



Meeting of the

# LICENSING SUB COMMITTEE

---

Tuesday, 9 November 2010 at 6.30 p.m.

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## A G E N D A

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### VENUE

Meeting Room M72, 7th Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

<b>Members:</b>	<b>Ward Represented</b>
<b>Chair: Councillor Peter Golds</b>	Blackwall & Cubitt Town;
<b>Councillor Kabir Ahmed</b>	Weavers;
<b>Councillor Zara Davis</b>	Millwall;

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

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# LONDON BOROUGH OF TOWER HAMLETS

## LICENSING SUB COMMITTEE

Tuesday, 9 November 2010

6.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

	PAGE NUMBER	WARD(S) AFFECTED
<b>3. RULES OF PROCEDURE</b>	<b>3 - 14</b>	
To note the rules of procedure which are attached for information.		
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Application to Review the Premises Licence for The Albert PH, 74 St Stephan's Road, E3 5JL (LSC 42/011)</b>	<b>15 - 82</b>	<b>Bow East;</b>
<b>4 .2 Application for a Variation of the Premises Licence for Old Ford Supermarket, 389 Old Ford Road, London, E3 2LU (LSC 43/011)</b>	<b>83 - 154</b>	<b>Bow East;</b>
<b>5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT</b>		

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

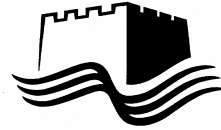
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph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

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

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

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

**TOWER HAMLETS**



**LICENSING COMMITTEE**

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

## **1. Interpretation**

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

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

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

## **3. Timescales**

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

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

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

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

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

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

## **6. Record of Proceedings**

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

## **7. Irregularities**

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

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

## **8. Notices**

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

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

## **9. Appeals**

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

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

## APPENDIX A

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

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

## APPENDIX B

### Regulation 8

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

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# Agenda Item 4.1

Committee: <b>Licensing Sub-Committee</b>	Date: 09 November 2010	Classification: UNRESTRICTED	Report No. LSC 42/011	Agenda Item No.
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Report of: <b>Colin Perrins</b> <b>Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>Licensing Officer – Kathy Driver</b>	Title: <b>Licensing Act 2003</b>  <b>Application to Review the Premises Licence for The Albert PH, 74 St Stephan's Road, E3 5JL.</b>  Ward affected: <b>Bow East</b>
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## 1.0 Summary

Name and  
Address of premises:                   **The Albert PH,  
74 St Stephan's Road,  
London E3 5JL**

Licence under review:                   **Licensing Act 2003**

- **Sale by retail of alcohol**
- **Regulated entertainment**

Representations:                       **Local Residents** (supporting Licensee)

## 2.0 Recommendations

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

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

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

### 3.0 Review Application

3.1 This is an application for a review of the premises licence for The Albert Public House, 74 St Stephan's Road, London, E3 5JL. The review was triggered by a local resident.

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 3<sup>rd</sup> October 2005. A copy of the current licence is contained in **Appendix 2**.

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

### 5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by a local resident living next door to the premises.

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

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

5.3 In the view of the interested party it is necessary to achieve the licensing objectives of the prevention of public nuisance.

5.4 The Licensing Authority has also received two representations in support to the licence holder, see **Appendices 4 & 5**; and a petition in support of the licence holder, see **Appendix 6**.

### 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 7**. It is available on the Government's website, [www.culture.gov.uk](http://www.culture.gov.uk). It was last revised in March 2010.

- 6.3 The DCMS has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 8**.
- 6.4 The Council's Licensing Policy in relation to Public Nuisance is contained in **Appendix 9**.
- 6.5 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."
- 6.6 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).
- 6.7 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.
- 6.8 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 7**. Members must consider all the evidence and then decide from the following alternatives:

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

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

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

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

8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence

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

## **9.0 Legal Comments**

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

## **10.0 Finance Comments**

10.1 There are no financial implications in this report.

## 11.0 Appendices

<b>Appendix 1</b>	Copy of the review application
<b>Appendix 2</b>	Current Premises Licence
<b>Appendix 3</b>	Maps of the premises and surrounding area
<b>Appendix 4</b>	Representations from Lisa Skeels
<b>Appendix 5</b>	Representations from Tammy Day
<b>Appendix 6</b>	Petition from local residents.
<b>Appendix 7</b>	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews.
<b>Appendix 8</b>	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Public Nuisance
<b>Appendix 9</b>	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

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# Appendix 1







LICENSING ACT 2003

This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I KIM COUSSELL ..... (Insert name  
of applicant) apply for the review of a premises licence under section 51 / apply for the  
review of a club premises certificate under section 87 of the Licensing Act 2003 for  
the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
THE ALBERT (PUB) 74 STEPHENS ROAD LONDON E3-5JL	
Post town	Post code (if known)
BOLW	E3-5JL

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

DAVID CAMILLERI

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

[Empty box for number of premises licence or club premises certificate]

C:\Documents and Settings\kcousell\Local Settings\Temporary Internet  
Files\Content.Outlook\76B780YG\ReviewofPremisesLicenceEmailVersion (2).doc

LBTH  
TRADING STANDARDS  
17 JUN 2010  
LICENSING

**Part 2 - Applicant details**

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

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

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

Surname  First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER APPLICANT**

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

<b>Surname</b>	<b>First names</b>
<input type="text"/>	<input type="text"/>

**I am 18 years old or over**

Please tick  yes

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

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

**E-mail address (optional)**

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

<b>Name and address</b>
<input type="text"/>
<b>Telephone number (if any)</b>
<input type="text"/>
<b>E-mail (optional)</b>
<input type="text"/>

**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

- 
- 
- 
- 

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

THE USE OF THE YARD TO THE REAR OF THE ALBERT PUBLIC HOUSE HAS RESULTED IN AN UNACCEPTABLE LEVEL OF NOISE NUISANCE TO THE ADJACENT RESIDENTIAL PROPERTY. THIS INCLUDES SHOOTING, TALKING, SWEARING AND SINGING. THIS WAS CONTINUED AS LATE AS 00:30AM. THE NOISE FROM THE YARD CAN BE HEARD DISTINCTLY WITHIN THE RESIDENTIAL PREMISES, THIS AFFECTING THE QUALITY OF LIFE OF THE RESIDENTS IN AN UNACCEPTABLE WAY. THE DOOR BETWEEN THE YARD AND THE PUBLIC HOUSE IS LEFT OPEN LEADING TO A SEVERE LEVEL OF NOISANCE FROM THE MUSIC AND GENERAL NOISE LEVELS WITHIN THE PUBS MAIN BUILDING. THE AREA IS REGULARLY BEING USED BY PATRONS CONSUMING DRINKS - THIS IS AGAINST THE TERMS OF THE LICENSE. DUE TO THE PROXIMITY OF THE YARD TO THE ADJOINING RESIDENTIAL PROPERTY, IT IS NOT A SUITABLE AREA FOR PUBLIC USE.

