



Meeting of the

# LICENSING SUB COMMITTEE

---

Thursday, 30 September 2010 at 6.30 p.m.

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## A G E N D A

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### VENUE

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

Members:	Ward Represented
<b>Chair: Councillor Peter Golds</b>	Blackwall & Cubitt Town;
<b>Councillor Shafiqul Haque</b>	St Katharine's & Wapping;
<b>Councillor Amy Whitelock</b>	Mile End & Globe Town;

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

Simmi Yesmin, Democratic Services,

Tel: 020 7364 4120, E-mail: [simmi.yesmin@towerhamlets.gov.uk](mailto:simmi.yesmin@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## LICENSING SUB COMMITTEE

Thursday, 30 September 2010

6.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

	PAGE NUMBER	WARD(S) AFFECTED
<b>3. RULES OF PROCEDURE</b>	<b>3 - 14</b>	
To note the rules of procedure which are attached for information.		
<b>4. UNRESTRICTED MINUTES</b>	<b>15 - 22</b>	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 19 <sup>th</sup> August 2010.		
<b>5. ITEMS FOR CONSIDERATION</b>		
<b>5.1 Application to Review the Premises Licence for Fairprice Cash &amp; Carry, 524 Roman Road, E3 5ES (LSC 32/011)</b>	<b>23 - 78</b>	<b>Bow East;</b>
<b>5.2 Application for a New Premises Licence for Strada, Unit E1, 12 Hertsmere Road, West India Quay, London E14 4AF (LSC 33/011)</b>	<b>79 - 226</b>	<b>Millwall;</b>
<b>6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT</b>		

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

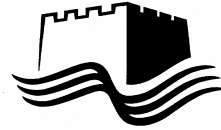
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph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

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

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

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

**TOWER HAMLETS**



**LICENSING COMMITTEE**

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

## **1. Interpretation**

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

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

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

## **3. Timescales**

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

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

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

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

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

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

## **6. Record of Proceedings**

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

## **7. Irregularities**

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

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

## **8. Notices**

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

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

## **9. Appeals**

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

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

## APPENDIX A

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

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

## APPENDIX B

### Regulation 8

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 19 AUGUST 2010**

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

**Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor Kabir Ahmed  
Councillor David Snowdon

**Officers Present:**

Mohshin Ali	- (Acting Senior Licensing Officer)
Thomas Doyle	- (Planning Enforcement Officer)
Paul Greeno	- (Senior Advocate)
Kerry Mure	- (Senior Lawyer)
Ian Wareing	- (Environmental Protection)
Simmi Yesmin	- (Senior Committee Officer)

**Applicants In Attendance:**

Mohammed Ali Ahmed	- (Perfect Fried Chicken)
Nanu Miah	- (Perfect Fried Chicken)
Nazar Mohammed	- (Perfect Fried Chicken)
Rachid Radi	- (Liberty Lounge)

**Objectors In Attendance:**

PC Alan Cruickshank	- (Metropolitan Police)
PC Andy Jackson	- (Metropolitan Police)
Craigie-Lee	- (Resident)

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 Councillor Khales Ahmed for whom Councillor Kabir Ahmed substituted for.

## **2. DECLARATIONS OF INTEREST**

Councillor Rajib Ahmed, declared a personal interest in agenda item 5.1, application for a new premises license for Perfect Fried Chicken, 197 East India Dock Road, London E14 0ED on the basis that the premises was in his ward.

## **3. RULES OF PROCEDURE**

The Rules of Procedures were noted.

## **4. UNRESTRICTED MINUTES**

The unrestricted minutes of the Licensing Sub Committee meetings held on 6<sup>th</sup> July, 13<sup>th</sup> July and 20<sup>th</sup> July were agreed as a correct record of proceedings.

## **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)**

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the new application for Perfect Fried Chicken, 197 East India Dock Road, London E14 0ED. It was noted that objections had been received by the Metropolitan Police, Environmental Protection, Planning Enforcement and local residents.

A tabled document was produced at the meeting which included a petition supporting the application to extend trading hours, the Chair allowed the opportunity for all interested parties to familiarise themselves with the document.

At the request of the Chair, Mr Nasar Mohammed, Counsel for the applicant explained that the applicant had been trading for the past 14 years, without any complaints, and that it was a successful and established business. He responded to concerns raised by interested parties and highlighted that it was accepted that the area was more commercial than residential, that residents living above the premises supported the extension of hours as it would benefit families by providing food during late hours. It was noted that the applicant would revisit the situation with the extractor fan to help reduce the noise.

Concerns were raised in relation to the contents of the petition submitted on behalf of Fusion residents. Ms Mohammed explained there had been no complaints about the premises, that the premises had CCTV cameras in operation, and had recently undergone refurbishment, at this point the Sub Committee and interested parties were shown photos of the premises. He concluded by stating that there was no evidential information that the premises has been directly involved in or the cause of any disturbance or anti-

social behaviour, nor has there been any complaints about the premises. He also highlighted that the applicants were willing to be flexible and offered a reduction in the hours they had applied for to 02:00 hours everyday.

At the request of the Chair, Mr Ian Wareing, Environmental Protection, referred to his statement in the agenda on page 89 and highlighted that the opening hours were not completed in the application form. He explained that complaints would be received, if opened after 11pm and that the extractor fan would cause disturbance to residents. He concluded that there were eleven other similar food establishments in the area so there was no need to extend beyond midnight.

Mr Thomas Doyle, Planning Enforcement, referred to his statement on page 93 of the agenda and explained that Planning Enforcement did not support the application to extend opening hours as this would cause serious public nuisance to surrounding residential occupiers far later into the night and morning than what currently occurs. He explained that the hours applied for were unreasonable and would not maintain a balance between commercial activities and residential amenity in an area where this was clearly required.

Mr Andy Jackson, Metropolitan Police also referred to his objection on page 85 of the agenda. He also questioned the petition that was submitted on behalf of the applicants and stated that it wasn't clear what the residents were asked when signing the petition and possibly not aware that the application was to open till 4am. He highlighted that the local area was populated with similar establishments, and if granted, all would ask for the same hours.

Ms Craggie-Lee, local resident also addressed the Sub Committee and explained the issues of anti-social behaviour, youth congregating outside, intimidating residents, and noise nuisance etc.

Members asked questions and in response, it was noted that the applicants would be happy for a reduction in the hours applied for to 2am everyday. It was noted that the applicant had been trading for 14 years with had no complaints.

Members asked questions as to the opening times of other food outlets, there was no exact times presented to members, however it was believed that it was not beyond 12 midnight.

In response to questions it was noted that the CCTV cameras were working and CCTV recordings were kept for one month, they had experienced staff and would also employ SIA door staff which would assist with general security in the area. Members raised concerns about the sale of late night refreshments outside trading hours. Members then tried to establish the noise disturbance that is contributed from A13 traffic and DLR station.

The Chair advised that the Sub Committee would at 7.45pm adjourn to consider the evidence presented. The Members reconvened at 8.15pm. The Chair reported that by a majority vote of 2 for and 1 against;

Members listened to representations from all parties and it was considered that the premises could stay open till a later hour, however Members did not consider that it should open until 04:00am on Fridays and Saturdays. A reduction in hours of 2:00am Monday to Sundays was offered by the applicant and those are the hours that were granted. Members considered that conditions should be imposed to address concerns of crime and disorder and public nuisance.

### **RESOLVED**

That the new application for Perfect Fried Chicken, 197 East India Dock Road, London E14 0ED, be **GRANTED in part**, with the following conditions;

#### The Provision of Late Night Refreshments

Monday to Sunday 23:00 hours – 02:00 hours (the following day)

#### Hours Premises is Open to the Public

Monday to Saturday from 11:00 hours – 02:00 hours (the following day)

#### Conditions

1. A CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises.
4. All customers are required to leave the premise by 02:00 hours.
5. A registered SIA door supervisor is to be present at all times from 23:00 hours to 02:00 hours.
6. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

#### Informative

Members suggested that due to potential issues of noise nuisance, applicants should ensure that refuse is not taken out during late hours, and the applicants are to liaise with the appropriate Council section to have an external bin placed outside the premises.

**5.2 Application to Vary the Premises Licence for Liberty Lounge, 1A Bell Lane, London E1 7LA (LSC 19/011)**

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the variation application for Liberty Lounge, 1a Bell Lane, London E1 7LA. It was that objections had been received by Metropolitan Police, and Planning Enforcement.

It was noted that Environmental Health and the applicant had reached an agreement with new hours and conditions which were detailed on page 177 of the agenda, however the both the responsible authorities still wished to object to the variation application.

At the request of the Chair, Mr Rachid Radi, the applicant explained that the bar was in the basement, noise level was minimum, the shop above the premises was closed, and explained that there were a few residential properties across the road, where there were other bar's and restaurants. He explained that they had been trading for 6 months and during this period had not had any complaints. It was also noted that they currently had a minicab system already operating which worked well and did not cause any disturbance to residents.

It was noted that staff were fully trained on health and safety, fire safety etc. and that the lobby system stopped noise from emanating outside the premises. Mr Radi explained that the bar had a capacity of 25 people, and wanted an entertainment licence to have low background music, and to be able to provide live music mainly jazz music in the evenings. It was noted that his clientele were mainly city workers and that no drinks were allowed to be taken outside the premises.

At the request of the Chair Mr Alan Cruickshank explained that the Bell Lane area was slowly attracting more shops, cafes and licensed premises. He explained that although these benefits the local business community, the needs of local residents should also be taken into consideration. He explained that the times applied for were too excessive and felt that there may be a danger of anti-social behaviour with people leaving the premises probably in high spirits or by just remaining around in the street, causing public nuisance in the early hours of the morning.

Mr Thomas Doyle, Planning Enforcement explained that they did not support the application to extend opening hours, as this would cause serious public nuisance to surrounding residential occupiers far later into the evening than what currently occurs. He explained that the extension of the Premises License hours would not maintain a balance between commercial activities and residential amenity, in an area where this is clearly required. He also mentioned that the hours applied for could not legally be implemented as the premises did not have planning permission for the hours requested nor was planning permission likely to be granted.

Members asked questions about the licensed premises in the local area, and the make up of the local area. It was noted that there had not been any complaint since the bar had been open.

