

# LICENSING SUB COMMITTEE

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Thursday, 8 May 2014 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Democratic Services  
Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4120  
E-mail: [simmi.yesmin@towerhamlets.gov.uk](mailto:simmi.yesmin@towerhamlets.gov.uk)  
Website: <http://www.towerhamlets.gov.uk/committee>

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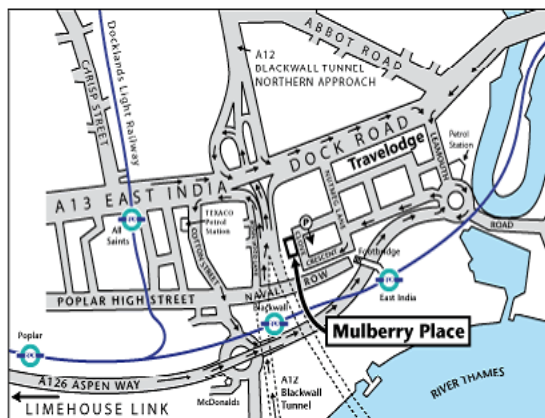
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**APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**1. 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.

**2. RULES OF PROCEDURE (Pages 5 - 20)**

To note the rules of procedure which are attached for information.

**3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 30)**

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 25<sup>th</sup> March and 8<sup>th</sup> April 2014.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Application for a New Premises Licence for (Busaba Eathai), 3 Innova Passage, London E1 6LJ</b>	<b>31 - 90</b>	<b>Weavers</b>
<b>4 .2 Application for a New Premises Licence for (Convenience Store), 55 Old Bethnal Green Road, London E2 6QA</b>	<b>91 - 166</b>	<b>Bethnal Green North</b>
<b>5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT</b>		

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# Agenda Item 1

## **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:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

## 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 be 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

<b>Application Type</b>	<b>Period of Time within which Hearing to be Held (after reps have closed)</b>	<b>Notice Period of Hearing</b>	<b>Notice Sent To</b>	<b>Attendee Reply Form Back In</b>
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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## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

All meetings of the Sub-Committee are open to the public and press to attend. On rare occasions, the Sub-Committee may retire to consider private business that will be clearly marked on the agenda as such. The press and public will be excluded for those confidential items only. We try to keep confidential reports to an absolute minimum. We request that you show courtesy to all present and please keep mobile phones on silent. Meetings can reach full capacity and seats are allocated on a first come first come served basis.

### (2) Licensing Sub-Committee Role and Membership.

In summary, the Sub-Committee will consider and determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made. The full terms of reference can be found on the Committee webpages (see below). The Licensing Sub-Committee will consist of 3 Members of the main Licensing Committee. Meetings are normally held in the Town Hall Council Chamber.

#### Licensing Sub-Committee Webpages

To view go to the Committee and Member Services web page: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

- Terms of Reference for the Licensing Sub-Committee.
- Meeting dates, agendas and minutes.
- Agenda timetable including agenda publication dates. (To view click 'browse meetings and agendas for this committee', then 'show agenda management timetable').

### (3) Access to Committee Papers.

The agenda for Sub-Committee meetings is published five clear (working) days before the Sub-Committee meeting on the Committee webpages (except for certain types of applications where special rules apply). All Committee papers (i.e. agendas, reports, minutes and decisions) are published on the website and also available on iPad and Android tablet apps downloadable for free from their respective app stores.

### (4) Who can speak at Licensing Sub-Committee meetings?

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the Committee officer - see the Committee

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

**(5) What can be circulated?**

Should you wish to submit any material, please contact the Committee/Licensing Officer as soon as possible. The Sub-Committee may accept information at the hearing, however this is only with the agreement of all parties present.

**(6) How will the applications be considered?**

The Sub-Committee will normally consider the items in agenda order subject to the Chair’s discretion. The hearing procedure is detailed at the end of this guidance.

**(7) How can I find out about a decision?**

You can contact Democratic Services the day after the meeting to find out the decisions.

**(8) Queries on reports.**

For any questions, please contact the Officer named on the front of the report.

Typical Seating Plan for Licensing Sub - Committee Meetings in the Town Hall Council Chamber.

Public Seating		Objectors Benches		Sub-Committee Members
Public Seating				Chair
Public Seating				Legal Officer
Public Seating		Applicants Benches		Committee Officer
Public Seating				Licensing Officer

## **LICENSING SUB COMMITTEE HEARING PROCEDURE**

All interested parties to the hearing must notify Democratic Services within prescribed timescales that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf. The meeting will be in the form of a discussion led by the Sub Committee, cross examination of either party will not be permitted.

The Chair will allocate an equal amount of speaking time to each party. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

The hearing will proceed as follows (subject to the discretion of the Chair).

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. Decision letter will be sent to all interested parties confirming the decision made.

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## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 25 MARCH 2014

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

#### Members Present:

Councillor David Snowdon (Chair)

Councillor Khaled Uddin Ahmed  
Councillor Ann Jackson

#### Other Councillors Present:

Councillor Marc Francis

#### Officers Present:

Mohshin Ali – (Senior Licensing Officer)  
Antoinette Duhaney – (Interim Senior Committee Officer)  
Michelle Terry – (Legal Services)

#### Applicants In Attendance:

Robert Sutherland - (Swan Wharf)  
Timmy Sampson - (Swan Wharf)  
Barney Sutton - (Swan Wharf)  
Rufus Lawrence - (Swan Wharf)

#### Objectors In Attendance:

Vivienne Bellamy - (Resident)

#### Apologies

Councillor Peter Golds

#### 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

## 2. RULES OF PROCEDURE

The rules of procedures were noted.

## 3. ITEMS FOR CONSIDERATION

### 3.1 Application for a New Premises Licence for Swan Wharf, 60 Dace Road, London E3 2NQ

Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a premises licence for Swan Wharf, 60 Dace Road, London E3 2NQ. (including the ground floor, 1st floor, 2nd floor and 3rd floor of the premises). The Sub-Committee was advised that following discussions with the applicants, revised conditions had been agreed and in the light of this, the Environmental Protection Team were withdrawing their representations.

Robert Sutherland, Legal Representative for the applicant then addressed the Sub-Committee drawing attention to the agenda supplement in respect of this application. He stated that the main business would be the operation of a bistro in Event Space 1 together with an outdoor seating area on the ground floor. Event Space 2 on the 1<sup>st</sup> floor would be used by The Barbican and required a premises license. Event Spaces 3 & 4 on the 2<sup>nd</sup> floor would be hired out for private functions. In response to concerns raised by residents, the 3<sup>rd</sup> floor of the premises would be used as office space.

Key changes had also been made in respect of the hours of use of the outdoor areas which had now been restricted to

- 10.30pm Monday - Thursday
- 11.00pm Friday - Saturday
- 10.00pm on Sunday

Additional conditions had also been agreed with the police in respect of the operation of CCTV on the premises.

Vivienne Bellamy, local resident and member of Ironworks Residents Association addressed the meeting. She stated that the Ironworks was made up of 77 residential units directly adjoining Swan Wharf. She objected to the application on the following grounds:

- The Iron Works had a tile roof and double glazed windows.
- The sound tests carried out were inadequate and did not include the noise caused by patrons using the outdoor areas and when leaving the premises

- There were poor public transport links and limited parking so most patrons would use taxis to and from the venue. Dace Road was a narrow no through road and the taxis would cause congestion.
- The boundary wall separating the site from the residential units had been demolished recently and residents did not wish to see outdoor use at the expense of quiet enjoyment of residents.

Councillor Marc Francis, Ward Member for Bow East addressed the meeting endorsing the comments made by Vivienne Bellamy. Residents were not consulted about temporary events held during 2013 and were not formally consulted about this application until shortly the application was programmed for consideration at this meeting. He urged the sub-committee to reject the application to allow meaningful dialogue between the applicants and residents to reach a consensus on appropriate hours of operation.

In response to questions and comments from members, Mohshin Ali advised that no complaints had been made regarding licensing matters after the temporary events held last year. However he was able to confirm that a Members Enquiry from Councillor Marc Frances had been logged on 12 September 2013 and 25<sup>th</sup> September 2013.

- In response to questions and comments, Robert Sutherland stated that the Space 1 could accommodate up to 100 patrons indoors and 100-175 patrons outdoors. Space 2 could accommodate 200 people and Spaces 3 & 4 could hold 500 in each. Space 2 would not be used beyond 9pm except on the 24 special event days when it would be open until 1am.
- The boundary wall had been removed because it was deemed unsafe after being damaged by contractors. It would be reinstated in the coming weeks but the height could not be confirmed until after the outdoor terraces had been completed.
- The event spaces would be used primarily for product launches, exhibitions and private functions.
- There would be designated marshals to guide waiting patrons to taxis to prevent congestion minimise disturbance to residents.
- Extensive efforts had been made to engage with residents. Rufus Lawrence had been trying to arrange to meet residents since autumn 2013 with limited success.
- The applicants were unable to comment on the use of the venue prior to 31 August 2013 when they took over the management of the premises.

In response to further questions from the sub-committee, Vivienne Bellamy advised that conditions imposed during previous special events had been ineffective and that the only conditions which would satisfy residents were:

- No use of outdoor space
- Soundproofing of internal spaces
- Reinstating the boundary wall

### The Licensing Objectives

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

### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that in the light of the objections made by residents, the application be approved in respect of the indoor operation of the premises. However the sub-committee felt that any outdoor use would have a detrimental impact on residents and would cause public nuisance.

### Decision

RESOLVED

That the application for a new premises license for Swan Wharf, 60 Dace Road, London, E3 2NQ be granted in part with the following conditions:

### The sale by retail of alcohol (On sales)

- Sunday to Thursday, from 08:00 hrs to 22:30 hrs
- Friday and Saturday, from 08:00 hrs to 00:30 hrs (the following day)

### The provision of regulated entertainment

Films (Indoors), Live Music (indoors), Recorded Music, Performance of Dance (indoors) and anything of a similar description (indoors).

- Sunday to Thursday, from 09:00 hrs to 22:30 hrs
- Friday and Saturday, from 09:00 hrs to 00:00 hrs (midnight)

### The provision of late night refreshment (Indoors)

- Friday and Saturday, from 23:00 hrs to 00:30 hrs (the following day)

### Hours open to the public

- Sunday to Thursday, from 08:00 hrs to 23:00 hrs
- Friday and Saturday, from 08:00 hrs to 01:00 hrs (the following day)

### Non-standards



On New Year's Eve the finish time shall be extended to 03:00 hours on New Year's Day

#### Conditions

- Outdoor space is not to be used for licensable activities;
- Music or other amplified sound played within the premises or the external areas must not be audible inside any residential premises with the window open at any time;
- Deliveries and servicing to take place between 8 am and 6 pm Monday-Friday and between 8 am and 1 pm Saturdays;
- The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements;
- There shall be no striptease or nudity, and all persons shall be decently attired at all times;
- Sunday to Thursday, terminal hour for all licensable activity 10.30 pm and closed at 11 pm; and Friday and Saturday, terminal hour for all licensable activity 12.30 am and closed at 1 am.
- A CCTV camera system covering both internal and external to the premise is to be installed.
- 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.
- At all times the premises is open for licensable activity, 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.

#### **3.2 Application for a New Premises Licence for Tapas Revolution, Unit 8 Ground Floor, 58 Bethnal Green Road, London, E1 6JW**

This meeting was adjourned because of a fire alarm. As a consequence this application was deferred to a future meeting.

#### **4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business.

The meeting ended at 7.30 p.m.

