



Meeting of the

**EXTRAORDINARY
LICENSING SUB
COMMITTEE**

Wednesday, 6 October 2010 at 6.30 p.m.

A G E N D A

VENUE

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

Members:	Ward Represented
Chair: Councillor Carlo Gibbs Councillor Khales Uddin Ahmed Councillor Aminur Khan	Bethnal Green North; Bromley-By-Bow; Whitechapel;

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

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

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Wednesday, 6 October 2010

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST (Pages 1 - 2)

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

		PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE		3 - 14	
	To note the rules of procedure which are attached for information.		
4. ITEMS FOR CONSIDERATION			
4 .1	Application to Vary the Premises Licence for Jerrins News, 90 Mile End Road, London E1 4UN (LSC 34/011)	15 - 84	St Dunstan's & Stepney Green;
4 .2	Application for a Variation of the Premises Licence for Tai's Vine, 113 Globe Road, London, E1 4LB (LSC 35/011)	85 - 162	Bethnal Green South;
4 .3	Application for a New Premises Licence for Zengi, 44 Commercial Street, London E1 6LT (LSC 36/011)	163 - 298	Spitalfields & Banglatown;

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

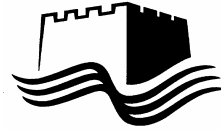
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph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

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

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

4. Procedure at the Hearing

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

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

8. Notices

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

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

9. Appeals

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

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

APPENDIX A

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

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

APPENDIX B

Regulation 8

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

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Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	06 October 2010	Unclassified	LSC 34/011	

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application to Vary the Premises Licence for Jerrins News, 90 Mile End Road, London E1 4UN
Originating Officer: Kathy Driver Acting Principal Licensing Officer	Ward affected St. Dunstons and Stepney Green

1.0 Summary

Applicant: **Mohammed Choudhury**
Name and **90 Mile End Road**
Address of Premises: **London E1 4UN**

Licence sought: **Licensing Act 2003 - Variation**

Extending the hours for the sale of alcohol

Objectors: **The Metropolitan Police**
Planning

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Kathy Driver 020 7364 5171

3.0 **Background**

3.1 This is an application for a variation in a premises licence for Jerrins News, 90 Mile End Road, London E1 4UN.

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

The current hours are as follows:-

The sale of alcohol:

Sunday to Thursday from 07:00 hours to 01:00 hours

Friday to Saturday from 07:00 hours to 03:00 hours

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

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

Sale of Alcohol (off sales only)

Monday to Sunday from 07:00 hours to 04:00 hours

Hours premises is open to the public:

Monday to Sunday from 07:00 hours to 04:00 hours

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

4.0 **Licensing Policy and Government Advice**

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

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

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

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

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authorities:
The Metropolitan Police (**See Appendix 4**)
Planning (**See Appendix 5**)
- 5.2 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.3 Essentially, both regulatory Authorities oppose the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
the prevention of crime and disorder
the prevention of public nuisance
- 5.4 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the licensing Act 2003

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

6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.

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

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

- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows:
- Appendix 6** Licensing Officer comments on Crime and Disorder on the Premises
 - Appendix 7** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises
 - Appendix 8** Licensing Officer comments on
 - Appendix 9** Licensing Officer comments on Egress Problems
 - Appendix 10** Planning
 - Appendix 11** 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 Planning
- Appendix 6** Licensing Officer comments on Crime and Disorder on the Premises
- Appendix 7** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises
- Appendix 8** Licensing Officer comments on anti social behaviour from patrons leaving the premises.
- Appendix 9** Licensing Officer comments on Egress Problems
- Appendix 10** Planning
- Appendix 11** Licensing Policy relating to hours of trading

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

13296

(Jerrins News)
90 Mile End Road
London
E1 4UN

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

Jacqueline Randall 
Acting Licensing Services Manager

JR

Date: 5th June 2009



Part A - Format of premises licence

Premises licence number

13296

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

90 Mile End Road

Post town

London

Post code

E1 4UN

Telephone number

020 7461 0000

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

Sunday to Thursday 07:00 hours – 01:00 hours
Friday & Saturday 07:00 – 03:00 hours

The opening hours of the premises

Sunday to Thursday 07:00 hours – 01:00 hours
Friday & Saturday 07:00 – 03:00 hours

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

Mohammed Choudhury



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

Not applicable

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

Mohammed Choudhury



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 No: 

Issued by the 

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

Annex 2 - Conditions consistent with the operating Schedule

Nil

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

Not applicable

Annex 4 - Plans

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

20th April 2009



Part B - Premises licence summary

Premises licence number

13296

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

90 Mile End Road

Post town

London

Post code

E1 4UN

Telephone number

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

Sunday to Thursday 07:00 hrs – 01:00 hrs
Friday & Saturday 07:00 – 03:00 hrs

The opening hours of the premises

Sunday to Thursday 07:00 hrs – 01:00 hrs
Friday & Saturday 07:00 – 03:00 hrs

Name, (registered) address of holder of premises licence

Choudhury Mohammed


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

Off sales only

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

Not applicable

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

Mohammed Choudhury

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

No restrictions

Appendix 2



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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

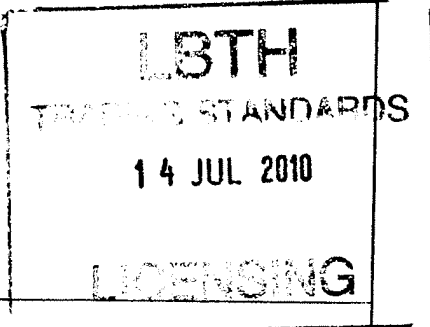
I/We MOHAMMED CHOUDHURY (Insert name(s) of applicant)

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

Premises Licence number

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<p>90 MILEEND ROAD LONDON E1 4UN</p>	
Post town <u>EL</u>	Post code <u>4 UN</u>



Telephone number at premises (if any)

[Redacted]

Non-domestic rateable value of premises

£ [Redacted]

Part 2 - Applicant details

Daytime contact telephone number		[REDACTED]	
E-mail address (optional)			
Current postal address if different from premises address		90 MILE END ROAD LONDON E1	
Post Town	E1	Postcode	4 UN

Part 3 - Variation

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

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

Day	Month	Year

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

EXTENSION OF OPENING HOURS

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

/	/
---	---

Part 4 Operating Schedule

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

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

J

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

K

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

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon	7.00am	4.00am	SALE BY RETAIL OF ALCOHOL OFF LICENCE	Both	✓	
Tue	7.00am	4.00am				
Wed	7.00am	4.00am		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	7.00am	4.00am				
Fri	7.00am	4.00am				
Sat	7.00am	4.00am		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	7.00am	4.00am				

N

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

ONLY SALE BY RETAIL OF ALCOHOL
OFF LICENCE

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	7.00am	4.00am	N/A
Tue	7.00am	4.00am	
Wed	7.00am	4.00am	
Thur	7.00am	4.00am	
Fri	7.00am	4.00am	
Sat	7.00am	4.00am	
Sun	7.00am	4.00am	
			<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>N/A.</p>

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

Please tick yes

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

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

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

P

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

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

FOLLOWING STEPS ARE UNDERTAKEN

b) The prevention of crime and disorder

- STAFF AWARENESS
- ASSOCIATE WITH LOCAL BUSINESS WATCH SCHEME OR LOCAL PARTNERSHIP.
- CONSIDER CCTV & ENOUGH LIGHTING.
- LOCK UP THE PREMISES & HANDLE CASH WITH CARE.

c) Public safety

- PROVIDE ENOUGH COMMUNICATION IN THE PREMISES.
- LOCATIONS, MAPS, SIGNAGE ARE PROVIDED.
- PROVIDE EARLY WARNING SYSTEMS - FIRE SAFETY EMERGENCY LIGHTS.

d) The prevention of public nuisance

- NOISE CONTROL
- NOXIOUS SMELLS CONTROL
- MANAGE WELL LITTER/WASTE
- OUT DOOR LIGHTS MANAGE.

e) The protection of children from harm

- RESTRICT SELLING ALCOHOL TO UNDER AGE.
- EXCLUDE ACTIVITIES - i.e. NUDITY OR SEMI-NUDITY FILMS, GAMBLING, MACHINES WITHIN THE PREMISES.

CHECKLIST:

Please tick no yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	[REDACTED]
Date	09-07-2010.
Capacity	AGENT.

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

Signature	
Date	
Capacity	

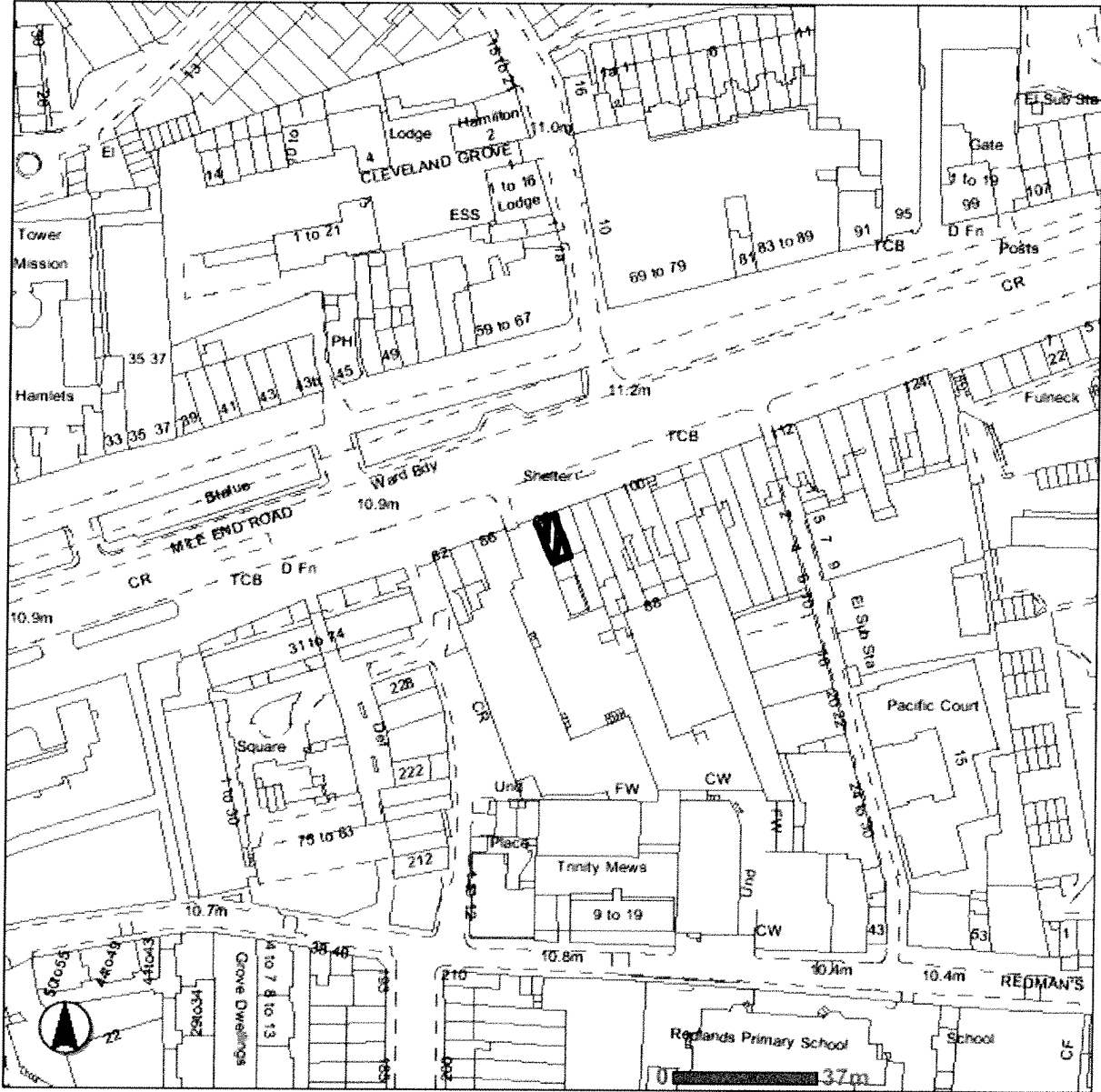
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

