



Meeting of the

LICENSING SUB COMMITTEE

Tuesday, 14 January 2014 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

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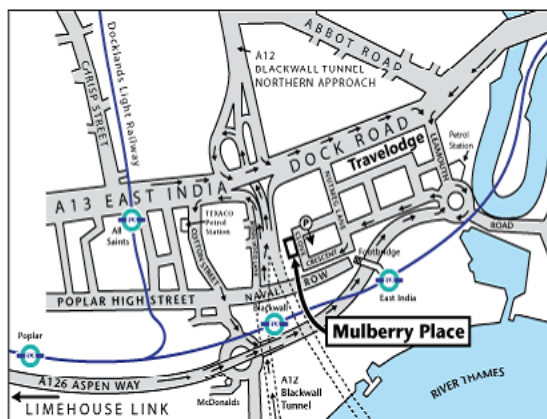
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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 14 January 2014

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. ITEMS FOR CONSIDERATION		
4 .1 Application to Review the Premises Licence for A & Y Wines, 116 Brick Lane, London, E1 6RL	17 - 100	Spitalfields & Banglatown
4 .2 Application for a New Premises Licence at The Restaurant, Unit 1, 19-29 Redchurch Street, London, E2 7DJ	101 - 156	Weavers
5. 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:-

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 licence)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for 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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Agenda Item 4.1

Committee: Licensing Sub-Committee	Date: 14 January 2014	Classification: UNRESTRICTED	Report No. LSC 47/134	Agenda Item No.
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Report of: David Tolley Head of Consumer and Business Regulations Originating Officer: Alexander Lisowski Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for A & Y Wines, 116 Brick Lane, London, E1 6RL. Ward affected: Spitalfields and BanglaTown
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1.0 Summary

Name and Address of premises:	A & Y Wines 116 Brick Lane London E1 6RL
Licence under review:	Licensing Act 2003 § Sale by retail of alcohol
Representations:	Licensing Authority Metropolitan Police Public Health Local Residents

2.0 Recommendations

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

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

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

3.0 Review Application

3.1 This is an application for a review of the premises licence for **A & YWines, 116 Brick Lane, London, E1 6RL**. The review was triggered by: **The Licensing Authority as a responsible authority**.

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

4.0 The Premises

4.1 The premises licence was issued on 27th September, 2005. A copy of the current licence is contained in **Appendix 2**.

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

5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by: **The Licensing Authority in its' role as a Responsible Authority**.

5.2 The review is supported by The Metropolitan Police. Please see **Appendix 4**.

5.3 The review is also supported by the Public Health, Education, Social Care & Wellbeing Directorate. **Please see Appendix 5**.

5.4 Local residents have also made representations. **See Appendix 6**.

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

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

5.6 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime and disorder.

6 Review Explained

6.6 The Licensing Act 2003 was described by the Government at the time as "light touch" but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) "Local residents and businesses as well as expert bodies, will have the power to request that the

licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”

6.7 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 7**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in September 2013.

6.8 Members are particularly asked to note the comments in relation to Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”

6.9 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 8**.

6.10 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 9**. The Pool Conditions in the Policy are the same as the Government’s.

6.11 The home office has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 10**.

6.12 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 11**.

6.13 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licenceholders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”

- 6.14 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident, business or member of the Licensing Authority).
- 6.15 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.
- 6.16 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7 Review Advertisement

- 7.6 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 7.7 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 7.8 The procedure for a review can be summarised as follows:
- A review is triggered by a responsible authority or interested party
 - Consultation is conducted for 28 full days
 - Other responsible authorities or interested parties may join in the review
 - Members conduct a hearing
 - Members make a determination
 - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8 Licensing Officer Comments

- 8.1 The Government's advice in relation to reviews is contained in **Appendix 7**. Members must consider all the evidence and then decide from the following alternatives:

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

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

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

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

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

9 Legal Comments

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

10 Finance Comments

10.2 There are no financial implications in this report.

11 Appendices

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Representations from The Metropolitan Police
Appendix 5	Representations from Public Health
Appendix 6	Representations from local residents.
Appendix 7	Guidance issued under Section 182 by the Home Office for reviews
Appendix 8	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 9	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 10	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 11	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I John Patrick McCrohan

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description A&Y WINES, 116 Brick Lane	
Post town	Post code (if known) E1 6RL

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

Number of premises licence or club premises certificate (if known) 14799
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

n/a

First names

n/a

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

n/a

Post town

n/a

Post Code

n/a

Daytime contact telephone number

n/a

E-mail address (optional)

n/a

(B) DETAILS OF OTHER APPLICANT

Name and address

n/a

Telephone number (if any)

n/a

E-mail address (optional)

n/a

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address John McCrohan Licensing Authority Trading Standards and Licensing Service London Borough of Tower Hamlets Mulberry Place (AH) PO Box 55739 5 Clove Crescent London, E14 1BY
Telephone number (if any) [REDACTED]
E-mail address (optional) john.mccrohan@towerhamlets.gov.uk

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)
Please refer to attached document.

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

Please refer to attached document.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

n/a

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

[Redacted Signature]

Date

8th October 2013

Capacity

TRADING STANDARDS AND LICENSING MANAGER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

London Borough of Tower Hamlets

A&Y Wines, 116 Brick Lane, London, E1 6RL

Licence No **14799** (Licence Holder — Mr Abdul Wahid 106 Brick Lane London E1 6RL)

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

London Borough of Tower Hamlets – Licensing Authority

REPRESENTATIONS

-
1. The Licensing Authority is designated a 'responsible authority' for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and Disorder licensing objective, and public nuisance licensing objective.
 2. The premises at 116 Brick Lane, a venue known as A&Y Wines, holds a Premises Licence under the Licensing Act 2003, numbered [REDACTED]
 3. The Premises Licence Holder and Designated Premises Supervisor at the premises is Mr Abdul Wahid 106 Brick Lane London E1 6RL following a transfer that was completed in April 2011.

Drinking control zone

4. The Council has introduced Designated Public Place Orders (DPPO),” a drinking control zone” across the Borough having been satisfied that there was an alcohol related nuisance or annoyance to the public in the Borough.

Saturation policy

5. The Premises is within the cumulative impact policy zone (saturation policy) that is currently in the progress of being implemented. The justification for a saturation policy in Brick Lane can be summarised as:-

- A) There are already over 207 Licensed Premises within this small area;
- b) The continuing high levels of violent / alcohol related in the Brick Lane Area (2011 Violent Crime 30% of all Alcohol Related Crime);
- c) It is responsible for 8% of all crime within Tower Hamlets;
- d) . It is responsible for the highest level of complaints about street drinking;
- e) . 22% of all police calls to licensed premises are in the Brick Lane Area;
- f.) There are clear demonstrable links between violence against the person offences and alcohol related violence in the Brick Lane Area;
- g) . LBTH has the second highest level of ASB in London;

- h) . The highest rates of ASB in the Borough are in the Brick Lane Area;
- i) . ASB is now decreasing in the Borough and Brick Lane Area but it still is at levels that continues to give rise to complaints from local residents;
- j) . LBTH has significantly worse alcohol related harm indicators compared with regional and national averages;
- k) . There is a steady increase in ambulance call outs in the Brick Lane Area;
- l) . The Brick Lane Area has a vibrant and expanding night time economy which has led to a sizeable and steady increase in visitors to the area;
- m) . Considerable tensions have been built up because of the conflicting demands of the night time economy and the local residents.

Brick lane – Shoreditch ASB/crime hot spot

6. The Licensing Authority understands that the Brick Lane/Shoreditch triangle that runs across Islington, Hackney and Tower Hamlets is flagged as a crime and disorder hotspot of the similar magnitude as Westminster. To address this, the Metropolitan Police is extending its Operation Trafalgar to include Brick lane and the Shoreditch area.

Crime and disorder

Seizures of illicit alcohol

7. On 15th April 2011, 2 bottles of counterfeit Jacob's Creek wine were seized from the premises. A written warning was given for possible offences under Section 92 of the Trade Marks Act 1994.

Test purchase 23/8/13 at 23:28 - miniature bottle of brandy – cup

8. On 23rd August 2013, Consumer and Business staff, two Environmental Health Officers, entered the shop at about 23.28. A customer was seen buying a large bottle of spirits and a large bottle of Coca cola. The customer asked the man behind the counter if he could have some cups. The staff member asked: "How many?" The male shop keeper serving the customer with said cups and said "we want to keep everyone happy". The customer then paid and left the premises.
9. One of the EHOs purchased a bottle of mini Martel brandy, a can of ginger beer, which she had picked up from the . After she received the drinks from the seller she asked for a cup. The seller behind the counter gave her a white plastic cup. She paid £3.60.

Observations on the night of 5th October 2013 – members of the public drinking from plastic cups outside A&Y WINES LTD

10. On the night of Saturday 5th October 2013, Environmental Health Officers observed groups standing outside A&Y WINES LTD, with small bottles of alcohol drinking from plastic cups.
11. The Licensing Authority is of the view that the test purchase shows that the premises is facilitating the immediate consumption of the alcohol in the public areas in and around Brick Lane. The Public consumption of alcohol in the Brick

Lane in the early hours of a weekend increases the risk crime and disorder and public nuisance.

**Intelligence report from a Tower Hamlets Enforcement Officer –
selling to a drunken person**

12. A Tower Hamlets Enforcement Officer reported that on Saturday the 30th June 2012 at approximately 0100 hours whilst patrolling BRICK LANE E1 opposite the junction of FASHION STREET E1, he stopped a MALE for being very drunk unable to speak clearly and very unsteady on his feet. The male was also in possession of one can of Skolls alcohol which he stated that he had just bought. The THEO along with the drunken individual took the alcohol back to where he had bought it from: A&Y Off Licence 116 BRICK LANE E1.

13. The THEO saw Abdul QUDDUS a worker at the shop, who refunded £1.30 for the alcohol. QUDDUS was given a verbal warning for selling to a clearly drunk MALE.

Public nuisance

Hopetown Hostel nearby

14. The Licensing Authority wishes to draw the sub-committee's attention to proximity of the premises to the nearby Hopetown Hostel. A map is appended showing the proximity of the Hopetown Hostel to the premises. Local residents complain that Residents from Hopetown Lifehouse and their acquaintances often congregate between the junction of Osborne Street/Brick Lane and Old Montague Street/Wentworth Street. Hopetown Hostel is one of a number of

premises in and around the Brick Lane area that house vulnerable adults. It is the Licensing Authority's contention that because of lack of management control of the business, there is a foreseeable risk that sales of alcohol will be made to vulnerable adults, leading to public nuisance.

Business links with off licence premises ROBI'S at 106 BRICK LANE

15. Abdul Wahid, the premises licence holder gives the address 106 BRICK LANE, across from 116 BRICK LANE. 106 BRICK LANE is the address of ROBI'S, an off-licence business that had a premises licence in the name of S&B WINES LTD, a limited company that was subject to voluntary dissolution in December 2010.

16. The voluntary dissolution of S&B WINES LTD came to the attention of the Licensing team whilst preparing a Licensing Review against S&B WINES LTD. Section 27 of the Licensing Act 2003 states that a premises licence held by a dissolved Limited company lapses. There is a procedure to apply for an "interim authority" but that has to be completed within 28 days of the dissolution. An application for an "interim authority" was out of time and hence the premises licence at 106 BRICK LANE has lapsed.