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

NUMEROUS COMPLAINTS HAVE BEEN MADE TO THE LICENSING SECTION AT LONDON BOROUGH OF TOWER HAMLETS, AND TO ENVIRONMENTAL HEALTH. UNFORTUNATELY THIS HAS NOT LEAD TO ANY IMPROVEMENT IN THE SITUATION, DESPITE A VISIT TO THE LANDLORD BY THE LICENSING SECTION (NICK KEMP).

PATRONS DRINKING IN THE YARD (NOT ALLOWED IN LICENSE) OCCURS ON A REGULAR BASIS, PARTICULARLY ON WEEKENDS. NOISE NUISANCE FROM THE YARD TYPICALLY OCCURS EVERY WEEKEND. EVEN NORMAL LEVEL TALKING CAN BE HEARD IN THE RESIDENTIAL PROPERTY. SWEARING + SINGING UP TO 00:30. KARAOKE CAN BE HEARD LOUDLY WHEN THE DOOR OF THE PUB IS LEFT OPEN. IT IS AN UNACCEPTABLE NOISE LEVEL FROM THE KARAOKE ~~IS~~ INSIDE THE PUB. CALLS MADE TO THE TOWER HAMLETS OUT OF MOBILE LINE HAVE BEEN MADE ON NUMEROUS OCCASIONS. THEY ARE TOO NUMEROUS TO LIST. TOWER HAMLETS ENVIRONMENTAL HEALTH CAN PROVIDE DETAILS BY SEARCHING THE POSTCODE. THERE IS SUBSTANTIAL EVIDENCE AVAILABLE ~~IN~~ IN RELATION TO THE NOISE NUISANCE AND THIS WAS ALREADY WHEN SENT TO THE LICENSING SECTION + ENVIRONMENTAL HEALTH. (PAUL JOHNSON).

- 1) PHOTO SHOWING ~~THE~~ THE PROXIMITY OF THE YARD TO THE RESIDENTIAL PROPERTY.
- 2) PHOTOS OF PATRONS DRINKING IN THE YARD
- 3) CD RECORDINGS OF NOISE NUISANCE FROM THE YARD
- 4) EMAIL CONTAINING WORD DOCUMENTS WITH DETAILS OF NUMEROUS COMPLAINTS THAT HAVE BEEN MADE TO LICENSING SECTION AND ENVIRONMENTAL HEALTH.

(NICK KEMP)

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

Please tick  yes

If yes please state the date of that application

Day	Month	Year

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


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

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

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

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

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

Signature   
Date 15<sup>th</sup> June  
Capacity Resident

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





05/06/2010



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# Appendix 2



**(The Albert)  
74 St. Stephen's Road  
London  
E3 5JL**

**Licensable Activities authorised by the licence**

**The sale by retail of alcohol  
Regulated entertainment**

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

**Signed by**

**Jacqueline Randall** \_\_\_\_\_  
**Licensing Services Manager**

**Date: 03/10/05  
(Variation 2<sup>nd</sup> February 2010)**

**Part A - Format of premises licence**

Premises licence number

14131

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(The Albert)  
74 St. Stephen's Road

**Post town**  
London

**Post code**  
E3 5JL

**Telephone number**  
None

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

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
The Provision of Regulated Entertainment

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

The sale of alcohol by retail.

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

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.

- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.  
g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

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

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

The Provision of Regulated Entertainment

For live and recorded music

Thursday to Saturday from 19:00 hours to 23:00 hours  
Sunday from 18:00 to 23:00 hours

**The opening hours of the premises**

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

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

On and off sales

**Part 2**

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

David Camilleri  
74 St Stephens Road  
Bow  
London  
E3 5JL

Tel: [REDACTED]

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

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

David Camilleri

[REDACTED]

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

Licence Number: 13082

Issuing Authority: London Borough of Tower Hamlets



### **Annex 1 - Mandatory conditions**

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

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

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

### **Private Entertainment**

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

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

### **Public Entertainment**

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

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

None

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

1. A sound limiting device shall be installed in the premises and set to a level to be agreed in consultation with Tower Hamlets Environmental Health Department
2. No drinks to be taken outside the premises.
3. To limit the number of smokers to 12 people at any one time.
4. Suitable signage to be displayed prominently inside the premises asking patrons to leave quietly

### **Annex 4 - Plans**

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

03 Aug 2005



**Part B - Premises licence summary**

**Premises licence number**

14131

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description  
(The Albert)**  
74 St Stephen's Road

**Post town**  
London

**Post code**  
E3 5JL

**Telephone number**  
None

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

N/a

**Licensable activities authorised  
by the licence**

The sale by retail of alcohol  
The Provision of Regulated Entertainment

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

The sale of alcohol by retail.  
a. On weekdays, other than Christmas Day,  
Good Friday or New Year's Eve, 11 a.m. to 11  
p.m.  
b. On Sundays, other than Christmas Day or  
New Year's Eve, 12 noon to 10.30 p.m.  
c. On Good Friday, 12 noon to 10.30 p.m.  
d. On Christmas Day, 12 noon to 3 p.m. and 7  
p.m. to 10.30 p.m.  
e. On New Year's Eve, except on a Sunday, 11

The opening hours of the premises

a.m. to 11 p.m.  
f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.  
g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The Provision of Regulated Entertainment

