



Meeting of the

LICENSING SUB COMMITTEE

Tuesday, 12 October 2010 at 6.30 p.m.

A G E N D A

VENUE

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

Members:	Ward Represented
Chair: Councillor Kabir Ahmed	Weavers;
Councillor Khales Uddin Ahmed	Bromley-By-Bow;
Councillor Harun Miah	Shadwell;

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

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

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 12 October 2010

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST (Pages 1 - 2)

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

		PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE		3 - 14	
	To note the rules of procedure which are attached for information.		
4. ITEMS FOR CONSIDERATION			
4 .1	Application to Review the Premises Licence for Cost Cut, 219 East India Dock Road, London E14 0ED (LSC 37/011)	15 - 78	East India & Lansbury;
4 .2	Application for a New Premises Licence for PFC2, 110 Whitechapel Road, E1 1JL (LSC 38/011)	79 - 144	Whitechapel
4 .3	Application for new Premises Licence for Halal PFC, 400 Hackney Road, London E2 7AP (LSC 39/011)	145 - 246	Bethnal Green North;
5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT			

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

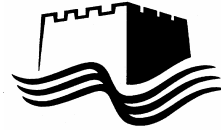
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph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

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

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

4. Procedure at the Hearing

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

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

8. Notices

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

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

9. Appeals

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

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

APPENDIX A

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

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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

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

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Agenda Item 4.1

Committee: Licensing Sub-Committee	Date: 12 October 2010	Classification: UNRESTRICTED	Report No. LSC 37/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Kathy Driver Acting Principal Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for: Cost Cut, 219 East India Dock Road, London E14 0ED Ward affected: East India and Lansbury
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1.0 Summary

Name and Address of premises:	Cost Cut 219 East India Dock Road London E14 0EG
Licence under review:	Licensing Act 2003 <ul style="list-style-type: none">▪ Sale by retail of alcohol
Representations:	Trading Standards (Local weights and measures Authority)

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">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		Kathy Driver 020 7364 5171

3.0 Review Application

3.1 This is an application for a review of the premises licence for Cost Cut, 219 East India Dock Road, London E14 0ED. The review was triggered by Trading Standards, the local weights and measures authority.

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

4.0 The Premises

4.1 The premises licence was issued on 1st March 2006. A copy of the current licence is contained in **Appendix 2**. There have been no changes to the licence holder since the licence was granted, a new Designated Premises Supervisor was appointed on 3rd March 2010.

The current licensed hours are Monday to Sunday from 06:00 hours to 02:00 hours the following day.

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: Trading Standards

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 authority it is necessary to achieve the licensing objectives of the prevention of crime & disorder and the protection of children from harm.

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. 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 issued guidance in relation to Protection of Children from Harm see **Appendix 7**

6.7 The Councils Licensing Policy in relation to the Protection of Children from Harm is shown in **Appendix 8**.

6.8 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.”

- 6.9 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).
- 6.10 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 were considered before any representations were accepted for inclusion in this report.
- 6.11 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

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews
Appendix 5	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 6	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 7	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Protection of Children from Harm
Appendix 8	Licensing Policy in relation to the Protection of Children from Harm

Appendix 1

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 Ian David Moseley

(Insert name of applicant)

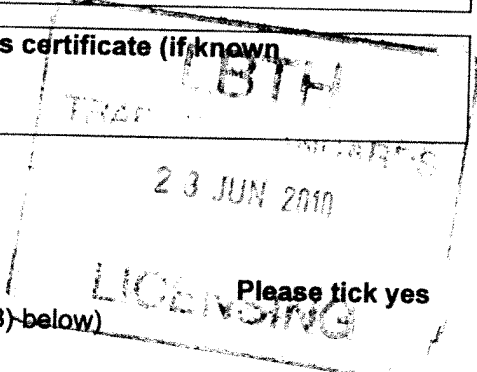
apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Cost Cut 219 East India Dock Road	
Post town London	Post code (if known) E14 0ED

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

Number of premises licence or club premises certificate (if known) 10588
--



Part 2 - Applicant details

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)

Please tick

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

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Ian David Moseley Mulberry Place (AH) PO Box 55739 5 Clove Crescent London, E14 1BY
Telephone number (if any) 020 7364 6840
E-mail address (optional) ian.moseley@towerhamlets.gov.uk

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

Please tick one or more boxes

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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

- 1) Counterfeit and non-duty paid goods have been found on the premises
- 1) Sale of alcohol when no valid licence was in effect (outside hours)
- 4) Underage sales of alcohol and tobacco have occurred on more than on occasion.

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

Please see attached report

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

- Please tick yes**
- 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
 - I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

.....

Capacity

.....

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Cost Cut (aka Costcutter) 219 East India Dock Road, London E14 0ED

Licence No - 10588

Licensee - Mrs Miznar Rahman

Application for the review of the Premises Licence under Section 51 of the
Licensing Act 2003

London Borough of Tower Hamlets – Trading Standards Service

REPRESENTATIONS

1. The Trading Standards Service, as the Local Weights and Measures Authority, is designated a responsible authority for the purposes of the Act and is raising this review in relation to Licensing Objective 1 - the prevention of crime and disorder and Licensing Objective 2 - the protection of children from harm
2. Test Purchases undertaken by trading standards departments are carried out in accordance with a nationally agreed Code of Best Practice between the Trading Standards profession (Trading Standards Institute), Local Authorities Coordinators of Regulatory Services (LACORS) and the Department for Culture, Media and Sport.
3. In the case of the sale to an underage person this could have been avoided by the seller asking the test purchaser his age and for him to produce a recommended proof of age card.

Underage test purchases

4. on the 26th of May 2009 a sale of tobacco to a person under 18 was made to a volunteer operating under the instruction of officers from LBTH Trading Standards. A simple caution was given to the seller Mr Miznar Rahman
5. On the 26th of August 2009 an attempted underage test purchase of alcohol was refused

6. On the 25th of July 2009 a sale of alcohol to a person under 18 was made to a volunteer operating under the instruction of officers from LBTH Trading Standards
7. On the 4th of November a further sale of alcohol was made to a person under 18 was made to a volunteer operating under the instruction of officers from LBTH Trading Standards and the premises were flagged for review pending information from another agency.

Counterfeit and non-duty paid items

8. On the 22nd of April 2010 a multi agency visit with officers from LBTH Trading Standard, the Police and HMRC was made to the premises. The trader was found to be in possession of 10,000 non-duty paid cigarettes, 7 bottles of counterfeit Glen's vodka, 29 packets of counterfeit condoms, 249 bottles (186.75 litres) of mixed Italian wine non-duty paid and 5 bottles of Smirnoff vodka bearing fake duty stamps. These matters are still being investigated with a view to prosecution.

Out of hours sales

9. On the 28th of February 2009 officers from LBTH licensing department were able to purchase alcohol at 2:20 a.m. when the license was in effect only to 2 a.m. A warning letter was issued
10. A further attempt to buy outside hours on the 26th of April was refused however a further such purchase was made on the 13th of June 2009 and an possible out-of-hours purchase by a customer was observed on the 5th of December 2009 after officers were refused
11. The sale of alcohol to persons under 18 is considered to be a strong contributory factor to anti-social behaviour in Tower Hamlets and has clear adverse health implications for the purchasers and is an offence under the provisions of Section 146 of the Licensing Act 2003

12. The possession for supply of counterfeit items constitutes an offence under the provisions of Section 92 of the Trade Marks Act 1994 which carries a maximum penalty of 10 years imprisonment. Additionally, counterfeit products are unlikely to be of the same quality as the original product and there is a risk of such products containing harmful substances.

13. The possession of non-duty paid items represents a loss to the Exchequer and may constitute an offence under Sections 170, 170B Customs and Excise Management Act 1979.

In view of the range and scale of the problems associated with these premises officers have no confidence that the imposition of additional conditions would resolve the problems found and therefore the Trading Standards Service respectfully submits **that the Licensing Sub-Committee exercises its power under Section 52 of the Licensing Act 2003 and revokes the premises licence**

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: Benjamine 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: 17th June 2010

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

On 22nd 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 10:20 hours, Officers from the above mentioned agencies and I entered the premise at Costcutt, 219 East India Dock Road, London, E14 0ED.

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 Ali Ahmed.

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

Found on shelving behind the counter and the rear stock room was a total of 249 bottles (186.75 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.

Also found were five bottles (3.5 litres) of Smirnoff Vodka (70cl, 37.5% each). The UK Duty stamps were tested on all five bottles using an Ultra Violet light. The result being that all five bottles were counterfeit.

At 10:30 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 Ali Ahmed.

At approximately 11:20 hours, all officers exited the premises.

It has been calculated that the total amount of Duty evaded equates to £420.06 for the wine and £43.13 for the Smornoff Vodka, plus 17.5% VAT.

Date: 17th June 2010

Signature:  -----

(signature of witness)

Signature: -----

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

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EHFO 681A

Page 32

CEP (Aug 2008)

Appendix 2



TOWER HAMLETS

Licence / Registration

Certificate Number

10588


(Costcutter)
219 East India Dock Road
London
E14 OED

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse 
Team Leader Licensing

Date: 1st March 2006

FOR OFFICE USE

Receipt Number

Fee Paid

Fee Req.

Date

Initial

161560

£190 Page 35

16/1/06

MT



TOWER HAMLETS

LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

10588

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Costcutter)
219 East India Dock Road

Post town
London

Post code
E14 OED

Telephone number
020 7987 4003

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 06:00 hours to 02:00 hours the following day.

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday 06:00 hours to 02:00 hours the following day

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

Mrs. Minara Begum



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

Not applicable

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

MD Lalon Miah



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

Issuing Authority: London Borough Newham Council
Personal Licence No.: 10/00191/LAPER

Annex 1 - Mandatory conditions

4.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

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

CCTV system to be maintained inside and outside the premises.

A "No proof no sale" policy shall be implemented at the premises.