17. Abdul BASHIR is a director of S&B WINES LTD (106 BRICK LANE) and also a director of BRICK LANE WINES LTD, 116 BRICK LANE

18. The sole director of S&B WINES LTD was Abdul Bashir.

19. The sole director of BRICK LANE WINES LTD is one ABDUL BASHIR, a limited company showing its registered office as 116 BRICK LANE.
20. Licensing records show that the annual premises licence fee was paid in 2012 by Abdul QUADDUS.
21. Furthermore, Licensing records show that the annual premises licence fee was paid in 2011 by AK WINES LTD, a limited company which has its registered office at 116 BRICK LANE; Abdul QUADDUS is shown as a director.
22. A new premises licence application has been received for 106 BRICK LANE, and Abdul QUADDUS is named as the proposed DPS.
23. It is the Licensing service's view that the businesses at 106 Brick Lane and 116 BRICK LANE are controlled by the same individuals and as such can be viewed as one operation.
24. The Licensing Service was in the process of triggering a review arising from concerns about the management of 106 Brick Lane. It follows that the Licensing Service has to draw the sub-committee's attention to the issues it was raising about 106 BRICK LANE which were:-

- **Unlicensed sale of alcohol on 4th October 2013** by one Abdul Quaddus

- **Breach of condition** “.Alcohol shall not be sold in an open container or be consumed in the licensed premises
- **Three Seizures** of smuggled alcohol
- A **written warning** in 2009 for an under-age sale of alcohol to a test purchaser

Licensing authority concerns - management of premises in hot spot area

25. The Licensing Authority has serious concerns regarding the general management of the premises as a result of the above. In particular because of the nature of the area and concerns about crime and disorder, protection of children and public nuisance, the Licensing Authority needs to have confidence that licensed premises in the Brick Lane area are managed in way to ensure the Licensing objectives are met. The Licensing Authority does not have confidence that the management of the premises by the Premises Licence holder will ensure that the Licensing objectives are met.

26. This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the HOME OFFICE. In particular the Service requests that you consider paragraphs 11.24 to 11.28, *Reviews arising in connection with crime*, making reference to paragraph 11.25. Paragraph 11.27 states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers

should be treated particularly seriously. These are the use of licensed premises for, amongst other things, the sale of smuggled tobacco and alcohol. In paragraph 11.28 the guidance advises that revocation of the licence should seriously be considered, even at first instance.

27. The Licensing Authority therefore respectfully submits that the Licensing Sub-Committee considers whether it should exercises its power under Section 52 of the Licensing Act 2003 and revoke the premises licence.

28. Should the Licensing sub-committee choose not to revoke the premises licence, the Licensing Authority respectfully requests that the Licensing sub-committee considers its power to impose a suspension of the premises licence for a period of time that the sub-committee thinks is appropriate; and in order to improve the management of the premises in accordance with the Council's Licensing Policy and concerns about crime and disorder, and public nuisance the applicant seeks to have the terminal hours changed and the conditions below added to the premises licence.

29. The times the licence authorises the carrying out of licensable activities are changed as follows:-

"The sale by retail of alcohol ,Monday to Sunday 08 00 hrs to 23:00"

30. Conditions:-

- 1) The premises will not sell any beer, larger or cider that exceeds the strength of 5.6%abv or higher unless 3 or more bottles/cans are purchased together;
- 2) During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups,
- 3) During a sale of alcohol, the premises will not open any container the alcohol is contained in;
- 4) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
- 5) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - I. Seller's name and address
 - II. Seller's company details, if applicable
 - III. Seller's VAT details, if applicable
 - IV. Vehicle registration detail, if applicable
 - V.
- 6) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

7) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

8) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately. "

John Patrick McCrohan

Trading Standards and Licensing Manager

London Borough of Tower Hamlets

Welcome John McCrohan

Sunday 29th September 2013 16:12

Officer Details

< < Back

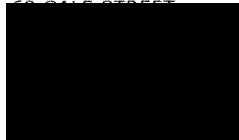
[previous page](#)

Page no. 1

Surname: WAHID

Forename: ABDUL

Postal Address: 60, BALE STREET



Date of Birth:

Number of Current Appointments: 0

Number of Dissolved Appointments: 1

Number of Resigned Appointments: 1

Company No.	Company Status	Appt. Type	Appt. Date	Appt. Resignation Date	Occupation
S & B WINES LIMITED					
04532796	Dissolved	SEC	13 Sep 2002		SERVICE
KW WINE LTD					
06837833	Dissolved	DIR	05 Mar 2009	20 Mar 2009	BUSINESSMAN

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Welcome John McCrohan

Friday 4th October 2013 09:42

Company Details

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Company Details

[< < Hide](#)

Name & Registered Office:

BRICK LANE WINE LTD

116 BRICK LANE

LONDON

UNITED KINGDOM

E1 6RL

Company No. 08453672

Status: Active

Date of Incorporation: 20 Mar 2013

Country of Origin: United Kingdom

Company Type: Private Limited Company

Nature of Business (SIC(03)):

None Supplied

Accounting Reference Date: 31 Mar

Last Accounts Made Up To: (NO ACCOUNTS FILED)

Next Accounts Due: 20 Dec 2014

Last Return Made Up To:

Next Return Due: 17 Apr 2014

Previous Names:

No previous name information has been recorded over the last 20 years.

[View Company Appointed Officer List](#)

[View Company Filing History](#)

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Welcome John McCrohan

Friday 4th October 2013 09:41

Officer Details

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Page no. 1

Surname: BASHIR
Forename: ABDUL
Postal Address: 116 BRICK LANE
 LONDON
 UNITED KINGDOM
 E1 6RL
Date of Birth: 03 Dec 1989

Number of Current Appointments: 2
Number of Dissolved Appointments: 0
Number of Resigned Appointments: 0

Company No.	Company Status	Appt. Type	Appt. Date	Appt. Resignation Date	Occupation
SHEBS WINE LTD 08094924	Active	DIR	06 Jun 2012		BUSINESSMAN
BRICK LANE WINE LTD 08453672	Active	DIR	20 Mar 2013		BUSINESSMAN

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Welcome John McCrohan

Friday 4th October 2013 09:41

Officer Details

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Page no. 1

Surname: BASHIR
Forename: ABDUL
Postal Address: 116 BRICK LANE
 LONDON
 UNITED KINGDOM
 E1 6RL
Date of Birth: 03 Dec 1989

Number of Current Appointments: 2
Number of Dissolved Appointments: 0
Number of Resigned Appointments: 0

Company No.	Company Status	Appt. Type	Appt. Date	Appt. Resignation Date	Occupation
SHEBS WINE LTD 08094924	Active	DIR	06 Jun 2012		BUSINESSMAN
BRICK LANE WINE LTD 08453672	Active	DIR	20 Mar 2013		BUSINESSMAN

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Welcome Ian Moseley

Friday 4th October 2013 10:15

Companies House Search

Company Details

<< Hid

Name & Registered Office:

AK WINE LTD

116 BRICK LANE

LONDON

ENGLAND

E1 6RL

Company No. 06597819

Status: Active

Date of Incorporation: 20 May 2008

Country of Origin: United Kingdom

Company Type: Private Limited Company

Nature of Business (SIC(03)):

47250 - Retail sale of beverages in specialised stores

47260 - Retail sale of tobacco products in specialised stores

Accounting Reference Date: 30 Jun

Last Accounts Made Up To: 30 Jun 2012 (TOTAL EXEMPTION SMALL)

Next Accounts Due: 31 Mar 2014

Last Return Made Up To: 20 May 2013

Next Return Due: 17 Jun 2014

Last Members List: 20 May 2013

Previous Names:

No previous name information has been recorded over the last 20 years.

View Company Appointed Officer List

View Company Filing History

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Welcome Ian Moseley

Friday 4th October 2013 10:16

Officer Details

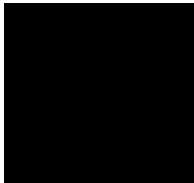
< < Back

Page no. 1

Surname: QUADDUS

Forename: ABDUL

Postal Address:



Date of Birth:

Number of Current Appointments: 2

Number of Dissolved Appointments: 0

Number of Resigned Appointments: 1

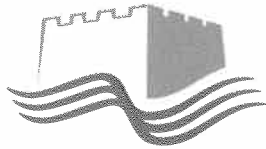
Company No.	Company Status	Appt. Type	Appt. Date	Appt. Resignation Date	Occupation
AK WINE LTD 06597819	Active	DIR	20 May 2008		BUSINESSMAN
SHISH MAHAL DINING CLUB LTD 07763624	Active	DIR	09 Sep 2011		BUSINESSMAN
ROBI`S (UK) LTD 06705304	Dissolved	DIR	23 Sep 2008	25 Nov 2010	BUSINESSMAN

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TOWER HAMLETS 5x5x5 INTELLIGENCE REPORT

Report	
Date of report:	30/06/2012
Officer reporting:	Barwell TH 5004
Directorate:	CLC
Department:	THEOs
Report subject:	1 x Intelligence Report
Flare number:	THEO/2012/0125

1x Intelligence Report

On Saturday the 30th of June 2012 at approximately 0100 hours whilst patrolling BRICK LANE E1 opposite the junction of FASHION STREET E1 I stopped a MALE who I now to be

XXXXXXXXXX
E1 7SA

CSAS OFFICER TH5004 BARWELL

The reason for stopping the xxxxx was due to him being very drunk unable to speed clearly and very unsteady on his feet. XXXX was also in possession of one can of Skolls alcohol which he stated that he had just bought. XXXX then took the alcohol back to where he had bought it.

A&Y Off Licence
116 BRICK LANE E1

I saw as Abdul QUDDUS a worker at the shop refunded him £1.30 for the alcohol.

I then issued QUDDUS with a verbal warning for selling to a clearly drunk MALE.

Source Evaluation (please indicate / highlight)

A	B	C	D	E
Always reliable	Mostly reliable	Sometimes reliable	Unreliable	Untested source

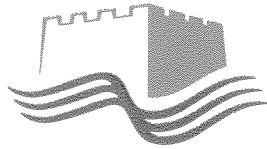
Intelligence Evaluation (please indicate / highlight)

1	2	3	4	5
Known to be true without reservation	Known personally to source but not to officer	Not personally known to source but corroborated	Cannot be judged	Suspected to be false or malicious

Handling Code (please indicate / highlight)

(to be completed at time of entry onto an intelligence system and reviewed on dissemination)

1	2	3	4	5
May be disseminated to other law enforcement and prosecuting agencies,	May be disseminated to UK non prosecuting parties (authorisation and	May be disseminated to non EEA law enforcement agencies (special condition apply)	May be disseminated within the originating agency only	No further dissemination: refer to the originator. Special handling requirements