The Chair advised that the Sub Committee would at 8.45pm adjourn to consider the evidence presented. The Members reconvened at 9.25pm. The Chair reported that;

In considering the application, Members had heard from the applicant and those making representations against the application. Members noted the concerns raised by those making representations regarding crime and disorder and public nuisance but it was considered, however, that these were very much future concerns regarding what could happen if more residential development and commercial development take place. Members had considered the application based on the current position and were satisfied that the application could be granted with the following hours and conditions;

### **RESOLVED**

That the variation application for Liberty Lounge, 1a Bell Lane, London E1 7LA be **GRANTED in part**, with the following conditions;

#### The Provision for Regulated Entertainment (For recorded music)

Sunday to Tuesday from 12:00 hours – 22:00 hours  
Wednesday & Thursday from 12:00 hours – 20:00 hours and from 23:00 hours – 00:00 hours (midnight)  
Friday from 12:00 hours – 20:00 hours and from 23:00 hours – 01:00 hours  
Saturday from 12:00 hours – 01:00 hours

#### The Provision for Regulated Entertainment (for live music)

Wednesday to Friday from 20:00 hours – 23:00 hours

#### The Provision for Late Night Refreshments

Wednesday & Thursday from 23:00 hours – 00:00 hours (midnight)  
Friday & Saturday from 23:00 hours – 01:00 hours

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

Monday & Tuesday from 12:00 hours – 22:40 hours  
Wednesday & Thursday from 12:00 hours – 00:00 hours (midnight)  
Friday & Saturday from 12:00 hours – 01:00 hours  
Sunday from 12:00 hours – 22:30 hours

#### Hours Premises is Open to the Public

Sunday to Tuesday from 12:00 hours – 23:00 hours

Wednesday & Thursday from 12:00 hours – 00:00 hours (midnight)  
Friday & Saturday from 12:00 hours – 01:00 hours

### Conditions

1. A CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises.
4. No drinks (alcoholic or non-alcoholic) are to be sold on the premises for consumption off the premises.
5. There is to be no amplified live music at any time.
6. A lobby system is to be installed within 6 weeks.

## **6. EXCLUSION OF PRESS AND PUBLIC**

The Sub Committee **RESOLVED**

That, under the provision 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.

## **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)**

Members noted the concerns on whether the applicant was the same person who had relevant convictions as specified by the Police. It was noted that the Police had tried to contact the applicant to clarify whether he was the same person in question but had had no success in getting in contact with him.

Members noted that the applicant was not present at the meeting and had made no contact with Democratic Services or any interested parties and therefore on balance, Members considered that the applicant was also the person with the relevant convictions and therefore the application was **Refused** on the basis of the prevention of crime and disorder.

**7.2 Application for a Transfer of Premises Licence Holder for the Thai Tiger, 96 Brick Lane, London E1 6RL (LSC 21/011)**

Members noted the concerns on whether the applicant was the same person who had relevant convictions as specified by the Police. It was noted that the Police had tried to contact the applicant to clarify whether he was the same person in question but had had no success in getting in contact with him.

Members noted that the applicant was not present at the meeting and had made no contact with Democratic Services or any interested parties and therefore on balance, Members considered that the applicant was also the person with the relevant convictions and therefore the application was **Refused** on the basis of the prevention of crime and disorder.

**8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business considered urgent by the Chair.

The meeting ended at 9.30 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee



# Agenda Item 5.1

Committee: <b>Licensing Sub-Committee</b>	Date: 30 <sup>th</sup> September 2010	Classification: UNRESTRICTED	Report No. LSC 32/011	Agenda Item No.
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Report of: <b>Colin Perrins</b> <b>Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>Nick Kemp - Licensing Officer</b>	Title: <b>Licensing Act 2003</b>  <b>Application to Review the Premises Licence for: Fairprice Cash &amp; Carry, 524 Roman Road, E3 5ES.</b>  Ward affected: <b>Bow East</b>
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## 1.0 Summary

Name and  
Address of premises:                   **Fairprice Cash & Carry**  
  **524 Roman Road**  
  **London**  
  **E3 5ES**

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

Representations:                         **Metropolitan Police**

## 2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"><li>Guidance Issued under Section 182 of the Licensing Act 2003</li><li>Tower Hamlets Licensing Policy</li><li>File</li></ul>		020 7364 7446

### 3.0 Review Application

This is an application for a review of the premises licence for: Fairprice Cash & Carry, 524 Roman Road, London, E3 5ES. The review was triggered by Metropolitan Police.

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

### 4.0 The Premises

4.1 The premises licence was issued on 28<sup>th</sup> September 2005 . A copy of the current licence is contained in **Appendix 2**.

4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

### 5.0 Representations

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

5.2 **This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary for State for Culture, Media and Sport. In particular the Service requests that you consider paragraphs 11.23 to 11.28, Reviews arising in connection with crime, making reference to paragraph 11.26. Paragraph 11.26 states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises for, amongst other things, the sale of smuggled tobacco. In paragraph 11.27 the guidance advises that revocation of the licence should seriously be considered, even at first instance.**

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

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

5.4 In the view of the responsible authorities it is necessary to achieve the licensing objectives of **prevention of crime & disorder**.

### 6.0 Review Explained

6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time

of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”

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

Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

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

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

## 7.0 Review Advertisement

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

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

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

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

## 8.0 Licensing Officer Comments

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

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and

which are necessary and proportionate to ensure that the licensing objectives are met

- Suspend the licence for a period
- Revoke the licence completely

8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.

8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.

8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”

8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

## 9.0 Legal Comments

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

## 10.0 Finance Comments

10.1 There are no financial implications in this report.

## 11.0 Appendices

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

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# Appendix 1







This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Fairprice Cash and Carry 524 Roman Road	
Post town London	Post code (if known) E3 5ES

TR  
07 JUL  
LIC

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

Safdar Hussain

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

9705

LBTH  
TRADING STANDARDS  
07 JUL 2010  
LICENSING

**Part 2 - Applicant details**

Please tick  yes

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

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

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

**Surname**  **First names**

Please tick yes

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post Town**  **Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick  yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

**Name and address**

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

**Telephone number (if any)**

**E-mail (optional)**

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

Please provide as much information as possible to support the application (please read guidance note 2)  
This review is applied for under the crime and disorder  
licensing objective.

The basis of this review relates to a series of operations run jointly between Police, Trading Standards and Customs (HMRC) which have been running since November 2009. The aim of these visits was to identify which premises were selling goods which were either counterfeit or smuggled and to investigate offences under the Licensing Act 2003.

Certain off licences were identified following a review of intelligence from all 3 agencies where they had come to notice for similar offences in the past. No random visits were made.

13 premises across the Borough were identified for visits on 2 days in April 2010.

Entry to each premise was made under the Licensing Act 2003 as well as customs and trading standards legislation.

The review you will hear today concerns Fairprice Cash and Carry at 524 Roman Road E3 5ES.

The premise was visited on 21<sup>st</sup> April 2010 at 1145hrs

On entry to the premise we found a total of 46.2 litres of vodka and whiskey for sale which displayed a counterfeit duty stamp. These goods were seized by HMRC under Secs. 112 and 118. Customs and Excise Management Act 1979.

These spirits should have displayed a numbered Customs sticker which is either separate or incorporated in the label on the bottle. This applies to bottles over 35cl in size and where the alcohol by volume exceeds 30%. This is a system which has been in force since 1st January 2007. The stamps are checked under ultra-violet light and fakes fail to light up in the correct way as they have just been printed on paper.

Further examination of the wine on sale revealed that there were 30 bottles (22.5 litres) of mixed wines. The wines were for sale at a price where the duty for the goods couldn't have been paid. These were seized under Sec 139 of CEMA 1979.

No receipts were produced for the goods seized at the time and a notice of seizure and a warning letter were issued to the occupant Mr Mazher Hussain.

The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been produced.

The goods seized amounted to a total of £449.09 of duty evaded with VAT added it comes to a total of £527.68.

DCMS Guidance states "certain criminal activity in connection with licensed premises, which the Sec of State considers should be treated particularly seriously", and one of these activities is "for the sale of smuggled tobacco and alcohol".

The Guidance also states that police are expected to use the review procedures effectively to deter such activities and crime and that even after a first instance revocation of the licence should be seriously considered.

In this case we have requested a suspension of the licence due to the lesser amount of goods that were seized in comparison to other premises where revocation was requested.

We have taken a view that when a licensed premise has a smaller amount of smuggled goods, a suspension of the licence would be sought and that we would suggest that the licensing panel be invited to decide as to the length of any suspension involved. We also felt that a premise, which has 46.2 litres of spirits and 22.5 litres of wine for sale, should be treated differently to a premise where both the amounts of spirits and wine are in the hundreds. We believe that this is a proportionate response.

Of course the panel can decide that they consider revocation to be necessary to promote the licensing objective of crime and disorder. However we feel that by suspending the licence in this incidence it would send a powerful message not only to this premise but, with the correct publicity, to all off licenses on this Borough. This is important because we have now completed 3 operations of this type on this Borough and have found the majority of off licences visited selling smuggled and/or counterfeit alcohol.

Have you made an application for review relating to this premises before Please tick ? yes

If yes please state the date of that application

Day	Month	Year

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

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

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

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

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

Signature of applicant or applicant's authorised agent (please read guidance note 4). If signing on behalf of the applicant, please state the capacity.

Signature

Date 7<sup>th</sup> July 2010

Capacity Police Licensing  
Officer

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



## WITNESS STATEMENT

ENGLAND AND WALES ONLY

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

Statement of: Benjamin Cooper

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

Occupation: OFFICER OF H.M. Revenue & Customs

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

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

Date: 17<sup>th</sup> June 2010

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

On 21st April 2010, Officer Clark from H.M. Revenue & Customs and I, with Officers from Tower Hamlets Police Licensing Unit (Bethnal Green) and Trading Standards (Tower Hamlets) conducted a joint operation targeting various Off Licences within the area.

At 11:45 hours, Officers from the above mentioned agencies and I entered the premise at Fairprice Cash & Carry, London, E3 5ES.

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

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

Found on shelving behind the counter was a total of 30 bottles (22.5 litres) of mixed Italian wine. This was being sold as 2 bottles of wine for £5. When asked for documentary evidence, such as purchase invoices for the wine, none was forthcoming/available at the time.

Also found was a quantity of mixed spirits (Vodka and Whisky), giving a total of 46.2 litres. Tests on the UK Duty stamps using the Ultra Violet light resulted in all spirit bottles being counterfeit.

At 12:20 hours, all the above mentioned goods were seized under CEMA 1979, s.139.

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

At approximately 12:25 hours, all officers exited the premises.

It has been calculated that the total amount of Duty evaded equates to £50.61 for the wine and £398.48 for the mixed spirits, plus 17.5% VAT.

Date: 17<sup>th</sup> June 2010

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

(signature of witness)

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

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 1 of 1

**Fairprice Cash and Carry, 524 Roman Road, E3 5ES**  
**Representations consequent to review request from Metropolitan Police.**

Ian Moseley, Senior Trading Standards Officer  
for  
Local Weights and Measures Authority

I have examined the records held by the Trading Standards Service and can state that, with regard to underage sales, between August 2008 and April 2010 there were 4 test purchase attempts. Three (2 tobacco and one alcohol) were correctly refused. There was an underage sale of cigarettes on the 13<sup>th</sup> of April 2010 at which time a quantity of apparently counterfeit alcohol was also seized from the premises. This matter is still under investigation.

On the 9<sup>th</sup> of December 2007 59 packs of counterfeit packets of condoms were found during a routine visit for other purposes and a written warning was given to the business owner.

In view of the previous record of possession of counterfeit goods the authority would recommend that the panel consider all options including revocation of the licence.

In addition and separately from the issue of suspension or revocation we are aware that a number of counterfeit and non-duty paid items have been supplied to shops in the Borough and that the source of these items is often itinerant traders who do not provide sufficient details to allow products to be traced.

Not only does this represent a loss to the National Revenue from the failure to pay duty, it also introduces a health risk as the goods may be defective or contain contaminants..

Consequently the Trading Standards Service respectfully recommends **that the Licensing Sub-Committee exercises its power under Section 52 of the Licensing Act 2003 impose the following conditions.**

### **Restrictions on purchases of alcohol**

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers .
  