For live and recorded music

Thursday to Saturday 19:00 hrs to 23:00 hrs

Sunday 18:00 to 23:00 hours

These are not restricted

Name, (registered) address of holder of premises licence

David Camilleri  
74 St Stephens Road  
Bow  
London  
E3 5JL

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

On and off

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

N/A

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

David Camilleri

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

No

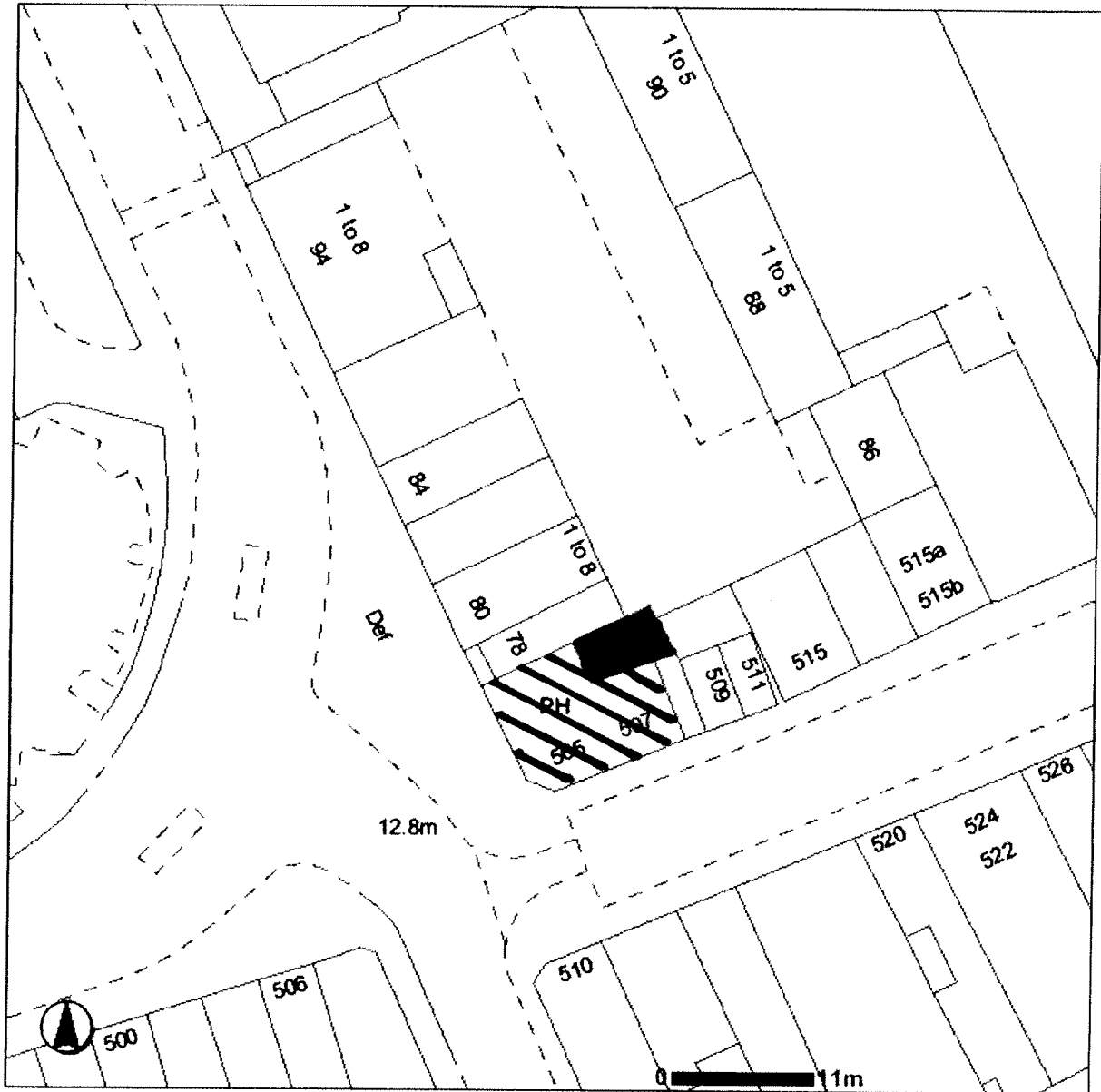


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# Appendix 3



# Map



Scale 1:500

Map of:

## Albert PH

Notes:

74 St Stephen's Road

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# Map



Scale 1:1750

Map of:

## Albert PH

Notes:

74 St Stephen's Road

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288



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# Appendix 4



**Kathy Driver**

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**From:** Lisa Skeels [REDACTED]  
**Sent:** 05 August 2010 16:56  
**To:** Kathy Driver  
**Subject:** The Albert PH

Hi

I would like to speak on behalf of the Albert Public House which is on the corner of Roman Road, Bow, E3.

I have been using this pub for approximately a year now maybe a little bit more, after my mum asked me to accompany her on one of the pubs Western Theme nights, and I go back regularly now as I had such a good time.

There aren't many pubs anymore that provide a nice family atmosphere like the Albert does and I would hate to think that because of one person that this could change. Dave the publican who runs the pub is really friendly and does an excellent job in the way he runs this pub. Please do not let this stop because someone is complaining of bad language etc, unfortunately he can't be held responsible for this, and I would wonder why anyone would buy a flat next to a pub and a busy market when they don't want to overhear people talking.

It's like someone buying a house next to a field of sheep and moaning because of the noise they make.

I hope that you will take these comments into consideration.

Kind Regards  
Lisa Skeels

[REDACTED]

The information contained in this message and any attachments is confidential, may be privileged, and is intended for the use of the individual or entity to whom it is addressed. If you, the reader of this message, are not the intended recipient, you are expressly prohibited from disclosing any of the information contained in this message and/or any attachment.

[REDACTED]

[REDACTED]



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# Appendix 5



**Kathy Driver**

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**From:** Tammy Day [REDACTED]  
**Sent:** 04 August 2010 14:14  
**To:** Kathy Driver  
**Subject:** Re The Albert Public House

Dear Kathy I am writing this email to express my views on hearing about the complaints being made against the public house The Albert and it's Landlord Mr David Camilleri, regarding noise levels both form inside the pub and outside in the area that has been designated as the smoking area which was endorsed by the local police.

I frequently spend time within this public house and have done so before the present landlord took up his position. I can honestly say that there has been no change in noise levels inside or even in the garden area that I have witnessed, that is any different to all the years I have been going into this public house.

What I would like to say and have noted is how Mr Camilleri has turned this pub around and brought back old fashioned values to this pub if anything the clientele is 100% improved since the last landlord was in position and even the one before that!

There is no difference to the entertainment that is in place that has not been in place in the past. Mr Camilleri is an exceptional landlord he has compiled with all the regulations that are required of him and I have observed him working closely with with both Health and Safety offices and the environmental health bodies, more importantly he cooperates fully with the local police adhering to all the public laws that are place with regards to his public license.

I currently live in Cambridge but as I said I still visit this pub on a regularly basis as my parents live in Bow and I visit at least 1 or twice a week mostly at the weekends which is why I felt I must state my support for the current landlord.

Yours Sincerely

Mrs Tammy Day





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# Appendix 6



**PETITION  
IN SUPPORT OF  
THE ALBERT PUBLIC HOUSE  
74 St Stephen's Road  
LONDON E3 5JL**

**LBTH  
TRADING STANDARDS  
23 AUG 2010  
LICENSING**

We, the undersigned, strongly object to the erroneous and factually incorrect complaints made against The Albert. This public house has always been aware of its duties to its neighbours and works in cooperation with the local police. We object that one person should target a long standing traditional family pub that provides a service to local people, visitors to the Roman Road market area and employment to residents of Bow. With 11 pubs shutting across the capital every week due to the economic downturn, we, the majority, want to ensure that our local public house stays open and continues to be the friendly family-centred pub so typical of the East End.