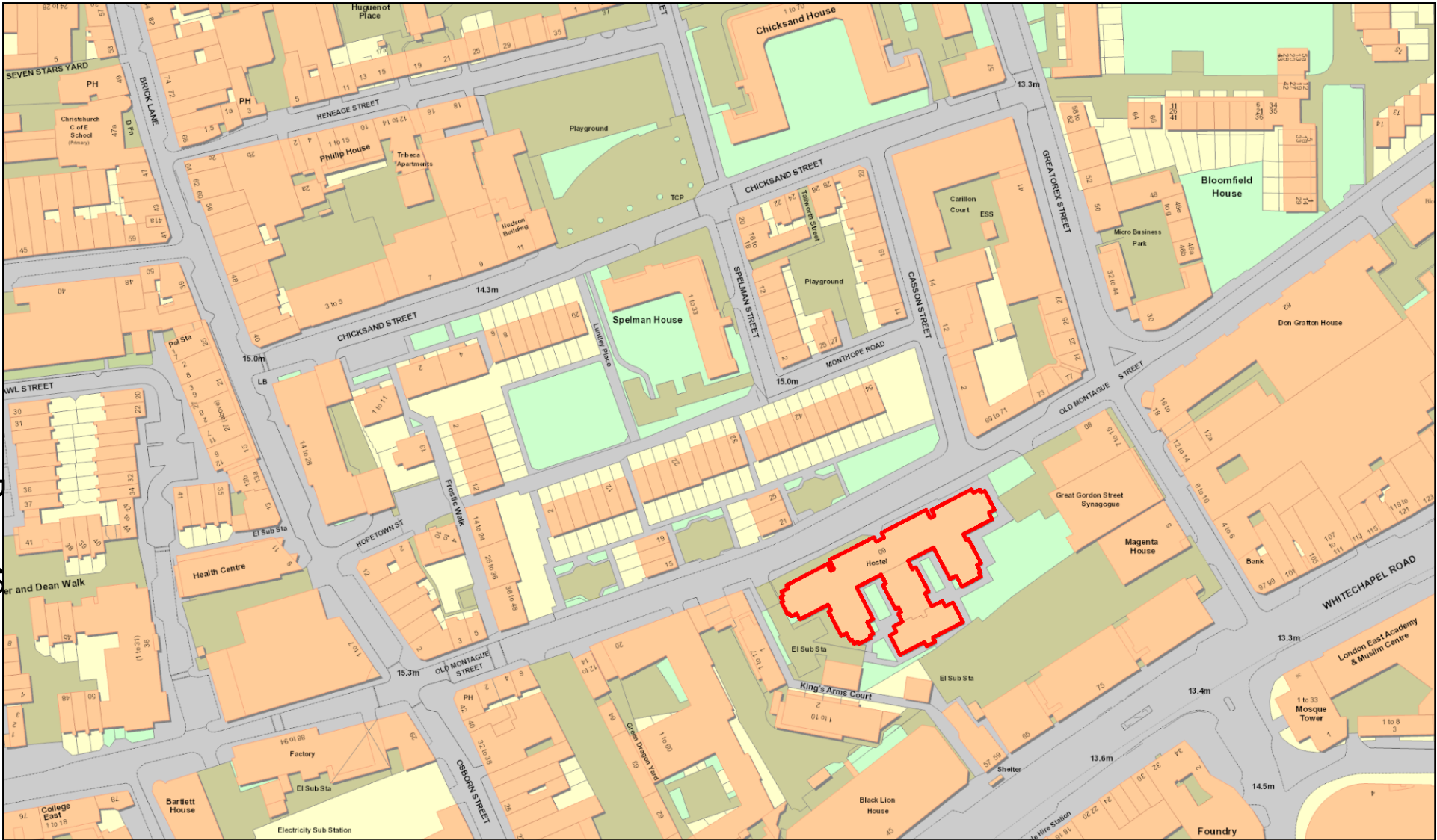


TOWER HAMLETS 5x5x5 INTELLIGENCE REPORT

including law enforcement agencies within the EEA, and EU compatible (no special conditions).	records needed)			imposed by the officer who authorised collection
---	-----------------	--	--	--

Please pass information by e mail to

Philip Gospage
THEO Team Leader
Communities Localities and Culture
Community Safety Service
7th Floor Anchorage House



Hopetown Hostel

proximity to Brick Lane



Scale 1:1750

10 0 10 20 30

 Metres



Appendix 2

**(A & Y Wines)
116 Brick Lane
London
E1 6RL**

Licensable Activities authorised by the licence

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

**Jackie Randall _____
Licensing Services Manager**

**Date: 27/09/05
(Amended on the 9/10/08)
(Conditions added 17/11/2009 on Review)**



Part A - Format of premises licence

Premises licence number

14799

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(A & Y Wines)
116 Brick Lane
London

Post town
London

Post code
E1 6RL

Telephone number
[REDACTED]

[REDACTED] **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

The sale by retail of alcohol

Monday to Sunday
08 00 hrs to 02 30 hrs the following day

The opening hours of the premises

Monday to Sunday
08 00 hrs to 02 30 hrs the following day

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

Off sales only

Part 2

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

Mr Abdul Wahid

[REDACTED]

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

N/A

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

Abdul Awal

[REDACTED]

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

Personal Licence Number:

[REDACTED]

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

None

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

1. CCTV to be maintained in good working order with tapes to be kept for 31 days and to be made available upon request at 24 hours notice to the Metropolitan Police and officers from the London Borough of Tower Hamlets who are authorised under the Licensing Act 2003.
2. The Designated Premises Supervisor (DPS) or a Personal Licence Holder must be present on the premises when all alcohol sales are made
3. The introduction of the Challenge 21 policy and No ID No Sale policy which is supported with signage at all entrances and in the serving area and suitable signage to be prominently displayed inside and outside the premises stating that those aged 21 or over who do not look their age will be asked for proof of ID.
4. Only documentation which includes a photograph of the purchaser are acceptable to prove that persons age, e.g. passport, new style driving

licence, and only PASS- approved age cards, e.g. Portman card, citizens card.

5. A Refusal book is maintained, which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The Licensee or the Designated Premises Supervisor should monitor the Log on a regular basis and sign it to show it has been done.

Annex 4 - Plans

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

22 JUL 2005



Part B - Premises licence summary

Premises licence number

14799

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(A & Y Wines)
116 Brick Lane
London

Post town
London

Post code
E1 6RL

Telephone number
[REDACTED]

[REDACTED]
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

The sale by retail of alcohol
Monday to Sunday
08 00 hrs to 02 30 hrs the following day

The opening hours of the premises

Monday to Sunday
08 00 hrs to 02 30 hrs the following day

Name, (registered) address of holder of premises licence

Mr Abdul Wahid
[REDACTED]

[REDACTED]

[REDACTED]

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

N/A

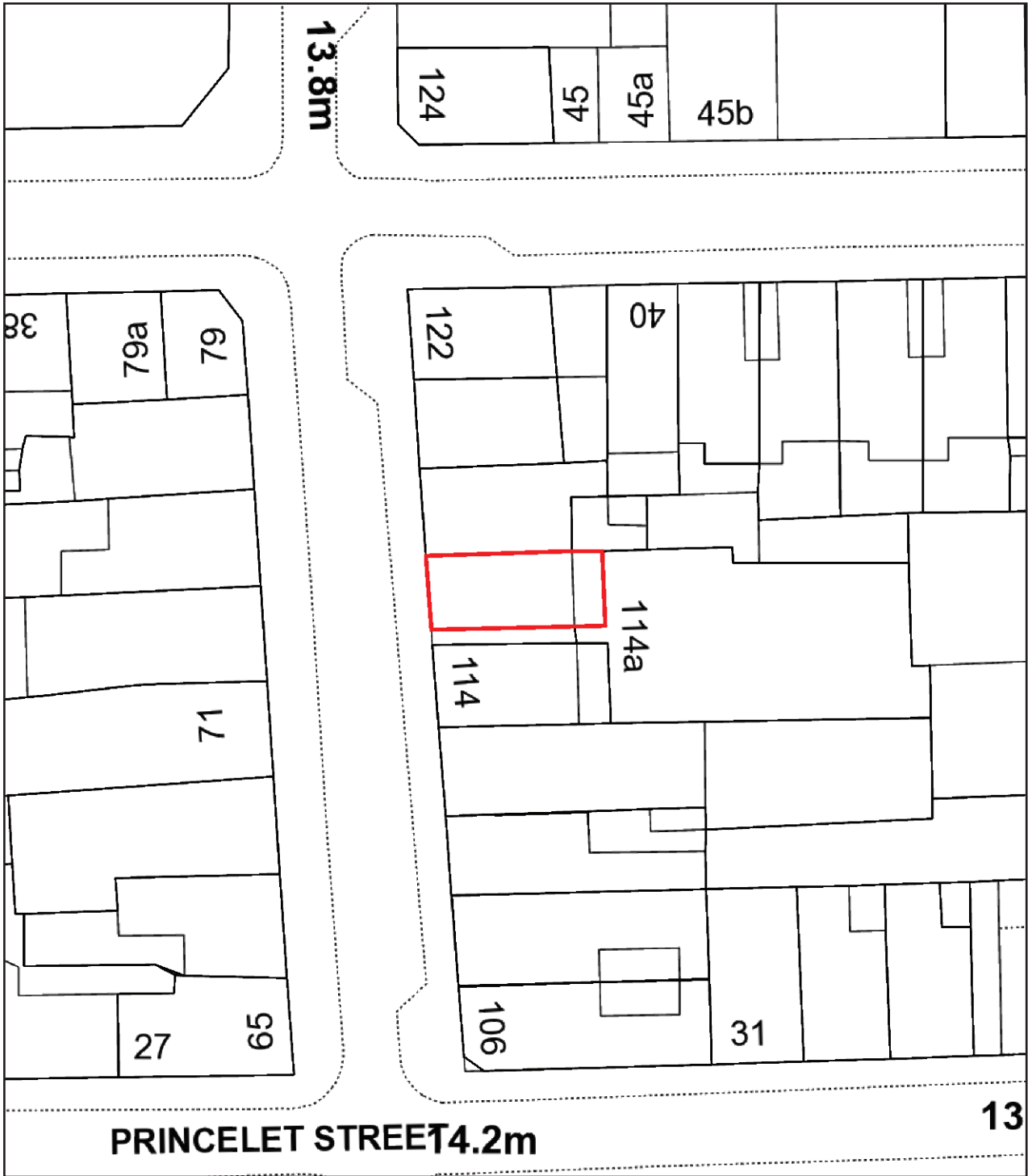
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Abdul Awal

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

No

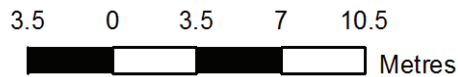
Appendix 3



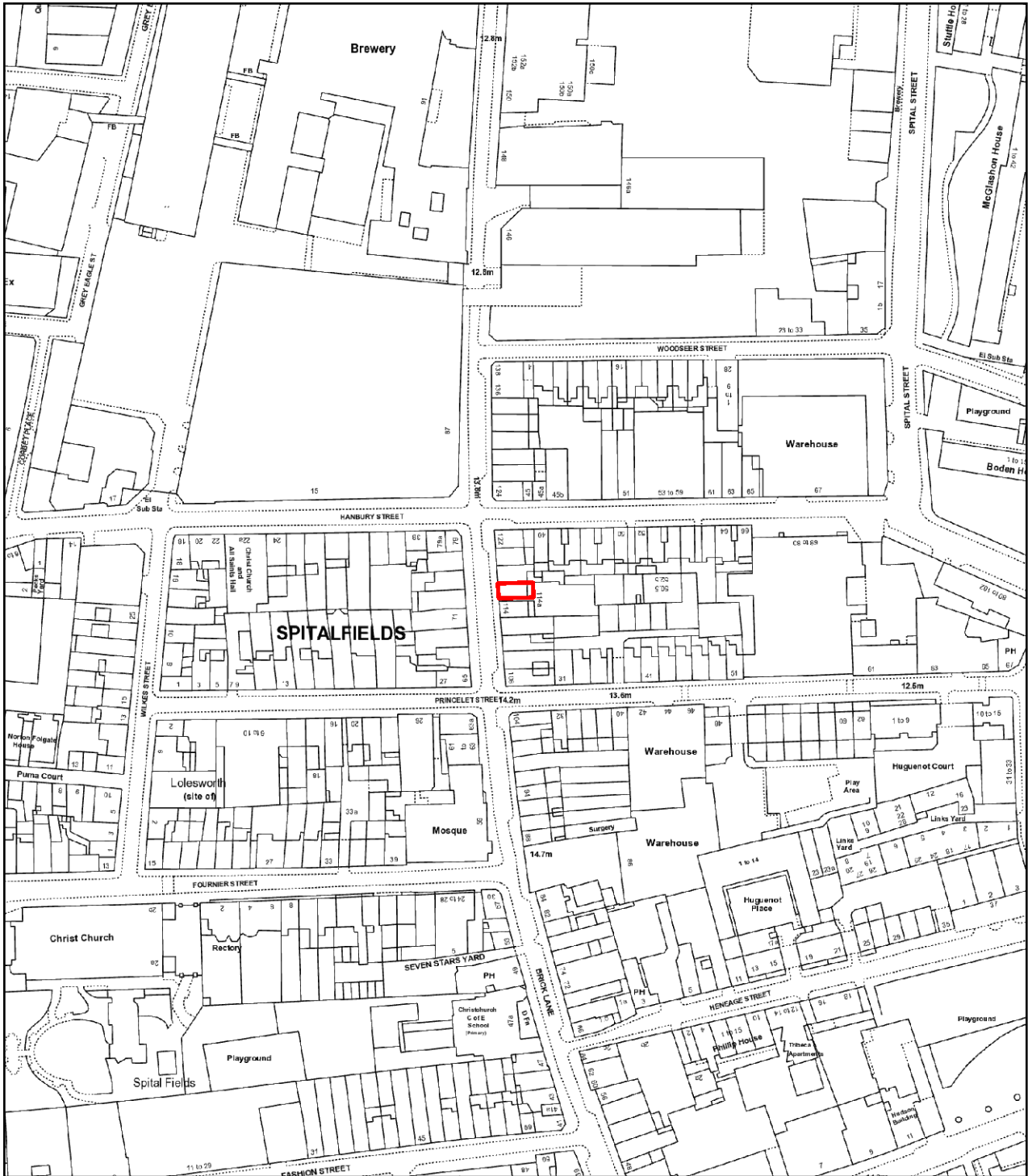
116 Brick Lane



Scale 1:384



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116 Brick Lane



Scale 1:1922

10 0 10 20 30



Metres



Appendix 4

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

Licensing Unit at Old Cad Room
Limehouse Police Station
27 West India Dock Road
E14 8EZ

Telephone:
Email: Mark.Perry2@met.police.uk
www.met.police.uk

19 October 2013

Tower Hamlets Police support the review by Tower Hamlets Council of A & Y Wines 116 Brick Lane, on the grounds of Crime and Disorder.