- 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
  - I. Seller's name and address
  - II. Seller's company details, if applicable
  - III. Seller's VAT details, if applicable
  
- 3) Copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.



# Appendix 2





# TOWER HAMLETS

Licence / Registration

Certificate Number

09705

(Fair Price Cash & Carry)  
524 Roman Road  
Bow  
London  
E3 5ES

**Licensable Activities authorised by the licence**

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse   
Team Leader Licensing

Date: 28/09/05

M:\LICENSING\Word97\2003 Licensing Act certs & lics\2003 Issued Premises Licences\Roman Road 524.doc

FOR OFFICE USE

Receipt Number

160762

Fee Paid

190

Fee Req.

Date

3/8/05

Initial

KD

---

**(Fair Price Cash & Carry)**  
**524 Roman Road**  
**Bow**  
**London**  
**E3 5ES**

**Licensable Activities authorised by the licence**

Retail sale of alcohol

**See the attached licence for the licence conditions**

**Signed by**

**John Cruse** \_\_\_\_\_  
**Team Leader Licensing**

**Date: 28/09/05**





**Part A - Format of premises licence**

Premises licence number

9705

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description  
(Fair Price Cash & Carry)  
524 Roman Road  
Bow**

<b>Post town</b> London	<b>Post code</b> E3 5ES
----------------------------	----------------------------

**Telephone number**  
[REDACTED]

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

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

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

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

In this condition, permitted hours means:

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

See Mandatory conditions for drinking up time

**The opening hours of the premises**

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

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

Off sales only

**Part 2**

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

**Safdar Hussain**

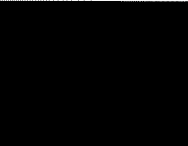


**Registered number of holder, for example company number, charity number (where applicable)**

N/A

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

**Mr Safdar Hussain**



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

Mr Safdar Hussain(*personal licence details to be confirmed*)

## **Annex 1 - Mandatory conditions**

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

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

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

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

### **Private Entertainment**

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

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

### **Public Entertainment**

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

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

None

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

None

**Annex 4 - Plans**

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

*03 AUG 2005*



**Part B - Premises licence summary**

**Premises licence number**

9705

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description  
(Fair Price Cash & Carry)**

524 Roman Road  
Bow

**Post town**  
London

**Post code**  
E3 5ES

**Telephone number**

**Where the licence is  
time limited the  
dates**

N/A

**Licensable activities  
authorised by the  
licence**

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.  
In this condition, permitted hours means:  
a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.  
b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.  
c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.  
d. On Good Friday, 8 a.m. to 10.30 p.m.  
The above restrictions do not prohibit:  
(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;  
(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;  
(c) the sale of alcohol to a trader or club for the purposes of the trade or club;  
(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Safdar Hussain



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

Off sales supplies

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

N/A

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

Mr Safdar Hussain

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

No

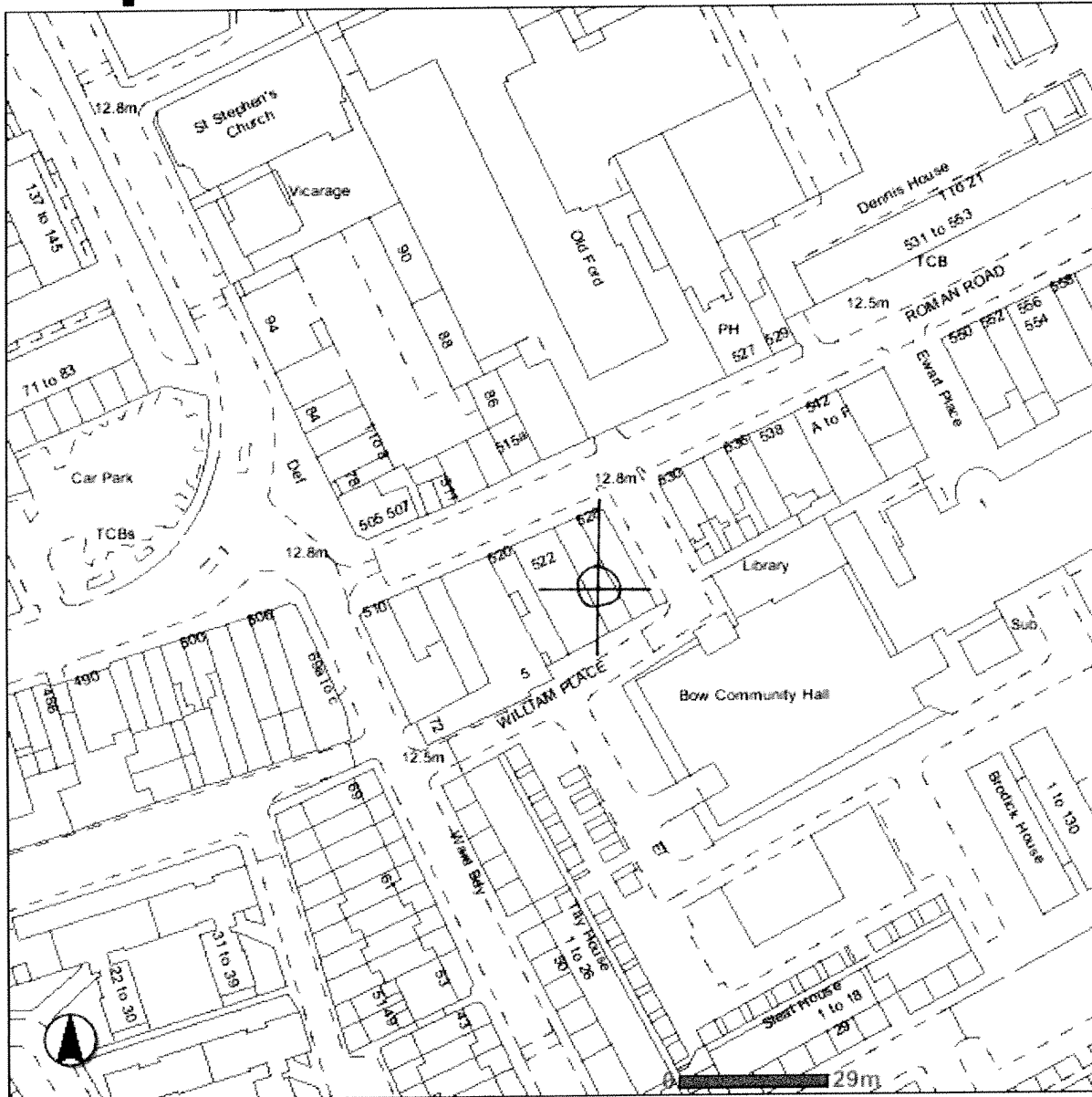




# Appendix 3



# Map



Scale 1:1250

Map of:

Notes:

## 524 Roman Road - large

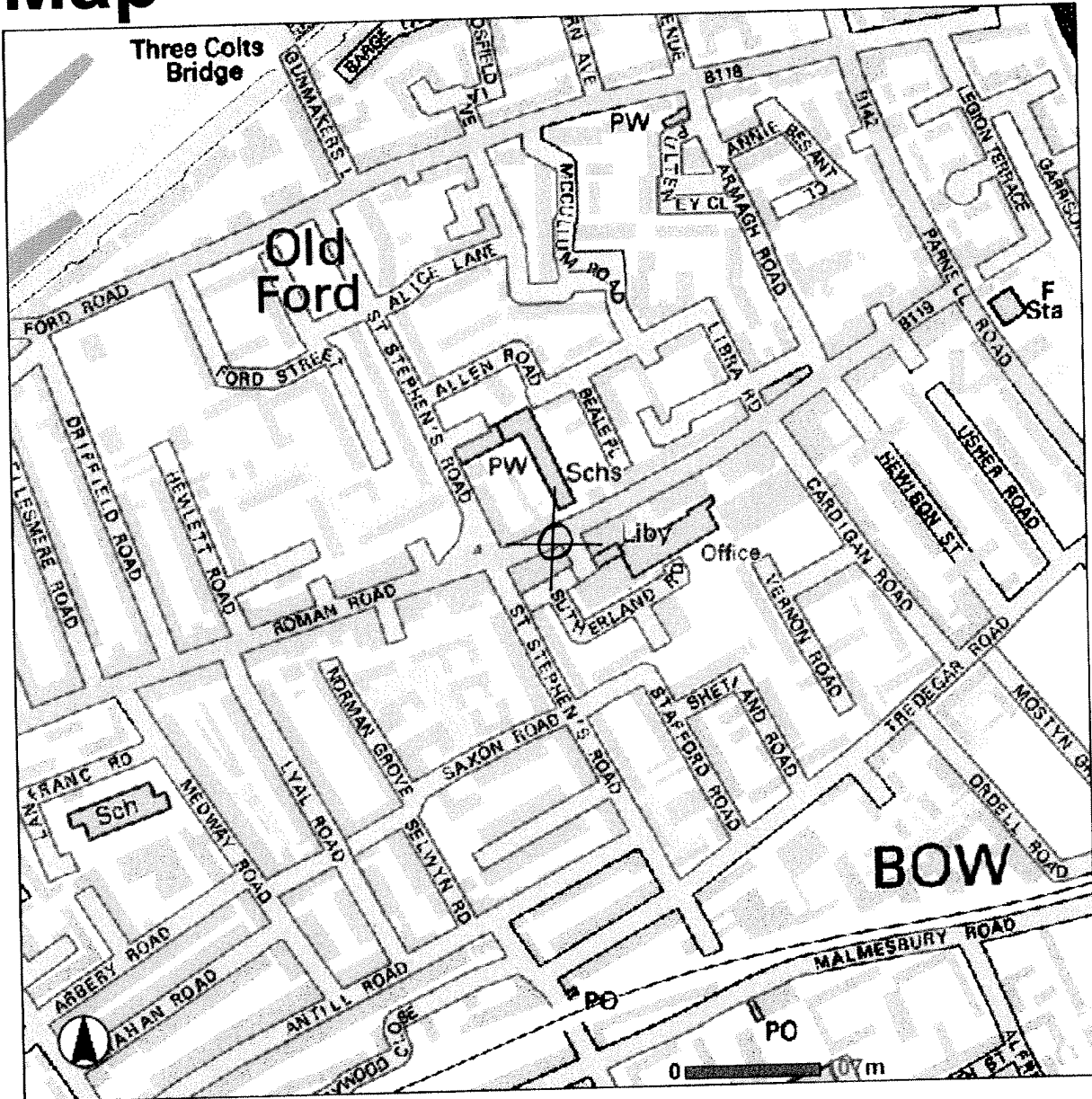
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# Map



Scale 1:5000

Map of:

Notes:

## 524 Roman Road - small

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# Appendix 4



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

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

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

supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

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

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

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises



licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

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

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would

also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

# Appendix 5



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

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

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

### **Pool Conditions**

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

### **Annex D**

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

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

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

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

### **CORE PRINCIPLES**

- 1 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and

licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- the nature and style of the venue;
- the activities being conducted there;
- the location; and
- the anticipated clientele.

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

1 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.

