



Meeting of the

LICENSING SUB COMMITTEE

Tuesday, 1 October 2013 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

If you require any further information relating to this meeting, please contact:

Simmi Yesmin, Democratic Services,

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

Public Information

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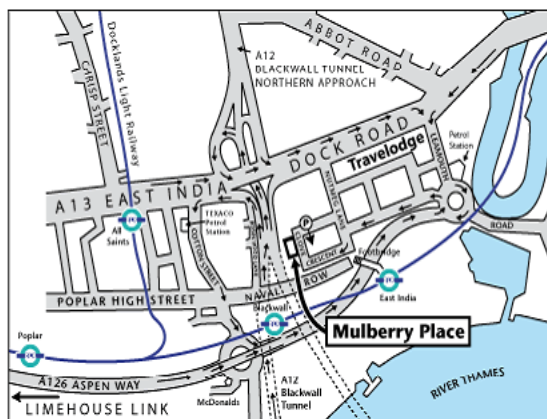
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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 1 October 2013

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

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 Monitoring Officer.

| | PAGE NUMBER | WARD(S) AFFECTED |
|---|-------------|---------------------------|
| 3. RULES OF PROCEDURE | 5 - 16 | |
| To note the rules of procedure which are attached for information. | | |
| 4. UNRESTRICTED MINUTES | 17 - 22 | |
| To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 3 rd September 2013. | | |
| 5. ITEMS FOR CONSIDERATION | | |
| 5 .1 Application for a New Premises Licence for Square Pie, 105c Commercial Street, London, E1 6BG | 23 - 84 | Spitalfields & Banglatown |
| 5 .2 Application for a Variation of a Premises Licence for Kivre Food Centre, 497-499 Cambridge Heath Road, London, E2 9BU | 85 - 144 | Bethnal Green North |
| 6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT | | |

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

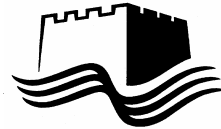
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

| Subject | Prescribed description |
|---|---|
| Employment, office, trade, profession or vacation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p> |
| Contracts | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | <p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |
| Securities | <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> |

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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).
 - 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 deemed as determined by default.

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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 license) | 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 grant of personal licence). | 10 working days | 5 working days | Applicant; Chief Officer of Police who has given Notice | 2 working days |

| 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 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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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 3 SEPTEMBER 2013

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

Members Present:

Councillor Ann Jackson (Chair)

Councillor Peter Golds
Councillor Denise Jones

Officers Present:

Paul Greeno – (Senior Advocate, Legal Services, Chief Executive's)
Alex Lisowski – (Licensing Officer)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Thomas Docker - (Golden Grill)
Michael Seddon - (Golden Grill)
Graham Hopkins - (Golden Grill)
A. Ender Cengil - (Golden Grill)
Hassan Miah - (Offie & Toffee)
Mustafa Has - (Offie & Toffee)

Objectors In Attendance:

PC Alan Cruickshank - (Metropolitan Police)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application for a Variation of a Premises Licence for Golden Grill Restaurant, 184 Hackney Road, London, E2 7QL

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of a premises licence for Golden Grill, 184 Hackney Road, London E2 7QL. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair, Mr Anthony Hopkins, Applicants Representative, briefly explained that the variation application was for the removal of a condition from the basement only. It was noted that the premises had been transferred over to the applicants from previous owners and both the applicants had passed their personal licence courses and would be applying for their own personal licences and Mr Thomas Docker, Applicant would transfer over as the Designated Premises Supervisor.

He explained that both the applicants had previous experience, of working in bars and restaurants in Australia and in the UK. Mr Hopkins stated that the lease was signed over on 15 June 2013 and anything prior to that was not the responsibility of the applicants.

It was noted that regulated entertainment would not be used at the premises and only background music would be played. It was further noted that the applicants had no relations with the previous owner except for that of landlord and tenant. Mr Hopkins concluded that this was a new business and a new venture for the applicants, and were happy to upgrade their CCTV system, operate a challenge 21 policy and have SIA staff. He lastly mentioned that there were no residents, businesses or other responsible authorities objecting to this application.

Members then heard from PC Alan Cruickshank, Metropolitan Police who noted that there had been a transfer of the licence and had visited the premises since the transfer and had found the basement area closed. He stated that the current hours were excessive and the premises would become one of the longest operating bars in Hackney Road. It was noted that there would be one entry via the kebab shop on the ground floor. He also highlighted that by remaining open till late would attract anti-social behaviour and lead to crime and disorder.

In response to questions it was noted that the licence was transferred on 9th July 2013, that there was a separate entrance via the side of the premises which would be used to enter the basement and entry to the bar would not be via the kebab shop on the ground floor.

PC Cruickshank stated that he was not aware of this entrance by the side of the premises and therefore raised serious concerns about access and egress via this entrance, and the health and safety risks. PC Cruickshank wanted to

check with colleagues at the London Fire Authority to satisfy whether this entrance can be used for access and egress.

After careful consideration, Members agreed to defer this item for a future meeting in order to give PC Cruickshank time to visit the premises with officers from LFA and provide further information.

Decision

This item was deferred at the meeting as Members requested for further information from the Metropolitan Police and the London Fire Authority. It was agreed that this application would be considered by the Licensing Sub Committee on 17th September 2013.

4.2 Application for a Variation of a Premises Licence for Offie and Toffee (currently Station News) - 301 Cambridge Heath Road, London, E2 0EL

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of a premises licence for Offie and Toffee, 301 Cambridge Heath Road, London E2 0EL. It was noted that objections had been made by the Metropolitan Police.

At the request of the Chair, Mr Hassan Miah, representative on behalf of the applicant explained that they wanted to extend the hours for the sale of alcohol. He stated that Sainsburys, and six other licensed premises in close proximity to the premises had extended hours for the sale of alcohol ranging between 2am to 24 hours. He stated that the applicant was happy to accept the conditions suggested by the Police and believed that in order to compete with local supermarkets he needed longer hours.

It was noted that test purchases had been done at the premises, where the applicant had refused to sell to underage persons, and had also assisted the police when they have required their external CCTV cameras in support for other incidents.

Mr Mustafa Has, Applicant stated that the area was rapidly developing, and nearby retailers having longer licences financially impacted on his business he said there had been no reports of anti-social behaviour as the premises was in a well lit area which deterred youth to congregate outside.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he referred to his representation contained in the agenda and stated that there should be consistency in the area and proposed that the applicant should get the same hours as Sainsburys, Monday – Sunday till 12 midnight. He stated that the area was a known hotspot for street drinking. He then referred to the input in his representation from Will Norman, from Thames Reach Charity who worked with local hostels.

PC Cruickshank concluded that if a licence is granted till 2am, it would lead to an increase in anti-social behaviour and would encourage street drinking and encourage rough sleeping. He stated that the hours should in line with Sainsburys and suggested conditions to help prevent crime and disorder and public nuisance.

In response to questions, it was noted that the store sold, confectionary, groceries, snacks, alcohol, oyster top ups etc. that the hours significantly impacted the store financially, and that new CCTV conditions would replace the ones currently on the licence.