Brick Lane an Overview

Between 10pm on Friday night and 2:00am Monday morning Tower Hamlets is second only to the West End for ASB calls to Police in London, this is shown on Page 1 of the appendix. Brick Lane is a Hot Spot for alcohol related anti-social behaviour, noise, inconsiderate behaviour and overall anti-social behaviour, as shown in pages 2 - 6 of the appendix. This is due in large part to the number of licensed premises in and around Brick Lane.

While the larger licensed premises such as Café 1001, Vibe Bar, Big Chill and others attract people to the area and can be described as “destination venues”, the off licenses like A & Y Wines are places where people go to purchase alcohol to drink in the Brick Lane area before they enter the larger venues. Many of those people consuming alcohol in Brick lane having purchased them from the local off licenses, are responsible for a large proportion of the anti-social behaviour reported to both the Police and Tower Hamlets Council. Many of these people have usually already consumed alcohol prior to entering Brick Lane.

They stand around the off licenses or in the immediate vicinity, usually in small groups and as they drink more alcohol their voices become louder and their behaviour more inconsiderate to people around them. As they are loitering in Brick Lane drinking the alcohol they have bought from the local off licenses they attract people who want to sell them Nitrous Oxide (laughing gas) from balloons, and also people who want to sell them drugs.

Many of the Off licenses are open after these larger venues close, and people then purchase more alcohol from them as they leave Brick Lane to go on to venues that are still open. This contributes to a “double hit” of alcohol related crime and antisocial behaviour caused by customers of the night time economy as they come into, and then leave the Brick lane area. As the table on page 7 of the appendix shows over 25% of all crime in Spitalfields and Banglatown ward is committed between 8:00pm to 2:00am Friday to Sunday. The table on page 8 of the appendix shows that 20% of all crime in Weavers ward is committed between 8:00pm to 2:00am Friday to Sunday

All the off licenses and indeed all the licensed premises in and around Brick Lane have been made aware by the Police that encouraging people to consume alcohol in the Brick Lane area only contributes to the level of anti-social behaviour and crime. They have been asked not to sell plastic or paper cups, not to open containers of alcohol for customers, all of which contribute to the alcohol related anti-social behaviour in the area.

The negative effects of the “Night Time Economy” are also demonstrated in the data provided by the Director of Public Health data which was provided to Full Licensing Committee in October 2013. The data in table 1 that Spitalfields and Banglatown ward and Weavers ward, both of which cover Brick Lane have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

A & Y Wines

I have conducted numerous patrols in Brick Lane, and on many of those patrols I have seen people outside A & Y Wines consuming alcohol either standing directly outside the store, or a few meters away. These people are usually in groups of about 5 or 6 and sometimes many more. Their voices are loud and their behaviour is often anti-social due to their loud voices and drunken antics.

Friday 18th October 2013

At about 10:05pm I entered the store and asked to see the refusals book. It was handed to me by the person in charge of the shop Abdul Bashir. The refusals book had not updated since November 2012. I warned Mr. Basher that this was contrary to Condition 5 of Annex 3 of the premises license and that I would be issuing the premises with a Section 19 Closure Notice. I asked Mr. Bashir for the book, but he refused, so I took pictures of it which I exhibit as MJP 1,2,3,4, and 5.

I then asked Mr. Bashir if he was a personal license holder. He replied that he was not. I asked if there was anybody in the shop who was a personal license holder, and Mr Bashir replied that there was not. I then informed him that this was contrary to contrary to Section 2 of Annex 3 of his License. Mr. Bashir said that the DPS would be here shortly. I told him that this was not good enough and the license required the DPS or personal license holder to be on site when alcohol was sold. Mr. Bashir said that this was unfair to have to have one (personal license holder) at the shop all the time.

The DPS Mr. Abdul Awal then arrived and I told him of the breaches of the conditions in premises license. I asked him for the CCTV from 6pm to close for every Friday and Saturday in October so I could check to see if either he or a personal license holder had been on site when alcohol was sold. I told Mr. Awal that I would return next week to collect the CCTV. Mr Awal became very agitated and said that it was unfair to target his shop and the off license next door was selling past its hours. I told him that we were checking other licensed premises on Brick Lane. I also told him that if he could not produce the CCTV then I would consider that a breach of Condition 1 of Annex 3 of his license and that I would issue another Section 19 Closure Notice.

Sunday 16th September 2012

At about 9:45pm Pc Cruickshank walked past A & Y Wines, there were a number of people drinking outside both off licenses. Pc Cruickshank saw that 3 or 4 of them were drinking from plastic cups. On turning right into Princelet Street he saw another 4 or 5 people drinking from plastic cups. At least two of them were young Italians. Pc Cruickshank asked these people where they got their cups from. An 18 year old Italian woman said they had got the cups from where they bought their alcohol. On asking which off license she had purchased them from, she walked to the end of the street and pointed to A&Y Wines and Brick Lane off license.

Friday the 24th August 2012

I visited A & Y Wines with officers from the Whitechapel Town Centre Team. No incident refusal book was on the premises, a breach of Condition 5 of Annex 3 of their licensing conditions.

The fact that A & Y Wines has been providing plastic cups to customers who purchase alcohol is concerning as encourages people to drink alcohol they have bought from the shop outside in Brick Lane and the surrounding side streets. This then attracts more people to the shop who purchase alcohol and then consume it outside, and contribute to the anti-social behaviour in the area. Brick Lane is part of the "Drinking Control Zone" so by giving customers plastic cups for customers, the shop is in my opinion encouraging and assisting its customers to breach Tower Hamlets own policy.

Given the evidence from Tower Hamlets Licensing and our own evidence Tower Hamlets Police fully support the review, which we believe will help reduce crime and disorder in the area. There is a long history of the owners and management of the shop failing to observe the conditions of their license. There is also a history of the shop supplying plastic cups to their customers, which results in their customers drinking in Brick Lane. We have no confidence in the management of this premises to abide by any conditions, and we therefore ask for their premises license to be revoked.

Should the Licensing Committee choose not to revoke their license we would like in addition to the conditions sought by Tower Hamlets Council, to ask for the following condition to be amended:

1. A CCTV camera system covering both internal and external to the premise is to be installed. The system is to be of a quality that is acceptable to Tower Hamlets Council and Tower Hamlets Police.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority.

Yours sincerely,

PC Mark Perry
Tower Hamlets Police Licensing Office

Appendix 5

**Public Health, Education, Social Care &
Wellbeing Directorate
Commissioning & Health**

London Borough of Tower Hamlets
5 Clove Crescent
Mulberry Place, 4th Floor
London, E14 2BG

Tel: [REDACTED]

[REDACTED] towerhamlets.gov.uk

www.towerhamlets.gov.uk

14th October 2013

Dear Mr Mccrohan,

Re: Representation from the Director of Public Health

As the responsible body for health the Director of Public Health would like to make a representation on the licensing review application for the premises A&Y Wines, 116 Brick Lane E1 6RL (premises licence number: 14799).

Grounds for representation:

The location of the premises poses a high risk of public nuisance and public safety through the inappropriate and unregulated alcohol consumption among vulnerable adults.

The premises is in the proximity to the following two hostels and medical practice (within 5 minutes walking distance):

- Hopetown Hostel, 60 Old Montague Street, London, E1 5NG
- Dellow Centre, 82 Wentworth Street Dellow Centre London, E1 7SA
- Health E1, 9-11 Brick Lane London E1 6PU, a homeless medical centre

The majority of residents and patients of these services are considered to be vulnerable adults due to mental health problems and factors such as homelessness and substance misuse which can lead to them being unable to take care of themselves or protect themselves without help.

The misuse of alcohol – whether as chronically heavy drinking, binge-drinking or even moderate drinking among vulnerable people – poses a threat to the health and wellbeing of the drinker and also poses a risk to the community through problems such as noise nuisance, anti-social behaviour and street loitering.

Alcohol problems are more common among people with mental health problems and consumption can reveal or intensify underlying feelings of anger, anxiety or worthlessness, causing people to become aggressive when they become intoxicated. The impact of alcohol is heightened among vulnerable adults and therefore can increase the risk of public nuisance and potentially crime and disorder in the community. To

reduce the risk of this wider social harm it is particularly important to regulate alcohol consumption among this target group.

Recommendations:

The location of this premises poses a higher risk of public nuisance and concerns for public safety due to inappropriate and unregulated alcohol supply among vulnerable adults.

In a motion to avoid the risk of public nuisance and address concerns for public safety, the DPH would recommend that due consideration is given to the following restrictions. The premises:

- Only supply alcohol between 12:00 until 22:00, Sunday to Saturday
- Given the offences outlined in the A&Y Wines application for the review of a premises licence (prepared by John P. McCrohan -Trading Standards and Licencing Manager) which includes selling alcohol to a drunken person, supply of cup with alcohol purchase and drinking from plastic cups outside the premises, the DPH is supportive of the other restrictions proposed such as the named licensee must be on premises at all times.

Yours sincerely,

Dr Somen Banerjee
Director of Public Health
Education, Social Care and Wellbeing Directorate
London Borough of Tower Hamlets

Appendix 6

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 29 October 2013 12:43
To: Alex Lisowski
Subject: FW: Review of alcohol licence at 116 Brick Lane

[A&Y Review...](#)

From: Alex Gordon Shute [mailto:████████████████████]
Sent: 29 October 2013 12:42
To: Licensing; Andrew Heron
Cc: Dick Tyler (CMS)
Subject: Review of alcohol licence at 116 Brick Lane

Dear Licensing Officers and Andrew Heron

Review of Premises Licence for 116 Brick Lane, E1

As a near neighbour (at ████████████████████) I'm writing to express a formal objection to the licence to sell alcohol already in operation at 116 Brick Lane, London E1.

My partner (cc'd) and I have seen first-hand the unruly behaviour from the patrons of 116 Brick Lane. The nuisance which the patrons create is not conducive to calm, domestic life and there are a number of children who live in flats locally who are being impacted by loud and drunken behaviour into the night.

As well as the level of noise, nuisance and disturbance from the patrons of 116 Brick Lane, the establishment is currently allowed to stay open far too late.

There are more off-licences in Brick Lane than are required, either for the visitors to the curry houses or to local residents. I would therefore ask the Licensing Sub-Committee to revoke this licence.

Yours sincerely,

Alex Gordon Shute (and Dick Tyler)

████████████████████
████████████████████
████████████████████
████████████████████

IthacaPartners[®]

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 22 October 2013 12:12
To: Alex Lisowski
Subject: FW: Objection to licence request for 116 Brick Lane

From: Conor McLernon [REDACTED]
To: Licensing
Subject: Objection to licence request for 116 Brick Lane

Dear Sir/ Madam,

I am the resident at [REDACTED] and I write to you to object to the application for the off-licence at 116 Brick Lane. As I understand it, a licence review is ongoing because the owner was found to be selling alcohol along with cups, to be directly used in the street!

I feel this off-licence stands out as one of the most problematic for the night time economy around Brick Lane, as exemplified by the manner in which the review has come up.

I have routinely seen the off-licence opened beyond its agreed closing time, playing loud music and with many drinking youth standing outside for hours, drinking from cups they have apparently been given by the owners. This severely damages the quality of local amenity for nearby residents.