2 Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

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

### **Text/Radio pagers**

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

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

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

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

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

### **Door supervisors**

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

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
  - keeping out individuals excluded by court bans or by the licence holder;
  - searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
  - maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:
    - the number of supervisors;
    - the displaying of name badges;
    - the carrying of proof of registration;
    - where, and at what times, they should be stationed on the premises;
- and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

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

### **Bottle bans**

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

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
  - no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);In appropriate circumstances, the condition could include exceptions, for example, as follows:
  - but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

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

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

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

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

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

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

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



## **CCTV**

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

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

## **Restrictions on drinking areas**

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

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

## **Capacity limits**

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

## **Proof of age cards**

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of "proof of age" before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives.

Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Part 5).

### **Crime prevention notices**

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

### **Drinks promotions**

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

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

### **Signage**

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

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

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

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

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

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



# Appendix 6



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

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

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# Agenda Item 5.2

Committee: <b>Licensing Sub-Committee</b>	Date: 30 <sup>th</sup> September 2010	Classification: <b>Unclassified</b>	Report No. LSC 33/011	Agenda Item No.
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Report of: <b>Colin Perrins</b> <b>Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>Mohshin Ali</b> <b>Acting Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a premises licence for Strada, Unit E1, 12 Hertsmere Road, West India Quay, London E14 4AF</b>  Ward affected: <b>Millwall</b>
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## 1.0 Summary

Applicant:	<b>Signature &amp; Strada Restaurants Limited</b>
Name and	<b>Strada</b>
Address of Premises:	<b>Unit E1 12 Hertsmere Road West India Quay London E14 4AF</b>
Licence sought:	<b>Premises Licence under Licensing Act 2003</b> <ul style="list-style-type: none"><li>• Sale of alcohol</li><li>• Provision of late night refreshment</li></ul>
Representations:	<b>Planning Department Local Residents</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied  
for register

If not supplied, name and  
telephone number of holder

File Only

Mohshin Ali  
020 7364 5498

### 3.0 **Background**

- 3.1 This is an application for a premises licence for Strada, Unit E1, 12 Hertsmere Road, West India Quay, London E14 4AF.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 Due to representations against the premises, the applicant has amended the application (please see **Appendix 2**). The amended licensable activities and timings are as follows:

#### **Sale of alcohol**

- Saturday to Tuesday, from 09:00 hours to 23:00 hours
- Wednesday to Friday, from 09:00 hours to 00:00 hours

#### **Late night refreshment**

- Saturday to Tuesday, from 23:00 hours to 23:30 hours
- Wednesday to Friday, from 23:00 hours to 00:30 hours

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

- Saturday to Tuesday, from 07:00 hours to 23:30 hours
- Wednesday to Friday, from 07:00 hours to 00:30 hours

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

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

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 7<sup>th</sup> January 2008.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.culture.gov.uk](http://www.culture.gov.uk). It was last revised on 29<sup>th</sup> March 2010.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 5.0 Representations

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

- 5.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Environmental Protection
  - Trading Standards
  - Child Protection
- 5.11 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local residents and the Planning Department.
- 5.12 In relation to the application and the representations, the personal details such as emails, phone numbers and signatures have been redacted for the purposes of identity theft protection. The Licensing Officer has the original documents on file.
- 5.13 Please see **Appendix 5** for the representation of Planning Department.
- 5.14 Please see **Appendix 6** for a list of the residents making representations.
- 5.15 Please see **Appendices 7 - 25** for the individual representations.
- 5.16 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.
- 5.17 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
- 5.18 Essentially, the responsible authority and the local residents oppose the application because the applicant has not explained how within the context of the application they will meet the above licensing objectives, particularly:
- the prevention of crime and disorder
  - the prevention of public nuisance
- 5.19 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

## 6.0 Licensing Officer Comments

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

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

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out this their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).  
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).
- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

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

- Appendix 26** Licensing Officer comments on crime and disorder on the premises
- Appendix 27** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 28** Licensing Officer comments on noise while the premise is in use
- Appendix 29** Licensing Officer comments on egress problems
- Appendix 30** Section 182 Advice by the DCMS concerning public safety
- Appendix 31** Planning
- Appendix 32** Licensing Policy relating to hours of trading

## **7.0 Exemptions**

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Acts of religious worship, wherever performed are not licensable.
- 7.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 7.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.5 Section 177 can be disapplied on a licence review if it is proportionate to do so.

## **8.0 Legal Comments**

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

## **9.0 Finance Comments**

- 9.1 There are no financial implications in this report.



## 10.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	A letter amending the application
<b>Appendix 3</b>	Maps of the area
<b>Appendix 4</b>	Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
<b>Appendix 5</b>	Representation of Planning Department
<b>Appendix 6</b>	List of residents making representations
<b>Appendices 7 - 25</b>	Individual representations of the local residents
<b>Appendix 26</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 27</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 28</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 29</b>	Licensing Officer comments on access and egress problems
<b>Appendix 30</b>	Section 182 Advice by the DCMS concerning public safety
<b>Appendix 31</b>	Planning
<b>Appendix 32</b>	Licensing Policy relating to hours of trading

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# Appendix 1



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**We, SIGNATURE & STRADA RESTAURANTS LIMITED, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and 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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Strada Unit E1 12 Hertsmere Road West India Quay	
<b>Post town</b>	<b>Postcode</b> E14 4AF

Telephone number of premises (if any)

Non-domestic rateable value of premises

**Part 2 – Applicant details**

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- a) an individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick ✓ yes

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

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

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

**Surname**  **First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr

Mrs

Miss

Ms

Other title   
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick  
✓ yes

**Current postal  
address if  
different from  
premises address**

**Post town**

**Postcode**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) OTHER APPLICANTS**

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

Name	SIGNATURE & STRADA RESTAURANTS LIMITED
Address	163 EVERS HOLT STREET LONDON NW1 1BU
Registered number (where applicable)	03038667
Description of applicant (for example, partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number (if any)	020 7121 3200
E-mail address (optional)	

**Part 3 – Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year			
0	2	0	9	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 note 1)

Restaurant providing food and drink.



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)

Please tick ✓ yes

**Provision of regulated entertainment**

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

**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**

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

**B**

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

C

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

**D**

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

**E**

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

**F**

<b>Recorded music</b>			<b>Will the playing of recorded music take place</b>	
Standard days and timings (please read guidance note 6)			<b>indoors or outdoors or both – please tick [✓]</b>	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>
Mon	09.00	00.00	<b>Please give further details here</b> (please read guidance note 3)	
Tue	09.00	00.00		
Wed	09.00	00.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4) On New Year's Eve, recorded music may be provided until the commencement of licensable activity on 1 January. On Christmas Eve until 02.00 on the morning following.	
Thur	09.00	00.00		
Fri	09.00	01.00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat	09.00	01.00		
Sun	09.00	00.00		

**G**

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



H

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

**I**

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

J

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

K

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

**L**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	<input checked="" type="checkbox"/>
Mon	23.00	00.30	<b>Please give further details here</b> (please read guidance note 3)		
Tue	23.00	00.30			
Wed	23.00	00.30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23.00	00.30			
Fri	23.00	01.30	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5) On 31 December, between 23.00 and 05.00 on the following day. On 24 December until 02.30 on the morning following.		
Sat	23.00	01.30			
Sun	23.00	00.30			

**M**

<b>Supply of Alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the sale of alcohol be for consumption – please tick box [✓]</b> (please read guidance note 7)	On the premises	
				Off the Premise	
				Both	✓
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	09.00	00.00			
Tue	09.00	00.00			
Wed	09.00	00.00			
Thur	09.00	00.00			
Fri	09.00	01.00			
Sat	09.00	01.00			
Sun	09.00	00.00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) On New Year's Eve, alcohol may be sold or supplied until the commencement of licensable activity on 1 January. On Christmas Eve until 02.00 on the morning following.		

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

**Name** Kelvin Terblanche

**Address** [REDACTED]

**Postcode** [REDACTED]

**Personal Licence number (if known)** [REDACTED]

**Issuing licensing authority (if known)** [REDACTED]

**N**

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

NONE

0

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variation</b> (please read guidance note 4)
Day	Start	Finish	
Mon	07.00	01.00	
Tue	07.00	01.00	
Wed	07.00	01.00	
Thur	07.00	01.00	
Fri	07.00	02.00	<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)  On 31 December until the opening time on the following day. On Christmas Eve, until 03.00 on the morning following.  Notwithstanding the hours stated here as standard timings, the premises may open at any time for non licensable activities.
Sat	07.00	02.00	
Sun	07.00	01.00	



**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)

All staff are trained in the appropriate legislation.

All staff will be properly trained for their roles, records of training kept and re-training will be regularly provided.

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

Ensure that glassware or open containers do not leave the premises or any external seating area. The premises will liaise with the Police.

**c) Public safety**

The premises licence holder is aware of existing health and safety and fire safety responsibilities. Regular checks of safety equipment and fire escape will be carried out. Adequate numbers of staff will be provided to ensure public comfort and safety.

**d) The prevention of public nuisance**

Where appropriate, notices will be provided at exits reminding customers to leave the premises quietly and to respect residents when travelling home.

**e) The protection of children from harm**

Provide training in relation to the legal requirements in relation to children within the licensed premises (including proof of age evidence).

Please tick ✓ yes

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

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

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

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

Signature

[Redacted Signature]

Date 3 August 2010

Capacity BERWIN LEIGHTON PAISNER, SOLICITORS for and on behalf of the Applicant.

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

Signature

Date

Capacity

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 13) GRAHAM CLACK BERWIN LEIGHTON PAISNER, SOLICITORS ADELAIDE HOUSE LONDON BRIDGE	
<b>Post town</b> LONDON	<b>Postcode</b> EC4R 9HA
<b>Telephone number (if any)</b> 020 3400 2105	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> graham.clack@blplaw.com	

### Notes for guidance

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



# Appendix 2



Date: 16 September 2010  
Our ref: GC/24135.233  
Your ref:  
DDI: 020 3400 2105  
e-mail: graham.clack@blplaw.com

Mr M Ali  
London Borough of Tower Hamlets  
Town Hall  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

Dear Mohshin

**Strada, Unit E1, 12 Hertsmere Road, West India Quay, E14**

I write with reference to the new licence application in respect of the above mentioned premises.

As you are aware, our clients are taking over the unit which was formally known as Dion. The reason why we had to lodge a new licence application, is that the licence holder for Dion went into administration and therefore the Licence lapsed.

When lodging the application, we requested "standard" hours, which we use when applying in High Street locations or within leisure parks (although in practise our client in fact operates shorter hours than those requested). Unfortunately, we did not appreciate the sensitivities within this area. Therefore, having considered the representations of the residents and the planning department, we now wish to amend the application in the following way.

- Alcohol sales to cease at 23:00 Saturday - Tuesday and at 00:00 Wednesday - Friday.
- Late night refreshment and opening hours to be an additional 30 minutes to the hours mentioned immediately above (in order to allow "drinking up" and serving of hot drinks).
- We wish to withdraw **completely** recorded music.

We hope that the removal of recorded music will be of great comfort to the residents.

Over the next few days, we shall endeavour to forward a copy to all of the local residents and will be asking them, in circumstances, whether they would be prepared to kindly withdraw their representations. We are taking the opportunity to send this letter (by email only) to Andy Jackson at the Police and to Thomas Doyle in your planning department.