Members were then given a list of all the licensed premises in the area and their licensed hours.

Members retired to consider their decision at 7.20pm and reconvened at 7.40pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence in part and add conditions in order to address the concerns raised in relation to the licensing objectives of "the prevention of crime and disorder" and "the prevention of public nuisance".

The Sub Committee noted both comments and representations from the applicant's representative and PC Cruickshank and the difficulty which arises from the sale of alcohol in areas of rehabilitation.

Members did not think it was appropriate or proportionate to reject the application entirely as Members noted that other local businesses did have a licence to sell alcohol up to a later time and therefore Members granted hours for sale of alcohol in line with the local supermarket. Members however had sympathy with Mr William Norman, Thames Reach and the users, therefore a condition was put in place to help the applicant become more responsible when selling alcohol and strike a balance with the local hostels near the area and street drinkers by restricting the sale of beer, lager and cider which exceeds the strength of 5.6% abv or higher.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, Offie and Toffee, 301 Cambridge Heath Road, London E2 0ELbe **GRANTED in part**, with conditions.

Sale of Alcohol

- Monday to Sunday from 07:00hrs to 00:00hrs (midnight)

Hours Premises is open to the Public

- Monday to Sunday from 06:30hrs to 02:00hrs (the following day)

Conditions

Condition 1 (a-o) on annex 2 be removed and replaced with the following conditions.

- CCTV camera system covering both internal and external to the premises is to be installed.
- The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
- At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
- The premise will not sell any beer, lager or cider that exceeds the strength of 5.6% abv or higher

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Members agreed to extend the deadline for decisions by dates for the applications below to the hearing dates listed. This was in the public interest to do so in order for notification letters and agendas to be published in accordance with the statutory deadlines.

| Premises | Hearing Date | Decision by |
|---|---------------------|--------------------|
| Tobacco Dock, 50 Porters Walk, London E1w 2SF | 17/09 | 11/09 |
| Square Pie, 105c Commercial Street, London E1 6BG | 01/10 | 19/09 |

| Premises | Hearing Date | Decision by |
|--|---------------------|--------------------|
| Kivre Food Centre, 467-499 Cambridge Heath Rd, London E2 9BU | 01/10 | 26/09 |
| Shahin, 74 Bow Road, London E3 4DL | 17/10 | 26/09 |
| Kings Arms, 11A Buckfast Street | 17/10 | 03/10 |
| Morrisons, 19 Leman Street, London E1 8EJ | 29/10 | 23/10 |

The meeting ended at 7.45 p.m.

Chair, Councillor Ann Jackson
Licensing Sub Committee

Agenda Item 5.1

| | | | | |
|--------------------------------|----------------|---------------------|------------|-----------------|
| Committee : | Date | Classification | Report No. | Agenda Item No. |
| Licensing Sub Committee | 1 October 2013 | Unclassified | LSC 19/134 | |

| | |
|--|---|
| Report of : David Tolley Head of Consumer and Business Relations | Title: Licensing Act 2003 Application for a new Premises Licence for Square Pie, 105c Commercial Street, London, E1 6BG |
| Originating Officer: Andrew Heron Licensing Officer | Ward affected: Spitalfields and Bangla Town |

1.0 Summary

Applicant: **Square Pie Ltd.**
Name and **Square Pie**
Address of Premises: **105c Commercial Street**
London
E1 6BG

Licence sought: **Licensing Act 2003**
The Supply of alcohol

Objectors: **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

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a variation in a premises licence for Square Pig, 105c Commercial Street, London, E1 6BG.

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

3.3 The applicant has described the nature of the application as:

- The supply of alcohol

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

Sale of Alcohol (on sales only)

- **Monday to Sunday from 11:00hrs to 21:00hrs**

(Members should note that the original application was for the sale of alcohol for Monday to Sunday from 10:00hrs to 22:00hrs for on and off sales; but was reduced upon mediation with the Metropolitan Police).

Hours premises is open to the public:

- Monday to Sunday from 10:00hrs to 22:00hrs.

3.5 During mediation, the applicant also agreed with the Police to amend the application to add the following condition which members should take into consideration when looking at the Operating Schedule:

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 on request by a police officer or other responsible authority.

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

4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 8th December 2010.

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

- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in October 2012.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than 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 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 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.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Local Residents (**See Appendices 3-6**)

| | |
|-------------------|--|
| Appendix 4 | Local Resident: Myers – Spitalfields Market Residents’ Association |
| Appendix 5 | Local Resident: Piper – Spitalfields Community |

| | |
|-------------------|--------------------------|
| | Group |
| Appendix 6 | Local Resident: Stanhope |
| Appendix 7 | Local Resident: Mossman |

- 5.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust
- 5.10 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
- 5.11 The objections cover allegations of
- Anti-social behaviour on the premises
 - Anti-social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Close proximity to residential properties
 - Noxious smells or light pollution
 - Noise leakage from the premises
- 5.12 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.
- 5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

6.1 The following is intended 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 medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ 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 (1.9).
- ∇ 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.” (1.12)
- ∇ 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).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading's Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is "the balance of probability."
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 8-13** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.
- 7.0 Exemptions**
- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is

primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 **Legal Comments**

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

9.0 **Finance Comments**

- 9.1 There are no financial implications in this report.

10.0 Appendices

| | |
|--------------------|---|
| Appendix 1 | A copy of the application |
| Appendix 2 | Maps of the area |
| Appendix 3 | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations |
| Appendix 4 | Local Resident Representation: Myers – Spitalfields Market Residents' Association |
| Appendix 5 | Local Resident Representation: Piper – Spitalfields Community Group |
| Appendix 6 | Local Resident Representation: Stanhope |
| Appendix 7 | Local Resident Representation: Mossman |
| Appendix 8 | Licensing Officer comments on anti-social behaviour on the premises |
| Appendix 9 | Licensing Officer comments on anti-social behaviour from patrons leaving the premises |
| Appendix 10 | Licensing Officer comments on Noise while the premise is in use |
| Appendix 11 | Licensing Officer comments on access and egress problems |
| Appendix 12 | Licensing Officer comments on noxious smells or light pollution |
| Appendix 13 | Licensing Officer comments on Noise Leakage from the Premises |

Appendix 1

[Insert name and address of relevant licensing authority and its reference number (optional).]

**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 Square Pie Ltd

(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 | |
| Square Pie 105c Commercial Street | |
| Post town | London |
| Postcode | E1 6BG |

| | |
|---|---------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £33,500 |



Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England 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 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) | | | | | |

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 Square Pie Ltd |
| Address Spitfire Gate, 105C Commercial Street, Old Spitalfield London E1 6BG |
| Registered number (where applicable) 03605922 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) company |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|-------------|
| DD | MM | YYYY |
| 2 | 2 | 0 8 2 0 1 3 |

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

| | | |
|---|----|------|
| D | MM | YYYY |
| | | |

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

Food business with provision for ancillary alcohol sales.