Chair, Councillor David Snowdon  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 6.30 P.M. ON TUESDAY, 8 APRIL 2014**

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

**Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Marc Francis  
Councillor Peter Golds

**Officers Present:**

Paul Greeno – (Senior Advocate, Legal Services)  
Andrew Heron – (Licensing Officer, Licensing Department)  
Ian Moseley – (Trading Standards Officer)  
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

**Applicants In Attendance:**

PC Alan Cruickshank - (Metropolitan Police)

**Objectors In Attendance:**

Md Tonjob Ali - (Muhib)  
Mr Elias Miah - (Muhib)

**Apologies**

Councillor Denise Jones

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no disclosable pecuniary interests.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

### 3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 4<sup>th</sup>, 13<sup>th</sup> & 19<sup>th</sup> March 2014 were agreed.

### 4. ITEMS FOR CONSIDERATION

#### 4.1 Application for a Review of the Premises Licence for Muhib, 73 Brick Lane, London, E1 6QL

Mr Paul Greeno, advised Members that the Premises Licence Holder, Mr Tonjob Ali had agreed to the conditions requested by the Police.

PC Alan Cruickshank requested the Licensing Sub Committee to view CCTV evidence in relation to an incident which occurred on 8<sup>th</sup> September 2013 that related to the premises and then decide whether to impose a suspension as well as adding conditions.

Members considered the request however felt that the initial review had requested for conditions which had been accepted by Mr Ali and to now ask for a suspension would be unfair on Mr Ali without allowing an adjournment. Mr Ali advised that he did not wish for an adjournment and was content for the application to be considered at the meeting without an adjournment.

Members considered the application and noted that the Police had been negotiating with Mr Muhib about adding conditions to the Licence. Members also noted that the length of time taken from the date of the incident to the now was 8 months and they considered that the Police to now request suspension of the licence after such time was disproportionate.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a Review of the Premises Licence for, Muhib Restaurant, 73 Brick Lane, London E1 6QL be **GRANTED with conditions.**

#### Conditions

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification with a 'head and shoulder' image of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall

be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations and comply with all legislation, including clearly displayed warning signs.

- 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 are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

#### **4.2 Application for a Variation of a Premises Licence for City Supermarket, 389 Cambridge Heath Road, London E2 9RA**

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a variation of premises licence for the City Supermarket, 389 Cambridge Heath Road, London E2 9RA. It was noted that objections had been made by the Metropolitan Police and Trading Standards.

It was noted that the Applicants were not present at the meeting and had not been in touch with Democratic Services to give their apologies. It was also noted that notification letters and agendas had been sent out to both business and home addresses.

At the request of the Chair, PC Alan Cruickshank, Metropolitan Police stated that there was a substantial residential population in Cambridge Heath Road and the surrounding streets. PC Cruickshank concluded that there were no other off licences in the immediate vicinity that had such late hours and such late hours applied for would have a detrimental effect on local residents and also increase the likelihood of further anti-social behaviour in the area.

Members then heard from Mr Ian Moseley, Trading Standards, who stated that the application demonstrated that the applicants had limited grasp of the requirements of all four licensing objectives. Therefore, Trading Standards Service opposed the extension of hours until such a time when the applicant can satisfy the Council that they meet the requirements of the licensing objectives.

There were no questions from Members.

#### The Licensing Objectives

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

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to PC Cruickshank and Mr Moseley submissions. Members had noted the concerns raised by Mr Moseley and accepted that the manner in which the applicant had completed that part of the application form requesting that they describe the steps that they intend to promote the four licensing objectives did not satisfactorily demonstrate to members that if the application was granted that the applicants would take steps to promote the Licensing Objectives. As the applicants had not attended, Members could not put questions to the applicant that could have shown that if the application was granted that the applicants would take steps to promote the Licensing Objectives.

#### Decision

Accordingly, the Sub-Committee made a unanimous decision –

#### **RESOLVED**

That the application for a variation of the premises licence for, City Supermarket, 389 Cambridge Heath Road, London E2 9RA be **REFUSED**.

#### **5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business.

The meeting ended at 7.00 p.m.

Chair, Councillor Carli Harper-Penman  
Licensing Sub Committee

# Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	8 <sup>th</sup> May 2014	<b>Unclassified</b>	LSC 76/134	

Report of: <b>David Tolley</b> <b>Head of Consumer and Business Regulations Service</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Busaba Eathai), 3 Innova Passage, London E1 6LJ</b>
Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Ward affected: <b>Weavers</b>

## 1.0 Summary

Applicant: **Busaba Eathai Limited**  
Name and **Busaba Eathai**  
Address of Premises: **3 Innova Passage**  
**London**  
**E1 6LJ**

Licence sought: **Licensing Act 2003**

- The sale by retail of alcohol
- The provision regulated entertainment (recorded music only)
- The provision of late night refreshment

Representation: **Local Resident**  
**Met 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

Mohshin Ali  
020 7364 5498

### 3.0 **Background**

3.1 This is an application for a premises licence for (Busaba Eathai), 3 Innova Passage, London E1 6LJ.

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

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

**The sale by retail of alcohol (On and off sales)**

- Monday to Sunday, from 10:00 hours to 00:00 hours

**The provision of regulated entertainment (Recorded music) - Indoors**

- Monday to Sunday, from 10:00 hours to 00:00 hours

**The provision of late night refreshment – Indoors and outdoors**

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

**Hours open to the public**

- Monday to Sunday, from 10:00 hours to 00:30 hours the following day

**Non standard timings**

- On New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

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

### 4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1<sup>st</sup> 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](http://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, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.



## 5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by a local resident and Met police.
- 5.9 Please see **Appendix 4** for the representation of a local resident, Adam Dant.
- 5.10 Please see **Appendix 5** for the representation of Met police.
- 5.11 Environmental Protection did not make a representation. Please see **Appendix 6** for the condition the applicant agreed with Environmental Protection.
- 5.12 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
- Public Health

5.13 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

5.14 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the prevention of public nuisance and the prevention of crime and disorder.

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

5.16 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## 6.0 Licensing Officer Comments

6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- v 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).
- v Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).

- ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
  - ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
  - ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
  - ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
  - ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
  - ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
  - ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
  - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events

concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

6.8 In **Appendices 7 - 13** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 7.0 Exemptions

7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.

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

7.3 Acts of religious worship, wherever performed are not licensable.

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

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

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

## 8.0 Legal Comments

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

## 9.0 Finance Comments

9.1 There are no financial implications in this report.

## 10.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Section 182 Guidance by the Home Office
<b>Appendix 4</b>	Representation of Adam Dant
<b>Appendix 5</b>	Representation of Met police
<b>Appendix 6</b>	Conditions agreed with Environmental Protection.
<b>Appendix 7</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 8</b>	Licensing Officer comments on access/egress problems
<b>Appendix 9</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 10</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 11</b>	Planning
<b>Appendix 12</b>	Licensing Policy relating to hours of trading
<b>Appendix 13</b>	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

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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** Busaba Eathai 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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Busaba Eathai 3 Innova Passage			
<b>Post town</b>	London	<b>Post code</b>	E1 6LJ

<b>Telephone number at premises (if any)</b>	
<b>Non-domestic rateable value of premises</b>	£not rated



**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.

<b>Name</b> Busaba Eathai Limited
<b>Address</b> 2 <sup>ND</sup> FLOOR 42-48 GREAT PORTLAND STREET LONDON W1W 7NB
<b>Registered number (where applicable)</b> 04956194
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> private limited company
<b>Telephone number (if any)</b> [REDACTED]
<b>E-mail address (optional)</b> [REDACTED]

**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)**

Award-winning restaurant

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

N/A

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**

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

**B**

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

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Tue			
Wed			<b>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</b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

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

**E**

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



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	10:00	00:00			
Tue	10:00	00:00			
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed	10:00	00:00			
Thur	10:00	00:00			
			<b>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</b> (please read guidance note 5)		
Fri	10:00	00:00			
			On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day		
Sat	10:00	00:00			
Sun	10:00	00:00			

**G**

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

# H





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

<b>Late night refreshment Standard days and timings (please read guidance note 6)</b>			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 3)</b>		
Mon	23:00	00:00			
Tue	23:00	00:00			
			<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b>		
Wed	23:00	00:00			
Thur	23:00	00:00			
			<b>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)</b>  On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day		
Fri	23:00	00:00			
Sat	23:00	00:00			
Sun	23:00	00:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> (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"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00	<b>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</b> (please read guidance note 5)  On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

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

<b>Name</b> Adnan Celik	
<b>Address</b> 	
<b>Postcode</b>	
<b>Personal Licence number (if known)</b> 	
<b>Issuing licensing authority (if known)</b> 	

**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)**

N/A

**L**

<b>Hours premises are open to the public Standard days and timings (please read guidance note 6)</b>			<b>State any seasonal variations (please read guidance note 4)</b>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	00:00	00:30	<p><b>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)</b></p> <p>On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day</p>
	10:00	00:00	
Tue	00:00	00:30	
	10:00	00:00	
Wed	00:00	00:30	
	10:00	00:00	
Thur	00:00	00:30	
	10:00	00:00	
Fri	00:00	00:30	
	10:00	00:00	
Sat	00:00	00:30	
	10:00	00:00	
Sun	00:00	00:30	
	10:00	00:00	

**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)**

Please see presentation and conditions attached

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

Please see presentation and conditions attached

**c) Public safety**

Please see presentation and conditions attached

**d) The prevention of public nuisance**

Please see presentation and conditions attached

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


Please see presentation and 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)**

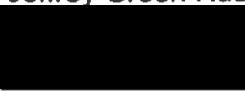
Signature	
Date	12 March 2014
Capacity	Authorised solicitors acting on behalf of the applicant

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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



Post town London Post code 

Telephone number (if any) 

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





## 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.

# **BUSABA**

## **PROPOSED CONDITIONS**

### **PREVENTION OF CRIME AND DISORDER**

1. 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.

### **PREVENTION OF PUBLIC NUISANCE**

2. No music or amplified sound shall be generated within the premises so as to give rise to nuisance within neighbouring residential dwellings.
3. Appropriate sign to be placed at the entrance requesting customers to leave the area quietly.