Would you be kind enough to ensure that this letter is added to the Committee papers so that the Committee are aware of the amendments to the application.

Should you have any queries, please do not hesitate to contact me.

Yours faithfully

**BERWIN LEIGHTON PAISNER LLP**

To: London Borough of Tower Hamlets  
Date: 16 September 2010  
Page: 2

cc [Thomas.doyle@towerhamlets.gov.uk](mailto:Thomas.doyle@towerhamlets.gov.uk); [Andy.jackson@met.police.uk](mailto:Andy.jackson@met.police.uk)

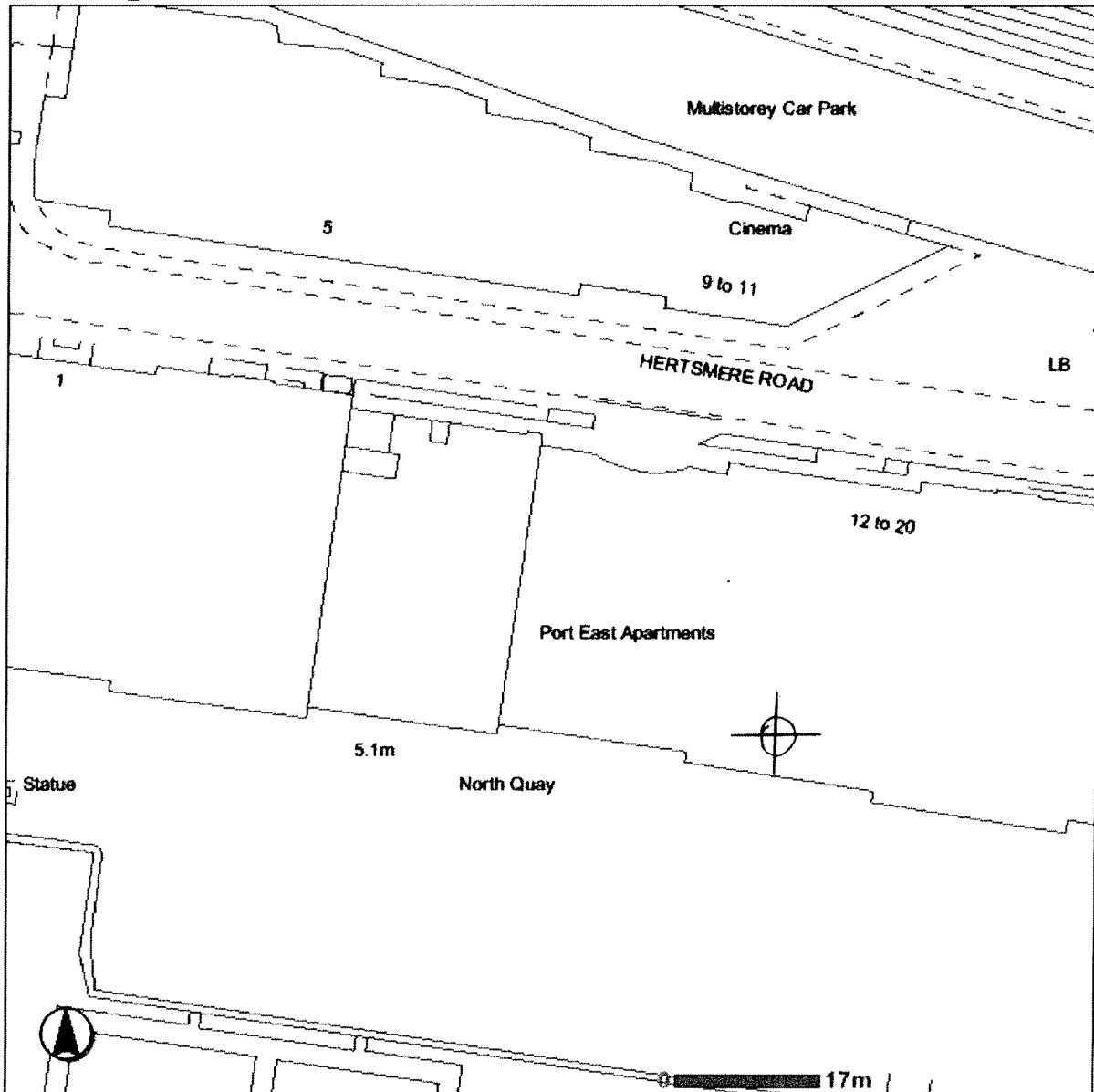
gml\14464573.1



# Appendix 3



# Map



Scale 1:750

Map of:

## Strada

Notes:

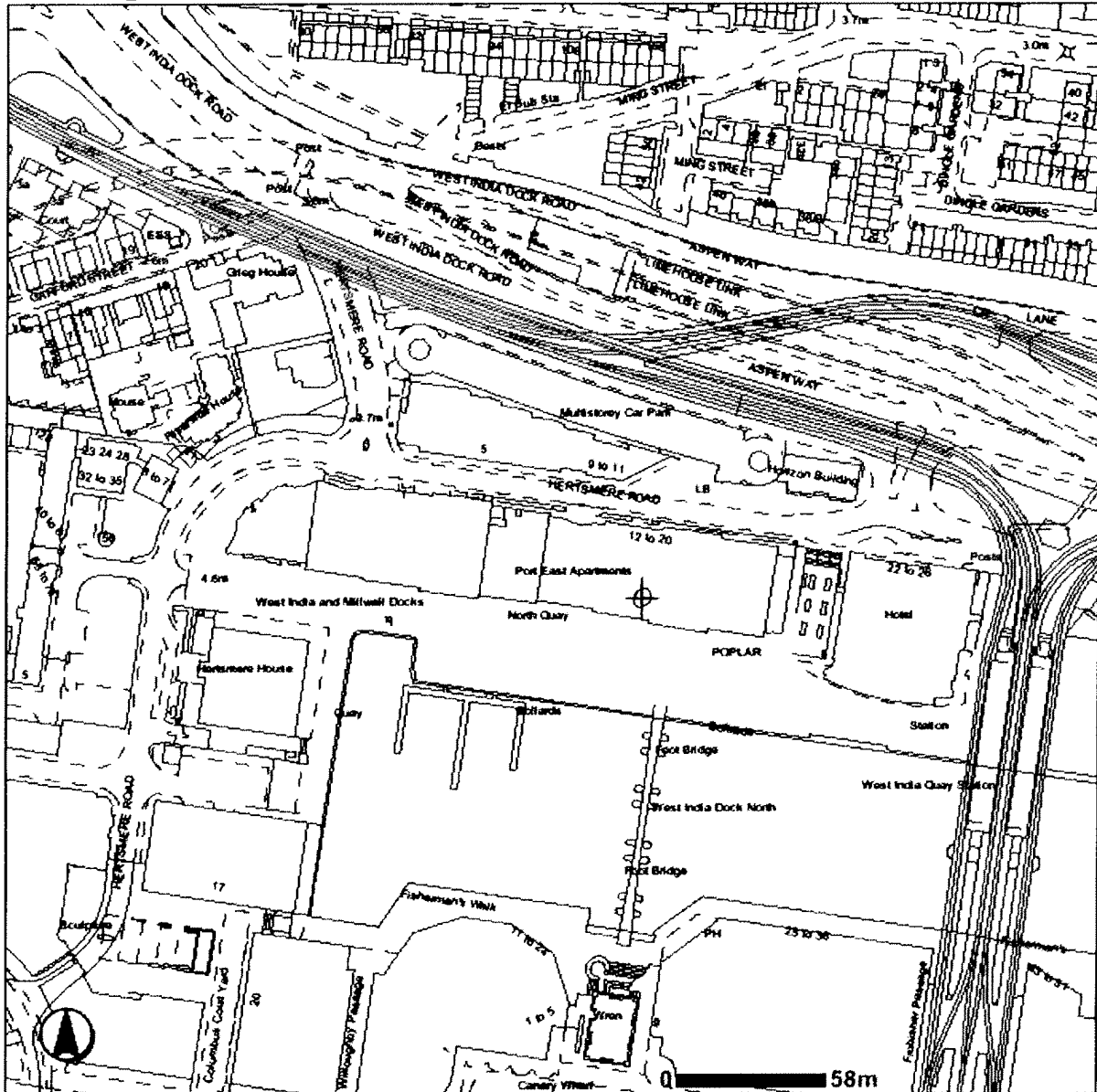
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# Map



Scale 1:2500

Map of:

## Strada

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# Appendix 4

## Section 182 Advice by the DCMS

### RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

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

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

# Appendix 5







To Licensing Department  
From Planning Enforcement  
Contact Thomas Doyle  
Extension 5204  
Date 26/08/2010  
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](mailto:Thomas.doyle@towerhamlets.gov.uk)  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

**Objection to new premise license at Strada, Unit E1, 12 Hertsmere Road, West India Quay, E14 4AF.**

The Planning Department wishes to object to the granting of a new Premises License at Unit E1, 12 Hertsmere Road, West India Quay, E14 4AF 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 and noise later into the night and in the early hours of the morning.

**Public Nuisance**

Hertsmere Road 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 1am Mondays to Thursdays and on Sundays and until 2am on Friday and Saturdays will result in noise and disturbance to residents far later into the evening than what currently occurs.

The location of the premises is in an area where residential properties located above the premises in particular 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 1am 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 Unit E1, 12 Hertsmere Road, West India Quay, E14 4AF for the opening hours proposed, as this will cause a serious public nuisance to nearby residential occupiers far later into the evening than what currently occurs. The new Premises License hours 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 6



Individual representations of local residents against Strada, Unit E1, 12 Hertsmere Road, West India Quay, London E14 4AF						
Name	Address1	Address2	Address3	Address4	Address5	Appendix
1 Deborah Nankivell	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	7
2 Kate and David Chur	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	8
3 Lincoln Sehter	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	9
4 Roger Houlihan	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	10
5 J and R Channell	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	11
6 Dr and Mrs J A Lawrie	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	12
7 Iain Stewart	(Representing Residents)	[REDACTED] Station Lane	Hornchurch	Essex	RM12	13
8 Aaron Hulsizer	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	14
9 Alison Houlihan	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	15
10 Luke Hamill	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	16
11 Katrina Haley	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	17
12 Barnaby Geib	Flat [REDACTED]	West India Quay	Hertsmere Road	London	E14	18
13 M and L Leong	(Owner)	[REDACTED] Park Avenue		Ruislip	HA4	19
14 Mark Nankivell	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	20
15 Sandra Dumont	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	21
16 Ms Sook L Miller	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	22
17 Paul Karpeles	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	23
18 M and D Garside	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London	E14	24
19 Mark Aspery	(Owner)	[REDACTED] Tredegar Square		London	E3	25



# Appendix 7





**Mohshin Ali**

---

**From:** Deborah Nankivell [REDACTED]  
**Sent:** 02 September 2010 12:33  
**To:** Mohshin Ali  
**Subject:** Strada application to play music and serve alcohol

Dear Sirs

I write to you as the owner of Flat B204, Port East Apartments, West India Quay and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

I write to officially log my objection on the following grounds:-

I have already been disturbed by noise from the commercial units in the area and I feel an extension of Strada's hours could lead to a further increase in the noise level and more incidences of rowdiness.