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

Not applicable

Annex 4 - Plans

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

1st March 2006



Part B - Premises licence summary

Premises licence number 10588

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Costcutter)
219 East India Dock Road

Post town London	Post code E14 OED
----------------------------	-----------------------------

Telephone number
020 7987 4003

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 06:00 hours to 02:00 hours the following day.

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday 06:00 hours to 02:00 hours the following day

Name, (registered) address of holder of premises licence

Mrs. Minara Begum

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

Off sales only

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

Not applicable

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

MD Lalon Miah

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

No restrictions

Appendix 3

Map



Scale 1:1228

Map of:

219 East India Dock Road

Notes:

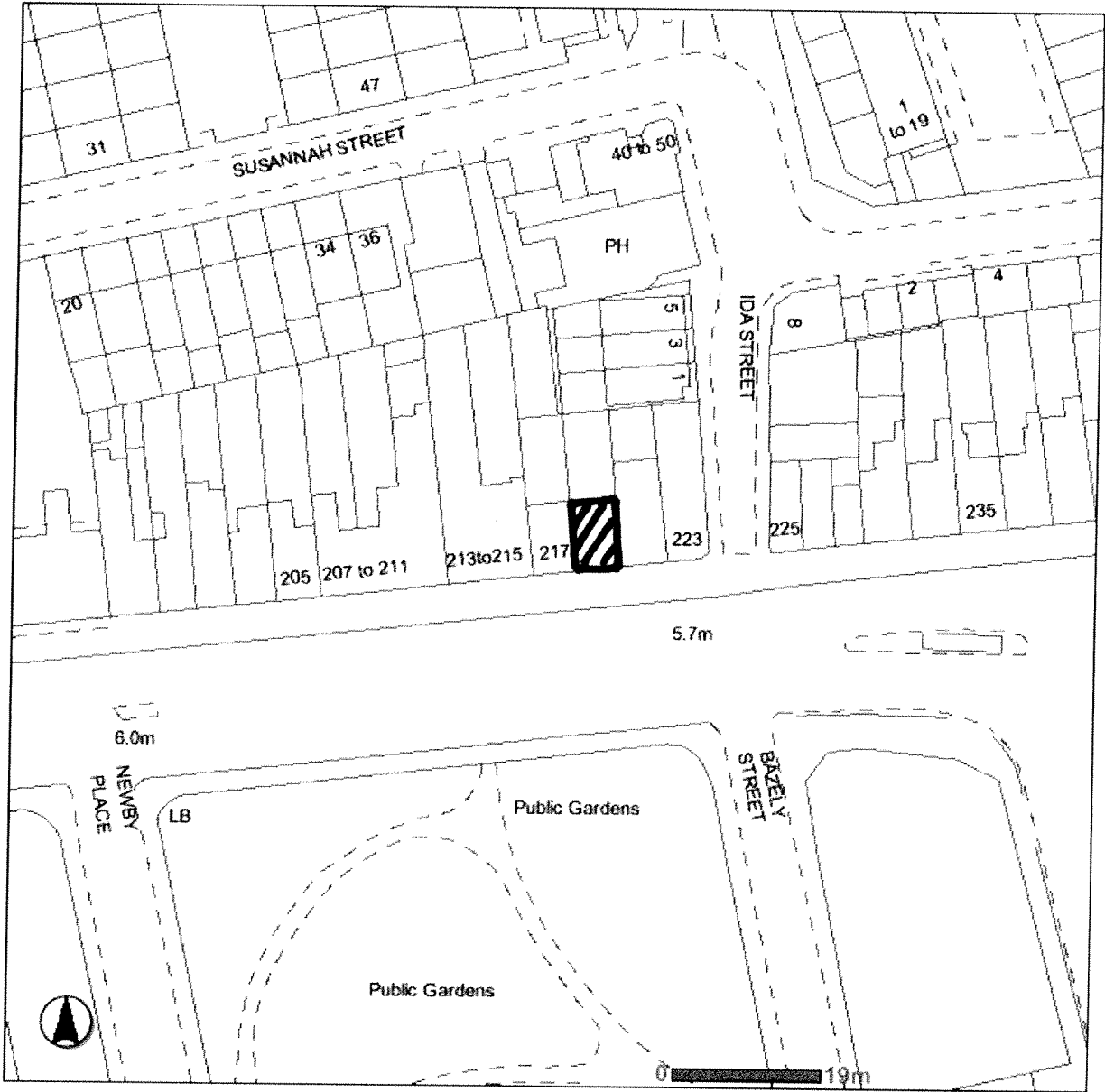
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:814

Map of:

219 East India Dock Road

Notes:

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 4

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

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

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

REVIEWS ARISING IN CONNECTION WITH CRIME

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

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

prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

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

Appendix 5

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

Crime and Disorder Act 1998

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

Pool Conditions

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

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

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

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

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

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 sitting 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.

Appendix 7

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

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to:
 - heavy or binge or underage drinking;
 - drugs;
 - significant gambling; or
 - any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature,

there should be a strong presumption against permitting any access at all for children under 18 years.

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case the Secretary of State recommends that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

Age Restrictions – specific

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example:
 - during “Happy Hours” or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – cinemas

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at www.bbfc.co.uk before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.”

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is necessary to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached.

However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children during any emergency (See Part 3).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

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 such a purchase.

Appendix 8

London Borough of Tower Hamlets Policy in relation to the Protection of Children from Harm

Licensing Policy

The Policy recognises the wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or Entertainment. The Act does not prohibit children from having access to any licensed premises, the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm. **(See Section 9 of the Licensing Policy).**

The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises **(See Section 9.4 of Licensing Policy).**

The Licensing Authority recommends applicants to consult with the Area Child Protection Committee or such other body, as they consider appropriate. **(See Section 9.3 of the Licensing Policy).**

The Licensing Authority will consider attaching conditions to protect children from harm and these may include Conditions drawn from the Model Poll of Conditions relating to the Protection of Children from Harm. **(See Appendix 2 Annex H of the Licensing Policy).** In particular Members may wish to consider a range of conditions that are to be tailored to the particular premises and their activities (this list is not exhaustive):

- Limiting access of children to premises
- Limitations on the hours when children maybe present
- Limitations or exclusions when certain activities are taking place
- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 23:00, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time
- Notices on premises displaying age restrictions
- Conditions requiring sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency
- Requirements of staff supervision in areas occupied by children
- Whether conditions appropriate for restricting use of special effects around children
- Adequate chaperones for children
- Requirement for production of proof of age cards

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs when there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety.

Section 169A(2) of the Licensing Act 2003 enables a senior police officer (or inspector of weights and measures) to close premises for maximum of 48 hours to prohibit the sale of alcohol for repeatedly selling alcohol to underage persons.

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 protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided. (2.41)

In the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family-friendly environments should not be frustrated by overly restrictive conditions in relation to children. (2.42)

Licence conditions should not duplicate other legislation (1.16).

Conditions, where they are necessary, should reflect the licensable activities taking place on the premises (2.47)

The Secretary of State considers that representations made by the child protection bodies and the police in respect of individual applications should be given considerable weight when they address necessary issues regarding the admission of children. (2.48)

Other Legislation

Violent Crime Reduction Act 2006

The Act introduces new measures to ensure that police and local communities have the powers they need to tackle guns, knives and alcohol-related violence.

Confiscation of Alcohol (Young Persons) Act 1997

Alcohol Confiscation – any person in a public place or trespassing **if any under 18** have drunk or likely to drink. Dispose on the spot unless local instructions direct otherwise.

Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	12 October 2010	Unclassified	LSC 38/011	

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for a New Premises Licence for PFC2, 110 Whitechapel Road, E1 1JL.
Originating Officer: Nick Kemp - Licensing Officer	Ward affected: Whitechapel

1.0 Summary

Applicant: **Markwise Limited**
Name and **PFC2,**
Address of Premises: **110 Whitechapel Road**
London
E1 1JL

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

Objectors: **The Metropolitan Police and**
Environmental Health

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied
for register

If not supplied, name and
telephone number of holder

File Only

020 7364 7446

3.0 **Background**

3.1 This is an application for a New Premises Licence for 110 Whitechapel Road, E1 1JL.

3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the nature of the variation as follows:
A family friendly eatery, serving healthy dishes and fast food options; with comfortable seating and toilet facilities for customers.

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

The Provision of Late Night Refreshment:

Sunday to Thursday 23:00 hours – 03:00 hours
Friday & Saturday 23:00 hours – 04:00 hours

Hours premises are open to the public:

Sunday to Thursday 12:00 hours – 03:00 hours
Friday & Saturday 12:00 hours – 04:00 hours

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

4.0 **Licensing Policy and Government Advice**

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

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

4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It will also be available at the hearing. It was substantially revised on the 28 June 2007.