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 any that apply

- 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 late night refreshment** (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

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 | <u>Please give further details here</u> (please read guidance note 3) | | | |
| Mon | | | | | | |
| | | | | | | |
| 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) | | | <u>Will the exhibition of films 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 | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>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</u> (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 | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) | | |
| | | | | | |
| Wed | | | 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) | | |
| 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 (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 | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | <u>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</u> (please read guidance note 5) | | |
| Sun | | | | | |

F

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

G

| | | | | | |
|--|--------------|---------------|---|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance 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 | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

H

| | | | | | |
|---|--------------|---------------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place 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 entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) | | |
| | | | | | |
| Fri | | | | | |
| Sat | | | <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) | | |
| | | | | | |
| Sun | | | | | |

I

| | | | | | |
|---|--------------|---------------|---|----------|--------------------------|
| 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 | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

J

| | | | | | | | | |
|--|--------------|---------------|--|------------------|-------------------------------------|---|--|--|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 7) | On the premises | | | | |
| | | | | Off the premises | | | | |
| | | | | Both | <input checked="" type="checkbox"/> | | | |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | | | | |
| Mon | 10.00 | 22.00 | | | | | | |
| | | | | | | | | |
| Tue | 10.00 | 22.00 | | | | | | |
| | | | | | | | | |
| Wed | 10.00 | 22.00 | | | | | | |
| | | | | | | | | |
| Thur | 10.00 | 22.00 | | | | 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 | 10.00 | 22.00 | | | | | | |
| | | | | | | | | |
| Sat | 10.00 | 22.00 | | | | | | |
| | | | | | | | | |
| Sun | 10.00 | 22.00 | | | | | | |
| | | | | | | | | |

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

| | |
|---|---------|
| Name Monika Adamova | |
| Address 142c Shooters Hill London | |
| Postcode | SE3 8RN |
| Personal licence number (if known) MK 00085413 | |
| Issuing licensing authority (if known) Milton Keynes | |

K

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).

L

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | <u>State any seasonal variations</u> (please read guidance note 4) |
|--|-------|--------|--|
| Day | Start | Finish | |
| Mon | 10.00 | 22.00 | |
| | | | |
| Tue | 10.00 | 22.00 | |
| | | | |
| Wed | 10.00 | 22.00 | |
| | | | |
| Thur | 10.00 | 22.00 | <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</u> (please read guidance note 5) |
| | | | |
| Fri | 10.00 | 22.00 | |
| | | | |
| Sat | 10.00 | 22.00 | |
| | | | |
| Sun | 10.00 | 22.00 | |
| | | | |

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

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

Any alcohol sold for consumption off the premises shall be in sealed containers only
Any alcohol sold for consumption on the premises shall be sold as an ancillary to food and consumed at the tables within the premises demise.

b) The prevention of crime and disorder

CCTV will be provided in accordance with the requirements of the Police.

c) Public safety

Health and safety risk assessments will be undertaken and all staff shall be trained therein

d) The prevention of public nuisance

e) The protection of children from harm

A Challenge 25 Programme shall be in place to ensure there is no supply of alcohol to children. All staff shall receive appropriate training in the programme.

Checklist:


Please tick to indicate agreement

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 | 24-7-13 |
| Capacity | Solicitors for applicant |

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

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

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

Craig Baylis
BLP
Adelaide House
London Bridge

| | | | |
|---------------------------|---------------|----------|----------|
| Post town | London | Postcode | EC4R 9HA |
| Telephone number (if any) | 0203 400 2326 | | |

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
craig.baylis@blplaw.com

Notes for Guidance

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

Consent of individual to being specified as premises supervisor

I MONIKA ADAMOVA
[full name of prospective premises supervisor]

of 142 C SHOOTERS HILL ROAD,
BLACKHEATH, LONDON, SE3 8RN

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW PREMISES LICENCE [type of application]

by SQUARE PIE LTD. [name of applicant]

relating to a premises licence [number of existing licence, if any]

for SQUARE PIE SPITFIELDS MARKET
105c COMMERCIAL STREET
LONDON E1 6BG

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by SQUARE PIE LTD. [name of applicant]

concerning the supply of alcohol at SQUARE PIE
SPITFIELDS MARKET 105c COMMERCIAL ST.
LONDON E1 6BG

[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number MK00085413
[insert personal licence number, if any]

Personal licence issuing authority MILTON KEYNES
[insert name and address and telephone number of personal licence issuing authority, if any]