The drunk youths who are encouraged to stand there and who essentially use the off-licence as a bar, stand in the middle of the road and are at risk from traffic. I've seen a number of fights break out here as well, and there is a general feeling of disorder.

I understand that the off-licence has been investigated many times by the Licensing team, particularly in terms of sticking to its licensed hours.

Given the planned saturation policy, and the views of the police, I feel there is a willingness to get Brick Lane's night time economy under control.

Accepting this license request would send a terrible message. Brick Lane really doesn't need any more off-licences open till 2am.

My concerns are as follows:

1. the proposed off-licence is not consistent with the Management Guidelines for the Brick Lane and Fournier Street Conservation Area
2. the proposed licence is likely to diminish the right of local residents to safe and pleasant enjoyment of the neighbourhood

The Management Guidelines for the Brick Lane and Fournier Street Conservation Area include the following:

- support for a small business focus including clusters of creative and cultural industries

- protection for "light industrial uses and other small businesses ... particularly the 'rag trade'"

The area is developing into an attractive upscale destination in accordance with these guidelines. On Hanbury Street opposite Ely's Yard, two exclusive shoe shops have recently opened, an upscale clothing boutique and a number of stylish coffee bars.

This upscaling is lucrative, and makes the area easier to Police and easier for LBTH to administer.

A cursory internet search shows 110 restaurants and bars in the area immediately surrounding Brick Lane.

What is needed is more of the upscale, boutique shops and cafes that are springing up on the streets surrounding the market and in Hanbury Street. YMC, MAC, Gresson, Keep Zero Gravity, Nude Espresso, Blitz, Love in a Cup. These are all desirable businesses that add both to the economy and the attractiveness of the area. What we don't need are more late night off-licences playing loud music.

Rights of local residents to quiet enjoyment

As a member of the Woodseer and Hanbury Residents Association, we are aware that existing alcohol licences in the area are not properly enforced (for example, the illegal shisha bar on Hanbury Street at number 47 remains open, and serving alcohol, even though it has no licence) and the "responsible drinking borough" isn't upheld (the pavement surrounding Ely's Yard is regularly used as a late night hangout for drinking)

What we need is more good business for the area; what we don't need are any more late night drinking dens. Can I ask you to please:

1. decline this application for an alcohol licence on the basis that it is not consistent with the Management Guidelines for the Brick Lane and Fournier Street Conservation Area;
2. properly enforce the conditions of current alcohol licences in the neighbourhood;
3. encourage the police to enforce the "responsible drinking borough".

Kind Regards,

Conor McLernon

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 21 October 2013 14:36
To: Alex Lisowski
Subject: FW: Review of alcohol licence for 116 Brick Lane

From: Critchley [REDACTED]
Sent: 21 October 2013 14:25
To: Andrew Heron; Licensing
Subject: Review of alcohol licence for 116 Brick Lane

Dear Andrew Heron, Licensing Officers,

Review of Premises Licence for 116 Brick Lane, E1

The Committee of the Spitalfields Society has asked me to express our objection to the licence to sell alcohol already in operation at 116 Brick Lane, London E1.

We consider the operation of this licence very unlikely to satisfy the objectives of the Licensing Act 2003 in relation to Crime and Disorder and Public Nuisance, in that the premises are known to fuel acts of drunken and unruly behaviour from their patrons, contributing significantly to the high levels of anti-social behaviour resulting from indiscriminate alcohol consumption in the locality that cause residents endless stress and nuisance and sometimes lead to fights and other forms of assault in the streets.

The licensee encourages customers to loiter outside drinking and creating noise and severe disturbance to residents, as well as hectoring passers-by and committing other forms of anti-social behaviour. In addition, the establishment is currently allowed to stay open far too late.

There are far too many off-licences in Brick Lane, far more than are currently needed to provide wine and beer to customers of the curry houses, and they are notorious for breaches of the licensing laws and for causing extreme anxiety and disturbance among those living nearby. Therefore we ask the Licensing Sub-Committee to revoke this licence.

Yours sincerely,

Sandy Critchley
Vice-Chairman, Spitalfields Society

[REDACTED]
[REDACTED]

Alex Lisowski

From: Alex Lisowski
Sent: 21 October 2013 13:40
To: Alex Lisowski
Subject: FW: review of off-licence at 116 Brick Lane

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

From: Mark and Suzanne Lancaster [REDACTED]
Sent: 21 October 2013 10:30
To: Licensing
Cc: Alan Cruickshank
Subject: review of off-licence at 116 Brick Lane

Dear Sirs

We wish to support the review of off-licences at 116 Brick Lane currently being conducted by London Borough of Tower Hamlets.

We live on Brick Lane and witness constant street drinking encouraged by these premises. Members of the public buy alcohol (and in some cases plastic drinking cups) from these off-licences and congregate in groups on the pavement outside the shops and along the adjoining streets, including Hanbury St and Princelet St. Here they drink, sometimes all evening and certainly until some, at least, are totally drunk.

The residents of Brick Lane and the surrounding area suffer from high levels of noise and nuisance as those people then urinate, defecate and vomit on the street. The street drinkers play music, shout and swear and sometimes fight right outside our doors. There is frequently unpleasant and aggressive behaviour towards residents and the general public from these street drinkers. The high levels of crime on Brick Lane that are well documented are undoubtedly fuelled by this unsupervised street drinking. There cannot be any need for such a concentration of off licences within such a small area - especially as nowadays nearly all the restaurants on Brick Lane sell alcohol themselves.

We would ask that limits be put on the numbers of off licences available in this area, on the hours that they can stay open and on the people to whom alcohol is sold - especially preventing people who are already drunk or who clearly intend to drink on the street being prevented from buying alcohol.

Mark & Suzanne Lancaster
[REDACTED]
[REDACTED]

PS Please do not share my name and address with the owners and managers of these premises as I have already experienced repercussions from reporting the problems associated with the licences along Brick Lane.

Alex Lisowski

From: Alex Lisowski
Sent: 17 October 2013 17:00
To: Alex Lisowski
Subject: FW: revocation of the licence for off-sales of alcohol at 116 Brick Lane

From: Matt Piper [REDACTED]
Sent: 17 October 2013 14:29
To: Licensing
Cc: Alan Cruickshank
Subject: revocation of the licence for off-sales of alcohol at 116 Brick Lane

Dear Sir/Madam,

I wish to support the proposed revocation of the licence for off-sales of alcohol at 116 Brick Lane.

My family and I experience a wide range of anti-social behaviour, fueled by the nighttime economy in Brick Lane. One of the major causes of this is the current trend for visitors to buy alcohol from an off-licence and to drink it while sitting on a kerb, on a doorstep or on the pavement. They often do this on residential streets. This causes noise, litter, and invariably leads to urination in the street, vomiting on the pavements, and worse.

I have a diary of such incidents. I can supply more details if you wish but in the interests of brevity here are the incidents we have experienced since the start of September (please note, I only record the more notable such incidents, many others go unrecorded):

3rd September, 12.30pm *a woman urinated between parked cars, in full view of a walking tour*

14th September, 11.30pm *2-3 men rang our doorbell late and night and ran away screaming*

15th September, midnight *a group of drunk women slowly made their way along the street, shouting, screaming and causing a disturbance.*

19th September, 11.30pm *a group of drunk women were shouting, screaming, and generally causing a disturbance.*

20th September, 11pm *a group of German youths gathered with a hand-held stereo turned up to high volume. When asked to turn it down they only partially did so, reluctantly. They remained there for 15 minutes*

21st September, midnight *Someone has urinated against the house.*

21st September, 8.30pm *a group of youths gathered on our doorstep, drinking, smoking and shouting. When asked to move on they only went as far as the doorstep next door where they carried on as before, keeping our children awake. They were there for approx 1 hr.*

21st September, 9.30pm *two women urinated between parked cars opposite number 11, in full view of several passersby. They were 20-25 years old with dark hair and English accents.*

4th October, 1am *someone has vomited on the pavement alongside Christ Church*

5th October, 11.55pm *a car parked outside number 13 blaring loud bass music for approximately 10 minutes before moving on reluctantly when asked. The noise was enough to wake our youngest daughter. There were 4 occupants of the car, 2 men and 2 women. The women had Essex accents. The car was a Golf-type car, black with heavily tinted windows.*

6th October, 1am *someone has vomited in the street*

6th October, 9.50am *two men with Eastern European accents walked into the gardens. One proceeded to urinate against the wall in full view of any passerbys by. He was approximately 45 years old and dressed in pale denim.*

It is completely unreasonable that my family should have to experience such frequent incidents. Off licences on Brick Lane are the major source of the alcohol that drives such incidents. The revocation of this licence would undoubtedly lead to a decrease in public nuisance and disorder and I therefore urge you to approve it.

Many thanks for your help in this matter.

Matt

Matthew Piper

██████████ ██████
██████████
██████████
██████████

Alex Lisowski

From: Andrew Heron
Sent: 17 October 2013 14:25
To: Alex Lisowski
Subject: FW: application to review the premises licence at 116 Brick Lane

A&Y Rep

From: Spitalfields Community Group [mailto:]
Sent: 17 October 2013 14:19
To: Andrew Heron
Subject: Fw: application to review the premises licence at 116 Brick Lane

3rd and final message.

Many thanks!

From: [Spitalfields Community Group](#)
Sent: Thursday, October 17, 2013 1:41 PM
To: [Licensing](#)
Cc: [Alan Cruickshank](#)
Subject: application to review the premises licence at 116 Brick Lane

Dear Sir/Madam,

Spitalfields Community Group supports the application to review the premises licence at 116 Brick Lane (A&Y) on the grounds of prevention of crime and public disorder.

Spitalfields Community Group (SCG) was formed in September 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 current survey, conducted 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. In accordance with this focus, SCG has recently supported the adoption of a cumulative impact zone for the Brick Lane area, within which the premises at 116 is situated.

ASB caused by excessive alcohol consumption in the Brick Lane area is well documented, with many recent reports by residents of problems caused by drunken patrons at night and throughout the weekend. These problems include noise nuisance (screaming, shouting, swearing, singing, playing music etc) litter and vandalism to cars and homes, street urination and defecation, vomiting, and aggressive and intimidating behaviour. Patrons leaving Brick Lane for transport hubs on Bishopsgate and Commercial Street pass along residential streets causing unwanted mayhem and misery.

Recently there has been a particular issue with large groups of revellers buying alcohol from off licences in Brick Lane and sitting outside through the night drinking and causing a disturbance. The premises at 116 Brick Lane has no doubt facilitated this. Residents in surrounding streets, including Hanbury Street, Princelet Street and Woodseer Street, have all reported an upsurge in noise nuisance and litter, as well as street urination, over the recent year. The high crime incident rate in the Brick Lane area is fuelled, at least in part, by off licences with late licences. The strain on police and public health resources is unacceptable.

For the reasons above Spitalfields Community Group supports the application for licence review of A&Y, at 116 Brick Lane, E1.

From and on behalf of the Spitalfields Community Group

c/o Selina Mifsud, [REDACTED]

Appendix 7

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the

cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

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

REVIEWS ARISING IN CONNECTION WITH CRIME

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

affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

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

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

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

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

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

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

Appendix 8

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Crime and Disorder Act 1998

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

Pool Conditions

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;
 - the activities being conducted there and the potential risk which these activities could pose to the local area;
 - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
 - the anticipated clientele.

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

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate, they become enforceable under the law and breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with conditions attached to a licence or certificate could give rise to a prosecution, in particular, as the provision of unauthorised licensable activities under the 2003 Act, which, on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce must be excluded.⁵ It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

RADIO LINKS AND TELEPHONE COMMUNICATIONS

Two-way radio links and telephone communications connecting staff of premises and clubs to local police and other premises can enable rapid responses to situations that may endanger the customers and staff on and around licensed premises. It is recommended that radio links or telephone communications systems should be considered for licensed premises in city and town centre leisure areas with a high density of premises selling alcohol. These conditions may also be appropriate in other areas. It is recommended that a condition requiring a radio or telephone link to the police should include the following requirements:

- the equipment is kept in working order (when licensable activities are taking place);
- the link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

DOOR SUPERVISORS

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

- keeping out individuals excluded by court bans or by the licence holder;
- searching those suspected of carrying illegal drugs, or carrying offensive weapons;
- assisting in the implementing of the premises' age verification policy; and
- ensuring that queues outside premises and departure of customers from premises do not undermine the licensing objectives.