EXI-TECH DESIGN & CONSTRUCTION LTD.
66 LEGGATT ROAD
LONDON

Post town	Post code	E15 2RQ.
Telephone number (if any)	[REDACTED]	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)		
[REDACTED]		

Appendix 3

Map



Scale 1:1627

Map of:

Notes:

90 Mile End Road

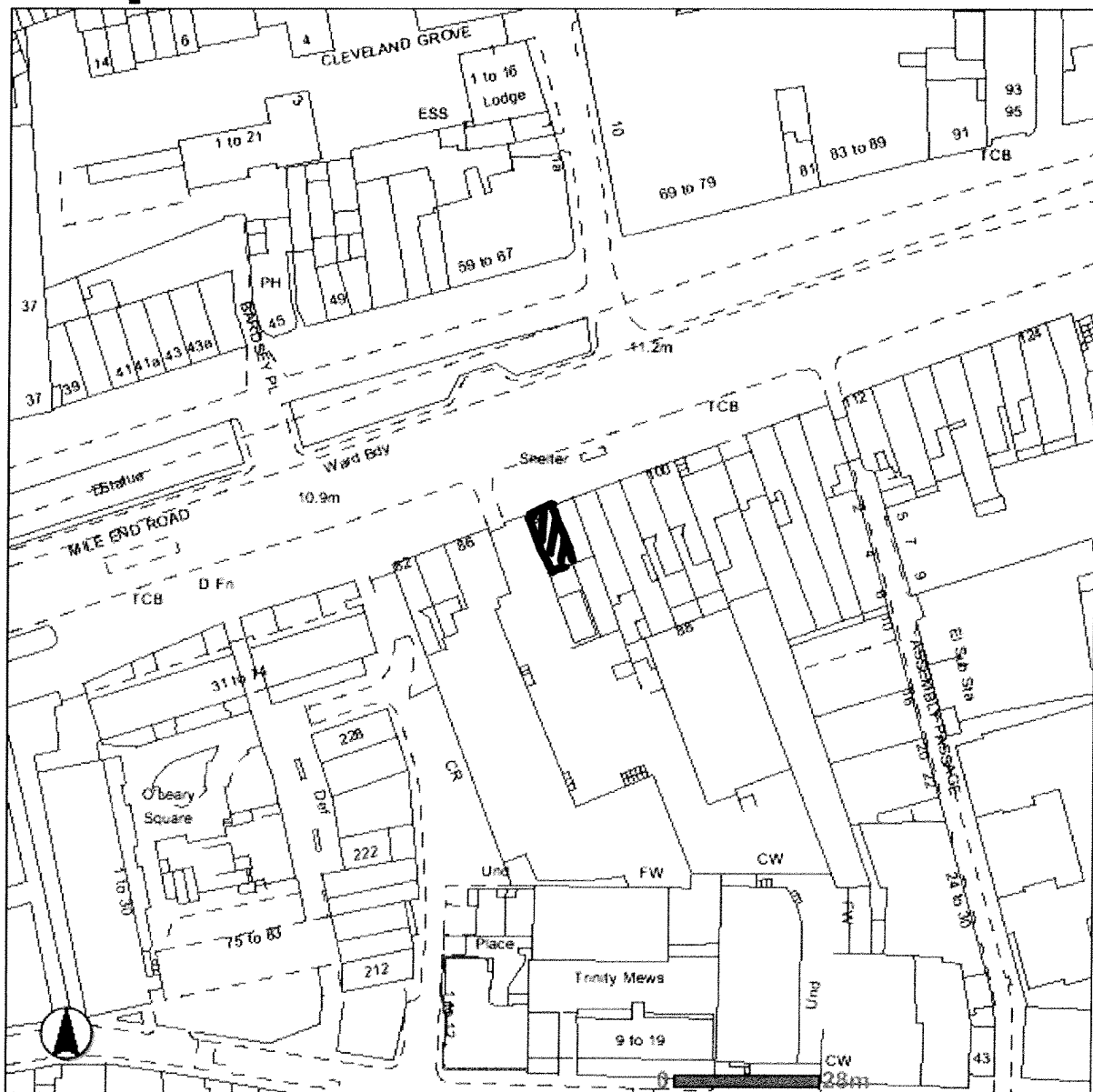
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:1228

Map of:

90 Mile End Road

Notes:

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 4

TERRITORIAL POLICING

LBTH Licensing

Mulberry Place (AH)
5 Clove Crescent
E14

**HT - Tower Hamlets Borough
Licensing Unit**

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

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk

www.met.police.uk

Your ref:

Our ref:

8th Spetember 2010

Dear Ms Randall

Re: Application to vary a premises licence
90 Mile End Road, E1 4UN

I write with reference to the above application, which was never received in this office but came to light through another piece of correspondence on the 6th September 2010. I have therefore been unable to contact the applicant to discuss this matter.

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

Prevention of crime and disorder
Prevention of public nuisance.

The applicant already has what I consider to be excessive hours for the supply of alcohol and no other premises in the immediate area has more hours than the applicant.

Sun - Thur 7am - 0100
Fri - Sat 7am - 0300

Although Mile End Road is a busy road, it does get quieter during the early hours of the morning. Even here, there is still a considerable amount of residential properties.

I recognise the importance of the night time economy to local businesses but consideration should be given to the effects that such a late licence would have on the local residents. By opening later, I believe it has the potential to disrupt the lives of the local residents to a considerable extent. It may be by the noise associated with people under the influence of alcohol, its associated ASB or just the fact that more people will be visiting there whether on foot or by car

By applying for such a "late" licence, it goes against the policy of "responsible drinking" As already stated, it will attract people already under the influence of alcohol or "street drinkers" who by their very nature have issues with alcohol. I do not believe that by requesting to be open until 4am, (although the other correspondence asks for a 24hr supply of alcohol), it will benefit the local community but may well result in disorder outside their homes.

I believe these hours are excessive and if such a licence is granted, it will become a focal point for people looking for "one last drink" .As such it will increase the potential for anti-social behaviour (ASB)

However well trained the staff may be, they would be hard pressed to deal with disorder or ASB.

I ask the Committee to reject this application.

If however the Committee is to consider granting the variation, I would request they

Conditions requested to be put on the licence

CCTV. I would request he has a camera positioned to view people entering and also one directly outside the premise.

1. Install / maintain CCTV

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

2. To adhere to the licensing objectives, the DPS, a Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, to be on the premise from 2000 each day, until the end of their licensable activity.

Alan Cruickshank PC 189HT

Appendix 5



Memorandum

To Licensing Department
From Planning Enforcement
Contact Andrew Dickson
Extension 5376
Date 5/08/2010
Our Ref. N/A
Your Ref.
Subject Licensing Objection

Development & Renewal Directorate
Planning Enforcement
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY
Tel **020 7364 5376**
Fax **020 7364 5415**
e-mail:
andrew.dickson@towerhamlets.gov.uk
www.towerhamlets.gov.uk

Objection to a variation of a Premises License – 90 Mile End Road, London, E1 4UN

The Planning Department wishes to object to the granting of a variation to the existing premises license at 90 Mile End Road, London, E1 4UN on the basis that the sale of liquor for consumption off the premises for nearly 24 hours, from the early morning time of 0700hrs till the extended time of 0400 hours, every day, is excessive and would create a greater degree of public nuisance to residents into the early hours of the morning. Approving the hours sought would impact on people living, working or sleeping in the vicinity of the premises, with the impacts relating to noise nuisance from the premise itself and customer egress 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.

We accept that business performs an important function in supporting a night time economy. However, this has to balance against the needs of residents who reasonably expect a level of "quiet" late into the evening and into the early hours of the day. Due to the close proximity of the premise to residential dwellings, living both above the commercial properties and in the surrounding area, it is considered that the granting of a variation to the current license to sell alcohol till 0400 hours, 7 days a week, after opening at 0700 hours in the morning, would be detrimental to the amenity of the neighbouring properties, especially week days and Sunday.

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 controls the hours in which the premises can sell alcohol.

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 90 Mile End Road is in an area where residential properties are within close proximity and are considered likely to be adversely affected by noise from people entering, leaving and loitering around the premises.

Approving a variation to the license for lengthening the time alcohol is able to be sold till 0400 hours, seven days a week, will cause a public nuisance for people living in the area into the early hours of the morning, particularly on weekdays and Sunday.

Conclusion

Planning Enforcement **do not** support the application at 90 Mile End Road for a variation to the premises licence to enable the supply of alcohol to 0400 hours, seven days a week, as this will cause public nuisance to surrounding residential occupiers for a longer period of time in the early morning hours than what currently occurs from the premises.

The extension sought to the existing licence till 0400 hours, for seven days a week, is considered unreasonable 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 6

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 7

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 8

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 9

Access and Egress problems

Such as:

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. **(See Appendix 2 Annex G of**

the Licensing Policy). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Appendix 10

Planning

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

Appendix 11

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	06 October 2010	Unclassified	LSC 35/011	

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application to Vary the Premises Licence for Tai's Vine, 113 Globe Road, London, E1 4LB
Originating Officer:	Ward affected: Bethnal Green South
Licensing Officer: Andrew Heron	

1.0 Summary

Applicant: **Mr Nikolaos Vassilakis**
Name and **Tai's Vine**
Address of Premises: **113 Globe Road, London, E1 4LB**

Licence sought: **Licensing Act 2003 variation:**
Extending the hours for the sale of alcohol

Objectors: **The Metropolitan Police**
Planning Enforcement
Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

020 7364 2665

3.0 **Background**

3.1 This is an application for a variation in a premises licence for Tai's Vine – 113 Globe Road, London, E1 4LB.

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

The current hours are as follows: 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.