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

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authorities:
The Metropolitan Police (**See Appendix 3**)
Planning Enforcement (**See Appendix 4**)
- 5.2 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.3 Essentially, both regulatory Authorities oppose the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
- the prevention of crime and disorder
 - the prevention of public nuisance
- 5.4 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.0 Licensing Officer Comments

- 6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 6.2 Guidance issued under section 182 of the licensing Act 2003
- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
 - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a

decision in the interests of the promotion of the licensing objectives.”
(1.10)

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

- Appendix 5** Licensing Officer comments on Crime and Disorder on the Premises.
- Appendix 6** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises.
- Appendix 7** Licensing Officer comments on Noise While the Premise Is In Use.
- Appendix 8** Licensing Officer comments on Egress Problems
- Appendix 9** Planning
- Appendix 10** Licensing Policy relating to hours of trading

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area (see also non standard times).
- Appendix 3** Representations from the Metropolitan Police.
- Appendix 4** Representations from Planning.
- Appendix 5** Licensing Officer comments on Crime and Disorder on the Premises
- Appendix 6** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises
- Appendix 7** Licensing Officer comments on Noise While The Premise Is In Use
- Appendix 8** Licensing Officer comments on Egress Problems
- Appendix 9** Planning
- Appendix 10** Licensing Policy relating to hours of trading

Appendix 1



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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) MARKWISE LTD

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>P. 1, Fig 2</u> <u>110 WHITE CHAPEL ROAD (GROUND FLOOR).</u> <u>LONDON</u> <u>ENGLAND</u>	
Post town <u>LONDON</u>	Post code <u>E1 1JL</u>

Telephone number at premises (if any) 020 7375 3314

Non-domestic rateable value of premises £ 13,500

LBTH
 Non-domestic rateable value of premises
 26 JUL 2010

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

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

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

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

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

B) OTHER APPLICANTS

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

Name	MARKWISE LTD
Address	110 WHITECHAPEL ROAD (GROUND FLOOR) LONDON E1 9JL
Registered number (where applicable)	7196445
Description of applicant (for example partnership, company, unincorporated association etc)	
Telephone number, if any	02073753314
E-mail (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	8	07 2010

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

Day	Month	Year

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

--

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

PFC - THE PERFECT FRIED CHICKEN IS A FAMILY FRIENDLY EATRY. IT SERVES HEALTHY DISHES AND FAST FOOD OPTIONS. THERE IS A LARGE, WELL SERVICED KITCHEN IN THE BACK AND THE FRONT OF THE BUILDING HAS A RANGE OF CHAIRS AND TABLES THAT ARE SPACED COMFORTABLY APART.

THERE ARE TOILET FACILITIES FOR CUSTOMERS IN THE BASEMENT AND THROUGHOUT THE BUILDING IS WELL LIT.

THE FRONT DOOR SERVES AS THE ENTRANCE FOR CUSTOMERS AND IS ALSO THE BUILDING'S MAIN EXIT.

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

E

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

F

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

G

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

H

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

I

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

J

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

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	04:00 23:00	03:00	Please give further details here (please read guidance note 5)	Both	
Tue	04:00 23:00	03:00			
Wed	04:00 23:00	03:00			
Thur	04:00 23:00	03:00			
Fri	04:00 23:00	04:00			
Sat	04:00 23:00	04:00			
Sun	04:00 23:00	03:00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		

M

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

Box M continues on the next page...

Box M continued

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

Name

Address

Postcode

Personal Licence number(if known)

Issuing licensing authority (if known)

N

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

THERE ARE NO ADULT ENTERTAINMENT or SERVICES THAT MAY GIVE RISE IN RESPECT TO CHILDREN.

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12:00	3:00	Standard
Tue	12:00	3:00	
Wed	12:00	3:00	
Thur	12:00	3:00	
Fri	12:00	4:00	
Sat	12:00	4:00	
Sun	12:00	3:00	
			Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)

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)

PERFECT FRIED CHICKEN IS A WELCOMING ENTRY WHICH ALLOWS CUSTOMERS THE OPTION OF HEALTHY MEALS AS AN ALTERNATIVE TO ONLY SERVING FAST FOOD. ALLOWING PFC TO PROVIDE REFRESHMENT LATE AT NIGHT WILL PROMOTE CHOICE, SAFETY AND EMPLOYMENT IN THE AREA. THE PREMISES DOES NOT SERVE ALCOHOL, OR HAVE ANY ENTERTAINMENT, MAKING IT AN IDEAL PEACEFUL PLACE FOR LATE NIGHT STUDENT CUSTOMERS.

WE REGULARLY CLEAN AND CHECK THE OUTSIDE PAVEMENT AREAS AND ARE IN THE PROCESS OF INSTALLING CCTV CAMERAS, THEREFORE PROMOTING SAFETY, AND VISIBILITY IN THE AREA.

b) The prevention of crime and disorder

THE PERFECT FRIED CHICKEN IS A FAMILY FRIENDLY LOCAL RESTAURANT. IT IS WELL ~~W~~ LIT AND REASONABLY BUST WITH EASY ACCESS FOR CUSTOMERS. OUR STAFF REGULARLY GO OUTSIDE TO CLEAN ~~W~~ THE PAVEMENT AND THE SHOP FRONT, THEREFORE REDUCING THE LIKELIHOOD OF CRIME AND DISORDER IN THE PROXIMITY OF THE RESTAURANT.

c) Public safety

THE RESTAURANT HAS A LARGE AND WELL ORGANISED KITCHEN WHICH IS AT AMPLE DISTANCE FROM THE BODY OF THE SITTING AREA FOR CUSTOMERS. MOST CUSTOMERS TAKE AWAY FOOD, BUT THERE ARE SPACED OUT AND WELL MAINTAINED SIT DOWN FACILITIES. THE PREMISES IS CHECKED REGULARLY BY STAFF ON A ROTA BASIS AND IS SERVICED BY TOILET FACILITIES THAT ARE CHECKED FREQUENTLY TO PREVENT ANY SLIPS OR TRIPS.

d) The prevention of public nuisance

OUR STAFF REGULARLY CLEAN THE WINDOWS AND PAVEMENTS OUTSIDE THE PREMISES. MOREOVER WE DO NOT HAVE ANY ENTERTAINMENT OR ALCOHOL. THE PFC WILL BE A PEACEFUL ALTERNATIVE TO MOST LATE NIGHT VENUES.

WE ARE IN THE PROCESS OF INSTALLING CCTV (THE FOOTAGE OF WHICH WE WILL HAPPILY SHARE WITH THE APPROPRIATE AUTHORITIES IF REQUESTED).

OVERALL WE BELIEVE PFC CONTRIBUTES TO THE DISCOURAGEMENT OF PUBLIC NUISANCE IN THE AREA.

e) The protection of children from harm

THE KITCHEN AREA IS VERY ADEQUATELY SEPARTED FROM THE MAIN BODY OF THE RESTAURANT (WHICH IS ~~NOT~~ A CHILD FRIENDLY INSTITUTION). THERE ARE NO TRIP HAZARDS, THE PREMISES IS OPEN PLAN AND WELL LIT.

THERE IS NO COMPUTER GAMES, SLOT MACHINES OR ANY OTHER POTENTIALLY HARMFUL SERVICE / FACILITY FOR CHILDREN.

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

CHECKLIST:

Please tick yes

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

Part 4 – Signatures (please read guidance note 10)

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

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

Signature B.M.

Date 23-07-10

Capacity DIRECTOR

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

Signature

Date

Capacity

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

Post town

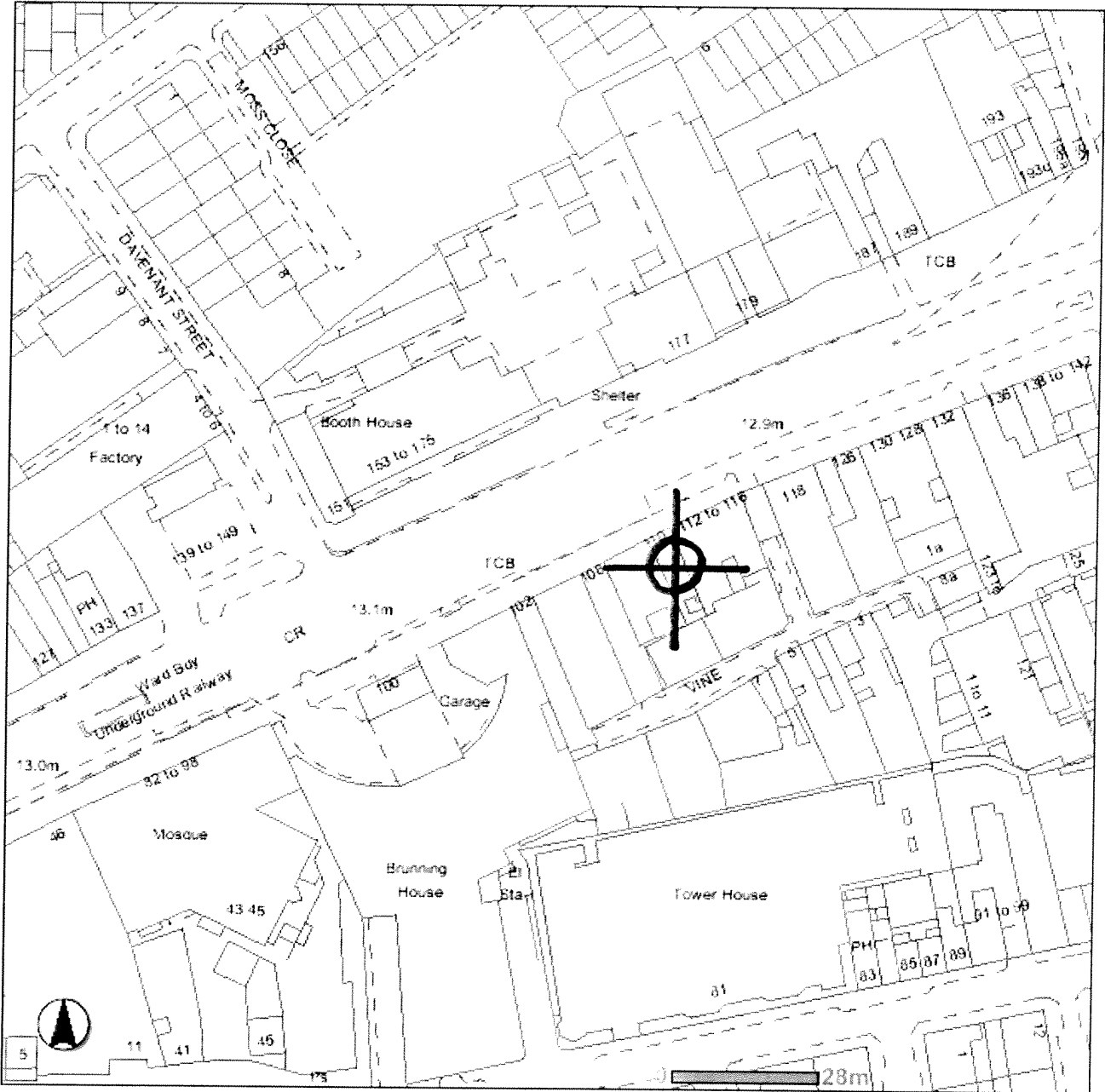
Post code

Telephone number (if any)