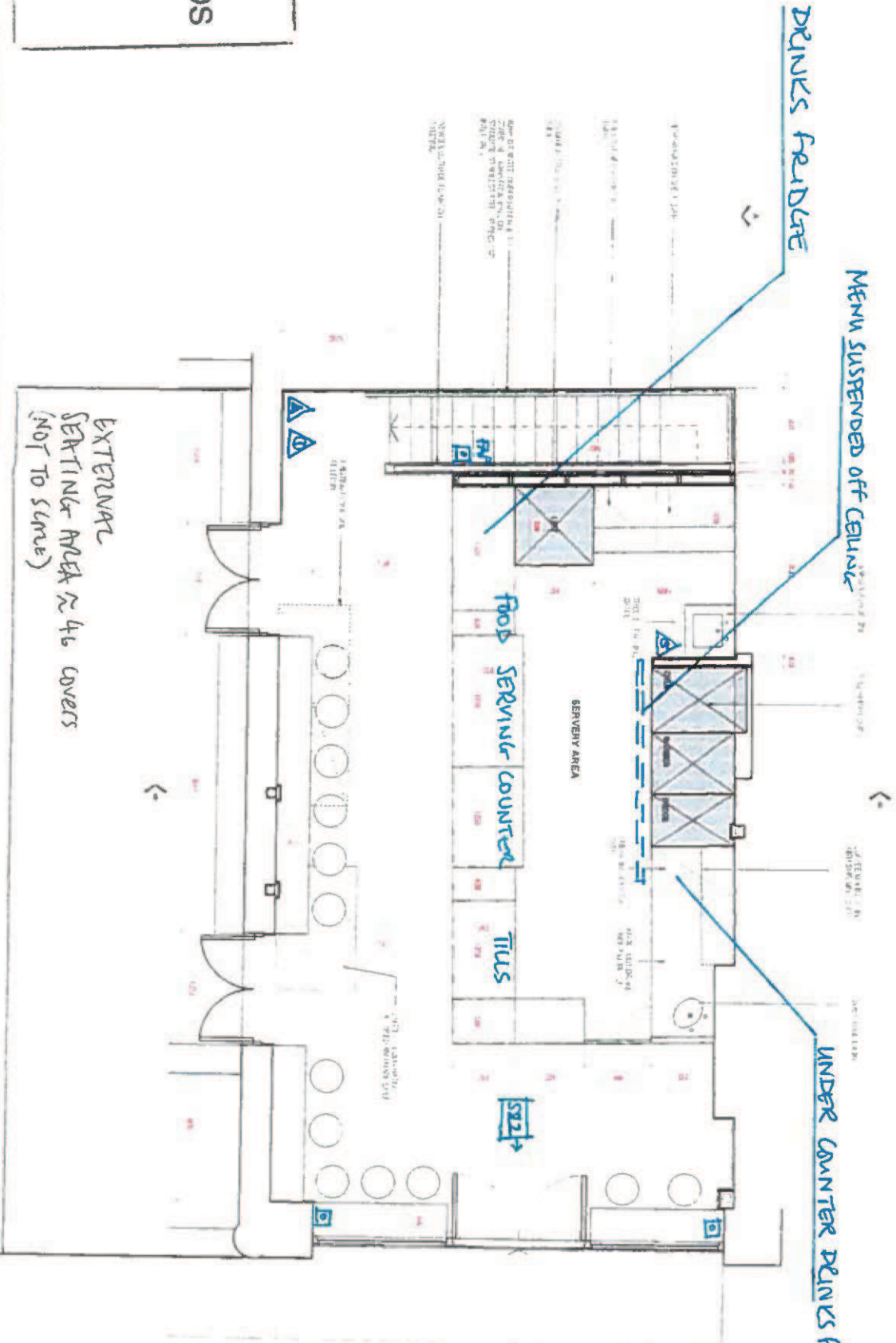
 signed

M. ADAMOVA name (please print)

23/7/13 dated



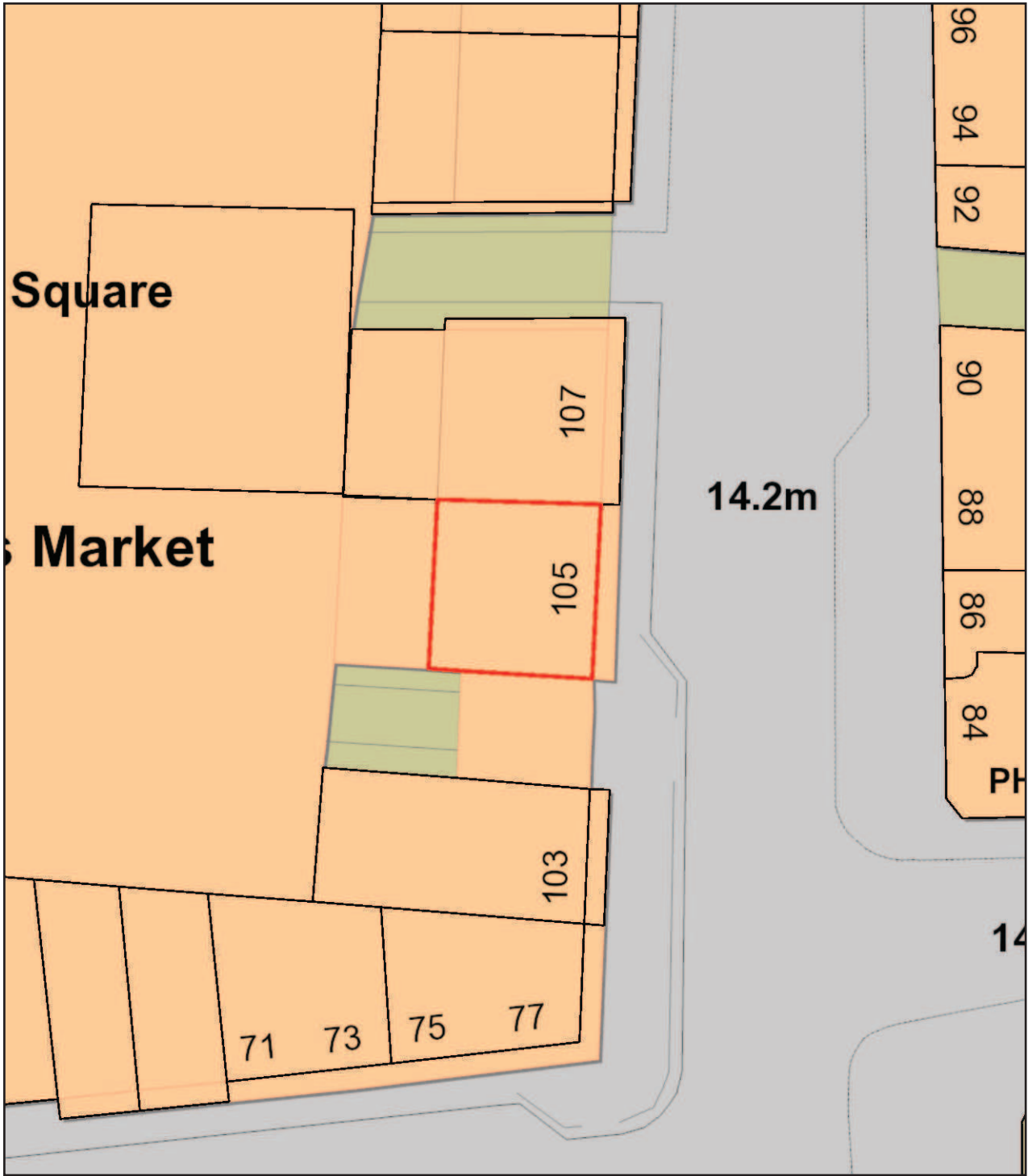
LBTH
TRADING STANDARDS
 24 JUL 2013
LICENSING



- LEGEND**
- FAP Fire Alarm Panel
 - [] Manual Fire Call Point
 - ▲ CO2 EXTINGUISHER
 - ▲ WATER EXTINGUISHER
 - ▲ FIRE BLANKET
 - [] Fire escape Stairs

| | | |
|---|---------------------|-------------|
| DATE | NO. | DESCRIPTION |
| | | |
| ALMAN SOUTHERN SHOPPERS 100-1000 Market Street, San Francisco, CA 94102 REGULARS: 916.441.1111 VISITORS: 916.441.1112 PROPOSED: 916.441.1113 CONTACT: 916.441.1114 SAN FRANCISCO GENERAL MANAGER | | |
| P01 | D 2307 1318@N713@A1 | JUNE 2013 |