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

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

Extending the hours for the sale of alcohol

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

Sale of Alcohol (off sales only sales only)

- Monday 08:00 – 03:00
- Tuesday 08:00 – 03:00
- Wednesday 08:00 – 03:00
- Thursday 08:00 – 03:00
- Friday 08:00 – 03:00
- Saturday 08:00 – 03:00
- Sunday 08:00 – 03:00

Hours premises is open to the public:

- Monday 07:00 – 03:00
- Tuesday 07:00 – 03:00
- Wednesday 07:00 – 03:00
- Thursday 07:00 – 03:00
- Friday 07:00 – 03:00
- Saturday 07:00 – 03:00
- Sunday 07:00 – 03:00

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

4.0 **Licensing Policy and Government Advice**

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

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

- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
The Metropolitan Police (**See Appendix 4**)
Planning Enforcement (**See Appendix 5**)
20 Local Residents in close proximity to the premises (**See Appendix 6**)
- 5.2 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
- 5.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.4 The objections cover allegations of
- The prevention of crime and disorder
 - The prevention of public nuisance
 - Anti-social behaviour on the premises
 - Drug Taking
 - Acting as a magnet attracting the young who then engage in anti-social behaviour
 - Noise while the premise is in use
 - Close proximity to residential properties

- Underage drinking or other harm to minors
- 5.5 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.0 **Licensing Officer Comments**
- 6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 6.2 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
 - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
 - ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the

application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

- ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.7 Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

- Appendix 7** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises
- Appendix 8** Acting As A Magnet Attracting The Young Who Then Engage In Anti-Social Behaviour
- Appendix 9** Noise While Premise is in use
- Appendix 10** Licensing Officer comments on Egress Problems
- Appendix 11** Underage drinking or other harm to minors
- Appendix 12** Drug Taking
- Appendix 13** Planning
- Appendix 14** Licensing Policy relating to hours of trading

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

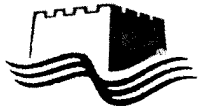
- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy the existing licence
- Appendix 2** A copy of the application for variation
- Appendix 3** Maps of the area
- Appendix 4** Representation of Metropolitan Police
- Appendix 5** Representation of Planning Enforcement
- Appendix 6** Representations of Local residents
- Appendix 7** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises
- Appendix 8** Acting As A Magnet Attracting The Young Who Then Engage In Anti-Social Behaviour
- Appendix 9** Noise While Premise is in use
- Appendix 10** Licensing Officer comments on Egress Problems
- Appendix 11** Underage drinking or other harm to minors
- Appendix 12** Drug Taking
- Appendix 13** Planning
- Appendix 14** Licensing Policy relating to hours of trading

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Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

6364

Postal Address


(Off Licence)
113 Globe Road
London
E1 4LB

Licensable Activities authorised by the licence

Sale of Alcohol for consumption off the premises.

See the attached licence for the licence conditions

Signed by

John Cruse 
Team Leader Licensing

Date: 14 July 2005

\\TRADING_SRV\DATA\STANDARD\LICENSING\Word97\2003 Licensing Act certs & lics\2003 Issued Premises
Licences\Globe Road113.doc

FOR OFFICE USE

Receipt Number

Fee paid

Fee Req.

Date

Initial



TOWER HAMLETS

LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

6364

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Off Licence)
113 Globe Road

Post town
London

Post code
E1 4LB

Telephone number

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.

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

Mr Nikolaos Vassilakis

[REDACTED]

[REDACTED]

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 Ali Karadag

[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

Mr Ali Karadag (personal licence details to be confirmed)

Annex 1 - Mandatory conditions

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

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

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

Alcohol shall not be sold in an open container or be consumed in the licensed premises

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

Private Entertainment

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

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

Public Entertainment

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

N/a

Annex 4 - Plans

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

4th May 2005



Part B - Premises licence summary

Premises licence number

6364

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**(Off Licence)
113 Globe Road**

**Post town
London**

**Post code
E1 4LB**

Telephone number

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

Off Sales of Alcohol

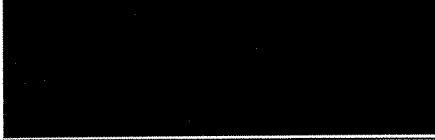
The times the licence authorises the carrying out of licensable activities

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 opening hours of the premises

Not restricted

Name, (registered) address of holder of premises licence

Mr Nikolaos Vassilakis


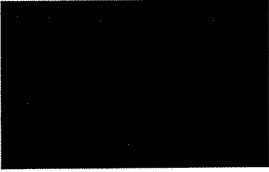
Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Off Sales only

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

N/a

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

Mr Ali Karadag


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

No restriction

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 Nikolaos Vassilakis
(Insert name(s) of applicant)
 being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

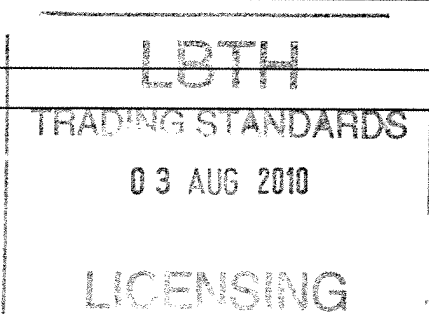
Premises licence number 6364
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Tia's Vine 113 Globe Road			
Post town	London	Post code	E1 4LB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£5100

Part 2 – Applicant details

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

Part 3 - Variation

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

If not do you want the variation to take effect from Day Month Year

--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
Extension of hours to supply alcohol for consumption off the premises.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- 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

A

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

B

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

C

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

E

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

F

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

G

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

H

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

I

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

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<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> (please read guidance note 5)		
Sat					
Sun					

K

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

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	08:00	03:00	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A		
Tue	08:00	03:00			
Wed	08:00	03:00			
Thur	08:00	03:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	08:00	03:00			
Sat	08:00	03:00			
Sun	08:00	03:00			

N

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

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) N/A
Day	Start	Finish	
Mon	07:00	03:00	
Tue	07:00	03:00	
Wed	07:00	03:00	
Thur	07:00	03:00	
Fri	07:00	03:00	
Sat	07:00	03:00	
Sun	07:00	03:00	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

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

Please tick yes



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

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

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

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

Existing conditions apply. If any authority proposes conditions to promote licensing objectives, our client is happy to consider them.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	[REDACTED]
Date	02 August 2010
Capacity	APPLICANTS AGENT

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

Signature	
Date	
Capacity	

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

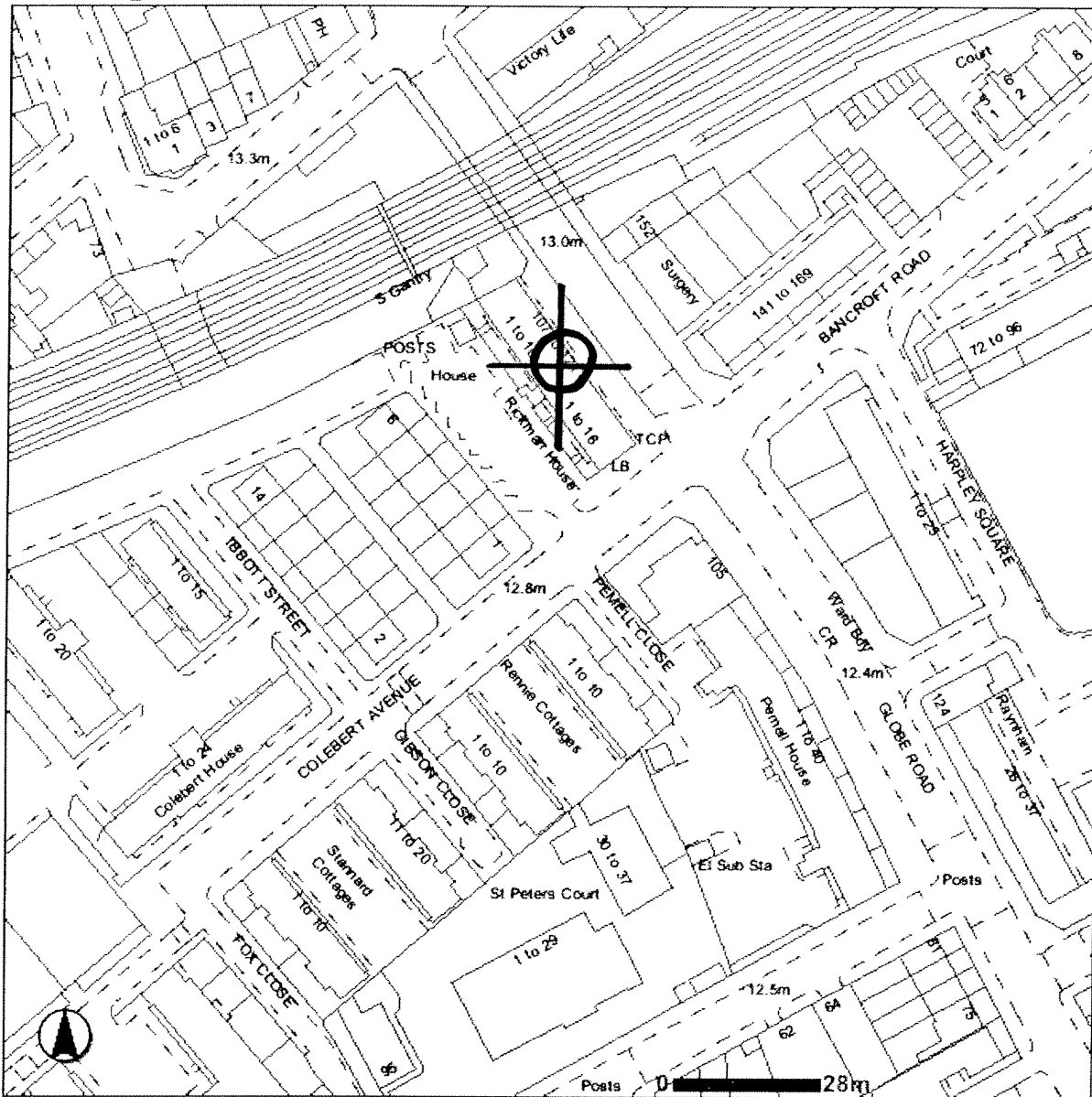
NARTS (National Association of Turkish Restaurant, Take-aways and Supermarkets)

[REDACTED]

Post town	London	Post code	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
licensing@narts.org.uk			

Appendix 3

Map



Scale 1:1228

Map of:

113 Globe Road

Notes:

Large scale

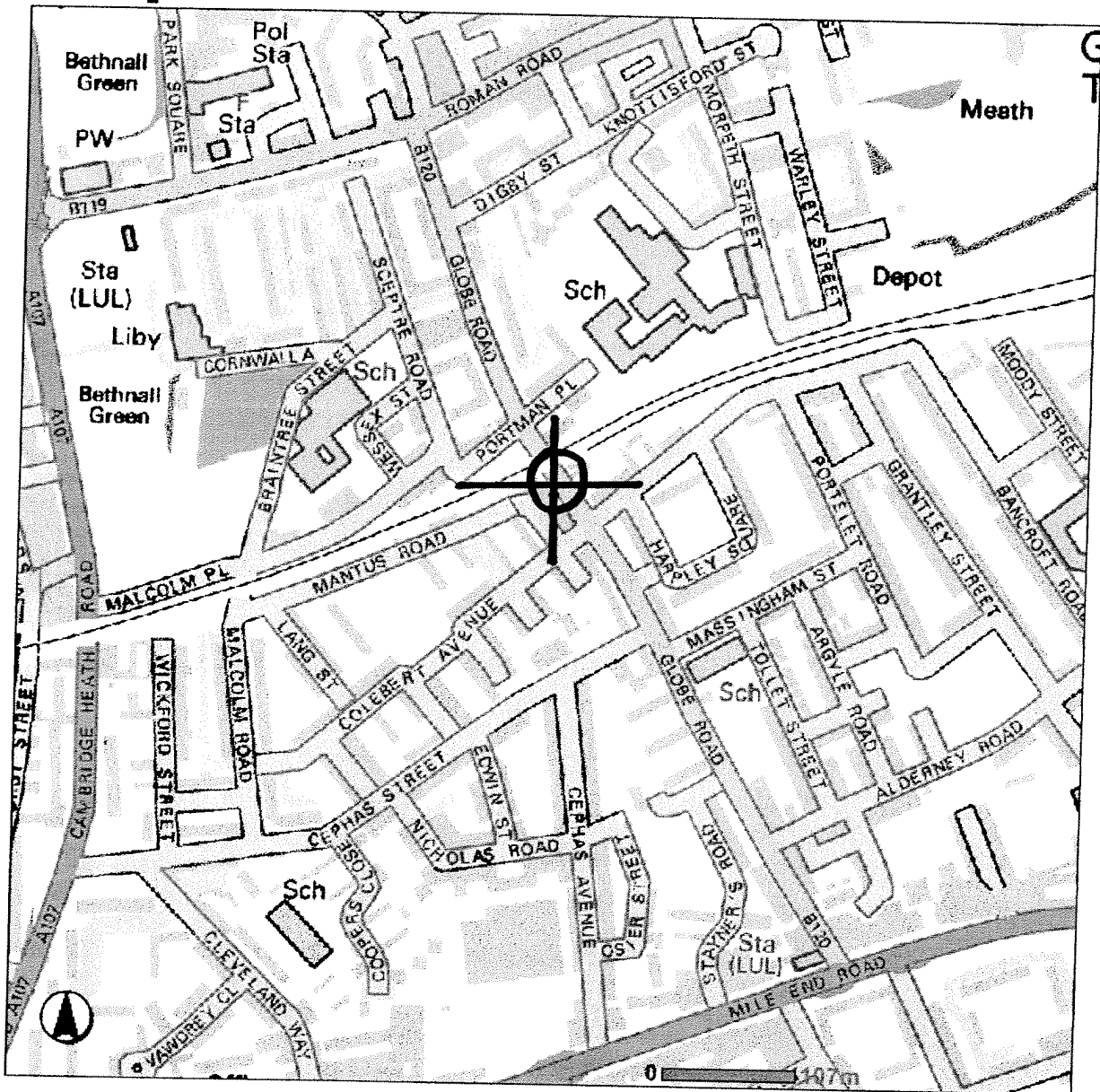
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:5000

Map of:

113 Globe Road

Notes:

Large scale

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Appendix 4



Working together for a safer London

TERRITORIAL POLICING

LBTH Licensing

Mulberry Place (AH)
5 Clove Crescent
E14

HT - Tower Hamlets Borough
Licensing Unit

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

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk

www.met.police.uk

Your ref:

Our ref:

20 August 2010

Dear Ms Randall

Re: Application to vary a premises licence
Tia's Vine, 113 Globe Road, E1 4LB

I write with reference to the above application, which was received in this office on the 4th August 2010.

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

Prevention of crime and disorder
Prevention of public nuisance.

The applicant has applied for the sale of alcohol until 3am for the whole week. I believe these hours are excessive and if such a licence is granted, it will become a focal point for people looking for "one last drink" .As such it will increase the potential for anti-social behaviour (ASB)

However well trained the staff may be, they would be hard pressed to deal with disorder or ASB.

I recognise the importance of the night time economy to local businesses but consideration should be given to the effects that such a late licence would have on the local residents. By opening until the early hours of the morning, I believe it will disrupt their lives to a considerable extent whether it is by the noise associated with people under the influence of alcohol, its associated ASB or just the fact that more people will be visiting there whether on foot or by car

By applying for such a "late" licence, it goes against the policy of "responsible drinking" As already stated, it will attract people already under the influence of alcohol or "street drinkers" who by their very nature have issues with alcohol. I do not

believe that by requesting to be open until 3am it will benefit the local community but may well result in disorder outside their homes.

Globe Road has a large residential community and although this licence may be of economic benefit to the applicant, it does nothing to serve the local population other than increasing the risk of ASB

I ask the Committee to reject this application.

If however the Committee is to consider granting the variation, I would request they consider the following.

**Supply of alcohol : Sun - Thur 0800 - 2300
Fri - Sat 0800 - midnight**

At present, there are no restrictions on the opening hours. I would like the applicant to consider his opening hours and for it to reflect the sale of alcohol hours.

Conditions requested to be put on the licence

CCTV. I would request he has a camera positioned to view people entering and also one directly outside the premise.

1. Install / maintain CCTV

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

2. To adhere to the licensing objectives, the DPS, a Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, to be on the premise from 2000 each day, until the end of their licensable activity.

Alan Cruickshank PC 189HT

Appendix 5



Memorandum

To Licensing Department
From Planning Enforcement
Contact Andrew Dickson
Extension 5376
Date 26/08/2010
Our Ref. N/A
Your Ref.
Subject Licensing Objection

Development & Renewal Directorate
Planning Enforcement
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY
Tel 020 7364 5376
Fax 020 7364 5415
e-mail:

andrew.dickson@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Objection for a Variation to an Existing Premises License, Tia's Vine, 113 Globe Road, London, E1 4LB

The Planning Department wishes to object to the granting of a variation to an existing premises license at 113 Globe Road, London, E1 4LB on the basis that extending the hours which enables the premise to sell alcohol till 0300 hours, seven days a week, is excessive and would create a greater degree of public nuisance to residents late at night and into the early hours of the morning. Approving the hours sought would impact on people living, working or sleeping in the vicinity of the premises, with the impacts relating to noise nuisance from the premise itself and customer egress, light pollution, and disruption from parked vehicles.

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

As an aside from this, the premise appears to have an established use under the Town and Country Planning Act 1990 to operate as a shop (Use Class A1) and from a planning perspective, there are no controls over its hours of operation. As such, it is important a license is in place that controls the hours in which the premises can supply alcohol to the general public.

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

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

Conclusion

Planning Enforcement **do not** support the application at 113 Globe Road for a variation to the premises licence to enable the supply of alcohol to 0300 hours, seven days a week, as this will cause public nuisance to surrounding residential occupiers for a longer period of time in the early morning hours than what currently occurs from the premises.

The extension sought to the existing licence till 0300 hours, for seven days a week, is considered unreasonable 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 6

Jackie Randall
Acting Licensing Services Manager
Licensing Section
Mulberry Place (AH)
P O Box 55739
5 Clove Crescent
London E14 1BY

FAX & POST

25 August 2010

Dear Randall

Re: Tai's Vine 113 Globe Road, E1 4LB

Thank you for your letter dated the 3rd of August 2010.

We write as a collective committee of residents residing at Rickman House. We are not in favour of "Tai's Vine 113 Globe Road, London E1 1LB" being granted a licence to sell alcohol and late night refreshment past 23:00hrs.

The applicant's premises are located directly above Rickman House, which is a residential block of flats. Rickman House is a block of flats consisting of around 16 flats. The majority of the flats are lease holdings with only a minority being council owned. The flats house families with young children.

Tai's Vine on 113 Globe Road, London E1 1BL, is currently open till 23:00hrs selling alcohol and refreshments which in our opinion is already late enough considering that the premises is situated directly on top of residential premises and that it is already a source of anti social behaviour and noise pollution being directly linked to the applicants premises is a cause for serious concern.

The vicinity directly outside the applicant's premises has become a meeting and socialising point for local youth who loiter in gangs here until the premises closes. They are involved in

11314
WARDS
- 3 SEP 2010

drug related activities, which is evident from the smell of drugs, which comes through our windows. The youth use the premises to buy refreshments and even alcohol, which further fuels the anti social behaviour and aggravates the whole situation resulting in fights breaking out and drunken and disorderly activity.

We as residents have the right to reside in a safe and peaceful environment and should be able to feel safe in our own homes but at the moment, our standard of life and the lives of our children is being severely compromised and put at risk due to the points raised above.

We believe that the extension of the applicants opening hours will be a nail in the coffin for the safety and security of the residents of Rickman House and will inevitably result in more serious incidents arising in the future, therefore you as the council licensing section have the responsibility to listen to local residents and local information to prevent any serious incidents from arising in the future. You have been notified and will be held responsible if such incidents occur due to the granting of the applicants opening hours.

We hope that the above will be noted and carefully considered before making any decisions. Please find attached a signed petition from the residents of Rickman House, residents of Rickman Street, and those are supporting against this application.

Regards

Residents of Rickman House
Residents of Rickman Street

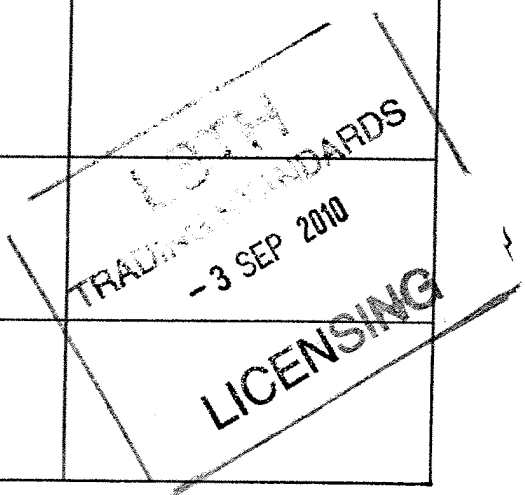
NAME:-	ADDRESS:-	SIGN:-
SEVE STONE.		
A. MUCCAI		
MAYAZUN NESSA		
ILIAS MIAH		
SHOFIX. MIAH		
R.H. KANALGE.		
ZIA UDDIN		
M. UDDIN		
Abu Z M. NUMAN		
SuhmaZ Akam		

TRAINING
- 3 SEP 2010

BOARDS
LICENSING

NAME:-	ADDRESS:-	SIGN:-
Ruhel Ahmed		
Abdur Rob Choudhury.		
C. SOCRATES.		
MAHMUDAL HAYAT		
Rose Lyons		
Mrs. A. B. Khan		

ARDS
 LICENSING

NAME:-	ADDRESS:-	SIGN:-
A. Bibi		
M B AHMED		
Nani Meah		
PERANI CHANDRAN		
		

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

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

General Advice

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Other Legislation

Crime and Disorder Act 1998

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

Anti-Social Behaviour Act 2003

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

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

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 10

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Underage drinking or other harm to minors

General Advice

If Members hear evidence that gives them cause for concern in relation to the licensing objective of protecting children from harm, and provided it is proportionate they should consider a licence condition that all under 18 year olds are excluded, and that a registered door supervisor is employed to check the age of all customers. This should be done where the activities to be carried on, previous history or lack of effective management justifies it.