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

Appendix 2

Map



Scale 1:1228

Map of:

110 Whitechapel Road

Notes:

Lareg scale

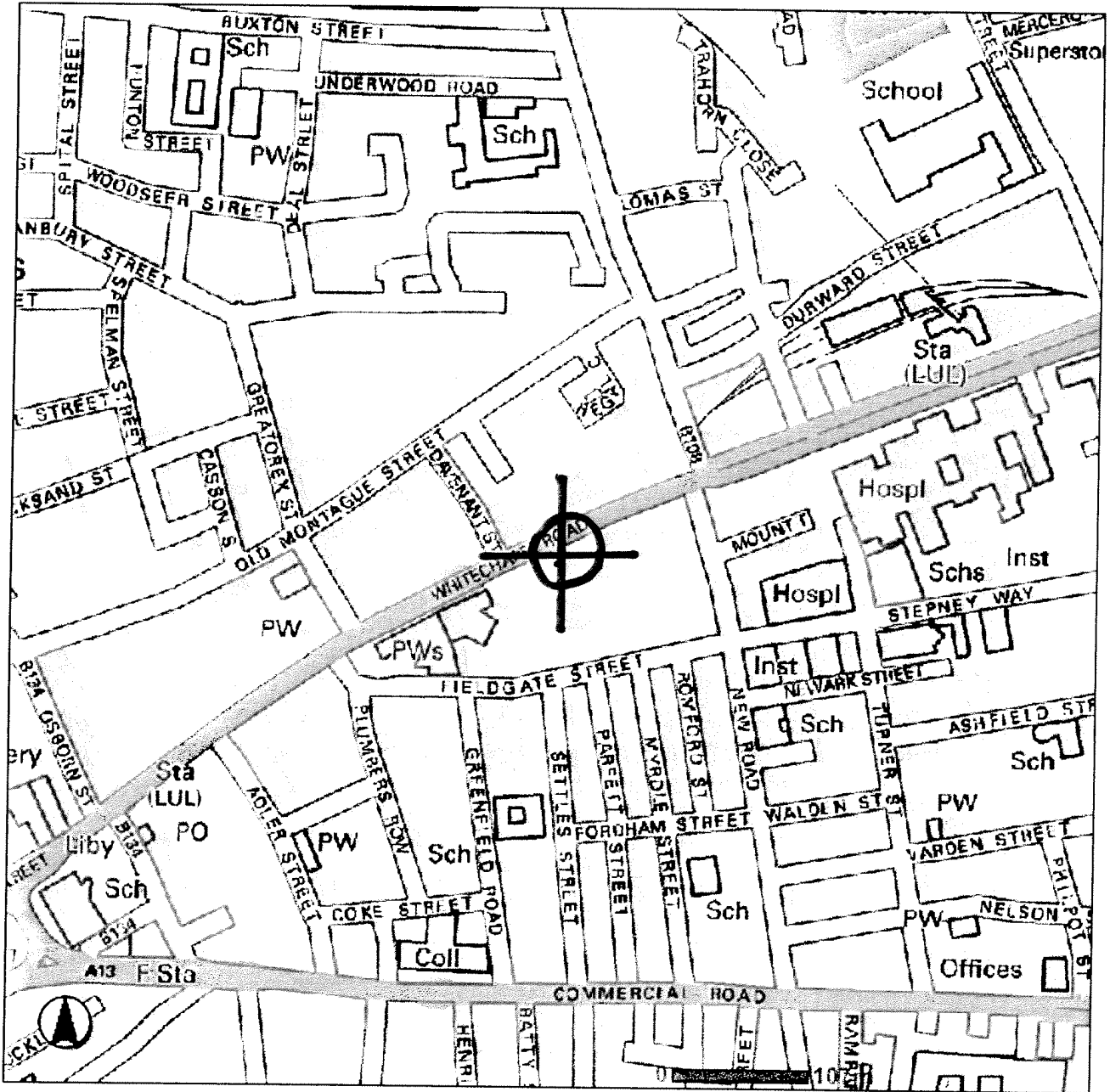
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Map



Scale 1:5000

Map of:

110 Whitechapel Road

Notes:

Large scale

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Appendix 3



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

LBTH Licensing
Mulberry Place (AH)
5 Clove Crescent
E14

**HT - Tower Hamlets Borough
Licensing Unit**

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

Telephone: 0208 217 6699
Facsimile:
Email: Alan.Cruickshank@met.police.uk
www.met.police.uk

Your ref:
Our ref:

18 August 2010

Dear Ms Randall

Dear Ms Randall

Re: application for a premises licence
Markwise Ltd,110 Whitechapel Road, E1 1JE

I write with reference to the above application, which was received in this office on the 2nd August 2010

Please accept this letter as notification that the police, as a responsible authority, are objecting to this application on the grounds that if granted in full, two out of the four licensing objectives will not be met; namely

Prevention of crime and disorder
Prevention of public nuisance.

Although Whitechapel Road has a number of takeaway shops all along the street, the night time economy has to be balanced between the needs of local businesses and the welfare of local residents.

The application to remain open on Friday to Saturday until 4am for late night refreshments in my opinion is excessive and would certainly have a detrimental effect on the area. I also believe the hours for the rest of the week are also excessive (all 3 am).

I believe that late night openings often attract people who are in high spirits, under the influence of alcohol who by their very nature can be loud. Of more concern is that it attracts ASB and assaults.

On Friday 18th June 2010 at about **0110**, inside No 110, now referred to as PFC2 an intoxicated victim was sitting inside at a table. He began speaking to the suspect and without warning and without any apparent reason he was punched in the face. This caused a cut to his lip. The suspect left the shop and as there was no CCTV , no further investigation was possible. CRIS 4295114/ 10 refers

On Wednesday 14th July at about **0420** the victim was standing in the queue and the suspect was in front of him. The suspect turned round and accused him of touching him. The victim had to leave the PFC to get money. On his return he was confronted by the suspect and asked to leave the shop with him. Fearing an assault he remained in the PFC. The suspect then slapped him and then threatened to shoot him. The victim and his friend managed to leave the PFC and contacted the police. The male was subsequently arrested and charged with common assault. CRIS 4217748/10 refers.

Both of the above incidents should never had occurred as the PFC should have closed at **11pm** as the applicant had no premises licence.

It was clear that the applicant was keeping his shop open after 11pm. On Friday 16th July 2010 at about 0110 , PC 428HT PRASAD , who was in plain clothes attended the shop. Once again the shop was serving after hours.He spoke to a member of staff and informed him , he should be closed at 11pm. The staff member though he could be open until 2am.
(see attached statement)

On Friday 23rd July at about 1955 I attended the PFC to speak to the applicant Mr Dudu Miah. After waiting a short while , Mr Miah appeared.At 2015 , I cautioned Mr Miah , to which he made no reply. I said to him “ Do you have a premises licence to be open late” he replied “No , I’ve applied”. I said “Are you aware that you should be closed at 11pm”. He replied “yes sir”

Mr Miah has completely disregarded the Licensing Act and I ask the Committee to reject this application.

Yours sincerely,

Alan Cruickshank PC 189HT

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Joe PRASAD URN: 01 [] [] 10

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Constable

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

Signature: Date:

Tick if witness evidence is visually recorded [] (supply witness details on rear)

On FRIDAY 16th JULY 2010 at 0110 hours, I was on duty in plain clothes at PERFECT FRIED CHICKEN (PFC) 110 WHITECHAPEL ROAD E1, in company with PC 448HT Phil HOLLAND and PC 883HT Pete MCCUBBIN. I was acting on behalf of Alan CRUICKSHANK who is a licensing officer on the London Borough of Tower Hamlets. I visited PFC at 0110 hours and observed the manager (Foyisal AHMED dob 01/01/1980 of Flat 2 PATTINSON HOUSE WALLESEY STREET E1 3DR), serving hot food (A box of fried chicken with chips with sauce all over them and a can of Rubicon) to an Asian male, and then take money for it and process it through the till. I then introduced myself as a police officer to AHMED and showed him my warrant card and asked him if I could see the licence as it was not on display. AHMED replied "I will look". Five (5) minutes of looking AHMED returned to me and said "I can't find it, I will ring my boss, he will know where it is". He seemed very nervous and was evasive to questions that I asked him; and was trying to stall time as he walked back and fourth in the store. AHMED then rung his boss but there was no answer. I asked AHMED "What time are you meant to be closed?" (As I had information from CRUICKSHANK that on PFC's licence, they were meant to shut at 2300 hours). AHMED replied "2o'clock, sometimes 1 o'clock depending on our cleaning and how busy we are". I said "You are meant to shut at 2300 hours as it states on your licence". Ahmed said "I don't know I'm new here". I then said "As you have served hot food after the time that you are meant to be closed, you have breached the terms of your licence. Also not having your licence on display or not showing it to me, is also breaching terms of your licence. Therefore I am reporting you for this". At 0118 I cautioned AHMED to which he made no reply. I obtained his particulars, and as I left the store AHMED said "Do you want something to eat?" I said "No" and then left the store, as the shutters came down as we exited as if they were closing.