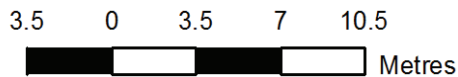
Appendix 2



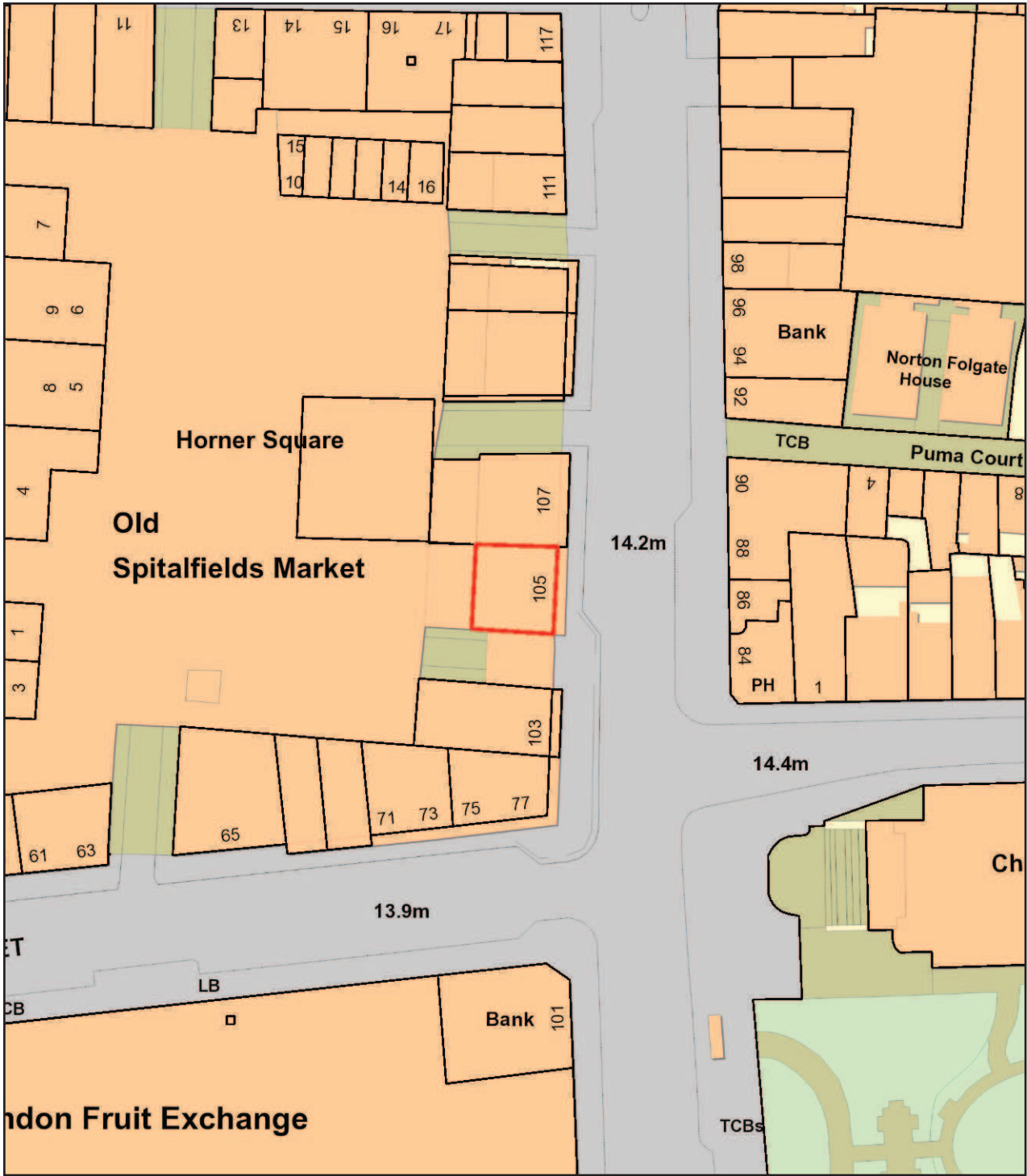
105c Commercial Street Map 1



Scale 1:384



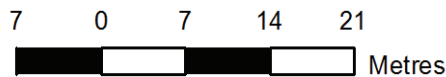
Produced by London Borough of Tower Hamlets on 28/08/2013. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



105c Commercial Street Map 2



Scale 1:769



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Appendix 3

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

- 9.4 A representation is “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 businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult

for councillors who receive 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 sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 4

Andrew Heron

From: [REDACTED]
Sent: 14 August 2013 17:03
To: Andrew Heron
Cc: licensiing@towerehamlets.gov.uk

Sent from Windows Mail

Dear Andrew Heron

Re: Square Pie Restaurant
105c Commercial St E1 6BG

Regarding the license application for the above premises, The Spitalfields Market Residents' Association fully support the objections sent by our members who live above.

Collectively, Market residents are subjected to noise and disturbance from various eating establishments which are in close proximity to our homes, and this is exacerbated by alcohol consumption. We class this noise as a public nuisance and it also harms the children of families living above by having their sleep disturbed.

We urge you to reject this application as granting additional alcohol licenses within the Market would only increase our problems.

Yours faithfully,

Mike Myers

Chair: SMRA [REDACTED]

Appendix 5

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 16 August 2013 13:02
To: Andrew Heron
Subject: FW: application for an alcohol licence for Square Pie, 105c Commercial St, E1 6BG

From: Spitalfields Community Group [REDACTED]
Sent: 16 August 2013 10:07
To: Licensing
Subject: Re: application for an alcohol licence for Square Pie, 105c Commercial St, E1 6BG

Dear Sir/Madam,

Spitalfields Community Group objects to the above licence application.

Spitalfields Community Group (SCG) was formed in 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our most recent survey, which we undertook to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact on us of the night time economy.

Local residents constantly suffer from the effects of the night-time economy in Spitalfields. This includes, but is not limited to, excess noise, urination, vomiting, acts of vandalism, and other forms of anti-social behaviour. A particular problem is the 'street drinking' culture, whereby people sit on residential streets with alcohol bought from off-licenses and food from takeaway establishments drinking late into the night. Our concern is that customers from Square Pie might take their takeaway food and alcohol onto the surrounding streets and further disturb the amenity of local residents, especially those that live above Spitalfields Market.

We therefore ask that you reject the application.

Should, however, you feel minded to accept the application, we ask that you place these additional conditions on the licence:

- alcohol only to be sold with food
- further restrictions on the hours of sale of alcohol
- no off-sales of alcohol with or without food

Many thanks for your help in this.

Matthew Piper
for and on behalf of SCG
c/o

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

Appendix 6

Andrew Heron

From: Adam STANHOPE [REDACTED]
Sent: 19 August 2013 20:58
To: Kathy Driver
Cc: Licensing
Subject: 105c Commercial Street

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern

Square Pie 105c Commercial Street application to sell alcohol.

I am writing to object to this application. I understand that the licence is for 'On' sales only between 11am and 9pm Monday to Sunday.

[REDACTED]

At present the Square Pie is open until 8 O'clock in the evening (see their website <http://www.squarepie.com/>). We have ongoing noise issues with the premises, these are just acceptable in the daytime, but less so at night when the children go to bed usually between 7.30 and 8pm. One of children's bedroom windows looks down on the entrance to the Square Pie so there will be more noise and latter as, for example the music they play is often very audible through our flats.

The application to serve alcohol till 9 means the Square Pie will now be open to 9.30/10pm. This will be very damaging & harmful to our children. Even more so as alcohol is involved which, as we know, from experience does encourage noisy behaviour. Much of the Square Pie seating is actually in the market which is below our kitchen and balcony so we have very first hand experience on the noise impact it makes.

The second issue is toilets. We have extreme problems with street urination, vomiting and other usual side effects of alcohol consumption. I do not believe that the Square Pie has any toilet facilities, so given what goes in comes out, where is the call of nature going to be answered. This will increase to the general public nuisance and specifically around the market gate we live above.

Another issue we have with the Square Pie is that it's kitchen ducts pass through our flat inside one of the old chimney flues. There is residual noise in one of our children's bedrooms - if this continues later into the night as the license suggests this will be a further problem.

I would request that this application be turned down on the ground of prevention of public nuisance and for the protection of children from harm. Both of these are important to us. This is a residential area with many families and children living here.

It is fact often overlooked. We were here before the Square Pie and don't see why it should be allowed, for it's benefit alone, to degrade our area.