I often travel to London with my daughter aged 12. When returning home after a night at the theatre it can feel quite intimidating passing groups of late night revellers. An extension to the hours Strada can play music and serve alcohol can only serve to increase the amount of people out on the street.

I would like to register my objection to an extension of their hours in the strongest possible terms.

Yours faithfully  
Deborah Nankivell



# Appendix 8



**Mohshin Ali**

---

**From:** Kate Church [REDACTED]  
**Sent:** 01 September 2010 11:24  
**To:** Mohshin Ali  
**Cc:** Charlotte Last; David Church  
**Subject:** C305 Port East apartments Planning objection to Strada's licensing hours extension

Dear Moshin

We write to formally to object to the request for the extension of licensing hours and the playing of music beyond 11.00pm

Kind Regards Kate & David Church owners of [REDACTED] Mobile [REDACTED]



# Appendix 9





**Mohshin Ali**

**From:** Lincoln Sehter [REDACTED]  
**Sent:** 01 September 2010 10:22  
**To:** Mohshin Ali  
**Subject:** Strada Application to Extend Hours, Port East, West India Quay

**Dear Sirs**

**I write to you as the owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.**

**I write to officially log my objection on the following grounds;**

- 1. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.**
- 2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada.**
- 3. I have been disturbed by the noise emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.**

**I would like to register my objection to an extension of their hours in the strongest possible terms.**

**Yours sincerely**

**Lincoln Sehter**



# Appendix 10



**Mohshin Ali**

**From:** Houlihan, Roger [REDACTED]  
**Sent:** 31 August 2010 22:04  
**To:** Mohshin Ali  
**Subject:** Licensing request for Strada restaurant

To Whom it may concern,

I write to you as the owner of Apartment B101 Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol. I don't object to Strada per say, in fact knowing this establishment I would encourage their presence on the key, but only in the context of a restaurant not operating a late licence such as this.

I write to officially log my objection on the following grounds;

1. I am concerned the extended hours will lead to further disturbances on the Quayside. I am already concerned about the current license times and the concern would clearly be exacerbated if opening times were extended.
2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada, particularly as customers of the bars and restaurants currently in the quayside stand around the doorways smoking and have been seen congregating at the entrance - this is quite intimidating especially for lone females living in Port East.
3. I have been disturbed by the noise emanating from the commercial units and although I understand that the bars and restaurants on the quayside are bound to generate some noise, there is a limit to this and the extended hours proposed would certainly mean that residents will ultimately suffer through lack of sleep and noise infringing on their enjoyment of the building and quay area.

I would like to register my objection to an extension of their hours in the strongest possible terms.

Regards

Roger

Roger Houlihan [REDACTED]

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# Appendix 11





Tuesday 31<sup>st</sup> August 2010

Mr Mohshin Ali,  
Planning Office  
Tower Hamlets Council  
Town Hall  
Mulberry Place  
5 Clove Crescent  
E14 2BG

Dear Mr Ali,

**Re: Application to extend opening licence for Strada and other matters at West India Quay**

We understand that Strada, a restaurant soon to be opening in the commercial unit below residential block E at 12 Hertsmere Road E14 4AE, has applied for late openings. As owner and occupier of Apartment [REDACTED], we are deeply concerned about this application for a number of reasons which I would like to set out to you.

Please understand that this letter comes in hope of reaching a compromise suitable for all parties (not least Strada, and the Council). We recognise the benefit of the commercial activities, and we support their trade. We also understand the growing pressures on businesses to maintain trade in the current economic climate. However, we are disappointed that decisions have been made by the Council and X-Leisure (who manage the commercial tenants) to support the interests of the commercial activities at the cost of the residents. In short, the balance of interests between the two is skewed to the detriment of residential life at West India Quay. Our quality of life is sometimes seriously compromised.

To illustrate the issues we currently have, and have raised repeatedly with the Council and X-leisure of the last years, I will set out a few examples below. We feel you would be responsible for exacerbating these further if you approve Strada's application:

Noise

1. The noise levels that we hear from the bars below are already unacceptable. At times, it is so loud that we have to go downstairs in the middle of the night and ask the bars to turn down the base and volume, which travels through the whole building because of the structure.
2. The bars hang their sound equipment on the beams that conduct sound with no proper or professional insulation.
3. Management frequently exceed opening times, and acceptable (legal) noise levels.
4. Recent examples include a Brazilian night in Bar 1803 where a drumming band was allowed to drum inside the building until midnight.
5. Closing time does not reflect noise cessation at all. Drunken customers are allowed to party on outside until 4, 5 or 6am – until they collapse. The noise often relates to fights with raised voices, screaming women, men assaulting each other, furniture and glasses being thrown. One woman was screaming "rape" at 3.30am.

### Public Nuisance

1. As well as the above noise issues, the bars neglect their obligation to keep their premises in hygienic order. Bins liners are dragged across floors in residential areas causing leakage of rotting food and drink, damage to the floor (example: Beluga Café on the ground floor causing permanent stains on the wooden floor and La Tasca leaving food debris in the basement – prawn shells, broken glass, various slippery items in the path of our fire escape). The smell is also horrific.
2. Bar management and X-leisure neglect their duties under Public Safety orders in that they allow fire exits to be blocked. Specific examples include leaving waste bags in the corridors in the basement and a permanent staff locker unit that blocks half of La Tasca's fire escape in the basement. Also, the Council and X-Leisure have allowed Beluga Café to build an outside serving station in front of their fire exit on the ground floor. Recently, the fire department ordered the removal of a small from the residential stairwell as it was considered a "serious" obstruction to the fire exit path of the building. This comparatively small obstruction was immediately removed but we see no such commitments to public safety from the commercial units.
3. Bars do not clear away their glasses, drinks, cigarette butts, some food debris from the outside terrace areas. A quick tour on a Saturday or Sunday morning would reveal this. The area is unsightly, unhygienic and as a result attracts rodents and pigeons.
4. Commercial units do not clean their outside terrace spaces properly. Food and drink stains, chewing gum, degrade the area.
5. The above, and the permitting of immoderate signs and outside umbrellas, smoking areas and seating contravene the spirit of a Grade 1 Listed building. The Council has permitted the historic building façade to be covered and obscured by materials that are not in keeping with the history. Nor are these things erected to preserve the building. Holes are bored in brick work, beams and other structures that are protected. In turn however, residents are required to jump through countless hoops to alter the interiors of the residential units and are prevented from interfering with the listed structures.

### Crime, Public Disorder and Public Safety

1. We have reported incidences of drug dealing outside on the quayside. We believe that the extended licenses encourage this dealing and are responsible for proliferation of drug and drink related crime.
2. The excessive drinking culture has led to personal safety threats. Specific examples include the entrance to the residential building being blocked by drunken clients of the commercial units. We have endured verbal and physical abuse in the form of unsolicited sexual advances, physical touching and blocking of the door way to attract attention. This is incredibly stressful. There is insufficient security and protection provided by the commercial tenants for the safe passage of the residents. Nor is there proper demarcation of drinking areas and residential access areas.
3. We have a 2 year old child who we frequently have to push through this type of crowd. I fear for her safety and well being. Surely the Council has a duty to protect children from this kind of harm? Essentially the building is residential and the rights and well being of the residents need to be protected by the council.

4. Fighting amongst the intoxicated patrons is tolerated – certainly, it is not controlled as security watches on.

We have many more examples that I can share with you. I genuinely welcome you to spend an evening at our home during one of these evenings where entertainment activity is enhanced so you can judge first hand if you consider this an acceptable balance of residential and commercial life at West India Quay.

We have positive experience of living in a similar building with shared residential and commercial units where the balance is managed more equitably and appropriately. As an example, and in the spirit of compromise, I illustrate the efforts that Islington Council and another management company have made.

Examples of these measures include:

1. Enforced closing procedure: security usher patrons off-site within 20 minutes of closing time.
2. Extra crowd control and security
3. Increased monitoring by police
4. More frequent inspections by council
5. Proper boundaries of drinking/entertainment space and general public space
6. Effective escalation method in case of issues (telephone numbers of bar managers distributed etc) midnight response from council.
7. Effective barriers to separate patrons of bars from residential entrances
8. Enforced sound limits (technical sound output monitored)
9. Etc.

Until measure such as above are implemented, we would like to register our **objection to an extension of their hours in the strongest possible terms given that we feel this will exacerbate the already unacceptable environment**. We ask you to conduct a full investigation on all the opening licenses at West India Quay and address our safety concerns. We have a right to live in a safe and quiet environment (at reasonable times) and feel that the Council has a duty to protect us from the harm that we have illustrated above.

Sincerely,

Jason and Rosalie Channell  
[REDACTED] Port East Apartments.

*Copy by post.*



# Appendix 12



**Mohshin Ali**

**From:** Carole [REDACTED]  
**Sent:** 31 August 2010 18:06  
**To:** Mohshin Ali  
**Subject:** Licence Application, Strade, West India Quay

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

**From:** Carole  
**To:** mohshin.ali@towerhamlets.gov.uk  
**Cc:** Charlotte Last ; Iain Stewart  
**Sent:** Tuesday, August 31, 2010 3:01 PM  
**Subject:** Licence Application, Strade, West India Quay

TO: Moshin Ali, Tower Hamlets Council, Licencing Department  
Date: 31.8.2010  
From: Dr and Mrs J A Lawrie, Owners, Flat B103 Port East Apartments, West India Quay.

Sirs;

RE: LICENCE APPLICATION, STRADA, WEST INDIA QUAY.

We are the owners of flat [REDACTED] Port East Apartments, and write to you to object to the licence application made by Strada to extend the hours in which they can serve alcohol and play music, on the following grounds:

- a) Prevention of Crime and Disorder,
- b) Public safety nd
- c) Prevention of Public Nuisance.

For the following reasons:

1.0 Our apartment , part of Port East Apartments, is above ' Strada' - so this is a mixed area of residential, and what is supposed to be, restaurant use. Entry to our apartment block is through the Quayside occupied by a number of restaurants. There are already a number of disturbances , crime and disorder issues - some of a serious nature- along the Quayside. We are concerned that the extended hours will lead to further disturbances.

2.0 We are concerned for the safety of residents returning to Port East Apartments, through this restaurant area, should the nature of the area change still further from restaurant to late-night drinking venue

3.0 The noise emanating from the commercial units under Port East Apartments causes disturbance and disruption - particularly from people leaving these venues late at night - from taxis right underneath our windows in Hertsmere Road and from noise in adjoining streets. These extended hours would further compromise our rights to quietly enjoy our property.

In general terms, the commercial units at West India Quay currently have a planning use as restaurants:there is a move by some of these establishments, by stealth, to aquire later drinking and music licences ,to become a late night drinking venue. In our view, it is not necessary for restaurants to have such late opening hours and it is inappropriate to their planning class use. The licencing hours being requested are more likely to lead to 'club' type of use, which is in a completely different planning category.

We would draw to your attention that West India Quay is a Grade 1 listed building and we also believe this development to be

inappropriate and detrimental to the character and setting of a Listed Building.

We would ask Tower Hamlets to reject this application for further, extended licencing hours in this location.

Dr and Mrs J A Lawrie.