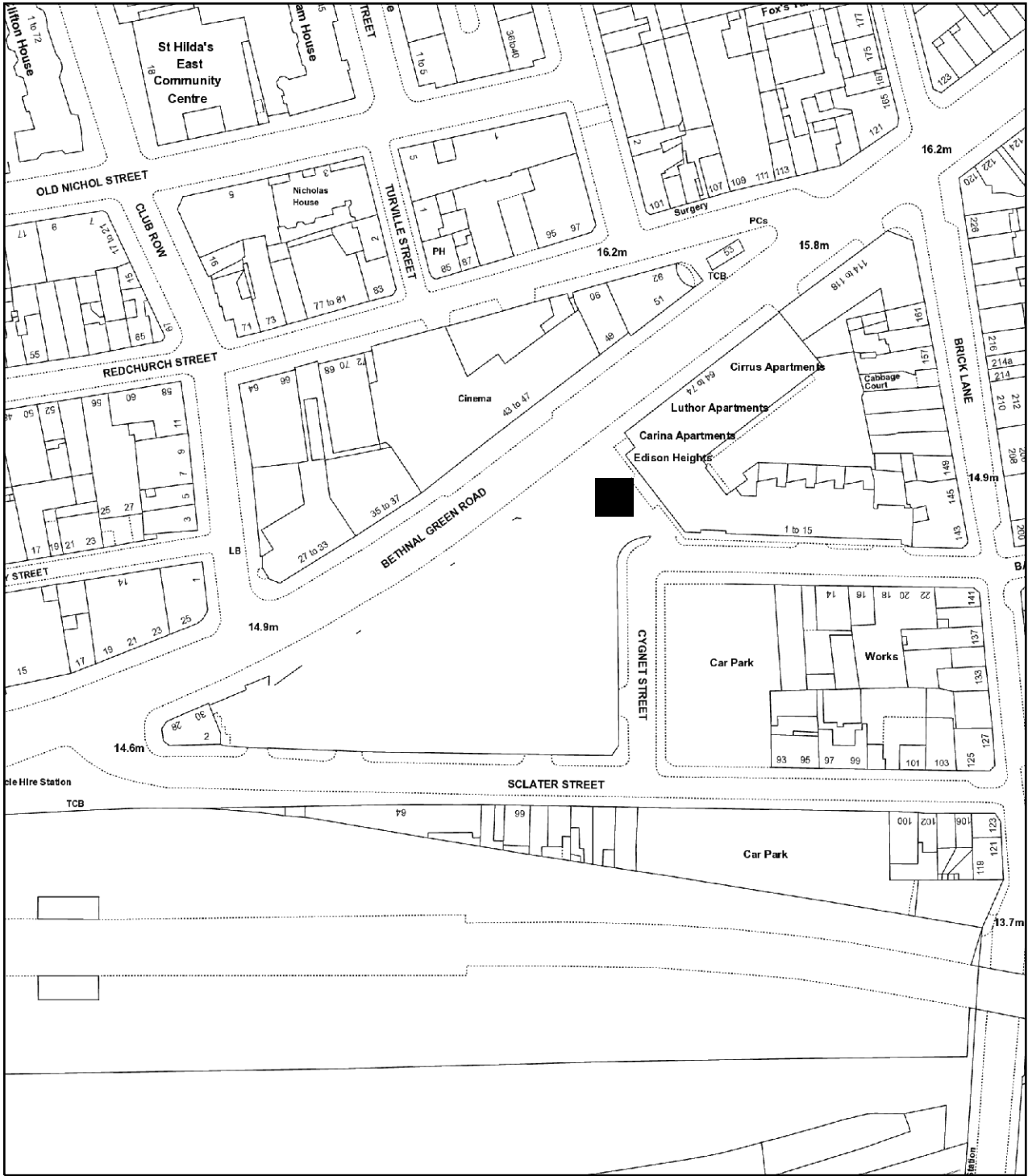
### **PUBLIC SAFETY**

4. Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.
5. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

### **PROTECTION OF CHILDREN FROM HARM**

6. 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

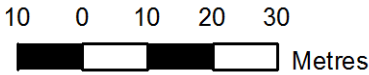
# Appendix 2



# 3 Innova Passage



Scale 1:1418



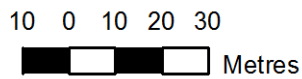
Produced by London Borough of Tower Hamlets on 24/04/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



# 3 Innova Passage



Scale 1:1986



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# Appendix 3

## 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 4

## Mohshin Ali

---

**From:** AdamDant [REDACTED] >  
**Sent:** 09 April 2014 17:29  
**To:** Mohshin Ali  
**Subject:** Re: Bethnal Green Rd - Busaba Eathai, 3 Innova Passage, London E1 6LJ

Dear Mr Ali,

Thank you for your reply .

With regard to to the application for a license to sell alcohol until 1am by Busaba Eathi I believe that the granting of this license will affect the neighbourhood and the local community negatively in several ways .

The granting of the licence would...

Increase the number of drunken revellers and general noisy foot traffic in an area which already suffers from a problematic concentration of such.

A 1am license will also encourage patrons of this establishment to stay in the area much later than patrons of other establishments do at present and general knowledge of such a late licence will attract those seeking a prolonging of their evening to the neighbourhood resulting in increased traffic , noise , littering , street urination , drunken behaviour , mini cabs and taxi nuisance and a general deterioration of the quality of life for local families such as mine and several other young families who are trying to raise children in a safe , peaceful , non threatening central London community .

An increase in the number of bars and clubs in the Bethnal Green , Redchurch st area is already responsible for an increase in the various problems mention . The local community and residents association had already made the licensing and planning depts aware of their concerns before the problems mentioned developed to their current problematic level.

I believe that the granting of this license would be for the financial benefit of the establishment rather than for the enrichment of local community life . It would serve the needs more of people visiting from outside the community rather than people who have to live with the consequences , as listed , of the operation of a late night economy .

Please let me know if you need further information before your deadline .

Many Thanks

Yours Sincerely

Adam Dant  
[REDACTED]

# Appendix 5

## Mohshin Ali

---

**From:** Alan.D.Cruickshank@met.pnn.police.uk  
**Sent:** 29 March 2014 20:57  
**To:** Mohshin Ali; Andrew Heron  
**Subject:** Busaba Eathai  
**Attachments:** Busaba objection ( March 14 ).doc

Mohshin, Andrew

Please accept my representation re: the above application.

Regards

Alan Cruickshank PC 189HT

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**Twitter:** [@metpoliceuk](https://twitter.com/metpoliceuk)

John McCrohan  
LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4UA

HT - Tower Hamlets Borough  
HH - Limehouse Police Station

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

Telephone: 0207 275 4911

Facsimile:

Email:

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

Your ref:

Our ref:

27 March 2014

Dear Mr McCrohan

Re: Application for a Premises Licence

Busaba Eathai, 3 Innova Passage, E1 6LJ

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

The applicant has applied for the following hours in relation to alcohol:

All week::1000 - midnight

They also wish to have a non standard timing regarding New Year's Eve.

Other licensable activities reflect the above hours.

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.

With regards to this policy, 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.

This part of Bethnal Green Road falls within the Cumulative Impact Zone (CIZ) and also the Shoreditch Triangle, featuring the busiest parts of Tower Hamlets, Hackney and Islington. There has been a steady increase in bars, restaurants and fast food premises.

One more late night opening venue will only compound the problems at the top end of the CIZ. This objection is not a reflection on the applicant but a response to the Saturation Policy. Since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises however small or well run, in this new part of Bethnal Green can only mean more people staying for longer within the CIZ.

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 area which was called the 'Shoreditch Triangle', which comprises of the borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets).

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.

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.

At the highest level of the Metropolitan Police, the Commissioner has instructed Chief Superintendent Stringer to coordinate a joint response with our colleagues at Hackney. It will mean a large number of officers from throughout the Metropolitan district will attend this area and target crime and disorder, including ASB.

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

Can the applicant reassure the committee that they will not contribute to ASB when their patrons leave the venue?

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

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 the non standard timings. Police resources are stretched on NYE and I would ask the committee to refuse this. They can apply for a TEN which would be considered nearer the time.

In terms of hours, if the licence is to be granted I would ask the committee to consider the following hours.

#### Alcohol

All week: 1000 - 2330

Late night refreshments/ recorded music: until 2330

Opening Hours: 1000 - midnight (allows a half hour "drinking up" time)

#### Condition

An extra part to be added to the CCTV condition.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority,

Alan Cruickshank PC189HT

# Appendix 6

## Mohshin Ali

---

**From:** Alex Lisowski on behalf of Licensing  
**Sent:** 21 March 2014 10:52  
**To:** Mohshin Ali  
**Subject:** FW: BUSABA, Innova Passage: MAU 074923.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mohshin,  
This is one of yours.  
Alex.

---

**From:** Alkesh Solanki  
**Sent:** 20 March 2014 16:42  
**To:** Licensing  
**Cc:** [Alan.D.Cruickshank@met.police.uk](mailto:Alan.D.Cruickshank@met.police.uk); [REDACTED]  
**Subject:** RE: BUSABA, Innova Passage: MAU 074923.

Please note the agreed condition for the new premise licence RE: BUSABA, Innova Passage. MAU ref 074923.

I do not object to this application.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 1BY |  
020 7364 6518/5007 | [alkesh.solanki@towerhamlets.gov.uk](mailto:alkesh.solanki@towerhamlets.gov.uk)

---

**From:** Andrew Wong [mailto:  
**Sent:** 20 March 2014 16:32  
**To:** Alkesh Solanki  
**Cc:** [Alan.D.Cruickshank@met.police.uk](mailto:Alan.D.Cruickshank@met.police.uk)  
**Subject:** RE: BUSABA, Innova Passage: MAU 074923.

Dear Alekesh

I confirm that this is agreed.

Best wishes

Andrew Wong  
Director  
for Jeffrey Green Russell Limited

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

*["Leading Individual" and "Recommended Individual" 2012 by Legal 500](#)*  
*["Top Tier" and "Recommended Law Firm" 2012 by Legal 500](#)*

---

**From:** Alkesh Solanki [<mailto:Alkesh.Solanki@towerhamlets.gov.uk>]  
**Sent:** 20 March 2014 14:34  
**To:** Andrew Wong  
**Cc:** [Alan.D.Cruickshank@met.police.uk](mailto:Alan.D.Cruickshank@met.police.uk)  
**Subject:** BUSABA, Innova Passage: MAU 074923.

Hello Andrew,

I would like you to agree the following condition: Do you agree?

No noise from regulated entertainment shall be audible at any affected residential façade and/or habitable room so as to cause a nuisance.

Do you agree?

Regards,  
Alkesh.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 1BY |  
020 7364 6518/5007 | [alkesh.solanki@towerhamlets.gov.uk](mailto:alkesh.solanki@towerhamlets.gov.uk)

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# Appendix 7

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.4**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.5**).

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

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

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

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

### Police Powers

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

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

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

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

Licence conditions should not duplicate other legislation (1.17).

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.

# Appendix 8

## Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.4**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.5**)

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.17).

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).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.37).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.39)



# Appendix 9

## 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 10

## 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 11

## **Planning**

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

# Appendix 12

## Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

- 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)