Name	Address	Signature
Tompkins		
Michele Featherston		
Steve Naylor		
Dina		
S. BLEWITT		
B. NAYLOR		
C. WATKINSON		
M. HOLLAND		
C. WHITE		
T. Chappell		
R. Chappell		
A. WHITE		
JULIE NAYLOR		
LEIGH EDWARDS		
RHYS CAIRNS		
R. BUSH		
C. Knight		
S. COLLINS		
FISCO TT		
A SCOTT		
R SCOTT		
H. HART		

**PETITION**  
**IN SUPPORT OF**  
**THE ALBERT PUBLIC HOUSE**  
**74 St Stephen's Road**  
**LONDON E3 5JL**

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Name	Address	Signature
D. BLACKMAN		
C. WHALEBONE		
J. WHALEBONE		
A. HUGHES		
M. COX		
M. DENNIS		
M. KITCHNER		
Y. POWELL		
D. BALFOURTH		
N. ALDRIDGE		
C. TAYLOR-WEST		
K. THREADKILL		
Paul Baeter		
C. KEST		
J. CART		
P. WRIGHT		
S. MONCUR		
G. MONCUR		
A. MONCUR		
M. KING		
C. BROWN		
J. FALZON		

**PETITION**  
**IN SUPPORT OF**  
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**74 St Stephen's Road**  
**LONDON E3 5JL**

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Name	Address	Signature
DIANA AJDAN		
JAMES FAZON		
Les Hanna		
Glynis Humna		
Aaron Hannaford		
STEPHEN CATCHPOLE		
SCOTT COSHALL		
Danielle McKeane		
K. Joseph		
P. ROSS		
M. Kay		
L. Hart		
M Cheek		
T Lotter		
M Lotter		
D. ANDERSON		
J. McMAHON		
P. THOMSON		
R BORTOL		
T. FEY		
R.S. LEVY		
SH BUCKINGHAM		

**PETITION  
IN SUPPORT OF  
THE ALBERT PUBLIC HOUSE  
74 St Stephen's Road  
LONDON E3 5JL**

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Name	Address	Signature /
JAMES		
R. Goyne		
I Godfrey		
I Goggin		
D. Grogan		
Yasir		
Lyndee		
K. Ridgwell		
MAGGIE		
William		
D. Berkeley		
S. DUNN		
G. THOMSON		
J. McMAHON		
L. Ewers		
J. FETH		
BILL LEBER		
John Rowley		
SCHAFER		
DAVE LETCH		
HOLLIE LETCH		
ARCHIE LETCH		

**PETITION**  
**IN SUPPORT OF**  
**THE ALBERT PUBLIC HOUSE**  
**74 St Stephen's Road**  
**LONDON E3 5JL**

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Name	Address	Signature
A GIBSON		
M. PILLUCCI		
P. SCOTT		
D. MADLEY/COLD		
M. Croighton		
DANNY MURPHY		
RICKY FIEB		
R SHAW		
REISS ATKINS		
ADAM HEATH		
S PARKS		
WILLIAM FURY		
J NANNING		
F. NORWOOD		
D. ATKINS		
G. ATKINS		
W. Bennett		
S. HARPER		
H. BURLEY		
MARION FIEB		
CARLY		
Carly Flery		

**PETITION**  
**IN SUPPORT OF**  
**THE ALBERT PUBLIC HOUSE**  
**74 St Stephen's Road**  
**LONDON E3 5JL**

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Name	Address	Signature
PAUL STORCY	[REDACTED]	[REDACTED]



**PETITION  
IN SUPPORT OF  
THE ALBERT PUBLIC HOUSE  
74 St Stephen's Road  
LONDON E3 5JL**

**LBTH  
TRADING STANDARDS  
23 AUG 2010  
LICENSING**

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Name	Address	Signature
K. MORRIS		
S. MURPHY		
S. GODFREY		
D. BALKIN		
A. TRIMBLE		
F. ROBERTS		
N. STEEFMAN		
J. CHANDLER		
I. HICKMAN		
B. OSBORN		
K. GRANT		
S. STAN		
A. JONES		
K. KEMAL		
K. KOPAY		
S. HASSAN		
T. LEONARD		
A. LEONARD		
J. SMITH		
Alex Myers		
Dennis Miller		
Matthew Gidd		

**PETITION**  
**IN SUPPORT OF**  
**THE ALBERT PUBLIC HOUSE**  
**74 St Stephen's Road**  
**LONDON E3 5JL**

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Name	Address	Signature
Stacey Elliott		
Chris Coote		
Kinda Chapman		
Aaron Ramsden		
PETER JACK		
Frank O'Neill		
* Mark Gibson		
BRIAN COOK		
KP Rowe		
RYAN DAVIS		
JUNIOR <sup>MR</sup> PHILSON		
Harry Moore		
JAMES CREIGHTON		
DANNY CREIGHTON		
KIERAN CREIGHTON		
DAVID GROTHIER		
PAUL AYRES		
Liam Sme		
HAROLD HOWEY		
JOHN BRADSHAW		
ARTHUR HARBING		
M.K.C. Philly		

**PETITION  
IN SUPPORT OF  
THE ALBERT PUBLIC HOUSE  
74 St Stephen's Road  
LONDON E3 5JL**

TRAM

23 AUG 2010

**LICENSING**

We, the undersigned, strongly object to the erroneous and factually incorrect complaints made against The Albert. This public house has always been aware of its duties to its neighbours and works in cooperation with the local police. We object that one person should target a long standing traditional family pub that provides a service to local people, visitors to the Roman Road market area and employment to residents of Bow. With 11 pubs shutting across the capital every week due to the economic downturn, we, the majority, want to ensure that our local public house stays open and continues to be the friendly family-centred pub so typical of the East End.