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, it may also be appropriate for conditions to stipulate:

- That a sufficient number of supervisors be available (possibly requiring both male and female supervisors);
- the displaying of name badges;
- the carrying of proof of registration; and
- where, and at what times, they should be in operation.

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

RESTRICTING ACCESS TO GLASSWARE

Traditional glassware and bottles may be used as weapons or result in accidents and can cause very serious injuries. Conditions can prevent sales of drinks in glass for consumption on the premises. This should be expressed in clear terms and can include the following elements:

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or

- no customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place).

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be given to customers for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

The banning of glass may also be a relevant and appropriate measure to promote public safety (see Part 2).

ALTERNATIVES TO TRADITIONAL GLASSWARE

Where appropriate, consideration should therefore be given to conditions requiring the use of safer alternatives to prevent crime and disorder, and in the interests of public safety. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of alternatives to traditional glassware may be an appropriate condition during the showing of televised live sporting events, such as international football matches, when there may be high states of excitement and emotion.

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be appropriate to prevent the use of these containers as offensive weapons, or to prevent consumption of alcohol, in surrounding streets after individuals have left the premises. Restrictions on taking open containers from the premises may also be appropriate measures to prevent public nuisance (see Part 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise location of each camera, the requirement to maintain cameras in working order, to retain recordings for an appropriate period of time and produce images from the system in a required format immediately to the police and local authority. The police should provide individuals conducting risk assessments as part of preparing their operating schedules with advice on the use of CCTV to prevent crime.

RESTRICTIONS ON DRINKING AREAS

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

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

CAPACITY LIMITS

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

PROOF OF AGE CARDS

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises).

Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

CRIME PREVENTION NOTICES

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

DRINKS PROMOTIONS

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as 'irresponsible promotions'.

SIGNAGE

It may be appropriate that the hours at which licensable activities are permitted to take place are displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place. Similarly, it may be appropriate for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE “VERTICAL” CONSUMPTION OF ALCOHOL (HVVDs)

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

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

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and

the presence of security staff holding the appropriate SIA licence or exemption (see Chapter 10 to control entry for the purpose of compliance with the capacity limit.

Appendix 9

Licensing Policy Adopted by the London Borough of Tower Hamlets

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

Appendix 10

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

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

HOURS

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted for the prevention of public nuisance. Licensing authorities are best placed to determine what hours are appropriate. However, the four licensing objectives should be paramount considerations at all times.

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

Restrictions might also be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

NOISE AND VIBRATION

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music.

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

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

- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;

- installation of rubber speaker mounts;
- requiring the licence holder to take measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licence holder to undertake routine monitoring to ensure external levels of music are not excessive and take action where appropriate;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful);
- prominent, clear and legible notices to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises to take place at times that will minimise the disturbance to nearby properties.

NOXIOUS SMELLS

Noxious smells from the premises are not permitted to cause a nuisance to nearby properties; and the premises are properly vented.

LIGHT POLLUTION

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

OTHER MEASURES

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

Appendix 11

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

Licensing Policy

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions

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 (2.34)

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.39).

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.

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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	14 January 2014	Unrestricted	LSC 49/134	

Report of David Tolley Head of Consumer and Business Regulation Services Originating Officer: Alexander Lisowski Licensing Officer	Title Licensing Act 2003 Application for a New Premises Licence at The Restaurant, Unit 1, 19-29 Redchurch Street, London, E2 7DJ. Ward affected: Weavers
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1.0 Summary

Applicant:	Redchurch Restaurant DB Limited
Name and	The Restaurant
Address of Premises:	Unit 1 19-29 Redchurch Street London E2 7DJ
Licence sought:	Licensing Act 2003 Application for a new premises licence for Late Night Refreshment The supply of Alcohol
Objectors:	Local Residents 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

Alexander Lisowski
020 7364 7446

3.0 **Background**

3.1 This is an application for a new premises licence, for the on and of sale of alcohol and late night refreshment at The Restaurant, Unit 1, 19-29 Redchurch Street, London, E2 7D

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

The hours applied for are:

On and Off Sale of Alcohol

- Monday to Saturday, 11.00am to 23.30pm
- Sunday, 11.00am to 22.00pm

The Provision of Late Night Refreshment

- Monday to Thursday, 23.00pm to 23.30pm
- Friday & Saturday, 23.00pm to Midnight

The Opening Hours of The Premises

- Monday to Thursday, 07.00am to 23.30pm
- Friday & Saturday, 07.00am to Midnight
- Sunday, 07.00am to 22.30pm

3.3 Maps showing the relevant premises are included as **Appendix 2**.

4.0 **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 1st November, 2013.

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 June 2013.

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 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.5 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.6 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.
- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Local Residents
 - Metropolitan Police

See Appendix 3

- 5.8 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

- 5.9 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
- 5.10 The objections cover allegations of
- Crime and public disorder
 - Public nuisance
- 5.11 There are strict time limits to any representations. The time limits contained in The Licensing Act, 2003 (Premises licences and club premises certificates) Regulations 2005.

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 “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

6.8 In **Appendices 5-9** 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 00 hrs and midnight, no additional conditions should be set relating to the music.

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

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application for a new premises licence.
- Appendix 2** Maps of the surrounding area of the premises.
- Appendix 3** Representations from Police and local residents
- Appendix 4** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.
- Appendix 5** Licensing officer comments on anti-social behaviour on the premises.
- Appendix 6** Licensing officer comments on anti-social behaviour patrons leaving the premises.
- Appendix 7** Access and egress problems.
- Appendix 8** Planning.
- Appendix 9** Licensing Policy relating to hours of trading.

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Appendix 1

**Application for a premises licence to be granted
under the Licensing Act 2003
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Redchurch Restaurant DB Limited

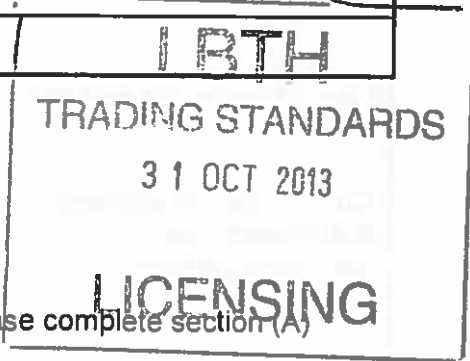
(Insert name(s) of applicant)

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 The Restaurant Unit 1 19-29 Redchurch Street			
Post town	London	Post code	E2 7DJ

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



Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

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

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital 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 Redchurch Restaurant DB Limited
Address ACRE HOUSE WILLIAM ROAD LONDON UNITED KINGDOM NW1 3ER
Registered number (where applicable) 8748042
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) c/o 020 7339 7010
E-mail address (optional) ajc@jgrlaw.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

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

Day Month Year

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

Restaurant

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of 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)			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						
Wed			State any seasonal variations for performing plays (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

B

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

C

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

E

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

J

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 type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:30			
Sat	11:00	23:30			
Sun	11:00	22:00			

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

Name	
	
	

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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23:00	23:30			
Tue	23:00	23:30			
Wed	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	23:30			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00:00			
Sun			From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.		

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)

None - Family Restaurant

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			<p>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)</p> <p>From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.</p>
	07:00	23:30	
Tue			
	07:00	23:30	
Wed			
	07:00	23:30	
Thur			
	07:00	23:30	
Fri			
	07:00	00:00	
Sat			
	07:00	00:00	
Sun			
	07:00	22:30	

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

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

See Conditions attached

b) The prevention of crime and disorder

See Conditions attached

c) Public safety

See Conditions attached

d) The prevention of public nuisance

See Conditions attached

e) The protection of children from harm


See Conditions attached

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be 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 UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature	
Date	31 st October 2013
Capacity	Jeffrey Green Russell Limited

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)

Andrew Wong
Jeffrey Green Russell
Waverley House
7-12 Noel Street

Post town London **Post code** W1F 8GQ

Telephone number (if any) 020 7339 7012

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
copy correspondence only aww@jgriaw.co.uk

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, 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.

THE RESTAURANT

Unit 1, 19 -29 Redchurch Street, London, E2 7DJ

1. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. No music or amplified sound shall be generated within the premises so as to give rise to nuisance within neighbouring residential dwellings.
3. The licence holder shall maintain a CCTV system that ensures the entry point is covered to enable frontal identification of every person entering. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to a duly authorised Council officer or a police officer together with facilities for viewing. The recordings for the preceding 31 days shall be made available immediately on request. The CCTV system shall be operated in accordance with the Data Protection Act 1998.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent with the absolute minimum of delay when requested.
5. The premises shall operate as a restaurant whereby the sale by retail of alcohol shall be ancillary to the sale of food
6. The premises will make available local taxi service numbers to facilitate the safe and effective dispersal of customers and customers
7. Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.
8. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
9. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
10. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS

Consent of individual to being specified as premises supervisor

DANIEL MOORE

[full name of prospective premises supervisor]

of



[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

An application for a new premises licence

[type of application]

by

Redchurch Restaurant DB Limited

[name of applicant]

relating to a premises licence

N/A

[number of existing licence, if any]

for

Unit 1 – 19/29 Redchurch Street, E2 7DJ

[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

Redchurch Restaurant DB Limited

[name of applicant]

concerning the supply of alcohol at

Unit 1 – 19/29 Redchurch Street. E2 7DJ

[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

████████████████████

[insert personal licence number, if any]

Personal licence issuing authority

██

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

Signed

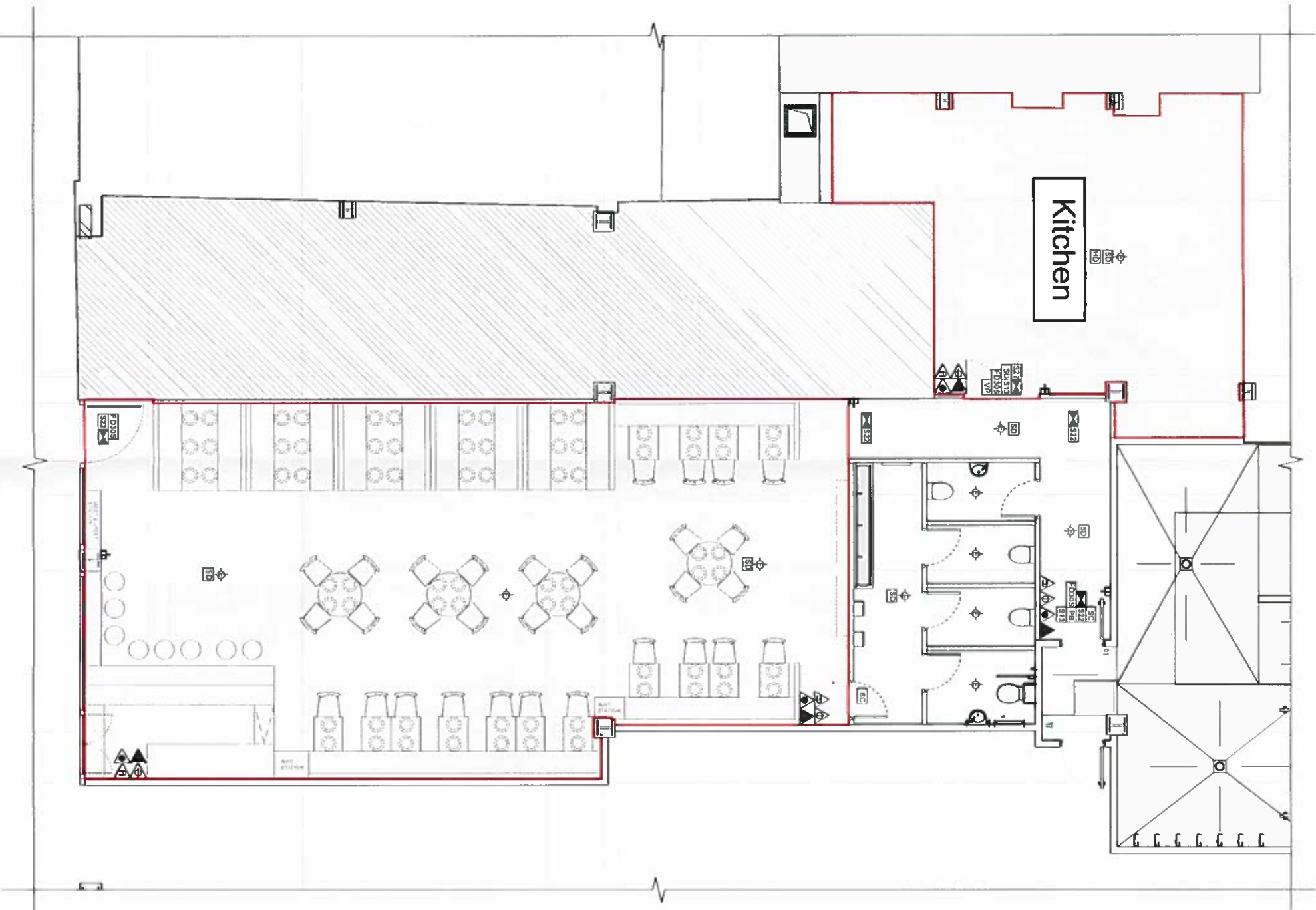
██

Name (please print)