# Appendix 13

### **Special Cumulative Impact Policy for the Brick Lane Area**

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

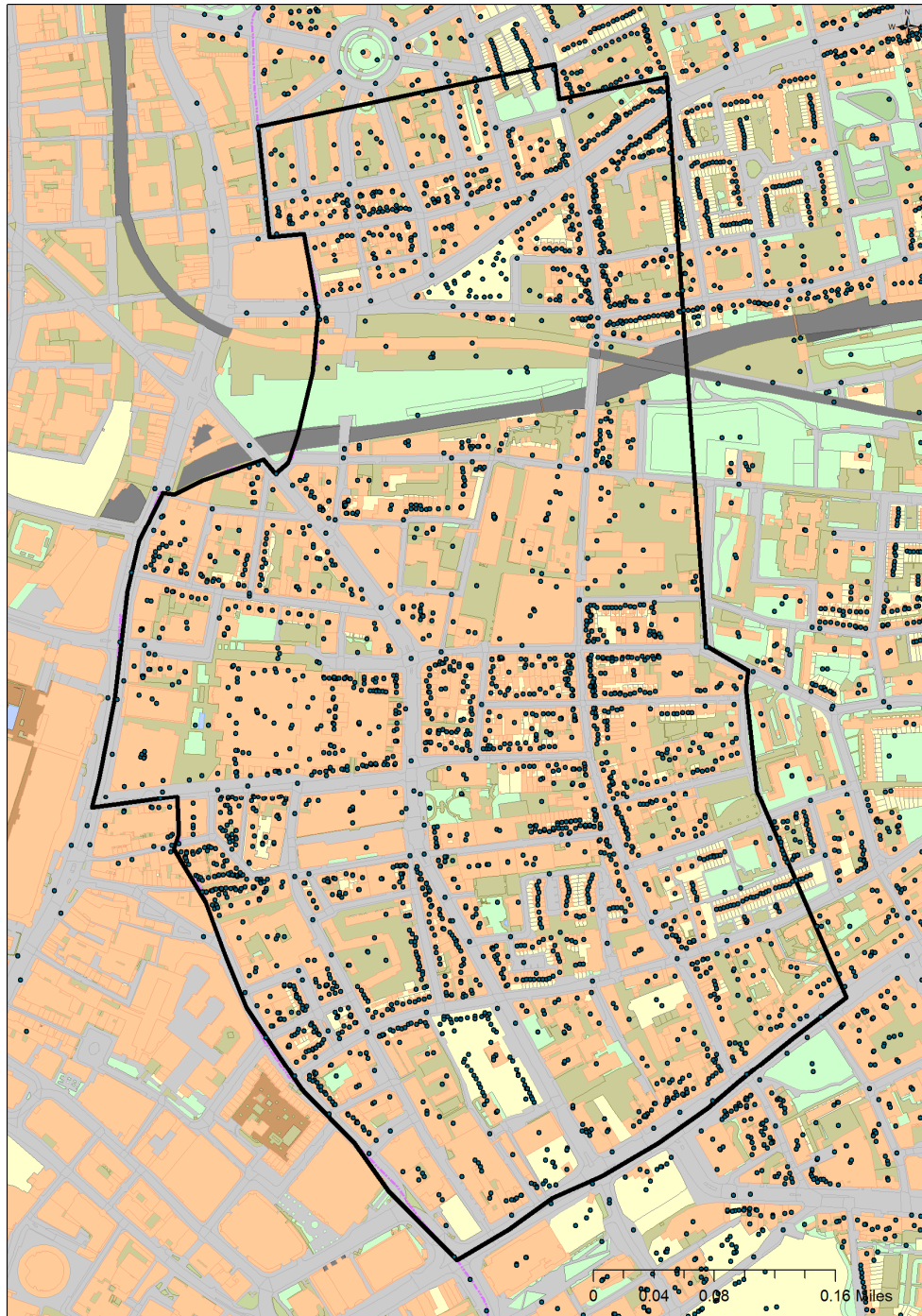
The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.



Figure One

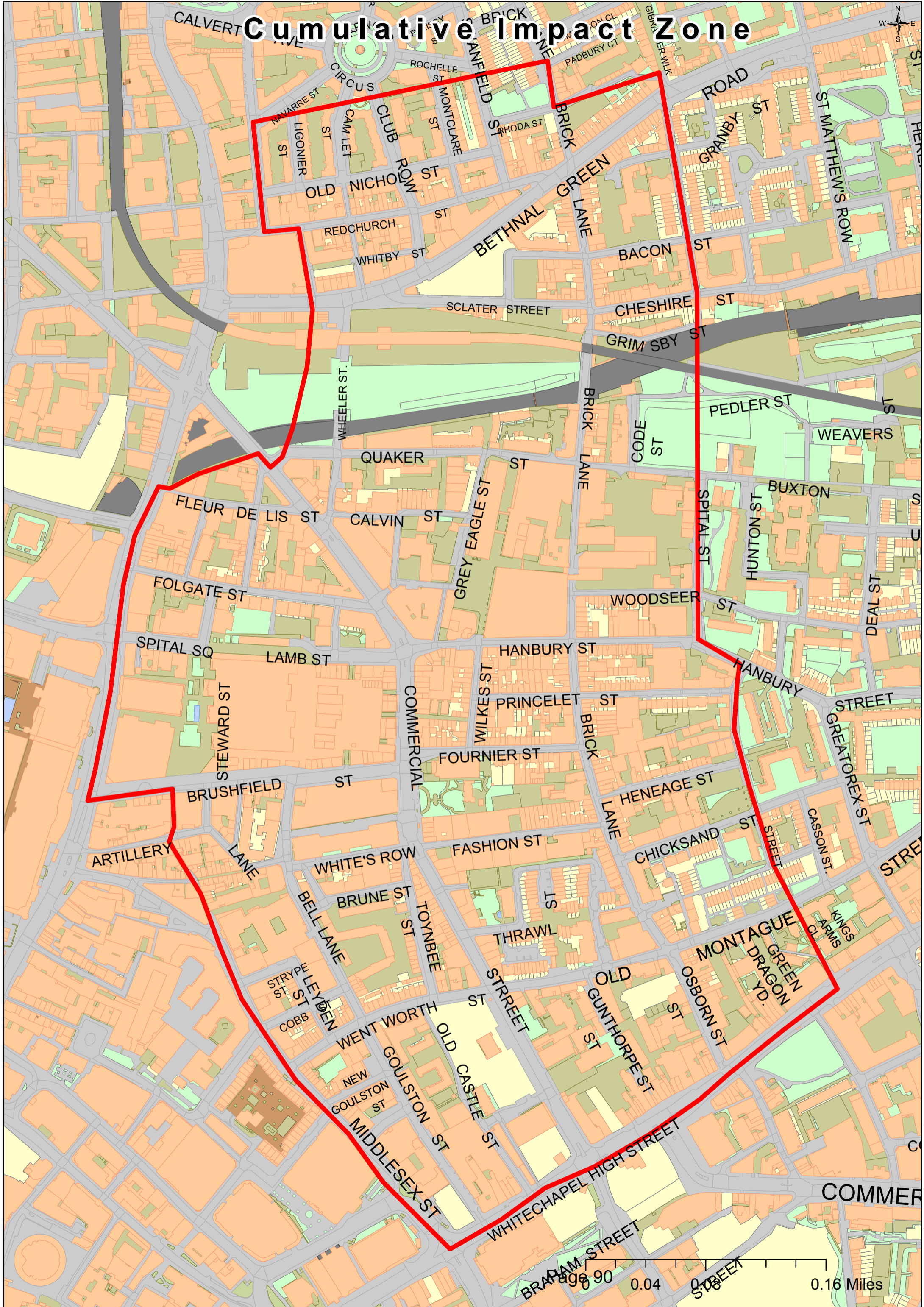
**The Cumulative Impact Zone in the Brick Lane area**

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.





# Cumulative Impact Zone





# Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	8 <sup>th</sup> May 2014	<b>Unclassified</b>	LSC 77/134	

Report of: <b>David Tolley</b> <b>Head of Consumer and Business Regulations Service</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Convenience Store), 55 Old Bethnal Green Road, London E2 6QA</b>  Ward affected: <b>Bethnal Green North</b>
---	---

## 1.0 Summary

Applicant: **Muhammed Azrof**  
Name and **Convenience Store**  
Address of Premises: **55 Old Bethnal Green Road**  
**London**  
**E2 6QA**

Licence sought: **Licensing Act 2003**  
**•The sale by retail of alcohol**

Representation: **Local Residents / Residents Association**  
**Local business**  
**Councillor Carlo Gibbs**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali  
020 7364 5498

### 3.0 **Background**

3.1 This is an application for a premises licence for (Convenience Store), 55 Old Bethnal Green Road, London E2 6QA.

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

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

#### **The sale by retail of alcohol (Off sales)**

- Monday to Sunday, from 07:00 hours to 23:00 hours

#### **Hours open to the public**

- Monday to Sunday, from 07:00 hours to 23:00 hours

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

### 4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1<sup>st</sup> 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](http://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, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

### 5.0 **Representations**

5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

- 5.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Local Residents/Residents Association, local business and a ward councillor.
- 5.9 Please see **Appendix 4** for the representation of Councillor Carlo Gibbs.
- 5.10 Please see below the list of local residents/ residents association and local business making a representation.

<b>Name</b>	<b>Appendix</b>
Mizanur Rahman	<b>5</b>
Mohammed Miah	<b>6</b>
Robert Andari	<b>7</b>
Janice Bergonzi (Petition)	<b>8</b>
Mizanur Rahman (Petition)	<b>9</b>

- 5.11 Members may wish to note that Trading Standard did make a representation initially but this has now been withdrawn. The agreement is included in **Appendix 10**.
- 5.12 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

- Public Health
- 5.13 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
- 5.14 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the prevention of public nuisance and the prevention of crime and disorder.
- 5.15 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.16 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## 6.0 Licensing Officer Comments

- 6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 6.2 Guidance issued under section 182 of the Licensing Act 2003
- ∇ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
  - ∇ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
  - ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing

- objectives.” (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
  - ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
  - ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
  - ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
  - ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
  - ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
  - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence

holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 11 - 16** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 7.0 Exemptions

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

## 8.0 Legal Comments

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

## 9.0 Finance Comments

- 9.1 There are no financial implications in this report.



## 10.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Section 182 Guidance by the Home Office
<b>Appendix 4</b>	Representation of Cllr Carlo Gibbs
<b>Appendix 5</b>	Representation of Mizanur Rahman
<b>Appendix 6</b>	Representation of Mohammed Miah
<b>Appendix 7</b>	Representation of Robert Andari
<b>Appendix 8</b>	Representation (Petition) of Janice Bergonzi
<b>Appendix 9</b>	Representation (Petition) of Mizanur Rahman
<b>Appendix 10</b>	Agreement of Trading Standards
<b>Appendix 11</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 12</b>	Licensing Officer comments on access/egress problems
<b>Appendix 13</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 14</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 15</b>	Planning
<b>Appendix 16</b>	Licensing Policy relating to hours of trading

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# Appendix 1

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	ALI2-1	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes
  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	Muhammed Azrof
* Family name	Ali
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

### Address

* Building number or name	<input type="text" value="55"/>
* Street	<input type="text" value="Old Bethnal Green Road"/>
District	<input type="text" value="Bethnal Green"/>
* City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="E2 6QA"/>
* Country	<input type="text" value="United Kingdom"/>

### Agent Details

* First name	<input type="text" value="David"/>
* Family name	<input type="text" value="Dadds"/>
* E-mail	<input type="text" value="REDACTED"/>
Main telephone number	<input type="text" value="REDACTED"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

### Agent Business

* Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
* Registration number	<input type="text" value="OC358152"/>	
* Business name	<input type="text" value="Dadds LLP"/>	
* VAT number	<input type="text" value="GB"/>	<input type="text" value="101 5996 25"/>
* Legal status	<input type="text" value="Partnership"/>	
* Your position in the business	<input type="text" value="Solicitor/partner"/>	
Home country	<input type="text" value="United Kingdom"/>	

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

* Building number or name	<input type="text" value="[REDACTED]"/>
* Street	<input type="text" value="[REDACTED]"/>
District	<input type="text"/>
* City or town	<input type="text" value="[REDACTED]"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="[REDACTED]"/>
* Country	<input type="text" value="United Kingdom"/>

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="55"/>
Street	<input type="text" value="Old Bethnal Green Road"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E2 6QA"/>
Country	<input type="text" value="United Kingdom"/>

**Further Details**

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="5,900"/>

### Section 3 of 19

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

#### Confirm The Following

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

### Section 4 of 19

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Muhammed Azrof

Family name

Ali

Is the applicant 18 years of age or older?

- Yes  No

Continued from previous page...

### Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
<input type="button" value="Add another applicant"/>	

## Section 5 of 19

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

A small convenience store situated on a busy road offering a range of groceries in addition to the sale of alcohol.



**Continued from previous page...**

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

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

Continued from previous page...