Name	Address	Signature
A ABRAHAM S		
SANJEET		
S Adams		
J. DHALA		
P. [unclear]		
[unclear]		
S WRIGHT		
T. ELLIS		
L. DONNEUAND		
P. [unclear]		
P. [unclear]		
S. LEID		
A. CLARKE		
[unclear]		
A Booden		
P. [unclear]		
P. [unclear]		
A lunsey		
Stam [unclear]		
Amy Veronica		
M. SALMONK		
W. [unclear]		

**PETITION**  
**IN SUPPORT OF**  
**THE ALBERT PUBLIC HOUSE**  
**74 St Stephen's Road**  
**LONDON E3 5JL**

We, the undersigned, strongly object to the erroneous and factually incorrect complaints made against The Albert. This public house has always been aware of its duties to its neighbours and works in cooperation with the local police. We object that one person should target a long standing traditional family pub that provides a service to local people, visitors to the Roman Road market area and employment to residents of Bow. With 11 pubs shutting across the capital every week due to the economic downturn, we, the majority, want to ensure that our local public house stays open and continues to be the friendly family-centred pub so typical of the East End.

Name	Address	Signature
JAMES TOLLON		
V. BROWN		
DAVE BELFORD		
S. BURNLEY		
J. WALLIS		
A. S.		
Clare		
A. TRINDER		
N. JONES		
R. BROWN		
P. BROWN		
L. JONES		
S. JONES		
RAF JONES		
CHRIS JONES		
GLENN DAVE		
KEVIN JONES		
LISA WHITE		
MARTIN JONES		
S. JONES		
A. MARTIN		
A. BAKER		

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Name	Address	Signature
- Phil Brown		
- Paul Clark		
- Sue Coffey		
- MITCHEL CLARK		
ANDREW COURT		
T. REYNOLDS		
C. BARNARD		
DAVE GARDNER		
RAY BUTLER		
TERRY AMBROSE		
Martin Moses		
T. SHANKS		
L. Skeels		
Y. COLLETON		
J. ANKER		
H. WICKES		
D. CANNON		
K. PLUCK		
M. HONLEY		
M. KILGAT		



# Appendix 7





## **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 8



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

### **CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE**

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

#### **Hours**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

#### **Noise and vibration**

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example,

are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

a simple requirement to keep doors and windows at the premises closed;  
limiting live music to a particular area of the building;  
moving the location and direction of speakers away from external walls or walls that abut private premises;  
installation of acoustic curtains;  
fitting of rubber seals to doorways;  
installation of rubber speaker mounts;  
requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;  
require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;  
noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).

Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.

The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

### **Noxious smells**

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

### **Light pollution**

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

### **Other measures**

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).



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# Appendix 9



## London Borough of Tower Hamlets Policy in relation to the Prevention of Public Nuisance

### 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.

# Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	09 November 2010	Unclassified	LSC 43/011	

Report of <b>Colin Perrins</b> <b>Head of Trading Standards and Commercial</b>	Title <b>Licensing Act 2003</b> <b>Application to Vary the Premises Licence for Old Ford Supermarket, 389 Old Ford Road, London, E3 2LU</b>
Originating Officer: <b>Nick Kemp - Licensing Officer</b>	Ward affected <b>Bow East</b>

## 1.0 Summary

Applicant: **Ibrahim Ozan**

Name and

Address of Premises: **Old Ford Supermarket  
389 Old Ford Road,  
London, E3 2LU**

Licence sought: **Licensing Act 2003 variation**

**Extending the hours for the sale of alcohol**

Objectors: **The Metropolitan Police  
Environmental Health  
Planning Enforcement**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied  
for register

If not supplied, name and  
telephone number of holder

File Only

020 7364 7446

### 3.0 **Background**

3.1 This is an application for a variation in a premises licence for **Old Ford Supermarket, 389 Old Ford Road, London, E3 2LU**

3.2 A copy of the existing licences is enclosed for information in **Appendix 1**.

The current hours are as follows:-

#### **The sale of alcohol:**

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

**It should be noted by members that the Premises Licence is currently suspended. On 9<sup>th</sup> February 2010 the licence was revoked by the Licensing Sub Committee following a review triggered by the police following the seizure of alcohol with duty not paid.**

**The licensee appealed the decision of the Sub Committee, which was heard at Thames Magistrates Court on 22<sup>nd</sup> July 2010. Immediately prior to the hearing both parties came to an agreement that the licence be suspended for a period of three months and sixteen other conditions be added: see Appendix 1 page six.**

3.3 A copy of the variation application is enclosed as **Appendix 2**. The applicant has described the nature of the variation as follows:

Extending the hours for the sale of alcohol.

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

#### **Sale of Alcohol (off sales only)**

Monday to Thursday 07:00 hours - midnight  
Friday to Sunday 07:00 hours – 02:00 hours

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

There are currently no restrictions on the times that the premises are open to the public. However the applicant is requesting:

Monday to Thursday 07:00 hours - midnight  
Friday to Sunday 07:00 hours – 02:00 hours

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

#### 4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 7<sup>th</sup> January 2008.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.culture.gov.uk](http://www.culture.gov.uk). It 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 4**)  
Environmental Health (**see Appendix 5**)  
Planning Enforcement (**see Appendix 6**)
- 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, the 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 7** Licensing Officer comments on Crime and Disorder on the Premises

**Appendix 8** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises

**Appendix 9** Licensing Officer comments on Noise While The Premise Is In Use

**Appendix 10** Licensing Officer comments on Egress Problems

**Appendix 11** Planning

**Appendix 12** Licensing Policy relating to hours of trading

## 7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 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** Copy of existing licence.
- Appendix 2** A copy of the application for variation.
- Appendix 3** Maps of the area
- Appendix 4** Representations of the Metropolitan Police
- Appendix 5** Representations of Environmental Health
- Appendix 6** Representations of Planning Enforcement
- Appendix 7** Licensing Officer comments on Crime and Disorder on the Premises
- Appendix 8** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises
- Appendix 9** Licensing Officer comments on Noise While The Premise Is In Use
- Appendix 10** Licensing Officer comments on Egress Problems
- Appendix 11** Planning
- Appendix 12** Licensing Policy relating to hours of trading

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# Appendix 1



**(Old Ford Mini Market)  
389 Old Ford Road  
London  
E3 2LU**

**Licensable Activities authorised by the licence**

Retail sale of alcohol

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

**Signed by**

**Jacqueline Randall** \_\_\_\_\_  
**Acting Licensing Services Manager**

**Date: 29/09/05**  
**(Amended 22<sup>nd</sup> July 2010)**



**Part A - Format of premises licence**

Premises licence number

14370

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(Old Ford Mini Market)  
389 Old Ford Road  
London

**Post town**  
London

**Post code**  
E3 2LU

**Telephone number**  
0208 980 1921

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

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



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

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

In this condition, permitted hours means:

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

See Mandatory conditions for drinking up time

**The opening hours of the premises**

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

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

Off sales only

## Part 2

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

Ibrahim Ozan  
29C Clissold Road  
London  
N16 9EX

0208 980 1921

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

N/A

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

Mr Ibrahim Ozan  
29c Clissold Road  
London  
N16 9EX

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

London Borough of Hackney  
LBH-PER-N-0194

## **Annex 1 - Mandatory conditions**

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

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

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

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

### **Effective 10<sup>th</sup> October 2010:**

- (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.