DANIEL MOORE

Date

29/10/13



FIRE SAFETY PROVISION LEGEND	
	PUSH BAR
	VIEW PANEL
	SELF SLIDING
	FIRE DOOR - KEEP SHUT
	EMERGENCY EXIT SIGN - INTERNALLY ILLUMINATED WITH DIRECTIONAL ARROW AND EMERGENCY LIGHTING
	HEAT DETECTOR
	SMOKE DETECTOR
	HALF HOUR FIRE RESISTING WINDOW SILLS
	FIRE ALARM CALL POINT
	CO2 EXTINGUISHER
	FOAM EXTINGUISHER
	WATER EXTINGUISHER
	FIRE BLANKET

The location and type of any fire safety and other safety equipment is shown as at present. This may be varied from time to time with the agreement of the Fire Officer or after a fire risk assessment.

NOTE:
CONTRACTOR TO ENSURE SUFFICIENT STRENGTH, SAFETY AND STABILITY OF FURNITURE AND ADVISE BRINKWORTH PRIOR TO CONSTRUCTION IF ALTERNATIVE DETAILS ARE REQUIRED

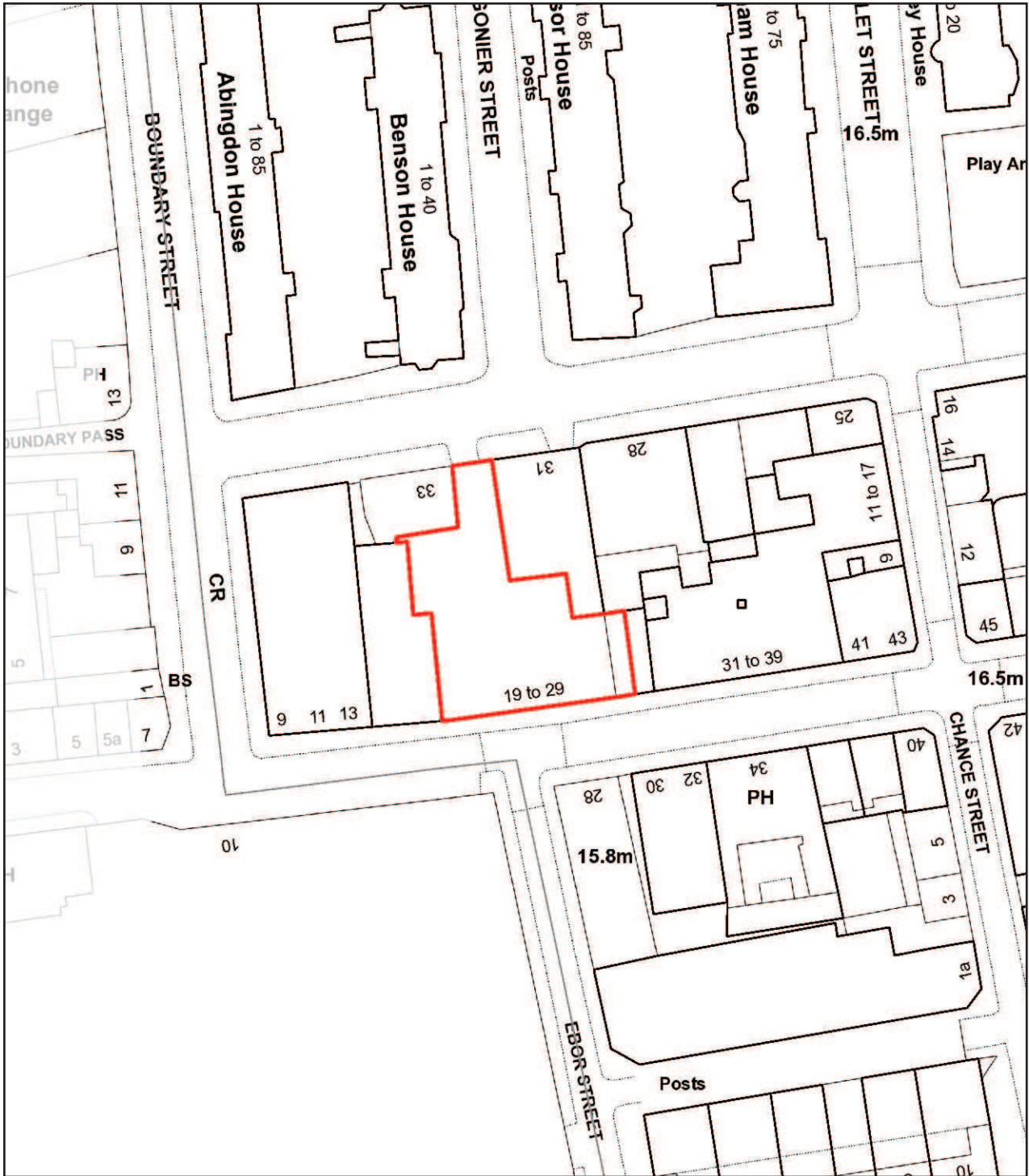
NOTE:
DESIGN INTENT DRAWING ONLY. ALL DIMENSIONS / AREAS TO BE CHECKED ON SITE AND ANY DISCREPANCIES TO BE REPORTED TO BRINKWORTH PRIOR TO CONSTRUCTION

LBTH
TRADING STANDARDS
31 OCT 2013
LICENSING



Brinkworth	
DATE: 28/09/2013	SCALE: 1:50 @ A1 - 1:100 @ A3
PROJECT: DIRTYBIRD	CLIENT: DIRTYBIRD
DESIGNED BY: [Name]	CHECKED BY: [Name]
DRAWN BY: [Name]	DATE: 28/09/2013
DATE: 28/09/2013	SCALE: 1:50 @ A1 - 1:100 @ A3

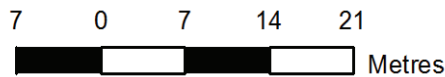
Appendix 2



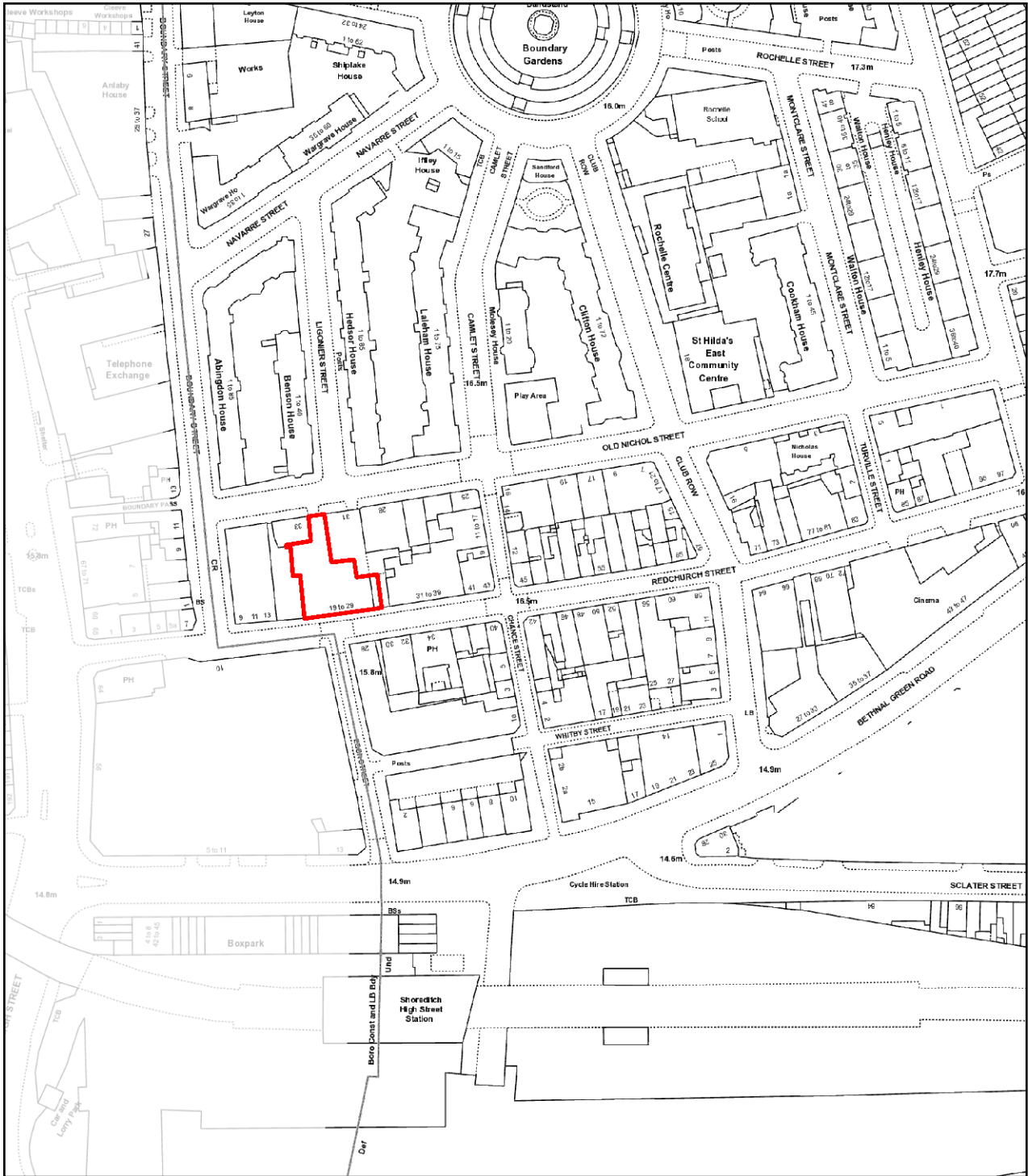
19 - 29 Redchurch Street



Scale 1:769



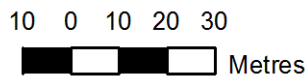
Produced by London Borough of Tower Hamlets on 23/12/2013. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



19 - 29 Redchurch Street



Scale 1:1922



Appendix 3

London Borough of Tower Hamlets
Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

26th November 2013

RE: The Restaurant, Unit 1, 19-29 Redchurch Street, E2 7DJ

Objection by : -

-
-
-
-
-
-
-
-



All parties are relevant 'interested parties' as defined under s13 of the Act.

The premises under the control of the interested parties comprise new residential apartments that are nearing completion, a number of which are already the subject of contracts to exchange and completion dates, with final fit out ahead of occupiers imminent occupation.

We identify below the risk of significant impacts such as noise and disturbance, the impacts of which represent a real threat of public nuisance arising from the proposed use.