# Appendix 13



**Mohshin Ali**

**From:** Iain Stewart [REDACTED]  
**Sent:** 01 September 2010 13:48  
**To:** Mohshin Ali  
**Subject:** RE: License objection Strada restaraunt WIQ, 12 Hertsmere Road

VMT, my contact details are  
[REDACTED] Station Lane, Hornchurch, Essex, RM12 [REDACTED]  
Mobile:- [REDACTED]  
Home:- [REDACTED]

Iain Stewart

**From:** Mohshin Ali [mailto:Mohshin.Ali@towerhamlets.gov.uk]  
**Sent:** 01 September 2010 12:33  
**To:** Iain Stewart  
**Subject:** RE: License objection Strada restaraunt WIQ, 12 Hertsmere Road

Dear Mr Stewart,

Thank you for your email. I would be grateful if you could provide me with your correspondence address.

Thanks

*Mohshin Ali - Acting Senior Licensing Officer,*  
London Borough of Tower Hamlets Licensing Section Mulberry Place (AH) PO BOX 55739 5 Clove  
Crescent London E14 1BY  
Tel ☎: 020 7364 5498 Fax ☎: 020 7364 0863 E-mail ✉: mohshin.ali@towerhamlets.gov.uk

**From:** Iain Stewart [REDACTED]  
**Sent:** 31 August 2010 16:18  
**To:** Mohshin Ali  
**Subject:** License objection Srada restaraunt WIQ

Dear Mr Ali,

Following our telecon this afternoon I write on behalf of the Freehold owners and residents of West India Quay to register their objection to the terms of the license under consideration for the above premises.

The objection is based on the following:-

1. The area is mixed commercial and predominately residential usage and late licensing as proposed will increase the noise level for the residents, some of whom are elderly or have young children.
2. There are already two 'turbo bars' with late licensing which create a nuisance, and further bar will merely increase the problem.
3. Given such bars attract a certain sector of society many residents are concerned for their personal safety when attempting to access their property.

I believe that a number of objections have been lodged, however many residents are away at the moment and should your department decide that a hearing is appropriate, I would be most grateful if you would keep me informed, so that I am able to advise the residents.

Yours sincerely

Iain Stewart (Executive Officer WIQ(F)Ltd)

\*\*\*\*\*  
Working Together for a Better Tower Hamlets  
Web site : <http://www.towerhamlets.gov.uk>

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# Appendix 14



**Mohshin Ali**

**From:** Aaron Hulsizer [REDACTED]  
**Sent:** 31 August 2010 15:57  
**To:** Mohshin Ali  
**Subject:** RE: Strada Application @ Port East / West India Quay

**Dear Sirs**

**I write to you as the owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.**

**I write to officially log my objection on the following grounds;**

- 3. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.**
- 2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada.**
- 3. I have been disturbed by the noise emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.**

**I would like to register my objection to an extension of their hours in the strongest possible terms.**

**Aaron Hulsizer**

Port East Flat [REDACTED] Owner  
tel contac [REDACTED]





# Appendix 15



**Mohshin Ali**

**From:** Alison Houlihan [REDACTED]  
**Sent:** 31 August 2010 15:42  
**To:** Mohshin Ali  
**Subject:** Licensing request for Strada - WIQ

To Whom it may concern,

I write to you as the owner of Apartment [REDACTED] Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

I write to officially log my objection on the following grounds;

1. I am concerned the extended hours will lead to further disturbances on the Quayside. I am already concerned about the current license times and the concern would clearly be exacerbated if opening times were extended.
2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada, particularly as customers of the bars and restaurants currently in the quayside stand around the doorways smoking and have been seen congregating at the entrance - this is quite intimidating especially for lone females living in Port East.
3. I have been disturbed by the noise emanating from the commercial units and although I understand that the bars and restaurants on the quayside are bound to generate some noise, there is a limit to this and the extended hours proposed would certainly mean that residents will ultimately suffer through lack of sleep and noise infringing on their enjoyment of the building and quay area.

I would like to register my objection to an extension of their hours in the strongest possible terms.

Regards  
Alison Houlihan

---

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# Appendix 16



**Mohshin Ali**

**From:** Luke Hamill [REDACTED]  
**Sent:** 31 August 2010 15:15  
**To:** Mohshin Ali  
**Subject:** Licence Application Port East

Dear Mohshin,

Further to my email from the weekend I write again to reinforce the objection to the application above.

As the owner of B302 Port East Apartments, and Director of West India Quay Ltd, and I understand that you are dealing with an application from Strada to extend the licence hours for music alcohol.

I hereby officially log my objection on the following grounds;

1. **Extended hours will increase disturbances in the area. We have enough problems with existing late night drinking at West India Quay.**
2. I am concerned for my own safety when I am around the drunks that congregate in West India Quay. This will be a greater problem given Strada is next to the main Quayside entrance.
3. I am already being disturbed by noise from restaurants and bars in West India Quay. My right to quiet enjoyment would be further compromised by extending Strada's licence.

I hereby register my objection to an extension of their hours in the strongest possible terms.

I look forward to hearing from you.

Regards,

Luke Hamill





**Mohshin Ali**

---

**From:** Luke [REDACTED]  
**Sent:** 29 August 2010 22:17  
**To:** Mohshin Ali  
**Subject:** Strada licence

- >
- > Dear Mohshin
- >
- > I write as the owner of [REDACTED] Port East Apartments
- >
- > It is alarming that Strada have submitted a late night alcohol in our grade 1 building.
- >
- > The existing alcohol licensing at Port East causes enough problems for the residents.
- >
- > As a Director of West India Quay I note how it seems that late licenses are reducing the calibre of customer at Port East.
- >
- > Aside from rejecting this latest application please can Tower Hamlets reduce the existing number of late night licenses at Port East.
- >
- > Please do not hesitate to contact me if you have any questions.
- >
- > I look forward to hearing from you.
- >
- > Regards,
- >
- > Luke Hamill
- >
- >
- > Sent from my iPhone



# Appendix 17





Port East Apartments  
Hertsmere Road  
London  
E14

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

31<sup>st</sup> August 2010

Dear Mr Ali,

**Licensing Act 2003 and Strada, Hertsmere Road, London, E14 4QT**

I write to you as a resident of Port East Apartments, West India Quay in connection with an application from Strada (Tragus Ltd) to play music and serve alcohol for extended hours. I write to officially **log my objection**. Extended hours is not suitable for their location in a predominantly residential Grade 1 listed building in a conservation area.

1. I am concerned the extended hours will lead to further **disturbances** on the Quayside and in neighbouring Hertsmere Road where drunken crowds can gather at closing time. The **lack of late night public transport** in the area means dispersal is a noisy and prolonged matter that has caused me considerable disturbance and anxiety in the early hours of the morning.

The requested hours are themselves extended for 'drinking up' and it is residents experience that 'clearing up' also takes time meaning that refreshments to 2am actually becomes **dispersal into a residential area at nearer 3am**.

2. I am concerned for my own **safety** (and on occasion my children) when returning home late. The atmosphere on the Quayside becomes increasingly intimidating and uncontrolled during the course of an average evening and we have on several occasions witnessed fights, antisocial behaviour (urinating, drug taking, vomiting) and been verbally abused. Parts of the building have also been wilfully damaged and the residents and tenants have hired additional private security staff at our expense to patrol.
3. I have already been disturbed by the **noise** emanating from Via and other bars and my right to quiet enjoyment would be further compromised by extended hours. The **cumulative effect** of extending hours could lead to more applications from other bars (this application is a case in point of a 'me too' application) and change the nature of the area from bars serving the local working (and largely commuting) clientele to a **target destination** for late night drinking. Indeed, one bar advertises itself as offering entertainment 'into the early hours', and as 'one of Canary Wharf's premier destination venues' and 'the ultimate clubbing experience'. This is entirely **unsuitable in a residential building where residents repeatedly suffer a very different experience**. I see no reason why Strada, in applying for a license for alcohol and recorded music in its restaurant premises, needs an extended license to 2am on weekends and to 1am during the week.

I would like to register my objection to an extension of the hours in the strongest possible terms.

Yours sincerely

K Haley

# Appendix 18





**Mohshin Ali**

**From:** Barnaby Geib [REDACTED]  
**Sent:** 31 August 2010 13:09  
**To:** Mohshin Ali  
**Subject:** Licensing Request For Strada, Unit E1, 12 Hertsmere Rd E14

Dear Mr Ali,

**Re: Licensing Request For Strada, Unit E1, 12 Hertsmere Rd E14**

Please find below a signed copy of my objection to a "late license" request for Strada. The essential control mechanisms are simply not in place to ensure that the clientele who will frequent Strada til the early hours are not a hazard to themselves or anybody else in the area.

If Tower Hamlets council is sincere in fulfilling its "community plan" ([http://www.towerhamlets.gov.uk/lgsi/701-750/720\\_community\\_plan.aspx](http://www.towerhamlets.gov.uk/lgsi/701-750/720_community_plan.aspx)) then I fail to see how the above license extension can be granted.

Most residents tolerate the current arrangement because they are reasonable people and appreciate that people have to have somewhere to go for a drink til late. But extending them further is nothing short of greedy and is no compromise whatsoever.

Putting aside the residents objections, just what kind of message do Tower Hamlets want to send out? Is it A, "Come to Canary Wharf and get smashed and stoned til 3 am"? Or B, "come to Canary Wharf (West India Quay), enjoy the shopping, have a drink and finish the day with a nice meal in an atmosphere safe for families"? The council are in a position here where they can decide to be a borough that accepts (endorses?) late night binge drinking, the trouble is causes and therefore be just like most of the boroughs of GB. Or, you can be one that makes a stand against it. You can be different and truly send out a statement that says this is not what we want in our borough. No matter what we say as residents, the council need to look at this as part of their vision for CW (West India Quay) and TH as a whole and then decide where this application fits. If you're looking for an expensive Whitley Bay then grant the license, if not, reject it.

The council should be encouraging a continental style of socialising as you would find in many European capitals which includes food and drink late into the night without the club music. The food offsets the amount people drink so they don't throw up everywhere and act like hooligans and because there is no clubbing music, local residents are not adversely affected.

Furthermore, a different type of punter is attracted to the area. At the minute, it seems WIQ is going all out for young people drinking lots of beer and alcopops. Why would the council want to encourage this?

The building is not designed to accommodate late night revelry in the same way as a modern purpose built block. The wood beams that run through the building carry bass the length and breadth of the building and it makes it extremely difficult to sleep when bass is thumping through from below as it vibrates around. This is a problem for many residents above Via Fossa currently and to add Strada to the mix is adding insult to injury.

Currently, late night revellers all gather on Hertsmere Road when the current pubs close. Port East was developed in the early 90s and the listed window design used in the conversion were not "specc'd" to shield against noise in the same way as a modern double or triple glazed unit.

My apartment is on the top floor of block E and we can hear every shout, every argument, just about everything that goes on in the early hours on that side of the building. Opening another late night bar is simply going to make things worse and make living in my apartment more difficult. I get up every morning for work at 5.30, how am I going to sleep if there is music pounding til 12 am on week nights and 1 am on weekends?

Please do not assume that noise levels can be policed effectively because they are not at Via Fossa and I would suggest the same would be the case with Strada.