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

None

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

[Conditions agreed between the police and the licensee at Thames Magistrates Court on 22<sup>nd</sup> July 2010 during appeal proceedings].

1. A digital CCTV system shall be installed incorporating recording and viewing facilities. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
2. The CCTV coverage shall include coverage of all public entrances and exits from the premises; the area directly in front of the entrance to the premises; the till area and all the areas where alcohol is stored and displayed.
3. The CCTV system shall be installed to ensure the quality of the recordings and recorded images and a complete audit trail maintained.
4. The CCTV system shall comply with all other essential legislation and in particular that signs informing of the CCTV recording are prominently displayed.
5. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
6. All staff on duty are to be trained in the use of the CCTV viewing facility so that Police or Local Authority officers can view the images upon immediate request.
7. There must be someone at the premises who can download the images and provide a copy recording or a request by Police or Local Authority officer within no later than 48 hours of such request.
8. The premise licence holder will engage and operate the Challenge 25 scheme along with a "no ID no sale policy". Staff will not sell alcoholic drinks to any person who appears to be under 25 unless they can provide photographic ID evidence showing them to be over 18.
9. All refusals of sales of alcohol or other age restricted products are to be recorded in a refusal register.
10. Reasonable and adequate staff training to be carried out and properly documented in relation to: (i) dealing with incidents and prevention of

- crime and disorder: (ii) sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc.) prior to being allowed to sell alcohol.
11. All training records, incident and refusal registers are to be retained for 12 months and made available to Police and Local Authority licensing officers upon reasonable request (incident book/refusal register may be one of the same).
  12. Refresher training to be satisfactorily completed every six months for all staff and documented with the training records.
  13. The premises licence holder shall not purchase any goods from door-to-door sellers.
  14. The premises licence holder shall ensure all receipts for goods brought include the following details:
    - i. Seller's name and address
    - ii. Seller's company details, if applicable
    - iii. Seller's VAT details, if applicable.
  15. There shall be a premises licence holder present at the premises at all times.
  16. Only a personal licence holder shall purchase alcohol for the premises
  17. The premises licence shall be suspended until the 22<sup>nd</sup> October 2010 (alcohol may not be sold until the 23<sup>rd</sup> October 2010).

#### **Annex 4 - Plans**

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

05 AUG 2005



**Part B - Premises licence summary**

**Premises licence number**

14370

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
**(Old Ford Mini Market)**  
**389 Old Ford Road**  
**London**

**Post town**  
London

**Post code**  
E3 2LU

**Telephone number**  
0208 980 1921

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

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

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Ibrahim Ozan  
29C Clissold Road  
London  
N16 9EX

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

Off sales supplies

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

N/A

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

Ibrahim Ozan

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

No





# Appendix 2



**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We **IBRAHIM OZAN**

*(Insert name(s) of applicant)*

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

<b>Premises licence number</b> 14370
---

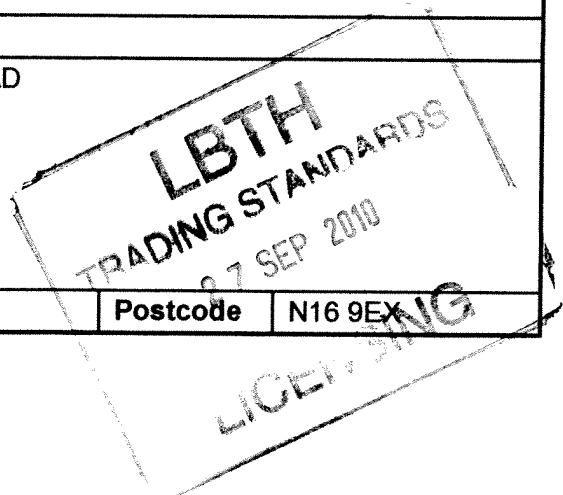
**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> OLD FORD SUPERMARKET 389 OLD FORD ROAD			
<b>Post town</b>	LONDON	<b>Post code</b>	E3 2LU

<b>Telephone number at premises (if any)</b>	0208 980 1921
<b>Non-domestic rateable value of premises</b>	£5900

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	0208 980 1921		
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>	29C CLISSOLD ROAD		
<b>Post Town</b>	LONDON	<b>Postcode</b>	N16 9EX



#### Part 4 Operating Schedule

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

##### Provision of regulated entertainment

Please tick yes

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

##### Provision of entertainment facilities:

- 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)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**B**

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

D

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

**F**

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

H

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



J

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

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Tue					
			<b><u>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</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

O

<b>Hours premises are open to the public Standard days and timings (please read guidance note 6)</b>			<b><u>State any seasonal variations</u> (please read guidance note 4)</b>
Day	Start	Finish	
Mon	07.00	24.00	
Tue	07.00	24.00	
Wed	07.00	24.00	
Thur	07.00	24.00	
Fri	07.00	02.00	
Sat	07.00	02.00	
Sun	07.00	02.00	

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

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

NONE

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

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

The existing conditions agreed between the police and the licensee at Thames' Magistrates' Court on 22<sup>nd</sup> July 2010 are adequate to promote the licensing objectives.

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

The existing conditions are adequate to promote the licensing objectives.

**c) Public safety**

The existing conditions are adequate to promote the licensing objectives.

**d) The prevention of public nuisance**

The existing conditions are adequate to promote the licensing objectives.