Signature: Signature witnessed by:

Witness contact details

Home address:
 Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 428 HT 72 / 228992 Joe PRASAD** Station: **BETHNAL GREEN**

Time and place statement taken:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Andrew Jackson** URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 178779**

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

Signature: Date: **2/9/10**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a police licensing officer for the Borough of Tower Hamlets. On Saturday 21st August 2010 I was working in that capacity in company with PC 157HT Linda Hutchins. At 0007hrs I was in Whitechapel Road E1, across the road from the Perfect Fried Chicken situated at number 110. The area was quite busy and I was aware that the nearby Mosque had just finished. I was also aware from my colleague PC Cruickshank that this premise had no licence to serve food after 2300hrs. The premise was open with all the lights on and the front door wide open. As I watched I saw several Asian males enter the premise and also others leave the premise carrying boxes of chicken. There were also several in a group outside eating from boxes. I saw no sign that the shop was about to close. I left the area soon after.

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number **0208 217 4118**

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability **29/10/10 - 14/11/10 and 22/12/10 - 5/1/11**

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC124HT 178779 Andy Jackson**..... Station: **Bethnal Green**

Time and place statement taken:

Appendix 4



TOWER HAMLETS

Memorandum

To	Licensing Department	Development & Renewal Directorate
From	Planning Enforcement	Planning Enforcement
Contact	Thomas Doyle	Mulberry Place (AH)
Extension	5204	PO Box 55739
Date	18/08/2010	5 Clove Crescent
Our Ref.		London E14 1BY
Your Ref.		Tel 020 7364 5204
Subject	Licensing Objection	Fax 020 7364 5415
		e-mail thomas.doyle@towerhamlets.gov.uk

Objection to Premises License, 110 Whitechapel Road, London, E1 1JE

The Planning Department wishes to object to the granting of a premises License at 110 Whitechapel Road, London, E1 1JE on the basis that the opening hours are excessive. Approving these hours will result in a greater degree of noise and disturbance to persons living in the area, later into the night and morning than already being caused by this venue and others in the near vicinity.

We accept that business performs an important function in supporting a night time economy. However, this has to balance against the needs of residents who reasonably expect a level of "quiet" late into the evening. Due to the properties close proximity to residential dwellings the granting of a premises license until 3.00am on Mondays to Thursdays and Sundays and until 4.00am on Fridays and Saturdays would be detrimental to the amenity of the neighbouring properties.

As an aside from this, the premise only has planning permission to operate as a class A3 (restaurant) between the hours of 8.00am and 11.00pm on any day.

Public Nuisance

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

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

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

The location of 110 Whitechapel Road is in an area where residential properties are likely to be adversely affected by noise from patrons leaving the venue.

Conclusion

Planning Enforcement **do not** support the application by 110 Whitechapel Road to extend their opening hours, as this will cause a serious public nuisance to surrounding residential occupiers far later into the evening and morning than what currently occurs.

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

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

Thomas Doyle
Planning Enforcement Officer

Appendix 5

Crime and Disorder on the Premises.

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 6

Crime and Disorder From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 7

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 8

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)

- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Appendix 9

Planning.

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

Appendix 10

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	12 October 2010	Unclassified	LSC 39/011	

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for new Premises Licence for Halal PFC, 400 Hackney Road, London E2 7AP
Originating Officer: Kathy Driver Acting Principal Licensing Officer	Ward affected Bethnal Green North

1.0 Summary

Applicant: **Saydikur Rahman**
Name and **Halal PFC**
Address of Premises: **400 Hackney Road**

Licence sought: **Licensing Act 2003**
Late Night Refreshment

Objectors: **Metropolitan Police**
Planning
Environmental Health
Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Kathy Driver
020 7364 5171

3.0 **Background**

3.1 This is an application for a premises licence for Halal PFC, 400 Hackney Road, London E2 7AP.

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

3.3 Historically the premises has not been licensed, the premises first applied for a licence in January 2010 to open until 5am, effectively 24 hour opening. Representations were made by Police, Environmental Health, Planning and local residents at that time, Members decided to refuse the application. The premises have been under investigation for unlicensed late night refreshment.

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

The Provision of Late Night Refreshment:

Monday to Sunday until 03:00 hours

Hours premises is open to the public:

Monday to Sunday from 11:00 hours to 03:00 hours

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

4.0 **Licensing Policy and Government Advice**

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

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

4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.

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

5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

- | | |
|-------------------------|--|
| The Metropolitan Police | (See Appendix 3) |
| Environmental Health | (See Appendix 4) |
| Planning Enforcement | (See Appendix 5) |
| Local Residents | (See Appendix 6 for list and Appendix 7- 12 for representations) |

5.2 All of the responsible authorities have been consulted about this application. They are as follows:

- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection

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

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

5.4 The objections cover allegations of:

- Anti social behaviour from patrons leaving the premises
- Acting as a magnet attracting the young who then engage in anti-social behaviour
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Close proximity to residential properties

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

6.0 Licensing Officer Comments

6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State,

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).

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

6.4 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.

- 6.5 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 13-17** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 **Legal Comments**

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

8.0 **Finance Comments**

- 8.1 There are no financial implications in this report.

9.0 **Appendices**

Appendix 1	A copy of the application
Appendix 2	Maps of the area
Appendix 3	Representations of Metropolitan Police
Appendix 4	Representations of Environmental Health
Appendix 5	Representations of Planning
Appendix 6	List of representations
Appendix 7- 12	Representations of Local residents
Appendix 13	Licensing Officer comments on antisocial behaviour from patrons leaving the premises.
Appendix 14	Licensing Officer comments on attraction of young who then engage in antisocial behaviour
Appendix 15	Licensing Officer comments on Access and Egress Problems
Appendix 16	Licensing Officer comments on Planning
Appendix 17	Licensing Policy relating to hours of trading

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Appendix 1



LICENSING ACT 2003

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) SAYDIKUR RAHMAN

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
400 HACKNEY RD	
Post town	Post code
LONDON	E2 7AP

Telephone number at premises (if any)

Non-domestic rateable value of premises £ 7600,

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

- Please tick yes
- 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

RAHMAN

First names

SAYDIKUR

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

[Redacted]

Post Town

[Redacted]

Postcode

[Redacted]

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

[Redacted]

First names

[Redacted]

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

[Redacted]

Post Town

[Redacted]

Postcode

[Redacted]

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

ASAP

Day	Month	Year

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

Day	Month	Year

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

--

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

FAST FOOD TAKE-AWAY

WILL BE SELLING KEBAB, PIZZA &

CHICKEN

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			<p><u>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 2)</p>	
Day	Start	Finish	Indoors	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

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

State any seasonal variations for boxing or wrestling entertainment
(please read guidance note 4)

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

E

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

F

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

G

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

H

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

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

J

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

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing								
			Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)		<table border="1"> <tr> <td>Indoor</td> <td></td> </tr> <tr> <td>Outdoor</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoor		Outdoor		Both	
Indoor											
Outdoor											
Both											
Day	Start	Finish	Please give further details here (please read guidance								
Mon											
Tue											
Wed			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)								
Thur											
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)								
Sat											
Sun											

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors		
Mon	2300	0300	Please give further details here (please read guidance) WILL BE MAINLY USED FOR TAKE-AWAY. CUSTOMER ALSO CAN SIT IN TO HAVE THERE MEAL	Both		
Tue	2300	0300				
Wed	2300	0300		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	0300		N/A		
Fri	2300	0300		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	2300	0300				
Sun	2300	0300		N/A		

M

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

Box M continues on the next page...

Box M continued

**State the name and details of the individual whom you wish to .
premises supervisor**

Name

Address

Postcode

Personal Licence number(if known)

Issuing licensing authority (if known)

N

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

O

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

P

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

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

- * CCTV camera will be maintained in working order
- * use of notice requesting customer to leave the premises quietly
- * making sure the child is with an adult

b) The prevention of crime and disorder

- * CCTV will be in the premises
- * Crime prevention notices will be undertaken
- * Any police instruction will be complied with when ever given
- * No Glass Bottle will be sold to customer
- * As a means of crime sign will be placed stating the use of CCTV camera

c) Public safety

- * No Glass Bottle will be sold to customer
- * CCTV cameras will be maintained in working order
- * NOTICE ADVISING PUBLIC NOT TO LEAVE ANY UNATTENDED BAGS due to concerns about terrorism

d) The prevention of public nuisance

- * USE OF NOTICE Requesting customers to leave the premises quietly
- * Shop front will be double glazing
- * Doors closed at all times
- * Bins will be provided so all rubbish gets in the bin

e) The protection of children from harm

- * making sure the child is with an adult
- * Duty manager will be assisting children to make sure they leave the premises safely
- * CCTV monitoring

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

CHECKLIST:

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

Part 4 – Signatures (please read guidance note 10)

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

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

Signature

[Redacted Signature]

Date

04-09-2010

Capacity

OWNER

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

Signature

Date

Capacity

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

SAYDIKUR RAHMANI
400 HACKNEY RD

Post town

LONDON

Post code

E2 7AP

Telephone number (if any)