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes                       No

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

**Continued from previous page...**

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

There will be no activity of this nature

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

**Continued from previous page...**

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Please see attached schedule

b) The prevention of crime and disorder

Please see attached schedule

c) Public safety

Please see attached schedule

**Continued from previous page...**

d) The prevention of public nuisance

Please see attached schedule

e) The protection of children from harm

Please see attached schedule

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

*Continued from previous page...*

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**DECLARATION**

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Once you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

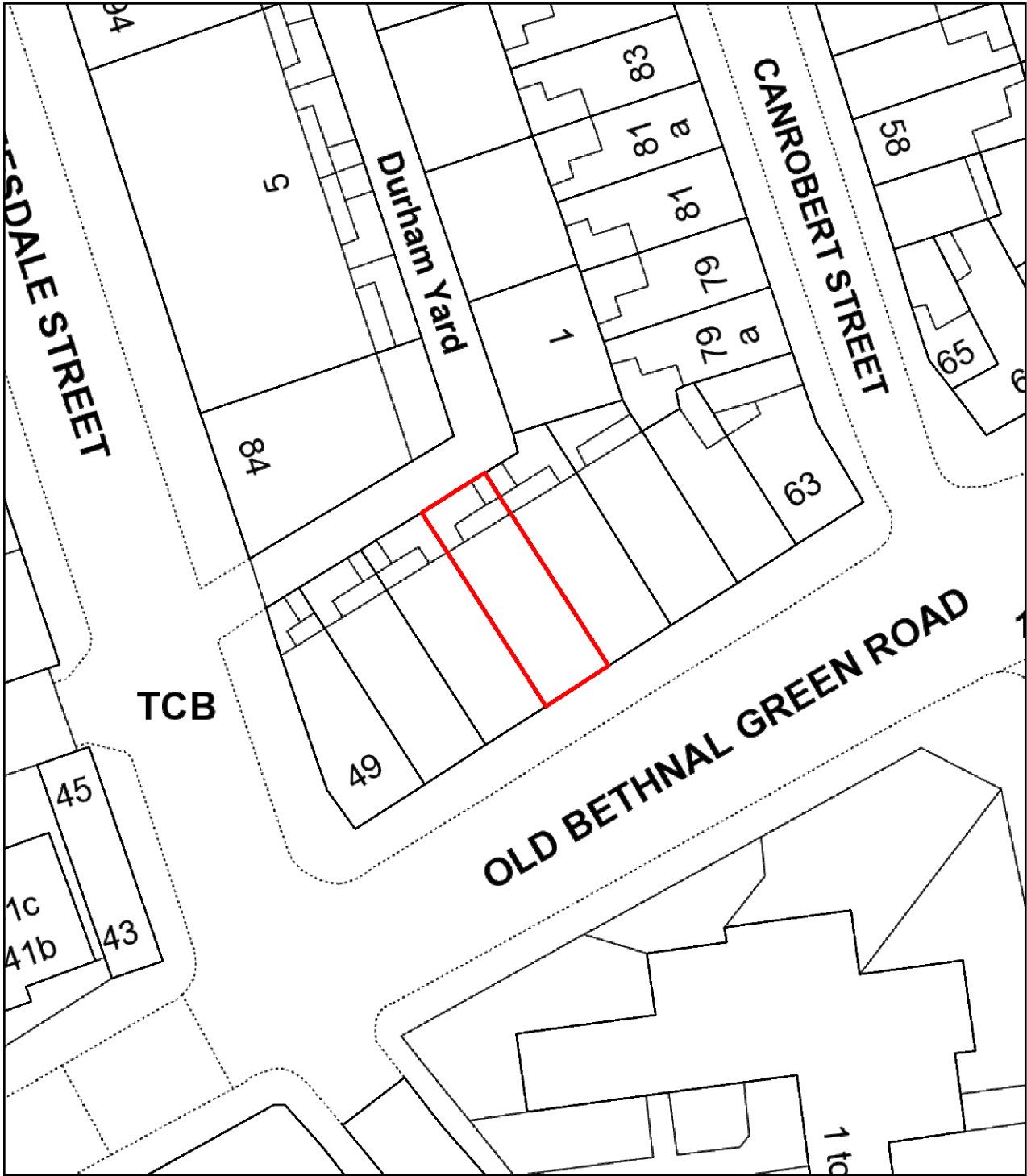
**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

Schedule for Pound Plus, 55 Old Bethnal Green Road, E2 6QA

1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
2. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
3. The premises licence holder shall ensure that there is no external disposal of refuse after 2100 hours and before 0800 hours daily and, as far as possible, to ensure deliveries are within those hours with the exception of newspaper deliveries.
4. Staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
5. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
6. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
7. The premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all staff and documented as above.
8. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
9. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
10. The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available following the reasonable request of Police or authorised officer throughout the preceding 28 day period.
11. The premises licence holder shall ensure that 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 are open to the public.
12. The premises licence holder shall operate a 'Challenge 25', or similar, scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
13. The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25', or similar, scheme operates in the premises.
14. The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.
15. The premises licence holder shall ensure that no alcoholic goods will ever be purchased from sellers calling to the shop.



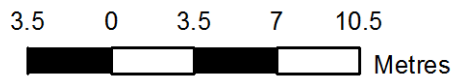
# Appendix 2



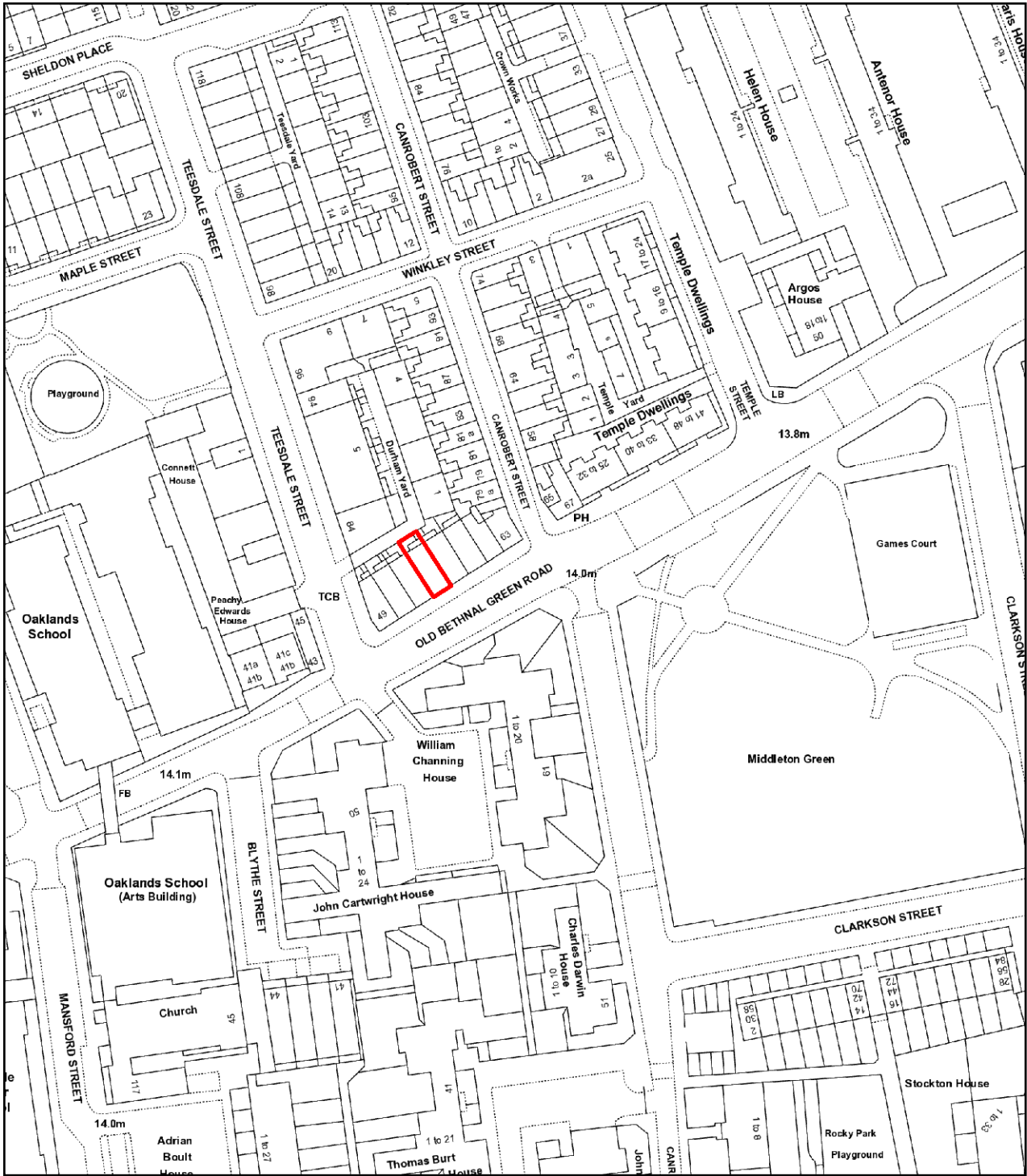
## 55 Old Bethnal Green Rd



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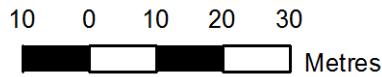
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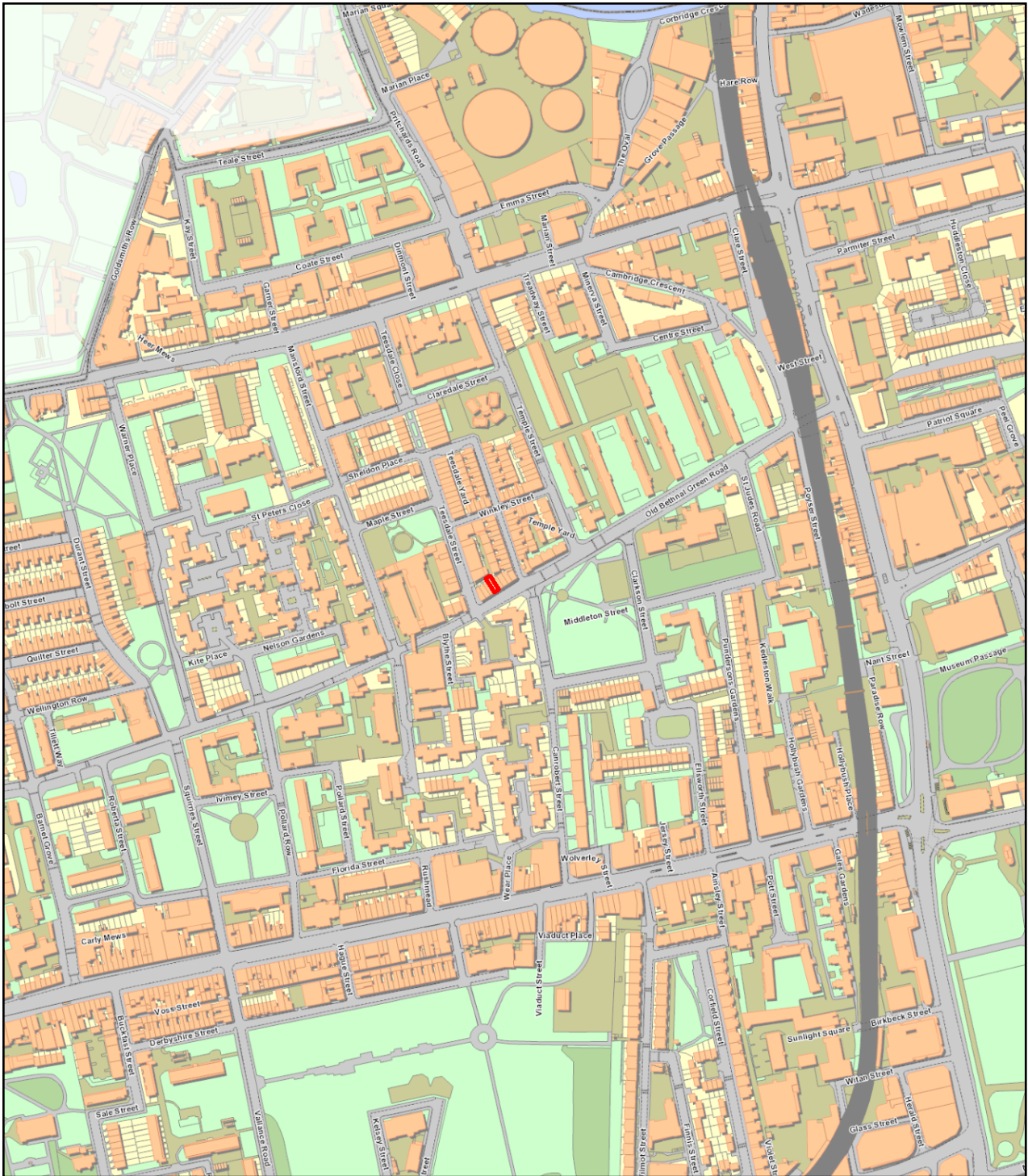
# 55 Old Bethnal Green Rd