Adam Stanhope

Appendix 7





13 August 2013

John McCrohan
Trading Standards & Licensing Services Manager
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London E14 1BY

Dear Mr. McCrohan

Re Square Pie, 105c Commercial St, London E1 6BG

I refer to your letter of 31 July 2013 informing us that an application has been received from the Square Pie for a licence to sell alcohol up until 10.00pm

I live directly above the Square Pie, and would strongly object to the sale of alcohol at these premises. Any of the premises with an outdoor space in the market that sell alcohol become loud and noisy as we have every day experience of.

At present the Square Pie close at about 5.30pm or 6.00pm, because most of their custom is at lunch time and also presumably because they do not sell alcohol. I could envisage it becoming a late night venue for people from the local pubs (Ten Bells and Golden Heart) coming across the road for pies after they have had a few drinks and then also able to continue drinking.

In addition to the noise (which carries upwards easily), there will be the continued smell of the pies being heated up until 10.00pm which although is tolerated during the day because most of the custom is just around lunch time, to have this smell continued throughout the evening would be intolerable.

Please pass on my objections to the appropriate licensing committee and if you require any further clarification, please do not hesitate to contact me.

Yours faithfully,

Pamela Mossman

Cc: Kathy.driver@towerhamlets.gov.uk

Cc: licensing@towerhamlets.gov.uk

Appendix 8

Anti-Social Behaviour on the Premises

Licensing Policy

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

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model 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):

- 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 and SIA is acknowledged (2.1-2.2).

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 in the immediate vicinity of the premises as they seek entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

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 9

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 10

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 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 (1.19)

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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.

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 11

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.

Egress only is referred to-if necessary access can be added or substituted in.

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 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 (1.19).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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.

Appendix 12

Noxious smells or light pollution

General Advice

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

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

Other Legislation

The Environmental Protection Act 1990

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

Planning legislation may restrict external lighting.

Appendix 13

Noise Leakage from the Premises

General Advice

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

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

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

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

Licensing Policy

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

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

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

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

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks

Police Powers

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

Licensing Act 2003

Schedule 1 Part 2 states that entertainment in churches, morris dancing and accompanying music if live and unamplified and incidental music are not licensable activities-that is no conditions can be set for them.

Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200 additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08:00hrs and midnight, no additional conditions should be set relating to the music.

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

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

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

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

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

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

Other Legislation

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

Agenda Item 5.2

| | | | | |
|--------------------------------|----------------|---------------------|------------|-----------------|
| Committee : | Date | Classification | Report No. | Agenda Item No. |
| Licensing Sub Committee | 1 October 2013 | Unclassified | LSC 20/134 | |

| | |
|--|---|
| Report of : David Tolley Head of Consumer and Business Relations | Title: Licensing Act 2003 Application for a Variation of a Premises Licence for Kivre Food Centre, 497-499 Cambridge Heath Road, London, E2 9BU |
| Originating Officer: Andrew Heron Licensing Officer | Ward affected: Bethnal Green North |

1.0 Summary

Applicant: **Niyazi Kaya**
Name and
Address of Premises: **Kivre Food Centre**
497-499 Cambridge Heath Road
London
E2 9BU

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

Objectors: **The Metropolitan Police**

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 | | Andrew Heron 020 7364 2665 |

3.0 Background

3.1 This is an application for a variation in a premises licence for Kivre Food Centre, 497-499 Cambridge Heath Road, London, E2 9BU.

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

The current hours are as follows:-

The sale of alcohol:

- Sunday to Thursday 08:00hrs to 00:00hrs (midnight)
- Friday & Saturday 08:00hrs to 01:00hrs (the following day)

The opening hours of the premises

- Monday to Sunday 24 hours per day.

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

- *“Extension of hours to supply alcohol off the premises”*

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

Sale of Alcohol (off sales only sales only)

- Sunday to Thursday from 08:00hrs to 02:00hrs (the following day)
- Friday to Saturday from 08:00hrs to 04:00hrs (the following day)

Hours premises is open to the public:

- No changes to current opening hours – 24hrs per day

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

4.0 Licensing Policy and Government Advice

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 8th December 2010.

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

- 4.3 The Home Office has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It will also be available at the hearing. It was last revised in October 2012.
- 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 **Objections**

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

The Metropolitan Police (**See Appendix 4**)

- 5.2 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.3 Essentially, the regulatory Authority opposes 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 The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.5 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 **Licensing Officer Comments**

- 6.1 The following is intended 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 medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ 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 (1.9).
- ∇ 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.” (1.12)
- ∇ 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).

promotions are not permitted but can be imposed in appropriate circumstances (10.38). The Office of Fair Trading's Advice also needs to be considered, namely that minimum prices setting is not permitted.

- 6.3 The Licensing Act 2003 permits children of any age to be on the premises 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 conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 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 the comments of the Association of Chief Police Officers on non-standard times is also included:

Appendix 5 Licensing Officer comments on Crime and Disorder on the Premises

Appendix 6 Licensing Officer comments on Crime and Disorder from Patrons Leaving the Premises

Appendix 7 Licensing Officer comments on Egress Problems

Appendix 8 ACPO comments on irregular times

Appendix 9 Planning

Appendix 10 Licensing Policy relating to hours of trading

7.0 Legal Comments

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

8.0 Finance Comments

8.1 There are no financial implications in this report.

9.0 Appendices

- Appendix 1** Copy of current 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** Licensing Officer comments on Crime and Disorder on the Premises
- Appendix 6** Licensing Officer comments on Crime and Disorder from Patrons Leaving the Premises
- Appendix 7** Licensing Officer comments on Egress Problems
- Appendix 8** ACPO comments on irregular times
- Appendix 9** Planning
- Appendix 10** Licensing Policy relating to hours of trading

Appendix 1

**(Kivre Food Centre)
497- 499 Cambridge Heath Road
London
E2 9BU**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 1st November 2007
(Amended 20th April 2009).
(Amended 15th February 2010)
(Amended 15th December 2011)



Part A - Format of premises licence

Premises licence number

16904

Part 1 - Premises details

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

497-499 Cambridge Heath Road

Post town

London

Post code

E2 9BU

Telephone number

07886 010455

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 08:00 – midnight
Friday & Saturday 08:00 – 01:00 hours

The opening hours of the premises

Monday to Sunday 24 hours per day.

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

Off sales only

Part 2

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

Mr Niyazi Kaya



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

Mr Niyazi Kaya



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: Z01N1081FA/1

Issuing Authority: London Borough of Waltham Forest

Annex 1 - Mandatory conditions

4.

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. Refusal book to be kept at the premises to record all refused sales of alcohol.

2. A recognised ID, such as passport or driving licence, shall be requested for all persons appearing to be minors.

3. A digital CCTV system with time and date recording facility will be maintained with cameras covering the inside and the immediate outside of the premises to be maintained in good working order at all times. Recording media to be retained for at least 30 days and to be readily available for inspection by the police upon reasonable request. Authorised staff to be trained to operate the recording equipment and be competent in its operation.

4. Waste materials shall not be placed in the external bins during the night hours (23 00 hrs to 07 00 hrs the following day).