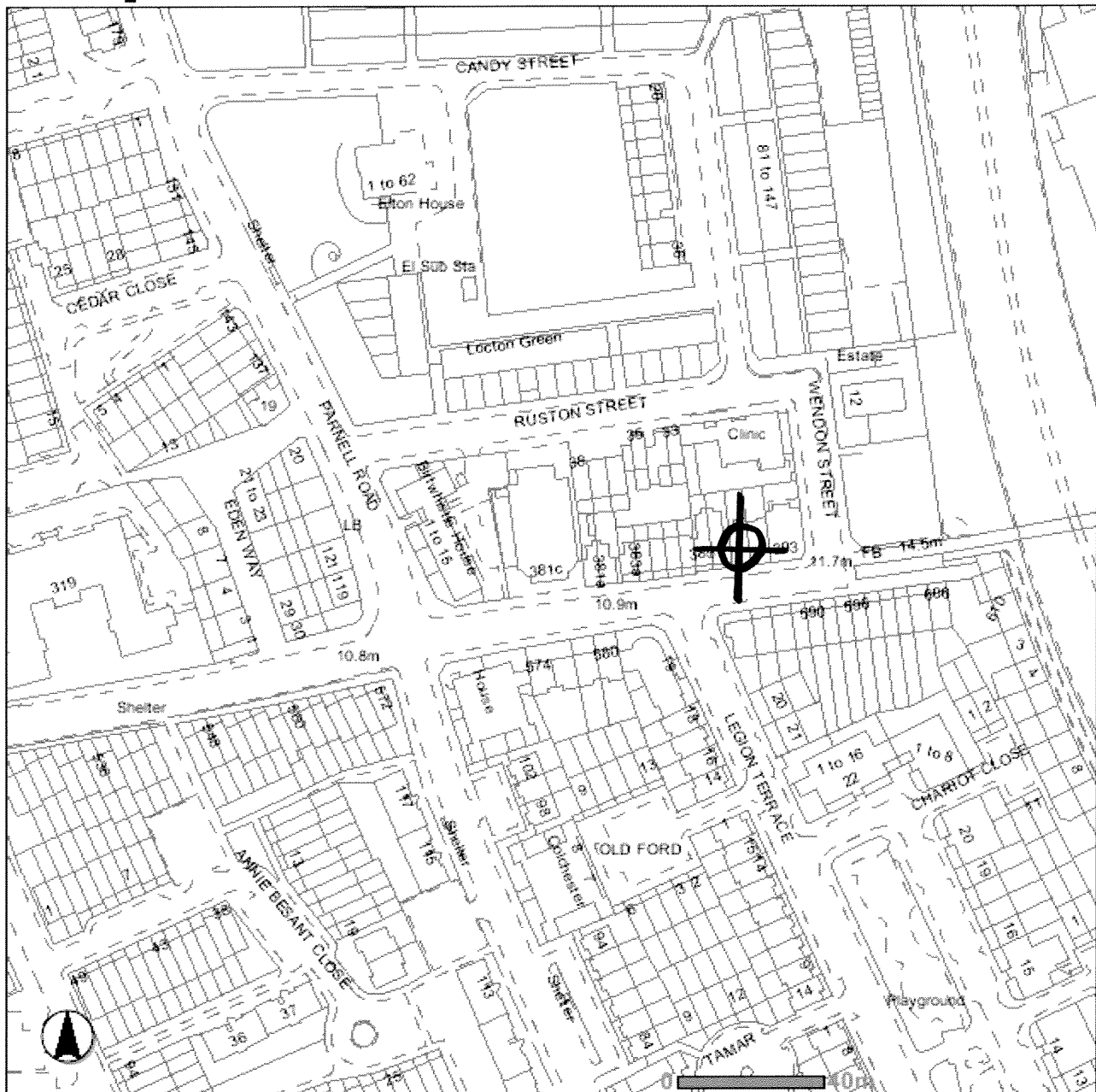
**e) The protection of children from harm**

The existing conditions are adequate to promote the licensing objectives.

# Appendix 3



# Map



Scale 1:1750

Map of:

## Old Ford Supermarket

Notes:

389 Old Ford Road - large scale

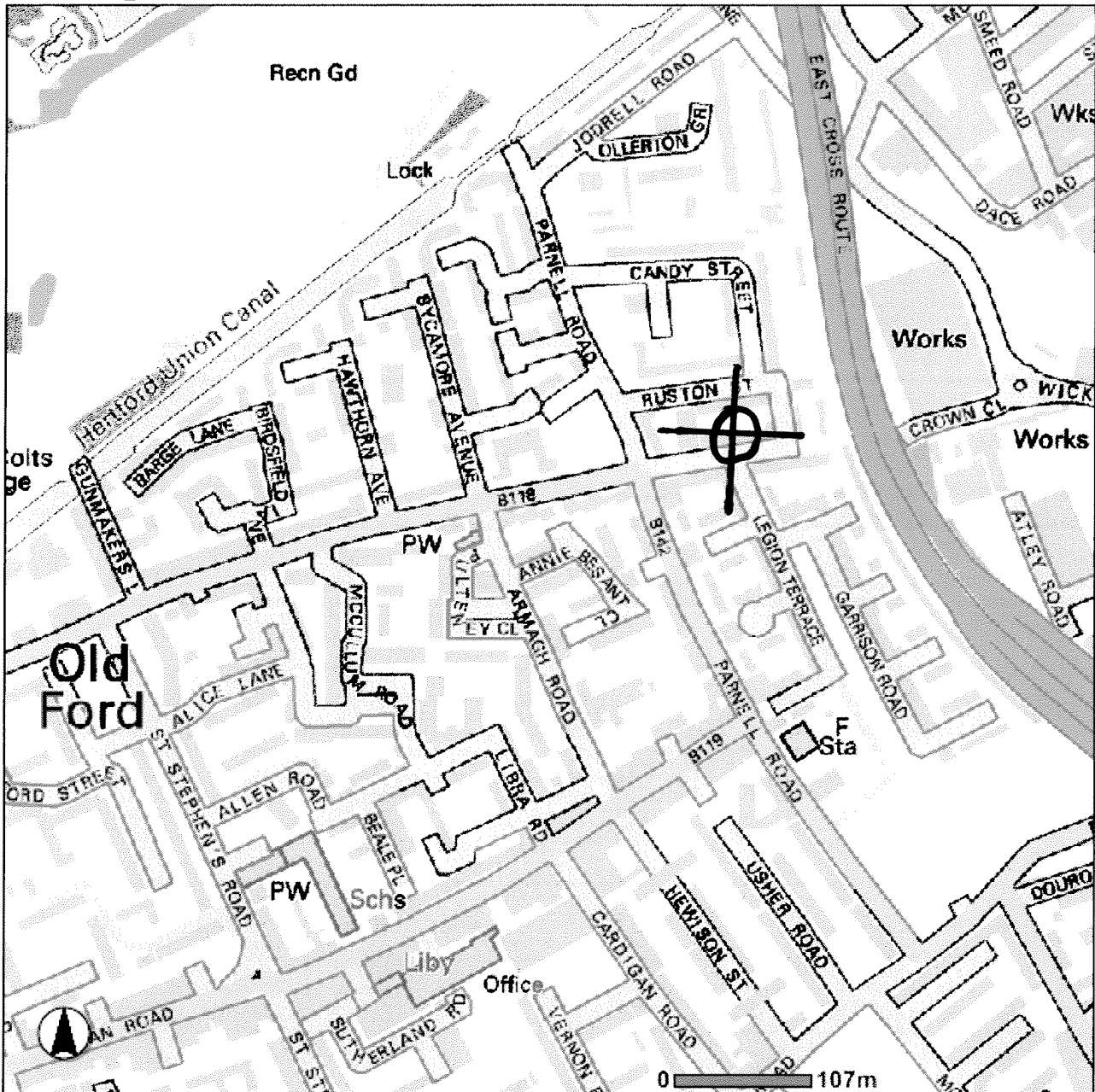
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