The Licensing Act 2003 states that one of its principle duties is to prevent public nuisance

Introduction

These objections are made to an application for a premises license received by LBTH on 31/10.13 from Redchurch Restaurant DB Limited, for premises at Unit 1, 19-29 Redchurch Street.

The application relates to a ground floor unit within a mixed-use development that is nearing completion.

The application forms refer to the proposed description as no more than "restaurant" including the provision of 'late night refreshment' and the 'supply of alcohol'. Hours of opening are stated to be 2330 M-T and midnight Friday and Saturday.

Both the late hours and timing of alcohol sales bring into question the suggestion within the application that the proposed use is intended to be a "family restaurant".

The character or scale of the use proposed is not at all clear and this represents the first weakness of the application, in that the scope and intensity of the use should be made far more clear. Without such, it is not possible for the license authority or affected parties to

properly consider the likely effects of the proposed use, which as outline below are potentially significant and adverse.

The plan accompanying the application is not annotated, but suggests seating for in excess of 80 covers. A server/ bar area appears at the front of the premises and a large kitchen to the rear.

The location of the kitchen, and thus associated plant / extraction food and refuse storage would all be focussed would all, by necessity, be focussed in this rear area.

With no internal risers for extraction equipment through the interior of the building, such equipment will be located on the rear facades, immediately below residential properties.

This area sits below the principal central light well to the building. As this light well rises, it opens onto the new residential apartments, which possess balconies and terraces that rely upon this space for amenity.

The likely impacts from noise and fumes will be significant.

If the licensing authority and those who advise are unable to carry out an appropriate risk assessment of likely nuisance, then the application should be rejected.

A further key failing of the application is that the land use proposed would require planning permission and at this stage, no application has been made to the planning authority.

In addition, the LPA advises that it has provided pre-application advice that it would not consider such a use acceptable under its adopted development plan framework. This policy framework is up-to-date and should be afforded significant weight.

A planning application would have provided information relevant to the amenity issues outlined below, for example, information to support an assessment of:

- Use, character and scale of activity
- Land use and associated policy issues
- Proposed opening hours
- Noise and Disturbance - customers / staff / operations on site - customers / deliveries off site
- Cooking smells and plant / extraction
- Highways issues – traffic and parking
- Refuse storage
- Litter
- Access
- Input from the wider residential community

We consider it wholly inappropriate that a license application is brought forward ahead of any clarity on planning, particularly when there are clearly significant issues and uncertainties.

In addition, the timing of the application is considered to be divisive, being made just ahead of the residential owners / occupiers taking possession of the residential units above the subject premises.

The Site

The application comprises a mixed use development with units at ground floor level that have a consented B1 use and permission for an alternative Class A1 use.

The use associated with the license application appears to be A3, with late night alcohol suggesting that A4 could be a significant component of the overall planning use. In addition, the scope for take-away would also potentially exist. As we demonstrate below, all such uses would be unlikely to be supported in terms of planning policy, impacts upon amenity and wider planning considerations.

The conservation / heritage status of the area places constraints upon the capacity to install plant and extraction equipment on the public facades of the building.

The effect of this is to force extraction and other plant to the rear of the building.

This area is one where the new residential apartments rely significantly for amenity, with outdoor terraces and balconies. The rear light well into which the applicant proposes to insert extract equipment will concentrate the impact upon what is a very intimate and vulnerable space

The Location

Redchurch Street and surrounding streets are typically narrow, which creates additional constraints in terms of servicing, customer arrivals, waiting, parking etc.

There is no evidence to demonstrate that such impacts would not have an adverse impact upon the highway and thus the safety of residents and other occupiers in the immediate vicinity to such an extent that a public nuisance would arise.

In addition, the narrow street layout and close proximity of buildings means that impacts of noise would be exacerbated and channelled upwards to residential properties, affecting the amenity and quality of life for residents.

The site's location close to a station means would be capable of attracting a significant amount of custom from the surrounding area, increasing activity and disturbance in a location that is not capable of handling additional disruption.

The upper floors and 19-29, together with a number of surrounding buildings, have introduced a significant number of new residential homes, changing the character of the area to one that is increasingly sensitive to adverse impacts and nuisance from issues related to increased activity, noise etc.

Planning Background

In July 2008, planning permission was granted for the change of use of ground B1 accommodation at 19-29 to provide 4 retail units with residential accommodation above.

The reasons for granting planning permission included that:

- The development would be acceptable in terms of amenity
- There would be no adverse traffic impacts

These conclusions were reached on the assessment of Class A1 retail, Class B1 and residential use being entirely compatible.

However, in approving such a land-use mix, no reliance can be placed upon an A3, A4 or A5 use being acceptable in the future, such issues having an entirely different impact upon issues such as amenity and traffic.

The 2008 grant of planning permission quite clearly relied upon the view that the overall development, including the character of the ground floor retail shop (Class A1) units would have a beneficial impact upon the character of the area. Again there is no evidence to suggest that an alternative A3, 4 or 5 uses would be capable of maintaining or enhancing the character of the site's conservation setting.

In May 2012, planning permission was granted for, inter alia, the re-modelling of the proposed ground floor retail space, but at no stage was there any indication that alternative forms of Class A use would be sought.

Introducing a restaurant/bar/take-away activity in this sensitive location would represent a significant deviation from the balance of uses that the LPA has considered to be appropriate. As such, the risk of new, un-planned uses creating a nuisance is a material concern.

Adverse Impacts and Breach of Planning Policy

Any planning application for change of use should have been sought ahead of any license application.

Failure to do so is considered to be unhelpful and fails to afford the opportunity for the Authority to review an appropriate risk assessment or to carry one out of its own accord.

Clear impacts that the proposed use would cause or increase the risk of, which individually and cumulatively would lead to a severe risk of nuisance include:

- Adverse impact upon the character and appearance of the conservation area
- The encroachment of a food and drink/leisure use not suited to a discreet location, but better suited to town centres
- The likelihood that the use proposed will draw in activity from the adjoining areas of Shoreditch and Brick Lane
- Increases in vehicular traffic, including taxis of a scale that could adversely affect highway safety
- The risks of adverse impacts of noise and disturbance from deliveries to and from the premises, including customer food delivery
- An increase in noise and disturbance to residents from a significant number both pedestrian and vehicular movements
- The risk of increased anti-social behaviour
- The exacerbated impact of such activities arising from proposed late night operations
- The exacerbation of such impacts arising from the tight built-up character of the immediate street frontage
- The adverse impact upon residential properties arising from noise and fumes generated by the restaurant kitchen, and required extraction equipment being located immediately below residential properties

- In this context, it should be noted that the ground floor use has no rights to attach extraction equipment to the upper flank walls of the building so would be unable to carry fumes away from the residential apartments above.

Adopted development plan policies applied by the LPA that are relevant include:

Adopted Core Strategy 2010

- SO4 to promote town centre as the focus for activity
- SP01 encouraging night time activities in town centres
- SO10 to promote healthy liveable neighbourhoods
- SO20 to promote safe and attractive streets
- SO22 to protect the character of heritage areas (and SP10)
- SO25 to deliver successful place making (also SP12)

Development Management Document 2012

- DM1 restaurants and take-aways will directed towards town centres, but only where they do not lead to a concentration
- DM2 shops outside town centres will only be allowed where they are appropriate to the scale of their locality
- DM24 new development should be sensitive to its surroundings
- DM25 development should not result in a loss of residential amenity, or cause unacceptable impacts in terms of noise and fumes
- DM27 development will be expected to protect and enhance the special character of conservation areas

In addition, the application fails to accord with a number of sections of the Authority's own licensing guidelines, the latest of which area effective from 1st November 2013.

Section 4 identifies that the main principles of the Authorities licensing policies include, for example, the prevention of nuisance. The current proposal clearly gives rise to significant potential nuisance effects.

Section 6.1 acknowledges that premises supply late evening drinks can be a source of crime and disorder, whilst section 6.3 advises that, for example, planning and transport policies are taken into account.

Section 8 notes the risks associated with a concentration of activity within the Brick Lane area. The site lies between Shoreditch (an area containing a large concentration of bars) and Shoreditch High Street Station. It also lies a short distance to the west of Brick Lane and is within the 'cumulative impact zone'. There is a clear risk that the premises will draw late night custom from people moving from bars to the station with the resulting risk of disturbance and crime. It is notable that the application fails to address such issues.

Section 10 acknowledges the weight to be attached to an assessment of nuisance; issues which we identify as significantly adverse.

Section 15 acknowledges the potential risks, particularly to residents, associated with late night consumption of alcohol. The guidelines indicate that applications should be considered on their merit.

As we have identified above, the character of the location, with tight narrow streets where the impact of noise and disruption are aggravated, together with the premises being within a development containing residential apartments, mean that in this instance, the risk of adverse impacts is significantly greater.

Section 17 indicates that licensing should be a process integrated with, for example, the planning process. 17.5 states:

“Applications for premises licenses for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licenses may be made before any relevant planning permission has been sought or granted by the planning authority.”

This is a clear failure with the current application.

John McCrohan
London Borough of Tower Hamlets
Licensing Section
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5 Clove Crescent
London
E14 2BG

**Limehouse Police Station,
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London,
E14 8EZ**

Office: **020 7275 4950/4911**

Mobile: **07825 850 906**

Email: A [REDACTED]

Your ref:

28th November 2013

Dear Mr McCrohan,

Re: Application for a Premises Licence
The Restaurant
Unit 1, 19-29 Redchurch St, E2 7DJ

I write with reference regarding the above application. 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

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane Area. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

In essence, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; **unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.**

Over the last few years Redchurch St along with Brick Lane has become a “destination venue” for the night time economy in Tower Hamlets. There has been a steady increase in bars and restaurants. So much so that Redchurch Street was included in the Saturation Policy / Cumulative Impact Zone.

The application for a restaurant may seem reasonable, however, taken as a whole it is one more venue in an already “saturated” area.

Can the applicant provide evidence that the operation of the premises will not add to the cumulative impact already being experienced in this area?

Can they reassure the committee that they will not contribute to ASB when their patrons leave the venue whether it is standing in the street drinking or shouting at the top of their voices?

This area suffers from a high amount of anti-social behaviour, to the extent that police statistics show that between 22:00 hours on Friday and 02:00 hours on Monday the London Borough of Tower Hamlets is second only to Westminster (West End/Soho/Covent Garden) for Anti-Social Behaviour (ASB) calls to Police in London.

The premises also falls within the 'Shoreditch Triangle', which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

Peak times are between Friday 20:00 hours to Saturday 04:00 hours and Saturday 20:00 hours to Sunday 04:00 hours and these 16 hours are responsible for 21% of all the offences.

Sunday also has a peak but from 12:00 hours to 02:00 hours 16% of all crime.

25% of all crime in Spitalfields and Banglatown ward is committed between 20:00 hours to 02:00 hours Friday to Sunday. 20% of all crime in Weavers ward is committed between 20:00 hours to 02:00 hours Friday to Sunday.

The hours applied for falls into the above peak hours.

Further to this, two negative effects of the "Night Time Economy" are demonstrated in the data provided by the Director of Public Health. This information was provided to the full Licensing Committee in October 2013.

The data in table 1 highlights both Spitalfields and Banglatown and Weavers wards They both have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

I therefore ask the committee to refuse this application as it falls within the CIZ. I understand however that each application is scrutinized by the committee on an individual basis.

If they are to consider granting a licence, I would ask that they consider removing off sales, as there are great concerns about people drinking in the street.

Also, the removal on non standard times. Police resources are already stretched over this period and the possibility of a venue remaining open throughout the night is of concern.

In terms of conditions

1. No drinks to be taken outside

Alan Cruickshank PC 189HT

Appendix 4

Section 182 Advice by the Home Office

Updated June 2013

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 5

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

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 Pool of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

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 (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.37)

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 8

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 9

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 06:00 hours to 23:30 hours
- Friday and Saturday 06:00 hours to midnight
- Sunday 06:00 hours to 22:30 hours

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

(see 12.9 of the licensing policy)

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