There are also other licensing conditions that may be appropriate, as explained below. This may be appropriate where the premises may have children present and it is not primarily a place for consuming alcohol. For example a restaurant or a Cinema.

Of course, it is not necessary to restate the existing law in relation to any licensing conditions.

Licensing Policy

The policy recognises that children need to be protected (**See Section 9 of the Licensing Policy**).

The Licensing Policy expects applicants to have sought appropriate advice from the Area Child Protection Agency. (**See 9.3**).

The following are examples of premises that will raise concern:

- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted
- (**See 9.4**).

The Licensing Authority expects all applicants who are supplying alcohol to have addressed the issues relating to the protection of children from harm, and to have robust measures in place to protect children. (**See Section 9.9**)

The policy expects all licence holders to comply with the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin. (**See Section 9.8**).

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

- Restricting access to premises where heavy or binge or underage drinking is a problem
- Restricting access where significant gambling, or adult entertainment is an issue
- There is a general presumption that where the public are allowed on a premises after 11pm children under 12 will not be allowed unaccompanied by an adult (for example a supermarket)-the applicant can however rebut this
- Restrictions may be applied at particular times, for example when adult entertainment takes place or “happy hours”
- Age restrictions that apply to cinema performances
- Age restrictions for theatres where the entertainment is “adult”
- Conditions relating to the safety of children at performances, or as performers-such as venue, fire safety, special effects and dangerous equipment
- The Portman Code relating to the naming, packaging and promotion of alcoholic drinks

Licensing Act 2003 (Part 7)

The Licensing Act 2003 only permits under 16 years olds onto premises exclusively or primarily used for the supply of alcohol when accompanied by adults.

Children under 16 years old must be accompanied by an adult to be present between midnight and 5am on all premises supplying alcohol.

Restaurants may serve wine, beer or cider for consumption to 16-18 year olds with a meal-this is the only significant exception to the prohibition of selling alcohol to minors, and the purchase itself must be by an adult..

The Licensing Act 2003 makes it a criminal offence to serve alcohol to minors (there is however a defence of due diligence). Applicants are always free to exclude minors if they wish to do so.

Other Legislation

The Children (Performances) Regulations 1968 sets out the requirements for protecting child performers

Drug Taking

General Advice

Members need to consider the evidence about the exact nature of the alleged problems. Is it being suggested that the premises are encouraging or turning a blind eye in relation to the problem? Are there proportionate measures that can be expected to address the matter, if Members determine there is a problem?

In particular, should CCTV be extended to cover all of the premises open to the public. Should a minimum number of registered door supervisors be maintained whenever the premises is open. How are drugs that are confiscated being disposed of? What checks are being made in less public areas such as toilets?

The applicant should be instituting measures advised by the Police

If Members believe this is a problem they should certainly insist that minors are not admitted to the premises.

If Members believe that there is a substantial problem of drug abuse and it cannot be proportionately address by licensing conditions they should refuse the application.

Members should also bear in mind other Police powers.

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
- CCTV
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Signage
- Seating plans

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

Guidance Issued under Section 182 of the Licensing Act 2003

The government recommends the model pool of conditions adopted by the licensing policy in relation to club safety (Annex E), and the multi-agency approach to “safer clubbing.”

Other Legislation

Anti-Social Behaviour Order Act 2003

This gives the Police the power to close premises where there is the supply of class A drugs and serious nuisance or disorder.

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.

Planning

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

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

- Location
 - Proposed hours of regulated activities, and the proposed hours the premises are open to the public
 - The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
 - Previous history
 - Access to public transport
 - Proximity to other licensed premises, and their hours
- (see 12.8 of the licensing policy)

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

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

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Agenda Item 4.3

Committee: Licensing Sub-Committee	Date: 06 October 2010	Classification: Unclassified	Report No. LSC 36/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Mohshin Ali Acting Senior Licensing Officer	Title: Licensing Act 2003 Application for a New Premises Licence for Zengi, 44 Commercial Street, London E1 6LT Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant:	Mr Sam Neriman
Name and	Zengi Restaurant
Address of Premises:	44 Commercial Street London E1 6LT
Licence sought:	Premises Licence under Licensing Act 2003 <ul style="list-style-type: none">• The sale of alcohol• The provision of regulated entertainment• The provision of late night refreshment
Representations:	Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Mohshin Ali 020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for Zengi, 44 Commercial Street, London E1 6LT.

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

3.3 The licensable activities and timings are as follows:

Sale of alcohol (on sales)

- Monday to Sunday, from 11:00 hours to 23:30 hours

Provision of late night refreshment – Indoor and outdoor

- Monday to Sunday, from 23:00 hours to 23:30 hours

Provision of regulated Entertainment - Indoor

Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description

- Monday to Sunday, from 11:00 hours to 23:30 hours

Licensable activities non-standard timings:

- New Year's Eve, from 11:00 hours to 01:30 hours the following day

Hours premises are open to the public

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

Non-standard timings:

- New Year's Eve, from 11:00 hours to 01:30 hours the following day

3.4 The applicant has agreed conditions with the Police. Please see **Appendix 2** for the agreements.

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

4.0 Licensing Policy and Government Advice

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

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 All the representations in this report have been considered by the relevant officer (Licensing Services Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Protection
 - Trading Standards
 - Child Protection
- 5.11 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local residents.
- 5.12 In relation to the application and the representations, the personal details such as emails, phone numbers and signatures have been redacted for the purposes of identity theft protection. The Licensing Officer has the original documents on file.
- 5.13 Please see **Appendix 5** for a list of the residents making representations.
- 5.14 Please see **Appendices 6 - 24** for the individual representations.
- 5.15 The application was required to be advertised in a local newspaper and by a blue poster. In addition the licensing section consulted on a 40 m basis.
- 5.16 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

5.17 Essentially, the local residents oppose the application because the applicant has not explained how within the context of the application they will meet all the above licensing objectives.

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

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the licensing Act 2003

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

should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

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

- Appendix 25** Licensing Officer comments on crime and disorder on the premises
- Appendix 26** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 27** Licensing Officer comments on noise while the premise is in use
- Appendix 28** Licensing Officer comments on egress problems
- Appendix 29** Section 182 Advice by the DCMS concerning public safety
- Appendix 30** Section 182 Advice by the DCMS concerning public the protection of children from harm
- Appendix 31** Planning
- Appendix 32** Licensing Policy relating to hours of trading

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Conditions agreed with the Police
Appendix 3	Maps of the area
Appendix 4	Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
Appendix 5	List of residents making representations
Appendices 6 - 24	Individual representations of the local residents
Appendix 25	Licensing Officer comments on crime and disorder on the premises
Appendix 26	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 27	Licensing Officer comments on noise while the premise is in use
Appendix 28	Licensing Officer comments on access and egress problems
Appendix 29	Section 182 Advice by the DCMS concerning public safety
Appendix 30	Section 182 Advice by the DCMS concerning public the protection of children from harm
Appendix 31	Planning
Appendix 32	Licensing Policy relating to hours of trading

Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We SAM NERIMAN
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
ZENGI RESTAURANT 44 COMMERCIAL STREET			
Post town	LONDON	Post code	E1 6LT
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 18,000	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

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

LBTH
TRADE STAND
- 8 AUG 2010
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LICENSING

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname NERIMAN			First names SAM		
I am 18 years old or over					<input checked="" type="checkbox"/> Please tick yes
Current postal address if different from premises address		[REDACTED]			
Post Town	LONDON		Postcode	[REDACTED]	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A
P		

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

Day	Month	Year

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

RESTAURANT & BAR

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

D

NO

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y](please read guidance note 9)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 10)	Both		
Tue						
Wed				State any seasonal variations for boxing or wrestling entertainment (please read guidance note 11)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick [Y](please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	11 00	23 30	Please give further details here (please read guidance note 10)	Both	
Tue	11 00	23 30			
Wed	11 00	23 30	State any seasonal variations for the performance of live music (please read guidance note 11)		
Thur	11 00	23 30			
Fri	11 00	23 30	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat	11 00	23 30			
Sun	11 00	23 30			

AS M

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	2330	Please give further details here (please read guidance note 10)	Both	<input type="checkbox"/>
Tue	1100	2330			
Wed	1100	2330	State any seasonal variations for playing recorded music (please read guidance note 11)		
Thur	1100	2330			
Fri	1100	2330	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat	1100	2330			
Sun	1100	2330			

AS M

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	2330	Please give further details here (please read guidance note 10)	Both	<input type="checkbox"/>
Tue	1100	2330			
Wed	1100	2330	State any seasonal variations for the performance of dance (please read guidance note 11)		
Thur	1100	2330			
Fri	1100	2330	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat	1100	2330			
Sun	1100	2330			

AS M

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing TO BE DECIDED	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 9)	Indoors <input checked="" type="checkbox"/>
Mon	1100	2330		Outdoors
				Both
Tue	1100	2330	Please give further details here (please read guidance note 10)	
Wed	1100	2330		
Thur	1100	2330		
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 11)	
Fri	1100	2330	Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 12)	
Sat	1100	2330		
Sun	1100	2330		
			AS M	

Provision of facilities for making music Standard days and timings (please read guidance note 8)			Please give a description of the facilities for making music you will be providing NOT YET KNOWN		
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 9)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 10)		
Mon	1100	2330			
Tue	1100	2330			
Wed	1100	2330			
Thur	1100	2330			
Fri	1100	2330			
Sat	1100	2330			
Sun	1100	2330			
			State any seasonal variations for the provision of facilities for making music (please read guidance note 11)		
			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
			AS M		

Provision of facilities for dancing Standard days and timings (please read guidance note 8)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 9)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 10)		
Mon	1100	2330			
Tue	1100	2330			
	1100	2330			
Thur	1100	2330			
Fri	1100	2330			
Sat	1100	2330			
Sun	1100	2330			
			State any seasonal variations for providing dancing facilities (please read guidance note 11)		
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
			AS M		

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment facility you will be providing NOT YET DECIDED		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y]. (please read guidance note 9)	Indoor	<input checked="" type="checkbox"/>
				Outdoor	<input type="checkbox"/>
Mon	1100	2330		Both	<input type="checkbox"/>
Tue	1100	2330	Please give further details here (please read guidance note 10)		
Wed	1100	2330			
Thur	1100	2330	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 11)		
Fri	1100	2330			
Sat	1100	2330	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sun	1100	2330	AS M		