# Map



Scale 1:5000

Map of:

## Old Ford Supermarket

Notes:

389 Old Ford Road - small scale

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288



# Appendix 4





TERRITORIAL POLICING

Ibrahim Ozan  
Old Ford Supermarket  
389 Old Ford Road  
E3 2LU

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

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

Telephone: 02082174118  
Facsimile: 0208217 6688  
Email: [Andy.Jackson@met.police.uk](mailto:Andy.Jackson@met.police.uk)  
[www.met.police.uk](http://www.met.police.uk)

Your ref:  
Our ref: LIC/389/10

7 October 2010

Dear Mr Ozan,

Firstly I would like to acknowledge receipt of the application.

Police will however be objecting to this application for the following reasons.

0700hrs as a starting time for alcohol is too early in this area. I have checked the licences of nearby premises and the earliest they start is 0800 weekdays and 0900hrs Sundays. This is due to the work both the police and the council have been doing to combat street drinkers in this area. The Licensing Committee has recognized this in the past and has agreed that any earlier times are not welcomed.

0200hrs as a finishing time for selling alcohol is too late even at weekends. The area suffers from high levels of ASB and to combat this we have been able to restrict similar premises to only selling alcohol until 2300hrs during the week including Sundays and midnight at weekends.

It should also be noted that the area is largely residential and a quiet one way street. If this premise was allowed to open until 0200hrs, this would change as it would soon become known that this is the only off licence in the area selling alcohol until this time. As in other similar areas both police and environmental health officers would certainly get complaints from local residents due to people arriving in cars, slamming car doors and other associated behavior.

You already have licensing hours closely in line with these times and the police would not welcome any extension to those hours particularly with regard to the recent licence review and appeal.

Yours sincerely,

**Andy Jackson  
Police Licensing Officer**

Cc. Copy to LBTH Licensing



# Appendix 5



**Communities, Localities & Culture**

**To** Licensing

**Environmental Health, Environmental Protection**

**From** Razaul Haque

Mulberry Place (AH)  
5 Clove Crescent  
London E14 1BY

**Reference** MA/043869

**Extension** 6702

**Date** 8<sup>th</sup> October 2010

Tel: 020 7364 5008

Fax: 020 7364 6831

**Regarding** Old Ford Supermarket  
389 Old Ford Rd  
London E3 2LU

E-mail :  
environmentalhealth@towerhamlets.gov.uk

Environmental Protection objects to the application to vary the licence for Old Ford Supermarket, 389 Old Ford Road, London E3 2LU (licence number 14370) on the grounds of public nuisance. It is my opinion that a grant of a variation to the licence to operate beyond the existing licence hours to supply alcohol will on a balance of probability undermine the licence objective to prevent a public nuisance and in all likelihood cause a noise nuisance to residents nearby and give rise to anti-social behaviour being caused by customers, which may generate a level of noise which will adversely affect residents in their homes while relaxing and or sleeping.

**Razaul Haque**  
**Environmental Health Technical Officer**  
**Environmental Protection**







# Appendix 6





TOWER HAMLETS

## Memorandum

**To** Licensing Department  
**From** Planning Enforcement  
**Contact** Andrew Dickson  
**Extension** 5376  
**Date** 25/10/2010  
**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](mailto:andrew.dickson@towerhamlets.gov.uk)  
  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

### **Objection to a variation of a Premises License – 389 Old Ford Road, London, E3 2LU**

The Planning Department wishes to object to the granting of a variation to the existing premises license at 389 Old Ford Road, London, E3 2LU on the basis that the sale of alcohol for consumption off the premises till 0200 hours, Friday, Saturday, and Sunday, is excessive within an area that is predominantly residential and would create a greater degree of public nuisance to neighbouring and adjacent residents into the early hours of the morning.

Approving the variation 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 into the surrounding area, light pollution, and disruption from parked vehicles at a time in the day which is considered relatively quiet and free of nuisance, particularly within this residential area.

Whilst the Planning Department accepts that business performs an important function in supporting a night time economy, there has to be a balance against the needs of residents who reasonably expect a level of "quiet" late into the evening and into the early hours of the day. Due to the close proximity of the premise to residential dwellings in the surrounding area (neighbouring and adjacent), it is considered that the granting of the variation sought till 0200 hours Friday, Saturday and Sunday would be detrimental to the amenity of the neighbouring properties, especially on Sundays.

As an aside from this, the premise appears to have an established use as a shop 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 restricts the hours in which the premises can sell alcohol in order to control and prevent the impact of public disturbance on neighbouring and adjacent residents.

#### **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 389 Old Ford Road is in a predominantly residential area and is relatively free from other commercial activities in the surrounding area. The residential properties are within close proximity (neighbouring and adjacent) and are therefore considered likely to be adversely affected by noise from people entering, leaving and loitering around the premises.

Therefore, approving the variation to the license for lengthening the time alcohol is able to be sold till 0200 hours, on Friday, Saturday and Sunday, will cause a public nuisance for people living area into the early hours of the morning (particularly on a Sunday).

### **Conclusion**

Planning Enforcement **do not** support the application at 389 Old Ford Road for a variation to the premises licence to enable the supply of alcohol to 0200 hours on Friday, Saturday and Sunday, as this will cause public nuisance to neighbouring and adjacent residential occupiers for a longer period of time in the early morning hours than what currently occurs from the premises (weekdays - 2300 hours).

The variation sought to 0200 hours is considered unreasonable within this area that is predominantly residential, and will not maintain a fragile balance between commercial activities and residential amenity, where this balance is clearly required.

Andrew Dickson  
**Planning Enforcement Officer**

# Appendix 7



## Crime and Disorder on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

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

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

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

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

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

This relates to attempts to control minimum prices

#### Other Legislation

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



# Appendix 8



## **Crime and Disorder From Patrons Leaving The Premises**

### General Advice

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

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

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

### Licensing Policy

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

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model 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 9



## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

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 10



## **Access and Egress problems**

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See 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 11



## **Planning**

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





# Appendix 12



## **Licensing Policy relating to hours of trading**

All applications have to be considered on their own merits.

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

Sunday to Thursday      06 00 hrs to 23 30 hrs

Friday and Saturday      06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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