Scale 1:1381



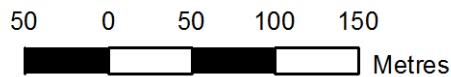
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# 55 Old Bethnal Green Rd



Scale 1:5524



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# Appendix 3

## 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 4



## Mohshin Ali

---

**From:** Alex Lisowski on behalf of Licensing  
**Sent:** 27 March 2014 16:57  
**To:** Mohshin Ali  
**Subject:** FW: Licence Objection - 55 Old Bethnal Green Road  
**Attachments:** Objection to Alcohol Licence.pdf

---

**From:** Carlo Gibbs  
**Sent:** 27 March 2014 16:36  
**To:** Licensing  
**Cc:** Zenith Rahman  
**Subject:** Licence Objection - 55 Old Bethnal Green Road

Please find attached a copy of an objection to the licence application at 55 Old Bethnal Green Road from Bethnal Green North Councillor's Carlo Gibbs and Zenith Rahman.

Cllr Carlo Gibbs  
Labour Councillor  
Bethnal Green North Ward

██████████  
██  
██████████

—

## **Objection to Alcohol Licence**

**55 Old Bethnal Green Road**

**E2 6QA**

27<sup>th</sup> March 2014

We are writing to raise objections on behalf of our residents to the alcohol licence that has been applied for by the shop at 55 Old Bethnal Green Road. While residents are not against organisations applying for alcohol licences in general, there are a number of key reasons that they believe this store in particular will have a negative impact on the licensing objectives. This includes:

1. **Prevention of harm to children** – the Middle Green area, which is directly outside of the shop, has suffered considerably over the past few years of having young people involved in anti-social behaviour. The area has been given specific priority by the police and has been subject of intense work to tackle issues of anti-social behaviour, specifically relating to young people. The problem has existed for many years and is exacerbated by the fact there is a secondary school just a few yards down from the premises. It is also important to note young people from this school are allowed out at lunchtime and often hang around the area.

There have also been issues with drug dealing in that area, particularly involving young people and this includes hanging around in groups with people over the age of 18. This is a cause for concern as the introduction of alcohol to this area has a real possibility of increasing the anti-social behaviour and harm to children as there is a real risk with the mixed age group that proxy sales of alcohol will occur.

As a minimum the store should be required to use the Challenge 25 policy, provide training for staff on how to tackle alcohol relate underage sales and proxy purchasing and keep a record book of refusals.

2. **Public Nuisance** – It is important to note that this area currently suffers from street drinking issues, with Middleton Green an area where there is visible street drinking problem and the issue of alcohol related litter that this creates. Residents are regularly finding empty bottles and can across the green. Adding this alcohol licence to an area, where I understand there is not a licence already in place, is likely to exacerbate this issue. Close to this area is Cambridge Heath Station, where there is a known street drinking problem and this is could make this an area which attracts more street drinkers.

Furthermore, the application for the licence is from 7am to 11pm 7 days a week. Should the venue be allowed to serve alcohol at this early hour it has the potential to attract people early in the morning.

- 3. Public Nuisance and Crime and Anti-social behaviour** – it is important to note that this area sits between two areas with a high concentration of alcohol venues, both on and off trade. By allowing this licence here, there is a real concern that this will turn the area into a destination for people moving between the two areas, particularly within the night time economy. This is also a risk as the licence will run until 11pm. Should the licence be allowed there is a concern this will attract customers that are either on their way out to one of the destinations in Hackney road or Bethnal Green Road, or that it will attract people that are leaving those destinations to the area. Given the quite residential nature of where the shop is, that has the potential to create a significant public nuisance for residents.

Overall there is concern from residents regarding the impact this licence could have on preventing harm to children, preventing public nuisance and preventing crime and antisocial behaviour and that this application should be rejected on these grounds.

Yours sincerely,

Cllr Gibbs

Cllr Rahman

Bethnal Green North

# Appendix 5

# TRC NEWSAGENTS LTD

57OLD BETHNAL GREEN ROAD, LONDON E2 6QA

04/03/2014

J. McCrohan,

Trading Standards and Licensing Manager

Licensing , Mulbery Place (AH) 6<sup>th</sup> Floor

5 Clove Crescent, London E14 2BG

REF: OBJECTION LETTER FOR REFUSAL OF ALCOHOL LICENCE 55 OLD BETHNAL GREEN ROAD

Dear Mr McCrohan,

I am writing to object to the application for a premises licence made by 55 Old Bethnal Green Road, London E2 6QA. The basis for this opposition is that by granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

55 Old Bethnal Green Road, London E2 6QA lies within a residential area which consists of several local Primary and Secondary Schools and by enabling the premises to sell alcohol would totally have a serious detrimental effect on the residents and population. The application proposes that alcohol will be sold for consumption off the premises between 7:00am and 11.00pm, seven days a week. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises (Hackney Road and Bethnal Green Rd) that crime, disorder and public nuisance have already reached problem levels for the local police. I feel worried for the safety of the school children as they are already hanging around corners, park and local building stairways. We operate as a newsagents and I hold a personal licence, but after much consultation with the local public i.e residents, parents and teachers etc we refused to sell alcohol for the sake of public safety.

Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so. The area has lots of school children, parents and elderly people. I have heard this premises has already been caught by Tower Hamlets Trading Standards selling cigarettes to under age children this year.

In view of the above, I would urge the Licensing Authority to refuse the application. I would be grateful if you could keep my details anonymous.

Yours faithfully,

  
M. Rahman

Manager



# Appendix 6

07/03/14



Mohammed Miah  
Lala Bazar Halal Groceries  
61-63 Old Bethnal Green Rd  
London  
E2 6QA

John McCrohan

Trading Standards and Licensing Services Manager

Licensing Section

Mulberry Place (AH) 6<sup>th</sup> floor

5 Clove Crescent, London E14 2BG

**OBJECTION LETTER FOR LICENSING ACT 2003 FOR 55 OLD BETHNAL GREEN ROAD**

Dear Mr Tolley,

I am writing to register my objection to the application for a premises licence by 55 Old Bethnal Green Road, London E2 6QA. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

55 Old Bethnal Green Road, London E2 6QA lies within a residential area which consist of several local primary and secondary schools and by enabling the premises to sell alcohol would be totally detrimental. The application proposes that alcohol will be sold for consumption off the premises between 7:00am and 11:00pm, seven days a week. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licence premises (Hackney Road and Bethnal Green Road) that crime, disorder and public nuisance have already reached problem levels for the local police.

Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so. The area has a lot of school children, parents and elderly people. I have heard this premises has already been caught by Tower Hamlets Trading Standards selling cigarettes to under age children this year.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

M Miah

I would be grateful if you could keep my details anonymous.

# Appendix 7



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

24 March 2014

Dear Sir/Madam

I am writing to object to the application for a premises licence at 55 Old Bethnal Green Road. The reason for this objection is that the application fails to meet the following objectives:

### **The prevention of public nuisance**

Granting a licence to sell alcohol provision will have a significant detrimental impact on the local population and will fundamentally alter the nature of the local economy, establishing a new late night economy zone in an area where it would be simply inappropriate.

Granting a licence to sell alcohol in the centre of a heavily residential area is likely to attract custom from out of the immediate community, particularly including at night, increasing the demand on the waste facilities in the area. This is despite the fact that the area suffers from constant rubbish on the streets. I have made continual complaints to the council about fly tipping and rubbish dumped on the streets on the row on which my property is situated. All this is in spite of the ample nearby on-street waste facilities.

The council's core strategy makes no provision for allowing the residential area of old Bethnal Green Road develop into a location with a night time economy provision. There are sufficient venues serving alcohol on the surrounding Hackney Road, Cambridge Heath Road and Bethnal Green Road, which are far better equipped, and therefore more appropriate, to deal with the supply of alcohol.

Granting a licence to sell alcohol will significantly alter the nature of businesses in that row. Establishing a night time economy in this area which could open the door for further venues of this nature being opened up, making it a destination area. Having multiple venues would be wholly inappropriate for this type of local economy.

### **The prevention of crime and disorder**

The proposed application would attract increased footfall to the area and would lead to increased incidences of noise nuisance and anti-social behaviour as well as an increased risk of crime. Granting a licence would provide a further source of alcohol within an area

already so heavily populated with licensed premises that crime, disorder and public nuisance have already reached problem levels for the local police.

The local area already suffers from gang activity and the loitering of youths around Middleton Green and the row of shops where the premises is based. This had led to instances of antisocial behaviour, including vandalism and violence against shopkeepers on the row. I have personally had litter pushed through my letter box and my door has been marked with graffiti. I have a young family and my property, two doors down from the applicant, is already on the “front line” for criminal opportunists and disorderly conduct. I am extremely concerned that the provision of alcohol would provide fuel for more anti-social behaviour.

### The protection of children from harm



As shown on the map above, the proposed alcohol venue is surrounded by four schools. Many children come to this row of shops during and after school hours to buy snacks.

I am concerned that the applicant will not take adequate steps to prevent the sale of alcohol to the underage as required under the Licencing Act 2003. The applicant was recently censured by Trading Standards for selling cigarettes to an under aged young person. This provides a clear warning that the applicant is unwilling or incapable of taking reasonable precautions or exercising due diligence in the sale of restricted items to children.

Young teenagers will attempt to buy and consume alcohol and then become vulnerable because their judgement is impaired. This could put them in danger from getting involved in fights.



Middleton Green frequently contains broken glass from people drinking and then smashing bottles. I attach photos showing broken glass in close proximity to the children's play areas that pose a danger to children and render the play facilities unsafe.











I have a young child and I cannot take her to the Green because I fear that she will be cut by small glass fragments that are concealed in the grass. This situation will certainly be exacerbated by the sale of alcohol in close proximity to the Green.

### **Protection of public health**

The applicant proposes to offer alcohol for sale from 7 am to 11pm. This extended period of sale will encourage prolonged drinking which will have an adverse effect on the health of both those buying and consuming the alcohol, as well as the health of others who come into contact with them.

The increased outlet density will result in increased consumption, lower alcohol prices stemming from competition and an increase in alcohol related harm. All in a primarily residential area that suffers from a multitude of public health concerns. There is a close correlation between increased alcohol outlet density and excessive alcohol consumption and related harm

For these reasons I urge the council to deny the application.