L

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 9)		Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish			Outdoors	<input checked="" type="checkbox"/>
					Both	<input type="checkbox"/>
Mon	2300	2330	Please give further details here (please read guidance note 10)			
Tue	2300	2330	TO INCLUDE OUTDOOR SEATING AREA			
Wed	2300	2330	State any seasonal variations for the provision of late night refreshment (please read guidance note 11)			
Thur	2300	2330				
Fri	2300	2330	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 12)			
Sat	2300	2330	NEW YEARS EVE & RAHADAN 1300 - 0130 HOURS			
Sun	2300	2330				

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) TO INCLUDE OUTSIDE SEATING AREA	On the premises <input checked="" type="checkbox"/>	
				Off the premises <input checked="" type="checkbox"/>	
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	1100	2330	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	1100	2330			
Wed	1100	2330			
Thur	1100	2330	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1100	2330			
Sat	1100	2330	NEW YEAR'S EVE 1100 - 0130 HOURS RAMADAN 11-00 - 0130 HOURS (WHATEVER DATE THE FESTIVAL FALLS ON)		
Sun	1100	2330			

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

Name	SAM NERIMAN
Address	
Postcode	
Personal Licence number (if known)	TBA
Issuing licensing authority (if known)	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
 None (except for the sale of alcohol)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	24.00	
Tue	11.00	24.00	
Wed	11.00	24.00	
Thur	11.00	24.00	<u>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)</u> NEW YEARS EVE 11.00 - 02.00 HOURS RAMADAN 11.00 - 02.00 HOURS (WHICHEVER DATE THE FESTIVAL FALLS ON)
Fri	11.00	24.00	
Sat	11.00	24.00	
Sun	11.00	24.00	

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

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

TRAINING OF ALL STAFF ON THE PREMISES TO ENSURE THAT THEY UNDERSTAND AND ADHERE TO THE LAW RELATING TO THE SALE OF ALCOHOL

b) The prevention of crime and disorder

CCTV INSTALLED AND MAINTAINED SO FULLY OPERATIONAL AT ALL TIMES.
RECORDINGS TO BE KEPT IN ACCORDANCE WITH POLICE GUIDELINES, FOR A MINIMUM OF 30 DAYS AND TO BE MADE AVAILABLE TO POLICE/COUNCIL OFFICERS IF REQUIRED.
ALARM SYSTEM IN PLACE
SHUTTERS AT FRONT WINDOWS

c) Public safety

ALL STAFF TRAINED TO DEAL WITH ANY OUTBREAK OF FIRE AT THE PREMISES. FIRE EXTINGUISHERS INSTALLED AND REGULARLY SERVICED IN ACCORDANCE WITH FIRE AUTHORITY GUIDELINES
TO COMPLY WITH ANY REQUIREMENTS OF THE FIRE AUTHORITY

d) The prevention of public nuisance

ANYONE WHO IS DRUNK OR APPEARS TO BE BUYING ALCOHOL FOR SOMEONE WHO IS DRUNK WILL BE REFUSED THE SALE OF ALCOHOL

e) The protection of children from harm

CHALLENGE 25 TO BE OPERATED AT ALL TIMES, AND ALL STAFF WILL BE TRAINED TO ACCEPT ONLY A PROOF OF AGE (PASS SCHEME) CARD, PASSPORT OR PHOTO DRIVING LICENCE AS ACCEPTABLE FORMS OF ID WHEN SELLING ALCOHOL TO YOUNG PEOPLE.
SIGN TO BE DISPLAYED AT POINT OF SALE - 'NO PROOF OF AGE - NO SALE'
REFUSAL BOOK TO BE KEPT AT THE PREMISES AND MAINTAINED AT ALL TIMES


Please tick yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	5 / 8 / 10
Capacity	AGENT

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

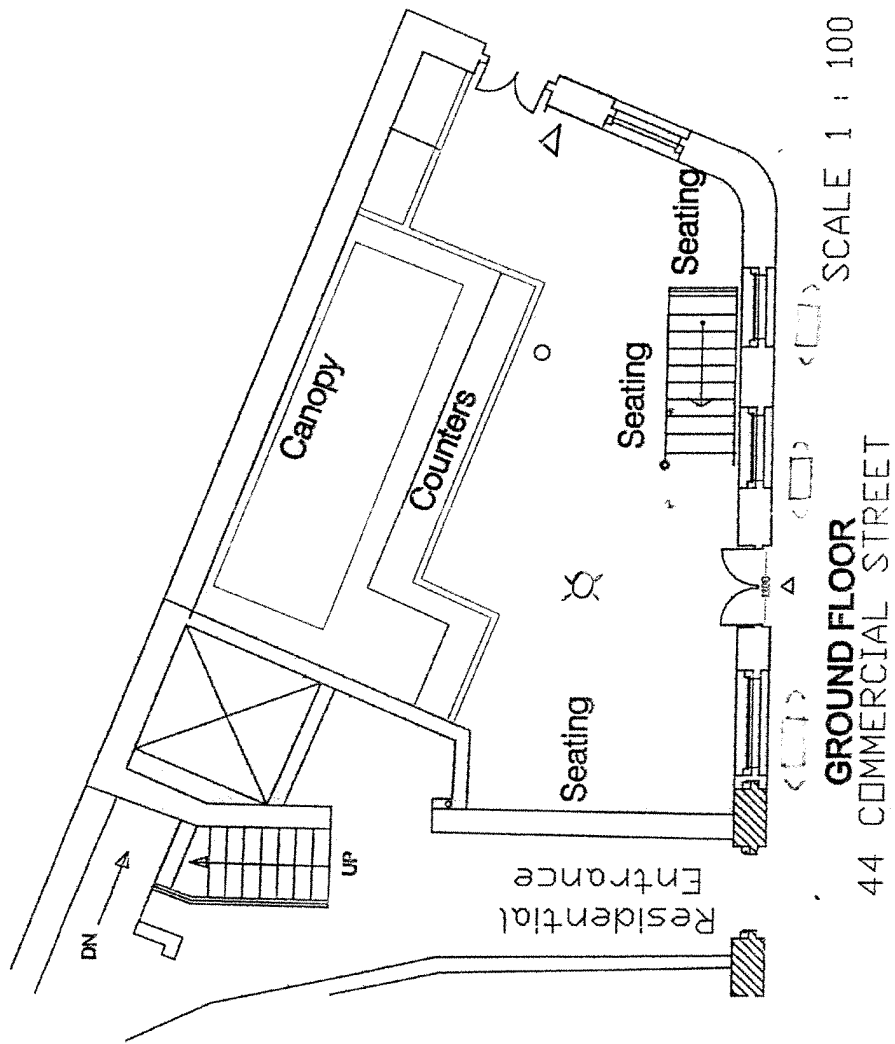
Signature	
Date	
Capacity	AGENT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)
 LICENSING SERVICES AGENCY
 16 BENGEO STREET

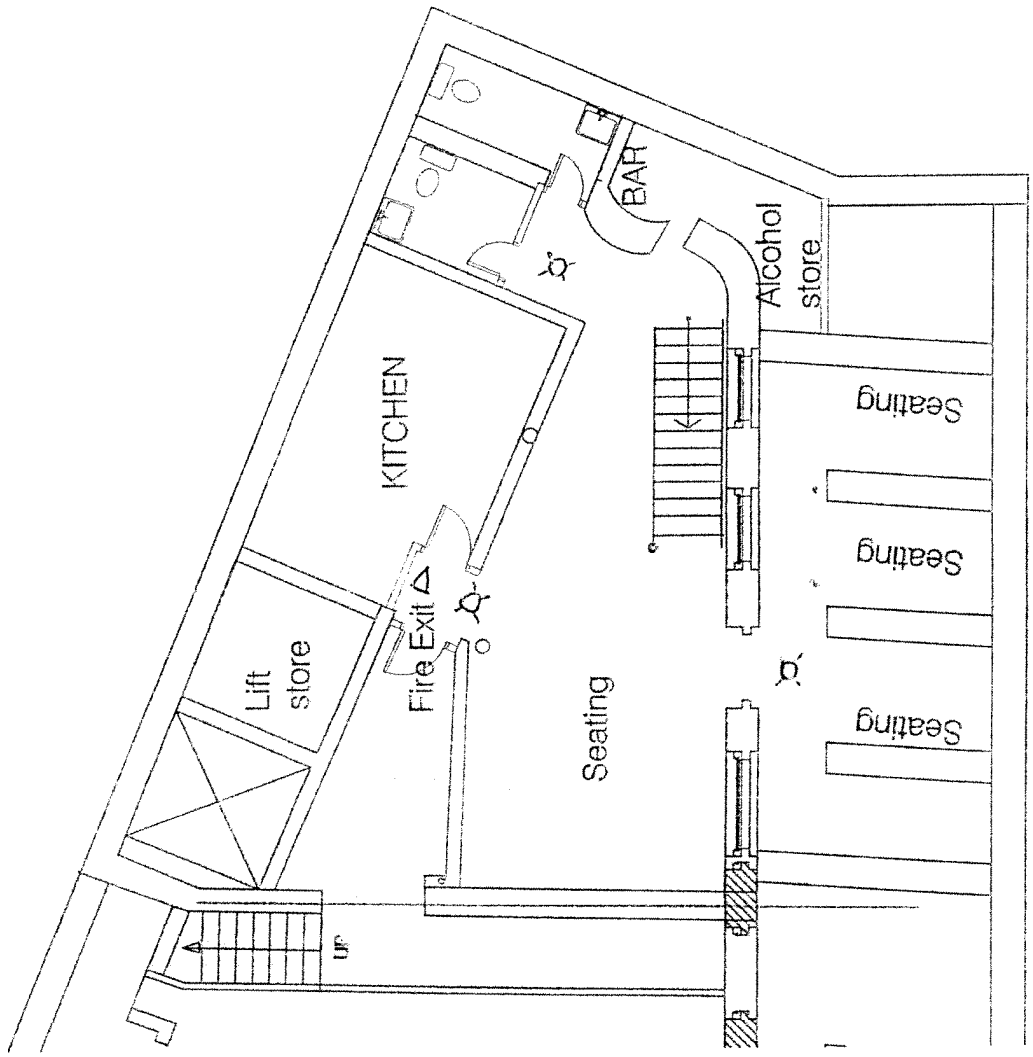
Post town	HERTFORD	Post code	SG14 3ES
Telephone number (if any)	01992 584959		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

ZENGI RESTAURANT, 44 COMMERCIAL STREET E1

LET
TRADING STANDARDS
- 6 AUG 2010
LICENSING



- CCTV TO BE INSTALLED
- ⊗ EMERGENCY LIGHTING
- △ FIRE EXTINGUISHERS



EMERGENCY
LIGHTING

Basement Floor Plan
44 COMMERCIAL STREET
SCALE 1 : 100

Appendix 2

Mohshin Ali

From: Licensing Services Agency [licensingagency@ntlworld.com]
Sent: 20 August 2010 12:34
To: Alan.D.Cruickshank@met.police.uk
Cc: Kathy Driver
Subject: RE: Zengi , 44 Commercial St, E1

All confirmed as below.