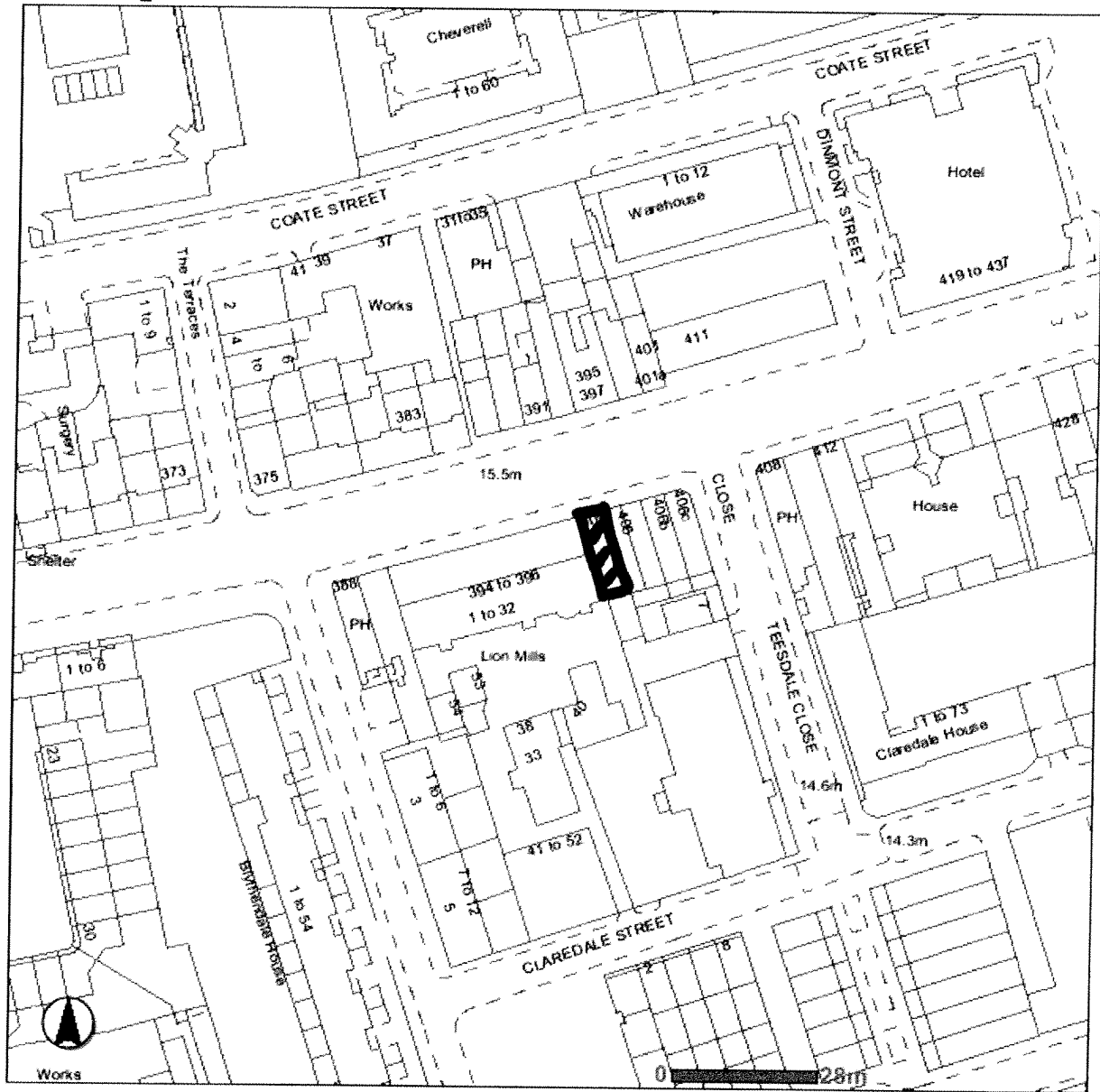
[Redacted Telephone Number]

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

[Redacted E-mail Address]

Appendix 2

Map



Scale 1:1228

Map of:

400 Hackney Road

Notes:

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 3



Working together for a safer London

TERRITORIAL POLICING

Jacqueline Randall

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

HT - Tower Hamlets Borough
Licensing Office

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

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk
www.met.police.uk

Your ref:

Our ref:

17th August 2010

Dear Ms Randall

Re: The application for a premises licence
Halal PFC, 400 Hackney Rd, E2 7AP

I write with reference to the above application which was received in this office on the 5th August 2010.

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

The prevention of crime and disorder
The prevention of public nuisance

There has been five recorded incidents regarding this premise and the local SNT describe it as a "hotspot" for anti-social behaviour (ASB)

On the 24th December 2009 at about 1830 (CAD 6603 refers) two men entered the shop to buy food. Already inside was approximately 12 Asian youths aged between fourteen to seventeen years. There is some disagreement as to what went on but the victim's friend alleged it was an unprovoked assault by these youths, knocking the victim to the floor and then kicking him whilst on the floor. There was no CCTV and suspects could not be identified.

On the 12th January 2010, the police received a call (CAD 6102 refers) about the shop. The caller stated that since the new take away opened a couple of months ago, there was a general decline in the area. Youths were now hanging around outside the shop in the evenings. As he walked past the shop that evening he was offered a fight by these males. He often feels intimidated as he walks past these youths. He also stated that during the recent poor weather, the youths were throwing ice at passing vehicles.

On the 19th of January 2010 at about 1940 (CRIS 4201419/10 refers) police were on patrol in an unmarked vehicle. As they passed the shop an officer could clearly see a

male appearing roll a cigarette with both his hands. On the officer entering the shop, the male tried to discard something underneath the table. On looking, the officer found what he believed to be herbal cannabis.

The male was arrested for this offence and taken outside. Whilst waiting for transport the male began to shout and swear loudly. He was further arrested for Sec 5 public order.

In interview the youth admitted that it was cannabis

Also at this incident was PCSO Choudhury who is part of the Bethnal Green North Safer Neighbourhood Team (see attached statement). The staff was asked why they allowed this offence to be carried out so openly in their shop in front of customers. No one gave a reasonable explanation.

PCSO Choudhury was also on duty earlier that evening about 1815 when he saw a very large group males loitering outside the shop blocking the pavement, shouting, being boisterous, swearing, littering and spitting on the pavement. One of the youths had in his possession a stolen bicycle. The youth made off before police could speak to him. The officers who attended believed the staff and management were encouraging the youths in their behaviour and were seen to be laughing and joking with them.

On the 20th January 2010, he was approached by the staff of William Hill betting shop and told of the ASB that these youths were causing. They entered the betting shop and attempted to use the machines, causing a disruption. One of their staff had been threatened by the youths from outside No 400. These large numbers of youths were disrupting not only their staff but also their customers. The local SNT has received numerous calls from William Hill in relation to ASB outside No 400.

PCSO Muhammad Abdur- Raman , in a statement , dated the 18th of August 2010 , states that the anti-social behaviour is still continuing around the PFC . Local residents and businesses were being adversely affected by the presence of this food outlet

(Please see attached statement)

On the 12th March 2010 at about 1800, a lone female was walking home and as she approached the PFC , about eight Asian youths aged 15-16 years was standing outside. As she tried to walk past, she was grabbed on her left arm. She told them "Don't touch me". They started mimicking her and one suspect put his leg between her legs. She continued to protest but was told to "fuck off". She quickly walked away. This was reported as a common assault but it has more serious undertones. CRIS 4206224/10 refers

On Thursday 20th May 2010 at about 1132 an off-duty officer was at the PFC when he saw two Asian males in their late teens taking drugs at the location. One also put an offensive weapon in his pocket. However, prior to police arriving the youths had left the shop and disappeared into a nearby property. CAD 3708 / 20May 2010.

On Friday 6th August 2010 at about 2335 , PS 26HT Burke of the Licensing Unit was on duty in plain clothes in an unmarked police car when she stopped outside the PFC . She saw about 10 people in the shop and could see a black male at the counter eating food. Also there were a few people gathered on the pavement to the right of the shop. The PFC was therefore committing an offence under Sec 136 of carrying on a licensable activity without a premises licence

(Please see PS Burke's attached statement)

On Friday 13th August 2010 at about 2355 , I was on duty in plain clothes in an unmarked police car along with PS 26HT Burke. On parking away from the shop , I saw about eight youths standing outside talking loudly. I was aware that the PFC had no licence and should have been closed at 2300. On entering we spoke to the manager a Mr Jakir Hussain. I pointed out that he should have been closed and he replied "We will close now". I was then approached by an aggressive youth in the queue who loudly said "It's Ramadan, he's serving us, then he's closing". He was advised to close he shop. He quickly followed us to the car and stated that he didn't want to get his boss into trouble and he would close. As we drove off , 6-8 youths outside the PFC began shouting and jeering at us, with one or two waving at us.
(Please see attached PC Cruickshank's statement)

There is residential accommodation on both sides of the road and any increase of hours would further disrupt the lives of the local residents. There are already concerns about the ASB in this area and I cannot see it improving if any increase in hours is granted.

On the evidence of our last two visits it would seem that the applicant has a total disregard for the Licensing Act and closes his premises at a time of his choosing.

I ask the committee to reject this application.

Alan Cruickshank PC 189HT

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Alan Cruickshank** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Constable**

This statement (consisting of: ... **14** ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

On Friday 13th August 2010 at about 2355 I was on duty in plain clothes in an unmarked police car along with PS 26HT Burke. As a result of previous intelligence we parked opposite Halal PFC, 400 Hackney Road , E2. The PFC has no premises licence and should have been closed at 2300.

There was about eight youths outside the shop all talking loudly. We entered the PFC and asked for the manager. I then spoke to a man I now know as Mr Jakir Hussain (17 / 01/ 80) of 3 Weddell House, Duckett St, E1, who said he was the manager that night.

I said " You don't have a premises licence to be open at this hour. This shop should be closed" He replied "We will close now"

Inside the shop at this time were about eight people sitting eating hamburgers and other hot food. There was about seven people in the queue waiting to be served. Whilst talking to Mr Hussain, an Asian youth aged about eighteen years said to me in an aggressive loud voice "It's Ramadan , he's serving us, then he's closing".I advised Mr Hussain he should close his shop as he was selling food without a licence. We then left the shop.

A minute later whilst in the car, we were approached by Mr Hussain. He promised he would close and that he didn't want to get his boss into trouble. I told him that it wasn't him that would be in trouble but by serving past 11pm without a licensing , the owner could be prosecuted.

On driving off, there was about 6-8 youths outside the shop, some began shouting and jeering at us .One or two began to wave at us. The PFC was still open on our departure.