I wouldn't mind the late night licensing if it had always been present on West India Quay but this is not the case. When I first moved to the area, late night drinking, people being sick on the quay, shouting and screaming until the early hours was rare, it was a very decent place to live and hence the reason I bought. For you to allow the environment to change and impinge on my ability to rightful enjoyment of my property is simply unfair and unacceptable.

To conclude, I write to officially log my objection for the above reasons. Furthermore:

1. I am concerned the extended hours will lead to further **disturbances** on the Quayside, which have in the past resulted in the need for the Police and Ambulance services to attend.
2. I am concerned for my wife's **safety** when returning home and to the entrance of my development located next to Strada.
3. I have been disturbed by the **noise** emanating from Via Fossa and feel my right to quiet enjoyment would be further compromised by late night licensing of Strada.

I would like to register my objection in the strongest possible terms.

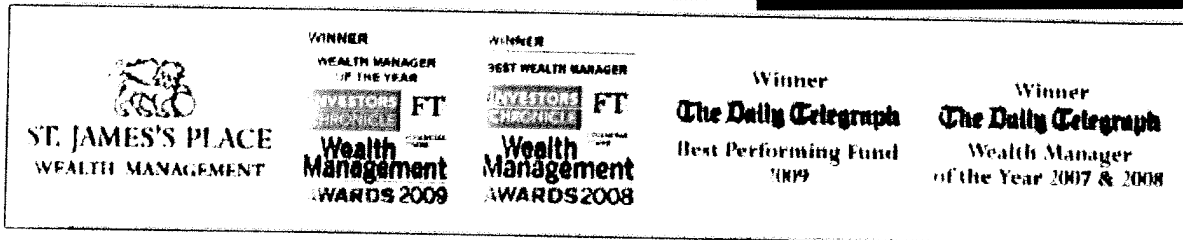
Yours sincerely

Barnaby Geib

Signed

Barnaby Geib  
Geib Grafton Geib

West India Quay, Hertsmere Road, London, E14



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# Appendix 19



**Mohshin Ali**

**From:** M LEONG [REDACTED]  
**Sent:** 31 August 2010 12:24  
**To:** Mohshin Ali  
**Subject:** Port East Apartments Formal objection

**Dear Sirs**

**I write to you as the owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.**

**I write to officially log my objection on the following grounds;**

- 3. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.**
- 2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada.**
- 3. I have been disturbed by the noise emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.**

**I would like to register my objection to an extension of their hours in the strongest possible terms.**

**Michael Leong FCA and Mrs H Y Leong**

[REDACTED]

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# Appendix 20

**Mohshin Ali**

**From:** [REDACTED]  
**Sent:** 31 August 2010 12:21  
**To:** Mohshin Ali  
**Cc:** [REDACTED]  
**Subject:** Recent Planning Applications by Strada - West India Quay.  
**Importance:** High  
**Attachments:** Licensing Request For Strada.doc

Dear Sirs

I am writing to you as the owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

Appartment [REDACTED] is my home. I have invested time and money to make it an attractive and welcoming place for my wife and daughter and it makes me very unhappy that our right to quiet enjoyment is being threatened by yet another bar/restaurant trying to make money at our expense out of selling alcohol and playing music late into the night.

We are not an office block left empty at night but a grade one listed residential building . It is simply the wrong location for late night venues.

I am therefore writing to you to officially log my objection on the following grounds;

**1. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.**

**2. I have been disturbed by the noise on many occasions emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.**

**I would like to register my objection to an extension of their hours in the strongest possible terms.**

Kind regards

Mark Nankivell

Appt [REDACTED]  
[REDACTED]

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# Appendix 21



**Mohshin Ali**

**From:** Sandra Dumont [REDACTED]  
**Sent:** 31 August 2010 11:11  
**To:** Mohshin Ali  
**Subject:** Objection to Strada Application  
**Importance:** High

Dear Sirs

I write to you as the owner of flat [REDACTED] Port East Apartments, West India Quay, I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

I write to officially log my strong objections to their application on the following grounds;

I am concerned the extended hours will lead to further disturbances on the Quayside which have often enough resulted in Police and Ambulance service having to attend, this is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.

I currently feel anxious and concerned for my own safety when returning home especially later in the evening as I have to navigate people that have had far too much to drink on a night out as the entrance of my development located close to Strada I feel this can only become more dangerous.

I am disturbed by the noise emanating from the commercial units and as I am directly above I feel my right to quiet enjoyment would be further compromised by the extended hours.

I would therefore like to register my objection to an extension of their hours in the strongest possible terms.

Yours sincerely

*Sandra Dumont*

[REDACTED]

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# Appendix 22



**Mohshin Ali**

**From:** (b) (6) [REDACTED]  
**Sent:** 31 August 2010 10:53  
**To:** Mohshin Ali  
**Subject:** Licensing Request STRADA-Unit E1, 12 Hertsmere Road E14

Dear Mr Ali

Re: Licensing Request STRADA-Unit E1, 12 Hertsmere Road E14

I write to you as owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from STRADA to extend the hours they can play music and serve alcohol.

I write to officially log my objection on the following grounds'

1. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.
2. I am concerned for my own safety when returning home and to the entrance of my development located close to STRADA.
3. I have been disturbed by the noise emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.

I would like to register my objection to an extension of their hours in the STRONGEST possible terms.

I thank you for your kind understanding.

Best regards

Ms Sook L Miller  
Resident and Owner  
[REDACTED] Port East Apartments  
[REDACTED] Hertsmere Road  
E14 [REDACTED]





# Appendix 23



## Mohshin Ali

---

**From:** Kapex International [REDACTED]  
**Sent:** 29 August 2010 11:22  
**To:** Mohshin Ali  
**Subject:** RE: OBJECTION - Licensing Request For Strada

Dear Mohshin Ali,

RE: Licensing Request For Strada, Unit E1, 12 Hertsmere Rd. E14

I write to you as owner of flat [REDACTED], Port East Apartments, West India Quay, and understand that you are dealing with an application for Strada to extend the hours they can play music and serve alcohol.

I write to log my objection on the following grounds;

1. I am concerned the extended hours will lead to further disturbances on the Quayside, which have in the past resulted in the need for the Police and Ambulance services to attend.
2. I am concerned for my own safety and that of my current tenants when returning home and to the entrance of my development located near Strada.
3. I have been disturbed by the noise emanating from West India Quay bars in the past and have received similar negative reports from my tenants over the last while and feel my right to quiet enjoyment would be further compromised by the extended opening hours.

I would like to register my objection to an extension of their hours in the strongest possible terms and would support a review of their current license.

Yours sincerely,

Paul Karpeles  
mailto:[REDACTED]



# Appendix 24



**Mohshin Ali**

**From:** Mike Garside [REDACTED]  
**Sent:** 31 August 2010 09:04  
**To:** Mohshin Ali  
**Subject:** Objection to Licence

Dear Mohshin Ali,

**RE: Licensing Request For Strada, Unit E1, 12 Hertsmere Rd E14**

I write to you as Owner and Resident of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada for extended hours they can play music and serve alcohol in the Grade I listed building at West India Quay.

I write to officially log my objection on the following grounds;

1. I am concerned the extended hours will lead to further **disturbances** on the Quayside, which have in the past resulted in the need for the Police and Ambulance services to attend.
2. I am concerned for my own **safety** when returning home and to the entrance of my development located next to Strada.
3. I have been disturbed by the **noise** emanating from West India Quay bars and feel my right to quiet enjoyment would be further compromised by the extended hours.

I would like to register my objection to extended hours in the strongest possible terms.

Yours sincerely

Michael and Diana Garside

Resident/Owner Flat [REDACTED] Port East Apartments, West India Quay.





# Appendix 25



**Mohshin Ali**

**From:** markaspery [REDACTED]  
**Sent:** 30 August 2010 17:59  
**To:** Mohshin Ali  
**Cc:** 'Mike Garside'  
**Subject:** Strada Application

Dear Mohshin Ali,

**RE: Licensing Request For Strada, Unit E1, 12 Hertsmere Rd E14**

I write to you as Owner of flat E104, Port East Apartments, West India Quay which is directly above Unit E1. I understand that you are dealing with an application from Strada to play music and serve alcohol.

I write to officially log my objection on the following grounds;

1. I am concerned the proposed hours will lead to further **disturbances** on the Quayside, which I understand have in the past resulted in the need for the Police and Ambulance services to attend.
2. I am concerned that my tenant will be disturbed by the **noise** emanating from Unit E1.
3. I do not believe that the permitted hours and maximum number of occupants should be longer or higher than those specified in previous licences granted in respect of these premises.

Yours sincerely

Mark Aspery

[REDACTED]  
[REDACTED] Tredegar Square  
London  
E3 [REDACTED]



# Appendix 26

## Crime and disorder on the premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

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

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

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

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 27

## Crime and disorder from patrons leaving the premises

### General Advice

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

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

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

### Licensing Policy

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

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

### Police Powers

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

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

#### Crime and Disorder Act 1998

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

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

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



# Appendix 28

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

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

#### Police Powers

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

#### Other Legislation

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

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

# Appendix 29

## Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

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

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model 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 30

## Section 182 Advice by the DCMS

### Public Safety

2.19 Licensing authorities and responsible authorities should note that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. There will of course be occasions when a public safety condition could incidentally benefit health, but it should not be the purpose of the condition as this would be ultra vires the 2003 Act. Accordingly, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.20 From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. Licensing authorities should note that under article 43 of the Fire Safety Order any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies.

2.21 The exception to this will be in cases where the licensing authority and the enforcing authority for the fire safety order are one and the same body. For example, designated sports-grounds and stands where local authorities enforce the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the licensing authority.

2.22 The Fire Safety Order applies in England and Wales. It covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons' in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.

- 2.23 Responsibility for complying with the Order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.
- 2.24 The local fire and rescue authority will enforce the Order in most premises and have the power to inspect the premises to check the responsible person is complying with their duties under the Order. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment. If the enforcing authority is dissatisfied with the outcome of a fire risk assessment or the action taken, they may issue an enforcement notice that requires the responsible person to make certain improvements or, in extreme cases, issue a prohibition notice that restricts the use of all or part of the premises until improvements are made.
- 2.25 Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website [www.communities.gov.uk/fire](http://www.communities.gov.uk/fire).
- 2.26 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be unnecessary for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if necessary, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or interested parties, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make clear their expectations in this respects to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

2.27 "Safe capacities" should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be unnecessary to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which

conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.28 As noted above, a capacity limit should not be imposed as a condition of the licence on fire safety grounds (unless the licensing authority and the enforcing authority for fire safety purposes are the same) since, under article 43 of the Fire Safety Order, it would have no effect and so would not be enforceable.

2.29 The special provisions made for dancing, amplified and unamplified music in section 177 of the 2003 Act apply only to premises with a "permitted capacity" of not more than 200 persons. In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the Fire Safety Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority who will consider it and then decide what the "permitted capacity" of those premises should be.

2.30 Whilst the Cinematograph (Safety) Regulations 1955 (S.I 1995/1129) which contained a significant number of regulations in respect of fire safety provision at cinemas, no longer apply, applicants taking advantage of the "grandfather rights" pursuant to Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering variation applications or applications for new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1995 Regulations.

2.31 Public safety includes the safety of performers appearing at any premises.





# Appendix 31

## 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.

### 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 32

## 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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