Kind regards

Debra Silvester

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

From: Alan.D.Cruickshank@met.police.uk [mailto:Alan.D.Cruickshank@met.police.uk]
Sent: 20 August 2010 12:19
To: licensingagency@ntlworld.com
Cc: Kathy.Driver@towerhamlets.gov.uk
Subject: Zengi , 44 Commercial St, E1

Indeed I will withdraw my representation

If we can confirm the following. Please also reply to Kathy Driver above.

1. All licensable hours agreed per application

12.. Non standard times relating to Ramadan to be removed..

2. CCTV to be installed / updated

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

(one camera to be placed outside the main entrance onto the street)

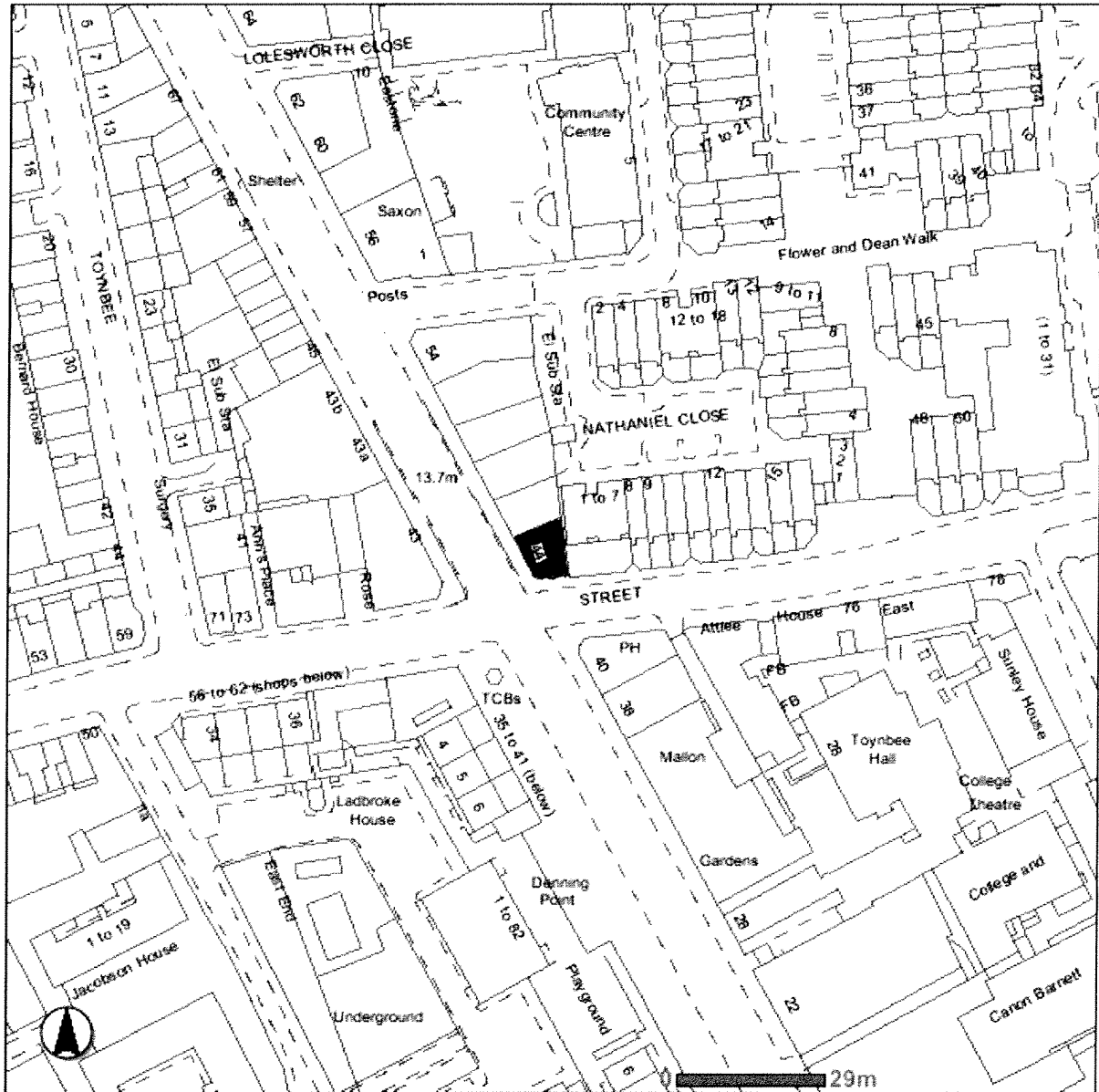
3. Any outdoor seating , service to be concluded at 2200

Best wishes

Alan

Appendix 3

Map



Scale 1:1250

Map of:

Notes:

44 Commercial Street

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Supplied by London Borough of Tower Hamlets

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Map



Scale 1:2500

Map of:

Notes:

44 Commercial Street

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Appendix 4

Section 182 Advice by the DCMS

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

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

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

Appendix 5

<u>List of residents making representations for Zengi Restaurant, 44 Commercial, London E1 6LT</u>						
	Name	Address 1	Address 2	Address 3	Address 4	Appendix
1	The Occupier		Flower and Dean Walk	London	E1	6
2	The Occupier	Flat	Brick Lane	London	E1	7
3	A Razak		Flower and Dean Walk	London	E1	8
4	The Occupier		Flower and Dean Walk	London	E1	9
5	F.K. Hussain		Flower and Dean Walk	London	E1	10
6	The Occupier		Flower and Dean Walk	London	E1	11
7	The Occupier		Flower and Dean Walk	London	E1	12
8	The Occupier		Flower and Dean Walk	London	E1	13
9	The Occupier		Flower and Dean Walk	London	E1	14
10	S. K. Khatun		Flower and Dean Walk	London	E1	15
11	Mr F. A. Shumon		Flower and Dean Walk	London	E1	16
12	R. Begum	Nathaniel Close		London	E1	17
13	The Occupier	Thrawl Street		London	E1	18
14	M. H. Ahmed	Nathaniel Close		London	E1	19
15	The Occupier	Nathaniel Close		London	E1	20
16	The Occupier	Nathaniel Close		London	E1	21
17	The Occupier		Flower and Dean Walk	London	E1	22
18	Mosrura Chowdhury	Thrawl Street		London	E1	23
19	Syedul Alam	Nathaniel Close		London	E1	24

Appendix 6

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

Flower & Dean Estate
London
E1

Tel:
Fax:
E-Mail:

Date: 26 August 2010

Dear Ms Randall

Licensing Act 2003 and the Zengi Restaurant, 44 Commercial St, London E14 6LT

I wish to object to the granting of increased night time opening hours and that of an alcohol licence to the above mentioned establishment under the Licensing Act 2003.

I believe that the by granting Zengi both extended opening hours and a alcohol licence will adversely affect the quality of life for my family as well as the local Flower & Dean community..

The grounds for my objections are as follows:

1. Nathaniel Close is a very quiet residential area where children play safely as it is closed off from the main roads and has only one small vehicle entry point and one very small foot tunnel for pedestrians. The proximity of Zengi is that it directly backs on to the close as it is situated on the junction of the busy thoroughfare of Commercial Street and Wentworth Street.
2. There is currently a long running dispute with an existing music and bar establishment, namely Club 54, which is a few doors away from the Zengi Restaurant. Since the opening of Club 54 and it's incarnations under numerous predecessors, the local community has seen a spike in crime and anti-social behaviour from outsiders encouraged into the area.
3. No impact study has been done on the effect to the community of the increased numbers of entertainment and food venues that have been allowed to open and operate on the boundary of the residential estate.
4. At the western end of the estate (Commercial St), a number of large venues have recently opened up. They are the Bundu Khan Restaurant, The Gramophone Bar and Restaurant, Club 54 bar and night club, the long standing Princess Alice public house as well as numerous other eateries, clubs and bars within the vicinity of Petty Coat Lane and Middlesex Street; all of which have brought in a substantial increase in the number of the general public using the estate as a thoroughfare at all times of night and day bringing with them the ill consequences in their wake.
5. Even before extended hours and drinks licence has been granted to Zengi, the increase in evening and night time activity as a direct result of the entertainment and food venue has resulted in cases of stabbings, muggings, drug use, drug trafficking, wanton acts of drink related vandalism, public acts of gross indecency as a result of prostitution and finally the party goers using our paths and streets as public toilets by littering them with urine and human excrement.

On the above justifications, I implore you to reject the application by Zengi Restaurant for an increase in it's night-time operating hours and refuse it a late night drinks licence on the grounds that it will seriously affect the daily lives of the local residents and jeopardises the health and risk of our children and community by laying them open to the detritus of discarded drugs paraphernalia, the lure of Class A drugs, the encouragement and open practice of prostitution, the litter and glass strewn roads and paths, having to navigate the vomit and human waste and the fear of increased levels violence that will otherwise be brought.

Yours sincerely



Appendix 7

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

[Redacted]
[Redacted] B. L. [Redacted]
[Redacted]

Tel: [Redacted]
Fax: [Redacted]
E-Mail: [Redacted]

Date: 26 August 2010

Dear Ms Randall

Licensing Act 2003 and the Zengi Restaurant, 44 Commercial St, London E14 6LT

I wish to object to the granting of increased night time opening hours and that of an alcohol licence to the above mentioned establishment under the Licensing Act 2003.

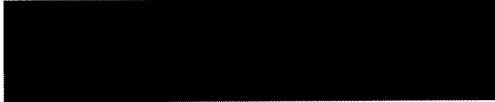
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2. There is currently a long running dispute with an existing music and bar establishment, namely Club 54, which is a few doors away from the Zengi Restaurant. Since the opening of Club 54 and it's incarnations under numerous predecessors, the local community has seen a spike in crime and anti-social behaviour from outsiders encouraged into the area.
3. No impact study has been done on the effect to the community of the increased numbers of entertainment and food venues that have been allowed to open and operate on the boundary of the residential estate.
4. At the western end of the estate (Commercial St), a number of large venues have recently opened up. They are the Bundu Khan Restaurant, The Gramophone Bar and Restaurant, Club 54 bar and night club, the long standing Princess Alice public house as well as numerous other eateries, clubs and bars within the vicinity of Petty Coat Lane and Middlesex Street; all of which have brought in a substantial increase in the number of the general public using the estate as a thoroughfare at all times of night and day bringing with them the ill consequences in their wake.
5. Even before extended hours and drinks licence has been granted to Zengi, the increase in evening and night time activity as a direct result of the entertainment and food venues has resulted in cases of stabbings, muggings, drug use, drug trafficking, wanton acts of drink related vandalism, public acts of gross indecency as a result of prostitution and finally the party goers using our paths and streets as public toilets by littering them with urine and human excrement.