5. A personal licence holder will always be present on the premises after 20 00 hrs.

6. A challenge 25 policy to be implemented and maintained at all times the premises are open to the public.
7. The side entrance to premise to be kept shut after 23 00 hrs, except for emergency access/egress.

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:

23rd February 2009



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

16904

Premises details

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

497-499 Cambridge Heath Road

Post town

London

Post code

E2 9BU

Telephone number


07886 010455

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 08:00 – midnight Friday & Saturday 08:00 – 01:00 hours |
| The opening hours of the premises | Monday to Sunday 24 hours per day. |
| Name, (registered) address of holder of premises licence | Mr Niyazi Kaya  |
| 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 | Mr Niyazi Kaya |
| State whether access to the premises by children is restricted or prohibited | No restrictions |

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 **NIYAZI KAYA**

(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

16516

Part 1 – Premises Details

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

497- 499 Cambridge Heath Road

Post town London

Post code E2 QBU

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 21250

Part 2 – Applicant details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

Post Town

Postcode

LBTH
TRADING STANDARDS
8-1 AUG 2013

LICENSING

Part 3 - Variation

Please tick yes

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

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

Provision of entertainment facilities:

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

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

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) | | | Will the performance of a play 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 | | | |
| Mon | | | Please give further details here (please read guidance note 3) | | |
| | | | | | |
| Tue | | | State any seasonal variations for performing plays (please read guidance note 4) | | |
| | | | | | |
| Wed | | | 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 (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| 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 | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | 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) | | |
| Sat | | | | | |
| Sun | | | | | |

C

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

D

| | | | | | |
|--|--------------|---------------|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 6) | | | <u>Will the boxing or wrestling entertainment 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 | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4) | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | | | |
| | | | <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) | | |
| 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 | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| 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"/> |
| | | | | 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 playing of recorded music (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | 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) | | |
| Fri | | | | | |
| 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"/> |
| | | | | 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 performance of dance (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | 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) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

H

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|--|--------------|---------------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the type of entertainment you will be providing</u> | | |
| Day | Start | Finish | <u>Will this entertainment take place 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 entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | <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) | | |
| Sun | | | | | |
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1

| | | | | |
|--|-------|--------|---|--------------------------|
| 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) | |
| Day | Start | Finish | Indoors | <input type="checkbox"/> |
| | | | Outdoors | <input type="checkbox"/> |
| | | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | |
| Tue | | | | |
| Wed | | | <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) | |
| Thur | | | | |
| Fri | | | <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) | |
| Sat | | | | |
| Sun | | | | |

J

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

K

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|--|--------------|---------------|---|----------|--------------------------|
| 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 | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | 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) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

M

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|---|--------------|---------------|--|------------------|-------------------------------------|
| 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 | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Mon | 08:00 | 02:00 | | | |
| | | | | | |
| Tue | 08:00 | 02:00 | | | |
| | | | | | |
| Wed | 08:00 | 02:00 | | | |
| | | | | | |
| Thur | 08:00 | 02:00 | | | |
| | | | | | |
| Fri | 08:00 | 04:00 | | | |
| | | | | | |
| Sat | 08:00 | 04:00 | | | |
| | | | | | |
| Sun | 08:00 | 02:00 | | | |
| | | | | | |

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)

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) NO CHANGES ON CURRENT OPENNING HOURS |
| Day | Start | Finish | |
| Mon | | | 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) |
| | | | |
| Tue | | | |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | |
| | | | |
| Fri | | | |
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| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

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 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
THE LICENCE HAS BEEN GIVEN TO COUNCIL WITH PREVIOUS APPLICATION.

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)

CURRENT CONDITIONS REMAIN THE SAME

b) The prevention of crime and disorder

CURRENT CONDITIONS REMAIN THE SAME

c) Public safety

CURRENT CONDITIONS REMAIN THE SAME

d) The prevention of public nuisance

CURRENT CONDITIONS REMAIN THE SAME

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

A register of refused sales shall be kept and maintained on the premises.


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 |  |
| Date | 29/07/2013 |
| Capacity | Agent for the Applicant |

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)

Jun Simon
ADA GROUP
167 Stoke Newington Road

| | | | |
|------------------|--------|------------------|---------|
| Post town | London | Post code | N16 8BP |
|------------------|--------|------------------|---------|

| | |
|----------------------------------|------------|
| Telephone number (if any) | ██████████ |
|----------------------------------|------------|

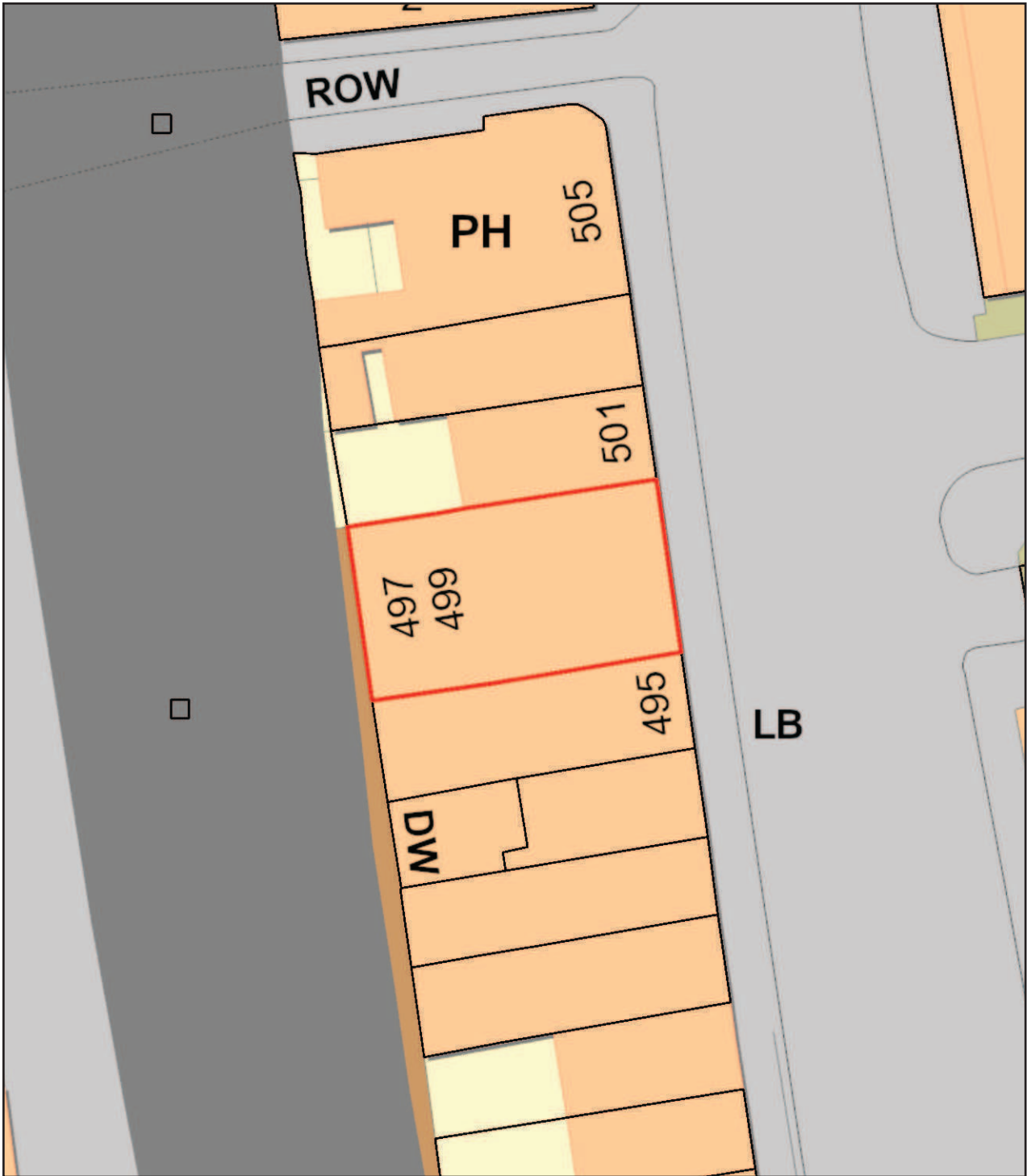
If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