Signature: Signature witnessed by:

Witness contact details

Home address:
 Postcode:
 Home telephone number Work telephone number **0208 217 6699**
 Mobile/pager number Email address: **Alan.Cruickshank@met.police.uk**
 Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth: **16/03/1962 Aberdeen**
 Former name: Ethnicity Code (16+1): **W9** Religion/belief:
 Dates of witness non-availability **9th-13th Sept 2010 , 15th-24th Oct 2010**

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No**. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PC 189HT p185533 Alan Cruickshank** Station: **Bethnal Green**

Time and place statement taken: **Licensing Office, HT at 1215**

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Linda Hutchins** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police officer 81/008811**

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

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a police licensing officer for the Borough of Tower Hamlets. I was working in this capacity on Friday the 20th of August 2010 when at 2320hrs I was outside the Halal Pizza shop, 400 Hackney Road, E2 in company with PC Jackson and PS Burke. The internal premises lights were on and the front door was open. At 2323hrs I saw three Asian males enter the shop. Two of these males were wearing tops with hoods and one was wearing a baseball cap. After a few minutes I went past the shop and at 2327hrs I saw a male in a grey hoodie sitting at a table to the left of the entrance eating what appeared to be chips from a box. There were other youths sitting at tables to the right of the entrance. I saw a male standing at the counter towards the back of the shop turn away from the counter and head towards the front of the shop. He was carrying what appeared to be a pizza insulated carrier. I am aware that this premise has no licence and should stop selling hot food at 2300hrs.

Signature: Signature witnessed by:

Witness contact details

Home address:
 Postcode:
 Home telephone number Work telephone number
 Mobile/pager number Email address:
 Preferred means of contact:
 Male / Female (delete as applicable) Date and place of birth:
 Former name: Ethnicity Code (16+1): Religion/belief:
 Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PC 81/008811 Linda Hutchins** Station: **Bethnal Green**

Time and place statement taken:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Jane Burke** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Sergeant 26HT 82/007648**

This statement (consisting of: ... **10** ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Sergeant based at Tower Hamlets Police in charge of the Licensing Unit for the Borough. I write this statement with reference to Halal PFC 400 Hackney Road E2. I am aware that the venue does not have a premise licence allowing the sale of refreshment after 2300hours.

On Friday 6th August 2010 I was on duty in plain clothes driving an unmarked police vehicle. I was in company with PC 124HT Andrew Jackson, a member of the Police Licensing Unit. It was a clear night and the weather was dry. At about 2335hours I was travelling westbound along the Hackney Road, E2. There were no cars behind me and I was able to momentarily stop outside the Halal PFC and observe the premises from my vehicle about ten yards away.

The lights for the venue were on and there were approximately ten persons inside the venue, some sat at tables and some standing up near the counter at the rear of the shop. One young black male stood by the counter had food in his hands and appeared to be eating. I could see at least two members of staff behind the counter. There were a few people gathered on the pavement to the right of the shop.

Signature: Signature witnessed by:

Witness contact details

Home address:
 Postcode:
 Home telephone number Work telephone number **0208 217 4118**
 Mobile/pager number Email address:
 Preferred means of contact:
Male/ Female (delete as applicable) Date and place of birth:
 Former name: Ethnicity Code (16+1): Religion/belief:
 Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No**. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PS 26HT 82/007648 Jane Burke** Station: **Bethnal Green**

Time and place statement taken:

WITNESS STATEMENT

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

Statement of **Ahmedur Rahman Choudhury**..... URN:

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Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: **Police Community Support Officer**

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **21/01/2010**

Tick if witness evidence is visually recorded (*supply witness details on rear*)

I am the above named officer and am currently stationed at Bethnal Green Police Station working within the Bethnal Green North Safer Neighbourhood Team (SNT) as a Police Community Support Officer (PCSO). I have been a PCSO for the team for approximately three and half years to the date of this statement.

Since the opening of the fast food restaurant at 400 HACKNEY ROAD E2, officers from Bethnal Green North SNT have been made aware of the ongoing ASB problems occurring outside the premises. As a result of this the location has become a hotspot for ASB. In this statement I will mention recent problems being caused from and outside 400 HACKNEY ROAD E2.

On 19th January 2010 I was on duty when I found a very large group of IC4 Male youths loitering outside the fast food restaurant at 400 HACKNEY ROAD E2. At approximately 1815 hours I came across the youths where there were approximately 15 youths loitering outside blocking the pavement all shouting, being boisterous, swearing, littering and spitting on the pavement. One of the youths there had in his possession a stolen pushbike where he was riding on the footway. On Police arrival, staff and management appeared to encourage the behaviours of the youths by laughing and joking with them.

On 19th January 2010 I was on duty and accompanied by PS McFAULL 30HT, PC RODGERS 106HT and PC IRVIN 447HT when at approximately at 1945 hours two Male youths were seen openly rolling up a spliff inside 400 HACKNEY ROAD E2. Staff and management were asked why they allowed this to happen openly in front of customers unchallenged, they responded with no reasonable explanation.

On 20th January 2010 I was on duty when staff from William Hill betting shop next door 400 HACKNEY ROAD E2 informed me of ASB problems from youths. They stated that youths have come into premises and have

Signature: Signature witnessed by:

Continuation of Statement of

attempted to use the machines and cause disruption inside. The staff also stated that another staff member was threatened by youths loitering outside the fast food restaurant. They also stated that often there are large numbers of youths loitering outside making it difficult for customers and staff to leave. Bethnal Green North SNT has received numerous amounts of calls from William Hill due to youths congregating and causing ASB outside 400 HACKNEY ROAD E2.

Signature: Signature witnessed by:

2003(1)

RESTRICTED – FOR POLICE AND PROSECUTION ONLY
(when completed)

Home address:

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Height: Ethnicity Code:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- c) I consent to police having access to my medical records in relation to this matter: Yes No N/A
- d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable) Yes No N/A
- f) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:

Statement taken by (print name):

Station:

Time and place statement taken:

Signature of witness:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Muhammad Abdur-Rahman** URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Staff**

This statement (consisting of: ... **10** ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **18/08/2010**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Community Support Officer since 2005. I have been attached to Bethnal Green North Safer Neighbourhood Team. I have had numerous dealings with reference to Halal PFC, 400 Hackney Road E2 who I am informed are requesting a late premises licence.

Further to my previous statement, antisocial behaviour surrounding Halal PFC is still ongoing. There have been numerous complaints to Bethnal Green North Safer Neighbourhood Team from residents, businesses and passers-bys, stating that there are constant groups of youth causing grief to the locals who reside and/or work in the vicinity. Incidents include youths entering William Hill betting shop, which is right next door to Halal PFC and being a nuisance to the staff and visitors, as well as approaching members of public and being verbally abusive towards them.

When Officers are responding to the complaints, the group of youths disperse as soon as they sight officers. The residents and businesses have stated that the level of antisocial behaviour was not so bad prior to Halal PFC opening, and believe that it is all due to the takeaway, as it attracts the youths.

Signature: Signature witnessed by:

Witness contact details

Home address:
 Postcode:
 Home telephone number Work telephone number
 Mobile/pager number Email address:
 Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
 Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability As Per Carms

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

Appendix 4

From: Iain Pendrigh
To: Jacqueline Randall
Sent: Tue Aug 31 03:21:53 2010
Subject: PREMISES LICENCE 400 HACKNEY ROAD

I write on behalf of Environmental Protection to make a representation regarding the above License application.

Having considered the merits of the application and visited the location I confirm that Environmental Protection do not feel that the application as it stands is consistent with the Licensing Objectives, and specifically the objective that relates to the prevention of 'Public Nuisance'.

The premises under consideration are located on Hackney Rd, and the application seeks to establish trading hours upto 03:00 hrs 7 days a week. The premises are located in a predominantly residential part of Hackney and are, in effect, surrounded by residential users. This stretch of Hackney Road has very low background noise-levels in the early hours of the mornings, and it is felt that noise and other anti-social activities will be caused by customers both arriving at and leaving the premises in the early hours of the morning, and congregating in the street outside the premises to the detriment of local residents and their right to quiet enjoyment of their homes.

It is our experience that the majority of customers who visit these types of premises in the early hours of the morning have consumed alcohol and are consequently often either uncaring or unaware of the location of local residents, and therefore do not moderate their behaviour accordingly thereby giving rise to nuisance and disturbance. Additionally, the applicant will not be able to control the behaviour of noisy customers once they have left the premises.

We therefore object to this application.

Iain Pendrigh

02/09/2010

Appendix 5



Memorandum

To Licensing Department
From Planning Enforcement
Contact Andrew Dickson
Extension 5376
Date 26/08/2010
Our Ref. N/A
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 5376
Fax 020 7364 5415
e-mail:
andrew.dickson@towerhamlets.gov.uk
www.towerhamlets.gov.uk

Objection to New Premises License, 400 Hackney Road, London, E2 7AP

The Planning Department wishes to object to the granting of a new premises license at 400 Hackney Road, London, E2 7AP on the basis that the provision of late night refreshment from the premises till 0300 hours every day is excessive and would be create a greater degree of public nuisance to residents late at night and into the early hours of the morning. Approving the hours sought would impact on people living, working or sleeping in the vicinity of the premises, with the impacts relating to noise nuisance from the premise itself and customer egress, light pollution, and disruption from parked vehicles.

We accept that business performs an important function in supporting a night time economy. However, this has to balance against the needs of residents who reasonably expect a level of "quiet" late into the evening. Due to the close proximity of the premise to surrounding residential dwellings, it is considered that the granting of a license to provide late night refreshment till 0300 hours, 7 days a week, would be detrimental to the amenity of the neighbouring properties in the late evening and early morning, especially week days Monday to Thursday, and Sunday.

As an aside from this, the premise appears to have an established use under the Town and Country Planning Act 1990 to operate as a takeaway shop (Use Class A5) and from a planning perspective, there are no controls over its hours of operation. As such, it is important a license is in place that controls the hours in which the premises can operate and provide late night refreshment.

Public Nuisance

Reference should be made to the Council's Licensing Policy and the framework hours for the operation of Licensed Premises. In particular, paragraph 12.7 states that more scrutiny should be given to premises operating past midnight on Friday and Saturdays, past 11.30pm on Mondays to Thursdays and past 10.30pm on Sundays. In particular the following points should be taken into consideration:

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

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

The location of 400 Hackney Road is in an area where residential properties are likely to be adversely affected by noise from people entering, leaving and loitering around the premises, as well as nuisance caused by light pollution and disruption from parked vehicles.