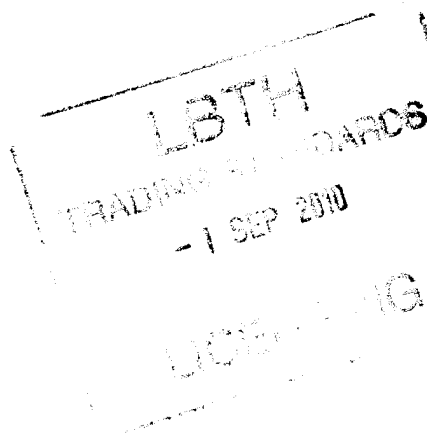
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Yours sincerely



Appendix 8

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY



[REDACTED]
Flower & Dean Estate
London
E1 [REDACTED]

Tel: [REDACTED]
Fax: [REDACTED]
E-Mail:

Date: 26 August 2010

Dear Ms Randall

Licensing Act 2003 and the Zengi Restaurant, 44 Commercial St, London E14 6LT

I wish to object to the granting of increased night time opening hours and that of an alcohol licence to the above mentioned establishment under the Licensing Act 2003.

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Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

Appendix 9

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

Flower & Dean Estate
London
E1

Tel:
Fax:
E-Mail:

Date: 26 August 2010

TRAFFIC
- 1 SEP 2010
LICENSING

Dear Ms Randall

Licensing Act 2003 and the Zengi Restaurant, 44 Commercial St, London E14 6LT

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I believe that the by granting Zengi both extended opening hours and a alcohol licence will adversely affect the quality of life for my family as well as the local Flower & Dean community..

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Yours sincerely



Appendix 10

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

Flower & Dean Estate
London
E1

Tel:
Fax:
E-Mail:

Date: 26 August 2010

LBTH
TRADING STANDARDS
- 1 SEP 2010
LICENSING

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Yours sincerely



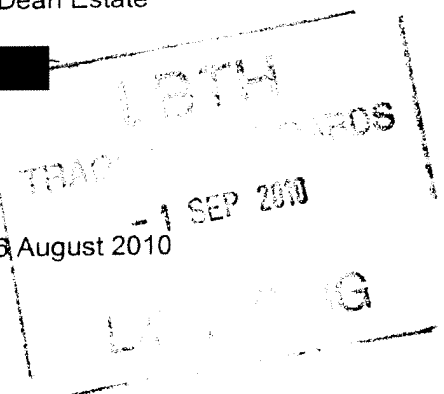
Appendix 11

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

Flower & Dean Estate
London
E1 [REDACTED]

Tel:
Fax:
E-Mail:

Date: 26 August 2010



Dear Ms Randall

Licensing Act 2003 and the Zengi Restaurant, 44 Commercial St, London E14 6LT

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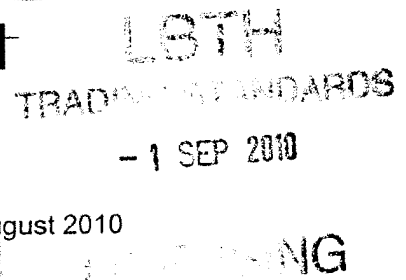
Appendix 12

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

Flower & Dean Estate
London
E1

Tel:
Fax:
E-Mail:

Date: 26 August 2010



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Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

Appendix 13

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

Flower & Dean Estate
London
E1

Tel:
Fax:
E-Mail:

Date: 26 August 2010

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TRADING STANDARDS
- 1 SEP 2010

LICENSING

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Yours sincerely 

Appendix 14

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

Flower & Dean Estate
London
E1

Tel:
Fax:
E-Mail:

Date: 26 August 2010

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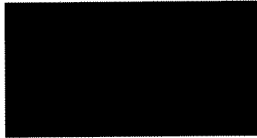
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DM
TRADING STAMP
1 SEP 2010

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Appendix 15

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

Flower & Dean Estate
London
E1

Tel:
Fax:
E-Mail:

Date: 26 August 2010

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TR
- 1 SEP 2010
LICENSING

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Yours sincerely

A solid black rectangular box redacting the signature of the sender.

Appendix 16

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

Flower & Dean Estate
London
E1

Tel:
Fax:
E-Mail:

Date: 26 August 2010

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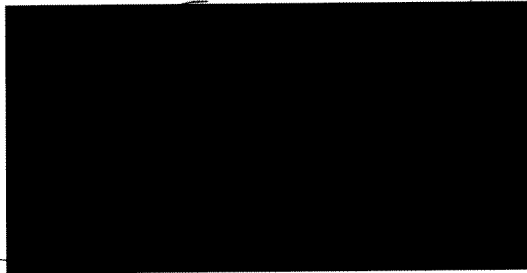
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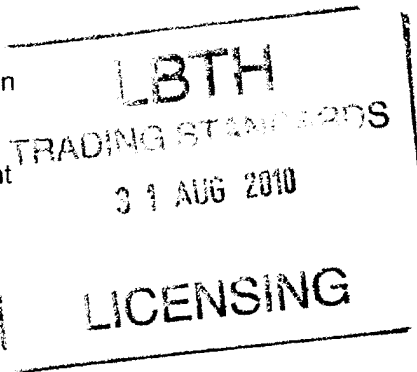
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Appendix 17

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY



Flower & Dean Estate
London
E1

Tel:
Fax:
E-Mail:

Date: 26 August 2010

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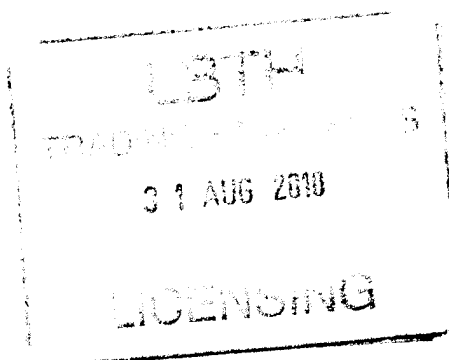
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Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

Appendix 18

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY



[REDACTED]
Flower & Dean Estate
London
E1 [REDACTED]

Tel: [REDACTED]
Fax: [REDACTED]
E-Mail: [REDACTED]

Date: 26 August 2010

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Licensing Act 2003 and the Zengi Restaurant, 44 Commercial St, London E14 6LT

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Yours sincerely

A solid black rectangular redaction box covering the signature area.

Appendix 19

Jackie Randall
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

[REDACTED]
Flower & Dean Estate
London
E1 [REDACTED]

Tel: [REDACTED]
Fax: [REDACTED]
E-Mail: [REDACTED]

Date: 26 August 2010

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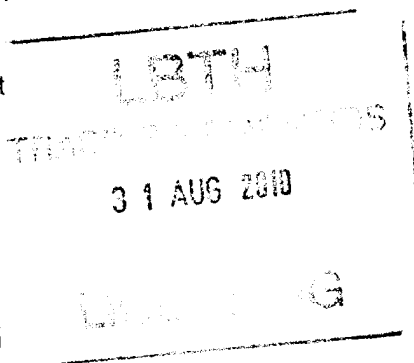
Appendix 20

Jackie Randall
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Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 1BY

[REDACTED]
Flower & Dean Estate
London
E1 [REDACTED]

Tel:
Fax:
E-Mail:

Date: 26 August 2010



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Appendix 21

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Flower & Dean Estate
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Tel: [REDACTED]
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Flower & Dean Estate
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Tel:
Fax:
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Date: 26 August 2010

31 AUG 2010

LICENSING

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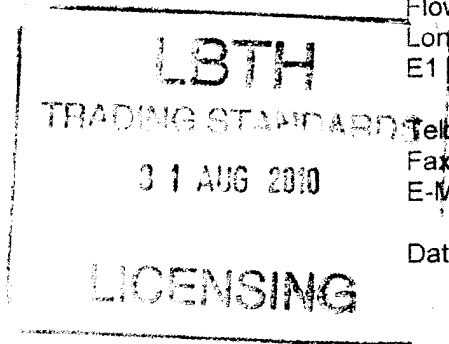
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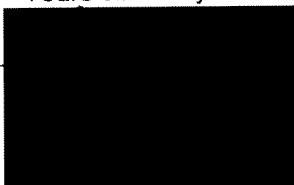
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Appendix 25

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 26

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 27

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 28

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)
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- 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 29

Section 182 Advice by the DCMS

Public Safety

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

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

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

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

2.23 Responsibility for complying with the Order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

2.24 The local fire and rescue authority will enforce the Order in most premises and have the power to inspect the premises to check the responsible person is complying with their duties under the Order. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment. If the enforcing authority is dissatisfied with the outcome of a fire risk assessment or the action taken, they may issue an enforcement notice that requires the responsible person to make certain improvements or, in extreme cases, issue a prohibition notice that restricts the use of all or part of the premises until improvements are made.

2.25 Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website www.communities.gov.uk/fire.

2.26 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be unnecessary for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if necessary, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or interested parties, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make clear their expectations in this respects to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

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

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

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

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

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

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

Appendix 30

Section 182 Advice by the DCMS

PROTECTION OF CHILDREN FROM HARM

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

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

2.43 The Secretary of State intends that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions unless the 2003 Act itself imposes such a restriction or there are good reasons to restrict entry or to exclude children completely. Licensing authorities, the police and other authorised persons should focus on enforcing the law concerning the consumption of alcohol by minors.

2.44 Conditions relating to the access of children which are necessary to protect them from harm are self evidently of great importance. As mentioned in connection with statements of licensing policy in Chapter 13 of this Guidance, issues will arise about the access of children in connection with premises:

- where adult entertainment is provided;
- where a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider in the company of adults during a table meal);
- where it is known that unaccompanied children have been allowed access;
- where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not small numbers of cash prize machines);
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

2.45 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. Such trading practices should be obvious from the operating schedule or club operating schedule provided with the relevant application allowing the framing of an appropriate, time-limited condition.

2.46 Similarly, gambling may take place in part of a leisure centre but not in other parts of those premises. This means that the access of children will need to be carefully considered by applicants, licensing authorities and responsible authorities. In many respects, it should be possible to rely on the discretion and common sense of licence and certificate holders. However, licensing authorities and responsible authorities should still expect applicants when preparing an operating schedule or club operating schedule to state their intention to exercise discretion and where they are necessary, to set out the steps to be taken to protect children from harm when on the premises.

2.47 Conditions, where they are necessary, should reflect the licensable activities taking place on the premises and can include:

- where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made, to ensure that sales are not made to individuals under 18 years (whether the age limit is 18 or 16 as in the case of the consumption of beer, wine and cider in the company of adults during a table meal);
- restrictions on the hours when children may be present;
- restrictions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place

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

2.49 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.50 The admission of children to theatres, as with other licensed premises, should not normally be restricted. However, theatres may present a range of diverse activities. The admission of children to the performance of a play should normally be at the discretion of the licence holder and no condition restricting their access to plays should be attached. However, theatres may also present a wide range of entertainment including, for example, variety shows incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainments may also be presented at theatres specifically for children. It may be necessary to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of the children during any emergency.

Appendix 31

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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 32

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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