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

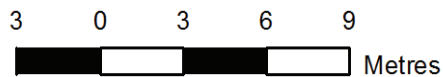
Appendix 3



497-499 Cambridge Heath Road



Scale 1:334



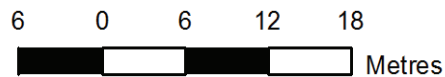
Produced by London Borough of Tower Hamlets on 03/09/2013. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



497-499 Cambridge Heath Road



Scale 1:668



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Appendix 4



John McCrohan
LBTH Licensing

**HT - Tower Hamlets Borough
HH - Limehouse Police Station**

Licensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZ

Telephone:

Facsimile:

Email:

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

Your ref:

Our ref:

14 August 2013

Dear Mr McCrohan

Application to vary a Premises Licence
Kirve Food Centre, 497 - 499 Cambridge Heath Road, E2 QBU

I write with reference to the above application which was received in this office on the 5th August 2013

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

The prevention of crime and disorder

The prevention of public nuisance

A previous variation application requested a 24hr licence which was refused by the licensing committee. I would also ask that this application be refused. By requesting to be open until 4am on a Friday and Saturday and then 2am for the rest of the week is excessive.

Cambridge Heath Road, although a main arterial route through Tower Hamlets, still has a substantial residential population in that street and the surrounding streets. Flats are directly above the shop and a block of flats almost directly opposite. Even being a busy road, it can be fairly quiet in the early hours of the morning.

I said previously that Cambridge Heath Road already attracts street drinkers and the ASB that often follow in their wake.

. There is a “wet house “(see below) nearby and by opening the easy availability until 4am will attract these people who are dependent on alcohol. By having easy access to a late opening off licence, they have every opportunity to continue their drinking.

Even now , when walking up along Cambridge Heath Road, street drinkers are frequently seen consuming high volume percentage tins of alcohol , from 8% - 10%

I have often seen them congregating around Cambridge Heath Railway Station and the park areas.

The Licensing Unit are presently working with Will Norman of Thames Reach whose team are experts in managing street drinkers and high dependency clients who suffer from alcohol / drug health issues. He states:

Regarding the application for a licence extension to 4am for the following premises:

Kivre Food Centre: 497-499 Cambridge Heath Rd, E2 9BU

“ Tower Hamlets SORT provide outreach services to rough sleepers and support former rough sleepers in their homes once they move away from the street. In this capacity I would strongly challenge the application for an extended licence to 4am The junction of Cambridge Heath Rd and Bishop’s Way is with 20m of a specialist hostel for alcohol dependent rough sleepers and less than half a mile from another scheme that supports poly drug and alcohol users. There is strong correlation between the accessibility of alcohol near to hostels and the likelihood of street drinking. Both of these issues have significant health and welfare implications for the individuals involved and negatively affect local communities.

The junction at Cambridge Heath Rd and Hackney Rd is already a hotspot for problem street drinking and I have recently discussed targeting the area with the local SNT. Furthermore, If alcohol is available at 4am there is a far greater likelihood that street drinking will become rough sleeping as individuals are too intoxicated to move away from the area.

I would also like to draw attention to the sale of particular products and brands which have a strong link to anti-social behaviour. Super strength lager and cider sold (often in single cans) at very low prices and with abv often above 6%. We are currently working alongside TH Licensing and Trading Standards to limit the sale of these products in ASB/rough sleeping hotspots. The location of the above premises is one such location”.

There are no other off licences in the immediate vicinity that has such a late opening. It will certainly attract people who are already drunk and looking to top themselves up. It is unfortunate but off licences often attracts people who are either under the influence of alcohol who can be very loud or it can attract people who are either anti-social or violent. With the best will in the world, it is difficult for staff to stop the noise or the potential ASB.

People do drink in the street especially in the summer months. These are mainly young adults. After the pubs close, many of them are already under the influence of alcohol. They become increasingly drunk by buying more alcohol from off licences. This can lead to violence, ASB and littering. Glass bottles are often found smashed in the street.

I have asked the local neighbourhood policing team for a statement and hopefully this will be produced for the committee hearing.

I ask the committee to reject in full this application.

If however they are to grant increased hours, I would like them to consider applying one of the following conditions.

This premise will not sell any beer, lager or cider that exceeds the strength of 6.5% abv or higher.”

(we are following a successful Suffolk campaign to reduce the sale of super strength alcohol from off licences)

Or

The premises will not sell any beer, lager or cider that exceeds the strength of 6.5% abv or higher unless 3 or more bottles/cans are purchased together.

(this condition has been added to an off licence in the Brick Lane area where street drinking is also highly visible)

Appendix 5

Crime and Disorder on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police and SIA is acknowledged (2.1-2.2).

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 in the immediate vicinity of the premises as they seek entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 6

Crime and Disorder from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police and SIA is acknowledged (2.1-2.2).

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 (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

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 (1.19).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.22) but it is essential that conditions are focused on measures within the direct control of the licence holder (1.6). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified.

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 7

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.22) but it is essential that conditions are focused on measures within the direct control of the licence holder

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 (2.24).

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.

Appendix 8

ACPO comments on irregular times

Association of Chief Police Officers

The Association of Chief Police Officers (ACPO) has issued standard advice on unusual opening hours. As well as limiting the number they are anxious that the Police are given reasonable notice and an absolute veto on any event. Their policy is as stated below.

ACPO suggest that the following approach be applied to applications that include unspecified hours.

- No more than 12 extensions per premises per year (excluding applications made under TENS) should be allowed.
- An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions to be completed.
- A minimum of 7 days notice to police and the licensing authority.
- An absolute veto for police in respect of any of these occasions.

Appendix 9

Planning

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

Appendix 10

Appendix 10

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

| | |
|---------------------|----------------------|
| Monday to Thursday | 06:00hrs to 23:30hrs |
| Friday and Saturday | 06:00hrs to midnight |
| Sunday | 06:00hrs to 22:30hrs |

(See 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application 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