# Appendix 8

## Mohshin Ali

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**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 27 March 2014 10:15  
**To:** Mohshin Ali  
**Subject:** FW: PETITION REGARDING ALCOHOL LICENSE 55 OLD BETHNAL GREEN ROAD  
**Attachments:** 55 OBGR Acohol License Petition - March 2014.pdf

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**From:** Janice Bergonzi [REDACTED]  
**Sent:** 26 March 2014 23:21  
**To:** Licensing  
**Subject:** PETITION REGARDING ALCOHOL LICENSE 55 OLD BETHNAL GREEN ROAD

FAO -DAVID TOLLEY

PLEASE FIND ATTACHED OUR RESIDENTS PETITION



William Channing House

John Cartwright House

Old Bethnal Green Road

E20BN/E2 6PZ/E2 6GD

Dear David Tolley

**REF:**

**55 Old Bethnal Green Road**

**T/A Pound Plus London Ltd**

We the undersigned Residents of William Channing House, John Cartwright House and Old Bethnal Green Road vehemently oppose the application for a License to sell alcohol being given to the above premises.

Our reasons for opposing the License are as follows:

- We have over a number of years been subjected to drink related ASB on Middleton Green, Blyth Street and Teesdale Street which are all in close proximity and can be verified by the Police, Safer Neighbourhood Team, and Andrew Adebbonjo Community Safety Investigation Officer for LBTH and Cllr Carlo Gibb.
- We believe granting this License will only magnify the ASB problem with more noise pollution and loitering
- We also believe there are enough Off Licenses within walking distance in Bethnal Green and Hackney Roads so therefore not a necessity for another
- We would also like to draw your attention to the previous off license that was in Teesdale Street that caused us Residents and the Police major problems
- We feel it would not be very responsible to have yet another off license in an area that has its fair share of drink related problems. A visit to any local AA meeting will confirm the enormity of the problem

- We also believe being so close to 4 schools is not exactly promoting the Governments Healthy eating and lifestyle campaign

We trust the points raised in our objection will be given serious consideration before any consent is passed

NAME

ADDRESS

NAME	ADDRESS
J Bergonzi	WILLIAM CHANNING HOUSE
GILES JENKINSON	WILLIAM CHANNING HOUSE
CRIG JENKINSON	WILLIAM CHANNING HOUSE
CHRISTINE McNAB	WILLIAM CHANNING HOUSE
JAMIE McNAB	WILLIAM CHANNING HOUSE.
Roslane mootoo	William Channing House
Barry Carter	William Channing House
MARLEA PAVIN	WILLIAM CHANNING HOUSE
JUNE FAREUGIA	WILLIAM CHANNING HOUSE
CLARE PAYNE	William Channing House
Chris Long	WILLIAM CHANNING HOUSE
JULIE SNELL	WILLIAM CHANNING HOUSE
Rae Pngwe MBE	WILLIAM CHANNING HOUSE
MAYA ANGRE	WILLIAM CHANNING HOUSE
Theodora Kotzou	WILLIAM CHANNING HOUSE.
CHRISTINE CAMMON	JOHN CARWRIGHT HOUSE.
JOHN CAMMON	JOHN CARWRIGHT HOUSE



NAME

ADDRESS

ROW FARMER

R/FARMER  
Shul.



JOHN CARTWRIGHT  
JOHN CARTWRIGHT

ANITA FORD

Kelly Doyle.



John Cartwright House.

Jason Clifford

DARREN CLIFFORD

JOHN CARTWRIGHT HSE  
OLD BETHNAL Cn N

DEREK CLIFFORD

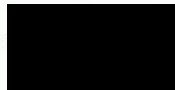
Josey, wood



John Cartwright Hse

L Post

John Cartwright EZ



T. Daltrey.

OLD Bethnal Gm Road  
E.2.

R Dale



Michael Lynn Rd

NICKIE HACC



E.26



JOHN CARTWRIGHT HOUSE

E2



GARY MARSH



~~W HACC~~

Peachey Edwards House E2



C Sell



William Channing the

S Sell

u u u u u

L Post

u u u u u

OLI KUGLER



WILLIAM CHANNING - HOUSE

ALAN BROWN

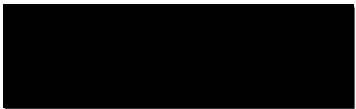
WILLIAM CHANNING HOUSE.

M. Farmer

John Cartwright House

# Appendix 9

Mizanur Rahman



12/03/2014

John McCrohan,  
Trading Standards and Licensing Services Manager  
Licensing Section  
Mulberry Place (AH) 6<sup>th</sup> Floor  
5 Clove Crescent, London E14 2BG

**OBJECTION PETITION FOR LICENSING ACT 2003 FOR 55 OLD BETHNAL GREEN ROAD**

Dear Mr McCrohan,

I am writing to register my objection to the application for a premises licence by 55 Old Bethnal Green Road, London E2 6QA. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

55 Old Bethnal Green Road, London E2 6QA lies within a residential area which consists of several local Primary and Secondary Schools and by enabling the premises to sell alcohol would be totally detrimental. The application proposes that alcohol will be sold for consumption off the premises between 7:00am and 11.00pm, seven days a week. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises (Hackney Road and Bethnal Green Rd) that crime, disorder and public nuisance have already reached problem levels for the local police.

Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so. The area has lots of school children, parents and elderly people. I have heard this premises has already been caught by Tower Hamlets Trading Standards selling cigarettes to under age children this year.

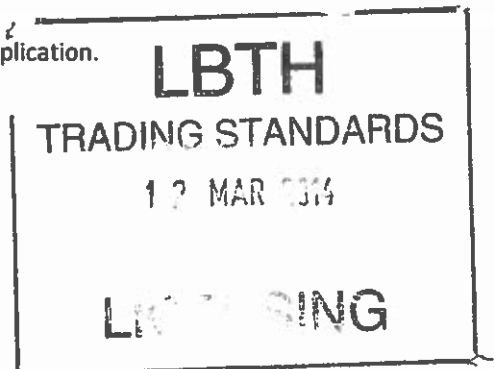
I have also included herewith this letter updated copies of objection petition details which I have already delivered (Original details) by hand at Mulberry Place to a Female Licensing team member on 11/03/14. She claimed we must include postcodes otherwise objections will be rejected. So once again we have made several visits, phonecalls and met personally to obtain the postcodes of individuals. Also included is 2 more extra pages.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,



M. Rahman



**REF: OBJECTION PETITION FOR THE REFUSAL OF ALCOHOL LICENSE (PREMISES LICENSE) - 55 OLD BETHNAL GREEN ROAD - 04/03/2014**

**PETITION ORGANISER : M. RAHMAN 57 A OLD BETHNAL GREEN ROAD, LONDON E2 6QA TEL. [REDACTED]**

**FAO: J. McCrohan, Trading Standards and Licensing Manager**

**Licensing , Mulberry Place (AH) 6<sup>th</sup> Floor 5 Clove Crescent, London E14 2BG**

We are making a petition to object to the application for a premises licence made by 55 Old Bethnal Green Road, London E2 6QA. The basis for this opposition is that by granting a licence for these premises will not promote the licensing objectives, particularly the prevention of Crime and Disorder (antisocial behaviour), Public Safety, Prevention of Public Nuisance and Protection of Children From Harm. 55 Old Bethnal Green Road, London E2 6QA lies within a residential area which consists of several local Primary and Secondary Schools and by enabling the premises to sell alcohol would totally have a serious detrimental effect on the residents and population. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises (Hackney Road and Bethnal Green Rd) that crime, disorder and public nuisance have already reached problem levels for the local police. Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so. The area has lots of school children, parents and elderly people. In view of the above, I would urge the Licensing Authority to refuse the application.

NAME	ADDRESS	SIGN	
M. RAHMAN	[REDACTED] OLD BETHNAL GREEN ROAD, LONDON E2 [REDACTED]	[REDACTED]	
TRC NEWS	[REDACTED] OLD BETHNAL GREEN ROAD LONDON E2 [REDACTED]		
C. RAUWEN	[REDACTED] JOHN CARTWRIGHT HSE E2 [REDACTED]		
A. Ward	[REDACTED] CANROBERT ST E.2 [REDACTED]		
H.R. WINDMILL	[REDACTED] CANROBERT ST E2 [REDACTED]		
K. Doyle	[REDACTED] JOHN Cartwright Hse E2 [REDACTED]		
J. WINDMILL	[REDACTED] CANROBERT ST [REDACTED]		
A Begum JALNA	[REDACTED] OLD BETHNAL GREEN RD, E2 [REDACTED]		
Robert Ardari	[REDACTED] OLD BETHNAL GREEN RD [REDACTED]		
Rebecca Underguyt	[REDACTED] Old Bethnal Green Road [REDACTED]		
Arshad Malik	[REDACTED] PRAM TOWER [REDACTED]		
	[REDACTED] OLD BETHNAL GREEN ROAD [REDACTED]		
			LBTH
			TRADING STANDARDS
		12 MAR 2014	
		LICENSING	

**LBTH**  
**TRADING STANDARDS**

**REF: OBJECTION PETITION FOR THE REFUSAL OF ALCOHOL LICENSE (PREMISES LICENSE) -  
55 OLD BETHNAL GREEN ROAD - 04/03/2014**

**PETITION ORGANISER : M. RAHMAN 57 A OLD BETHNAL GREEN ROAD, LONDON E2 6QA TEL [REDACTED]**

**LICENSING**

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NAME	ADDRESS	SIGN
RAMJAYAKI	[REDACTED] MPST - E2 [REDACTED]	[REDACTED]
MR. BABUMIAH	[REDACTED] HECOTEK HOUSE E2 [REDACTED]	[REDACTED]
MD ALI	[REDACTED] CLARKSON ST E2 [REDACTED]	[REDACTED]
Skoolal Ali	[REDACTED] hector house old Bethnal Green Rd [REDACTED]	[REDACTED]
R. Begum	[REDACTED] Helen House E2 [REDACTED]	[REDACTED]
M. TAHER	[REDACTED] Achilles house E2 [REDACTED]	[REDACTED]
AZAD A. AL-ROSHID	[REDACTED] NESTOR HOUSE, OLD BETHNAL GREEN ROAD, LONDON E2 [REDACTED]	[REDACTED]
FADRUl ISLAM	[REDACTED] PARIS house E2 [REDACTED]	[REDACTED]
Md. SUJAY	[REDACTED] old Bethnagreen Rd - E2 [REDACTED]	[REDACTED]
MR KAUSALI	[REDACTED] Kedleston vic E2 [REDACTED]	[REDACTED]
KULLAH	[REDACTED] PARIS House E2 [REDACTED]	[REDACTED]
A Hannan	[REDACTED] MANSFORD ST. LONDON E2 [REDACTED]	[REDACTED]
TOMI AH	[REDACTED] CLARKSON ST E2 [REDACTED]	[REDACTED]
C. MIAH	[REDACTED] CLARKSON ST E2 [REDACTED]	[REDACTED]
FARID AHMED	[REDACTED] Blythendeh HOSE Mansford Street E2 [REDACTED]	[REDACTED]

**REF: OBJECTION PETITION FOR THE REFUSAL OF ALCOHOL LICENSE (PREMISES LICENSE) - 55 OLD BETHNAL GREEN ROAD - 04/03/2014**

**PETITION ORGANISER : M. RAHMAN 57 A OLD BETHNAL GREEN ROAD, LONDON E2 6QA TEL [REDACTED]**

**FAO: J. McCrohan, Trading Standards and Licensing Manager**

**Licensing, Mulberry Place (AH) 6<sup>th</sup> Floor 5 Clove Crescent, London E14 2BG**

**LBTH TRADING STANDARDS**

**12 MAR 2014**

**LICENSING**

We are making a petition to object to the application for a premises licence made by 55 Old Bethnal Green Road, London E2 6QA. The basis for this opposition is that by granting a licence for these premises will not promote the licensing objectives, particularly the prevention of Crime and Disorder (antisocial behaviour), Public Safety, Prevention of Public Nuisance and Protection of Children From Harm. 55 Old Bethnal Green Road, London E2 6QA lies within a residential area which consists of several local Primary and Secondary Schools and by enabling the premises to sell alcohol would totally have a serious detrimental effect on the residents and population. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises (Hackney Road and Bethnal Green Rd) that crime, disorder and public nuisance have already reached problem levels for the local police. Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so. The area has lots of school children, parents and elderly people. In view of the above, I would urge the Licensing Authority to refuse the application.