Approving a license to enable the property to operate and provide late night refreshment till 0300 hours, seven days a week, will cause a public nuisance for people living in the area far later into the night and early hours of the morning, particularly on weekdays (Monday to Thursday) and Sunday.

Planning Enforcement is aware that complaints had been received from the public in January 2010 concerning the premises operating till the early hours of the morning (i.e. 0400 hours) without a licence, and that correspondence by letter (on the 22nd and 29th January 2010) was sent to the Operators of the takeaway advising of the legislative requirements and penalties.

It is also noted that the applicant has previously had an application for a premises licence refused (Committee Hearing 23rd February 2010), which sought to provide late night refreshment till 0500 hours seven days a week. The reason for the refusal by the Committee, after hearing the representations from the relevant parties, was that Members could not be satisfied that the Licensee would promote the licensing objectives, and that no reassurances were given to satisfy the Members that the appropriate steps would be taken and followed.

Conclusion

Planning Enforcement **do not** support the application at 400 Hackney Road for a premises licence, which would enable the property to operate providing late night refreshment to 0300 hours, seven days a week, as this will cause public nuisance to surrounding residential occupiers late into the evening and early morning than what is able to occur from the premises.

The hours sought for seven days a week is considered unreasonable and will not maintain a fragile balance between commercial activities and residential amenity in a predominately residential area, where this balance is clearly required.

Andrew Dickson
Planning Enforcement Officer

Appendix 6

Name	Address	Postcode	Appendix
Gillian Riddell	[REDACTED]	[REDACTED]	7
Barry & Adie Cresswell	[REDACTED]	[REDACTED]	8
Emma Williams	[REDACTED]	[REDACTED]	9
Claire Jamieson	[REDACTED]	[REDACTED]	10
Sofia Pires	[REDACTED]	[REDACTED]	11
Zoe Petite	[REDACTED]	[REDACTED]	12

Appendix 7

Kathy Driver

From: Jacqueline Randall
Sent: 15 August 2010 19:48
To: Kathy Driver
Subject: Fw: Forwarded to correct e mail address RE Halal Pizza 400,Hackney Road

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

From: Gillian Riddell <[REDACTED]>
To: Jacqueline Randall
Sent: Sun Aug 15 14:05:31 2010
Subject: Forwarded to correct e mail address RE Halal Pizza 400,Hackney Road

Jacqueline,
Please see below my objection for Halal Pizza at 400 Hackney Road to have an alcohol and late licence.
The address to send this to was incorrect on the letter.
Just so you are aware.
Miss Gillian Riddell.

Ms Randall,
I am writing regarding the above application.
I have previously raised my objections regarding a very late licence application at the above premises as I have felt intimidated by the youths that hang around outside the above premises asking for spare change.
I have on a couple of occasions seen youths urinating against the cars in the Lion Mills car park.
I now feel that any anti social behaviour will only be made worse fuelled by alcohol. I hope you take my objection into consideration.
Thank You
Miss G Riddell.
[REDACTED]

--B_3364469400_748922
Content-type: text/html;
charset="US-ASCII"
Content-transfer-encoding: quoted-printable

<HTML>
<HEAD>
<TITLE>Objection to alcohol licence at Halal Pizza Hackney Road E2</TITLE> </HEAD>
<BODY> Ms Randall,
 I am writing regarding the above application.
 I have previously raised my objections regarding a very late licence applic= ation at the above premises as I have felt intimidated by the youths that ha= ng around outside the above premises asking for spare change.
 I have on a couple of occasions seen youths urinating against the cars in t= he Lion Mills car park.
 I now feel that any anti social behaviour will only be made worse fuelled b= y alcohol.
 I hope you take my objection into consideration.
 Thank You
 Miss G Riddell.
 [REDACTED]
 </BODY> </HTML>

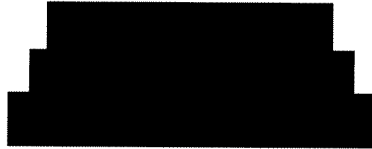
--B_3364469400_748922--

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.message-labs.com/email>

----- End of Forwarded Message

Appendix 8

BARRY & ADIE CRESSWELL



Thursday 12th August 2010.

To whom it may concern

RE: Licensing Act 2003 & Halal PFC, 400 Hackney Road E2 7AP

Further to our letter dated Wednesday 27th January 2010 opposing the extension of this licence we still hold the views outlined below.

We are neighbours of this restaurant and since it opened have noticed a marked increase in anti social behaviour, littering and industrial rubbish. This establishment seems to attract gangs of teenage boys who congregate around the restaurant. They stand outside the restaurant smoking, swearing and spitting on the street. They make it difficult to walk along the pavement and are often rude, aggressive and intimidating. They drop litter – cans & bottles and I have never seen any people who work in the restaurant addressing this problem.

The restaurant has an industrial waste bin on the pavement that always is overflowing and often rubbish – including black bags and cardboard is left in the street. This makes the whole area look dirty, unhygienic and unsightly. If the restaurant was open later we think the above problems would only get worse.

Yours

Barry and Adie Cresswell

Appendix 9

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

From: Emma Williams [mailto: [REDACTED]]
Sent: 12 August 2010 13:51
To: Jacqueline Randall
Subject: Re Halal PFC, 400 Hackney Road, Licensing Application

Hi Jacqueline,

I live at [REDACTED] and have been made aware of the above referenced planning application by my neighbours.

Halal PFC is already causing problems near our development, with rude, aggressive youths congregating on the street, making it unpleasant for people at Lion Mills to even walk along the street, particularly at night. I can only imagine this situation will get worse should the premises be granted a late/and or alcohol license and so wish to register my protest.

I can be contacted on this address should you require further information.

Kind regards,

Emma

Sent from my iPhone

Appendix 10

From: Claire Jamieson [mailto: [REDACTED]]
Sent: 11 August 2010 17:25
To: Jacqueline Randall
Subject: Licensing Act 2003 and Halal PFC, 400 Hackney Road E2 7AP

Dear Ms Randall,

As a resident of Lion Mills ([REDACTED]), I am writing to express my concern and opposition to recent application made my Halal PFC of 400 Hackney Road, E2 7AP to sell alcohol, have late night refreshment (past 23:00hrs), Regulated Entertainment OR to vary the conditions or layout of the licence. This establishment is already of concern in the area with groups of customers loitering outside the premises before and after visting, blocking the pavement and causing noise which is audible in the flats adjacent i.e. Lion Mills. If Halal PFC were to be granted their application I can only assume that this nuisance would get worse and last longer into the night. In general, this part of Hackney Road does not have establishments that are open late and so does not attract a crowd people that stay on the streets past 11 or 12pm, and is primarily residential, unlike further towards Shoreditch where there are more late opening pubs and late night eateries. I feel that the application by Halal PFC is inappropriate for the area and would only cause disturbance to the surrounding residents and in particular the residents of Lion Mills, whose main block overlooks Hackney Road and is directly adjacent to Halal PFC. It is not pleasant to have to squeeze past people gathered on the pavement outside Halal PFC- who are primarily men- when returning late at night , and I as a young, single woman living alone I would not feel comfortable about that situation becoming exacerbated.

I do hope the views of local residents such as myself will be taken into account when the decision is being taken.

Kind regards,

[REDACTED]
[REDACTED]

www.bredinghouse.com/uk

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 11

Kathy Driver

From: Jacqueline Randall
Sent: 19 August 2010 12:03
To: Kathy Driver
Subject: Fw: Licensing Act 2003 and Halal PFC, 400 Hackney Rd

From: Sofia Pires
To: Jacqueline Randall
Sent: Thu Aug 19 11:30:42 2010
Subject: Licensing Act 2003 and Halal PFC, 400 Hackney Rd

Hello,

I am writing to express my concern about the application for a license to sell alcohol / late night refreshments at Halal PFC on 400 Hackney Rd.

I live in [REDACTED] and often listen to groups of people in the street making noise at late hours. I'm afraid the license would increase those issues and threaten the neighborhood security.

Thank you for considering my feedback.

Kind regards,

Sofia Pires

This email is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution or copying of this e-mail or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this e-mail in error, please immediately notify us by calling our Help Desk at (212)590-7600, or e-mail to helpdeskus@omnicommediagroup.com.

Appendix 12

Kathy Driver

From: Zoe Pettite [REDACTED]
Sent: 06 August 2010 13:35
To: Jacqueline Randall
Subject: Licensing Act 2003 and Halal PFC, 400 Hackney Road

Hi Jackie,

I would like to register my strong opposition to the license extension applied for by the Halal PFC of 400 Hackney Road.

This is a residential area which has also been classified as a Conservation Area therefore any premises staying open this late is simply not appropriate. There are no other premises open till this time in the area and I am still standing by my views expressed at the previous hearing for the previous application.

We have seen a sharp increase in the level of anti social behaviour since the Halal PFC opened and frankly this is not acceptable. it is appalling that residents in the surrounding area should be subjected to threatening behaviour, shouting, fighting, spitting, urinating on other peoples property and general foul and explicit language being directed at them. This is especially intimidating to the female residents, many of whom will now not leave or return to building alone after dark in fear of being approached by these youths.

Based on my experiences and those of my fellow residents it is clear to me that this situation has not and will not improve and therefore my opposition to any extension still stands.

Kind Regards,

Zoe Pettite

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

fashion  footprint - Please don't print this email unless absolutely necessary

[REDACTED]

Appendix 13

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

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

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices

- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 14

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

General Advice

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Other Legislation

Crime and Disorder Act 1998

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

Anti-Social Behaviour Act 2003

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

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

Appendix 15

Access and Egress problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Appendix 16

Planning

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

Appendix 17

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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