. Install / maintain CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

2. No alcoholic or non alcoholic drink, in an open drinking vessel, to be taken outside the premises.

Appendix 5



To Licensing Department
From Planning Enforcement
Contact Thomas Doyle
Extension 5204
Date 24/06/2010
Our Ref. ENF
Your Ref.
Subject Licensing Objection

Development & Renewal Directorate
Planning Enforcement
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY
Tel 020 7364 5204
Fax 020 7364 5415
e-mail Thomas.doyle@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Objection to vary Premises License, 1A Bell Lane, London, E1 7LA

The Planning Department wishes to object to the granting of a Premises License at 1A Bell Lane, London, E1 7LA on the basis that the opening hours and the hours by which the service of alcohol and playing of music can take place are excessive. Approving these hours will result in persons living in the area being subjected to a greater degree of anti-social behaviour, crime and noise later into the night and in the early hours of the morning.

As an aside from this, the premise only has planning permission to operate as a wine bar between the following hours:

- a) Monday to Saturday - 10.00am to 11.00pm
- b) Sunday and Bank Holidays – 10am to 10.30pm
- c) New Year's Eve additionally for the 12 hours between 11pm New Years Eve to 11am New Year's Day.

Public Nuisance

Bell Lane is a mixed use area that has a residential population as well as a range of commercial premises. No one wishes to see the culture of the area eroded but there needs to be a balance between night time activities and the right to a period of peace and quiet for the many residents who live in the area.

Extending the opening hours of this venue to 3.00am will result in noise and disturbance to residents far later into the evening than what currently occurs. Taxis will still be prevalent on the streets touting for business and tooting their horns and merry and intoxicated people will walk away from the venue into the early hours of the morning through residential streets to the detriment of the people living in the area.

I would refer to the Council's Licensing Policy which states the following:

More scrutiny should be given to premises operating past midnight on Friday and Saturdays, past 11.30pm on Mondays to Thursdays and past 10.30pm on Sundays. In particular the following points should be taken into consideration.

- The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).
- The proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises.

- The adequacy of the applicant's proposals to address the issues of (a) the prevention of crime and disorder and (b) the prevention of public nuisance.
- Where the premises have been previously licensed, the past operation of the premises.
- Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.
- The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

The location of the premises is in an area where residential properties are likely to be adversely affected by noise from patrons leaving the venue. There is no information provided on the adequacies of the sound insulation installed and whether this is sufficient to prevent noise breakout, this is of particular concern after 2am in the morning when background noise levels are likely to be at their lowest.

Insufficient information has been given on how the applicant intends to address the issue of patrons leaving the venue in the early hours of the morning and what measures will be taken to manage clients and control noise as they disperse away from the venue.

Approving the longer hours for this venue will cause a public nuisance for people living in the area far later into the night.

Conclusion

Planning Enforcement **do not** support the application by 1A Bell Lane to extend their opening hours, as this will cause a serious public nuisance to surrounding residential occupiers far later into the evening than what currently occurs. The extension of the Premises License hours will not maintain a balance between commercial activities and residential amenity, in an area where this is clearly required.

As an aside, the hours being applied for cannot legally be implemented as the premises does not have planning permission for the hours being requested nor is planning permission likely to be granted.

Thomas Doyle
Planning Enforcement Officer

Appendix 6

Mohshin Ali

From: Iain Pendrigh
Sent: 29 June 2010 18:41
To: Kathy Driver; Jacqueline Randall
Cc: [REDACTED]; Mohshin Ali
Subject: IA BELL LANE VARIATION APPLICATION

Dear Jacqui/Kathy

Having considered the proposal set out in this application I had a number of concerns relating to it's potential to cause public nuisance. I have negotiated an agreement with the applicant and on that basis can support this application provided the conditions issued with the License reflect the terms of the negotiated agreement. I support this application on the basis that:

1. No amplified music is employed.
2. A lobby system will be established to the entrance prior to the variation taking effect.
3. No drinks will be allowed to be taken outside.
4. The following terminal hours will apply:

Mon-Thursday midnight
Fri and Saturday 01:00HRS
Sunday 23:00 hrs

The applicant has agreed to these terms in writing.

With regards. Iain

Appendix 7

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 8

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

The pool of conditions, adopted by the council is recommended (Annexe G). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 9

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music

- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

Other Legislation

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

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

Appendix 10

Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

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

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

Appendix 11

Planning

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

Guidance Issued under Section 182 of the Licensing Act 2003

PLANNING AND BUILDING CONTROL

13.64 The statement of licensing policy should indicate that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.

13.65 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

13.66 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

13.67 There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

13.68 Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap. A planning authority may also make representations as a responsible authority as long as they relate to the licensing objectives.

Appendix 12

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only

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Agenda Item 7.1

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 7.2

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