NAME	ADDRESS	SIGN
ALI AHMED	[REDACTED] ROCHE HOUSE	[REDACTED]
M. N. BAKSH DILBARALI HECTOR HOUSE	[REDACTED] ADA HSE ADA PLACE E2 [REDACTED] [REDACTED] E2 [REDACTED]	[REDACTED]
REHANABIBI	[REDACTED] ANTWER E2 [REDACTED] HOUSE	[REDACTED]
NASER UDDIN	[REDACTED] STOKON HOUSE, E2 [REDACTED]	[REDACTED]
K. ISLAM	[REDACTED] GEOFFREY WOOLLY HOUSE	[REDACTED]
A ALI	[REDACTED] THORNBY HOUSE E2 [REDACTED]	[REDACTED]
MOHAMMAD ISLAM	[REDACTED] .NEXTOR HOUSE, OLD BAY	[REDACTED]
Mohammed	[REDACTED] STOKTON HOUSE E2 [REDACTED]	[REDACTED]
MRS. S. NEESA	[REDACTED] 2 Aged HOUSE E2 [REDACTED]	[REDACTED]
ZIA UDDIN	[REDACTED] Trasdate ST, E2 [REDACTED]	[REDACTED]
A. NOOR	[REDACTED] SEBRIGHT HOUSE	[REDACTED]
A SELLAM	[REDACTED] Paris. House E2 [REDACTED]	[REDACTED]
KOUSHA	[REDACTED] Achilles House E2 [REDACTED]	[REDACTED]
R. BECCUM	[REDACTED] NEXTOR HOUSE E2 [REDACTED]	[REDACTED]



**REF: OBJECTION PETITION FOR THE REFUSAL OF ALCOHOL LICENSE (PREMISES LICENSE) -  
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fAO: J. McCrohan, Trading Standards and Licensing Manager

Licensing , Mulberry Place (AH) 6<sup>th</sup> Floor 5 Clove Crescent, London E14 2BG

**LBTH**  
TRADING STANDARDS  
12 MAR 2014  
LICENSING

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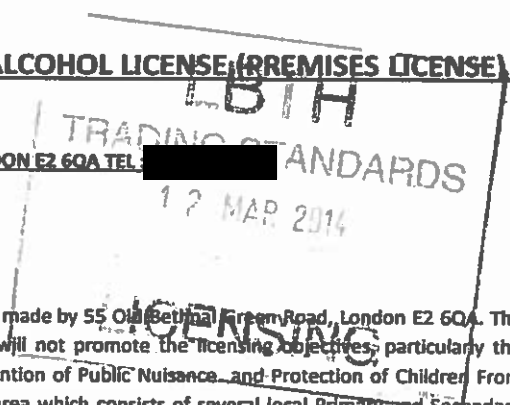
NAME	ADDRESS	SIGN
RUSONA Begum	YATE HOUSE E2	
K. KHAN	CHARLES DICKENS HSE E2	
S Begum	Charles Dickens HSE E2	
Faihanza	hector house E2	
Ha Rayhan	hector house E2	
Lucky Begum	hector House E2	
BABUL KHAN	prime House London E2	
Joyal mia	prime House London E2	
M Begum	PAKENTAM HOUSE, E2	
S. KHAN	Priam house E2	
R B ELLUM		
Zubir	Gates garden E2	
D. Khanem	Mauve Hse E2 Roxley ST	
Paula	George vote house E2	
R. Rahman	sunbury house	

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55 OLD BETHNAL GREEN ROAD - 04/03/2014**

**PETITION ORGANISER : M. RAHMAN 57 A OLD BETHNAL GREEN ROAD, LONDON E2 6QA TEL [REDACTED]**

**FAO: J. McCrohan, Trading Standards and Licensing Manager**

**Licensing, Mulbery Place (AH) 6<sup>th</sup> Floor 5 Clove Crescent, London E14 2BG**



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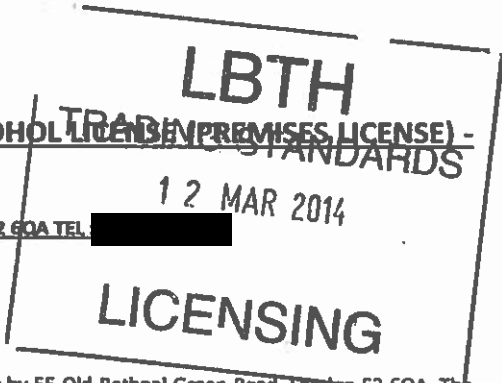
NAME	ADDRESS	SIGN
ALEYA KHANAM	[REDACTED] ANTERIOR HOUSE OLD BETHNAL GREEN RD E2 [REDACTED]	[REDACTED]
Shahera Khatun	[REDACTED] Achille house E2 [REDACTED]	[REDACTED]
Nazma Khan	[REDACTED] Anterior House E2 [REDACTED]	[REDACTED]
TATHERA BEGUM	[REDACTED] CHARLES DICKENS HOUSE E2 [REDACTED]	[REDACTED]
Rahima Begum	[REDACTED] Cherevel House E2 [REDACTED]	[REDACTED]
Rumana Akter	HADRIQAN ESATE London E2	[REDACTED]
Esthera bebi	[REDACTED] cherevel House [REDACTED]	[REDACTED]
Mina Choudhry	[REDACTED] CLARKSON ST - E2 [REDACTED]	[REDACTED]
R. M Rahman	[REDACTED] Antior HOUSE E2 [REDACTED]	[REDACTED]
J. S	[REDACTED] clarkson st, london E2	[REDACTED]
NARIN Sultana	[REDACTED] BLYTHENDALE HOUSE E2 [REDACTED]	[REDACTED]
AMINA Begum	[REDACTED] WESTHOPE HSE E2 [REDACTED]	[REDACTED]
Fatima Khan	[REDACTED] CORDEN HSE E2 [REDACTED]	[REDACTED]
Khudza Begum	[REDACTED] Dobden house E2 [REDACTED]	[REDACTED]

**REF: OBJECTION PETITION FOR THE REFUSAL OF ALCOHOL TRADING PREMISES LICENSE) -  
55 OLD BETHNAL GREEN ROAD - 04/03/2014**

**PETITION ORGANISER : M. RAHMAN 57 A OLD BETHNAL GREEN ROAD, LONDON E2 6QA TEL [REDACTED]**

**fAO: J. McCrohan, Trading Standards and Licensing Manager**

**Licensing , Mulbery Place (AH) 6<sup>th</sup> Floor 5 Clove Crescent, London E14 2BG**



We are making a petition to object to the application for a premises licence made by 55 Old Bethnal Green Road, London E2 6QA. The basis for this opposition is that by granting a licence for these premises will not promote the licensing objectives, particularly the prevention of Crime and Disorder (antisocial behaviour), Public Safety, Prevention of Public Nuisance and Protection of Children From Harm. 55 Old Bethnal Green Road, London E2 6QA lies within a residential area which consists of several local Primary and Secondary Schools and by enabling the premises to sell alcohol would totally have a serious detrimental effect on the residents and population. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises (Hackney Road and Bethnal Green Rd) that crime, disorder and public nuisance have already reached problem levels for the local police. Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so. The area has lots of school children, parents and elderly people. In view of the above, I would urge the Licensing Authority to refuse the application.

NAME	ADDRESS	SIGN
M D Annell	[REDACTED] ELSWORTH E20	[REDACTED]
P. HANUWA	[REDACTED] Bonrice Close E2 [REDACTED]	[REDACTED]
J. Edridge	[REDACTED] Lyander House E2 [REDACTED]	[REDACTED]
K WATERMAN	[REDACTED] SHEPPARD HOUSE E2 [REDACTED]	[REDACTED]
P CHAMBERS	[REDACTED] THE PEBBLE CENTRE E2 [REDACTED]	[REDACTED]
J MIDDLETON	[REDACTED] WILMOT STREET E2 [REDACTED]	[REDACTED]
S. Mooty	[REDACTED] Muleet Gardens	[REDACTED]
L Bassy	[REDACTED] Grayling Square	[REDACTED]
Shamim MIAH	[REDACTED] Prime House London E2 [REDACTED]	[REDACTED]
Amira Quader	[REDACTED] Gwilym Mrise House	[REDACTED]

LBTH

TRADING STANDARDS  
LICENSING (PREMISES LICENSING)

12 MAR 2014

LICENSING

REF: OBJECTION PETITION FOR THE REFUSAL OF ALCOHOL LICENSE (PREMISES LICENSING)  
55 OLD BETHNAL GREEN ROAD - 04/03/2014

PETITION ORGANISER : M. RAHMAN 57 A OLD BETHNAL GREEN ROAD, LONDON E2 6QA TEL [REDACTED]

FAO: J. McCrohan, Trading Standards and Licensing Manager

Licensing, Mulberry Place (AH) 6<sup>th</sup> Floor 5 Clove Crescent, London E14 2BG

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NAME	ADDRESS	SIGN
FATEHA KHANUM	Nelson Garden E2 [REDACTED]	[REDACTED]
Jahanara	WINKLEY ST E2 [REDACTED]	[REDACTED]
TARIA Choudhury	Nelson garden E2 [REDACTED]	[REDACTED]
Doraphie	Nelson garden E2 [REDACTED]	[REDACTED]
Rouwanara Begum	Hadrian Estate E2 [REDACTED]	[REDACTED]
Atia BEGUM	55 Old Bethnal green Rd	[REDACTED]
Sima Begum	prime House E2 [REDACTED]	[REDACTED]
Reva Begum	Transvurt E2 [REDACTED]	[REDACTED]
Rukshana		[REDACTED]
Derek Clifford	John Cartright house E2 [REDACTED]	[REDACTED]
Lshak B.M	Mansford st London E2 [REDACTED]	[REDACTED]
Camilla B.M		[REDACTED]
Nadine B.M		[REDACTED]
Fay B.M		[REDACTED]
		[REDACTED]

**REF: OBJECTION PETITION FOR THE REFUSAL OF ALCOHOL LICENSE (PREMISES LICENSE) -  
55 OLD BETHNAL GREEN ROAD - 04/03/2014**

**PETITION ORGANISER : M.RAHMAN 57 A OLD BETHNAL GREEN ROAD, LONDON E2 6QA TEL: [REDACTED]**

**fAO: J. McCrohan, Trading Standards and Licensing Manager**

**Licensing , Mulbery Place (AH) 6<sup>th</sup> Floor 5 Clove Crescent, London E14 2BG**

We are making a petition to object to the application for a premises licence made by 55 Old Bethnal Green Road, London E2 6QA. The basis for this opposition is that by granting a licence for these premises will not promote the licensing objectives, particularly the prevention of Crime and Disorder (antisocial behaviour), Public Safety, Prevention of Public Nuisance and Protection of Children From Harm. 55 Old Bethnal Green Road, London E2 6QA lies within a residential area which consists of several local Primary and Secondary Schools and by enabling the premises to sell alcohol would totally have a serious detrimental effect on the residents and population. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises (Hackney Road and Bethnal Green Rd) that crime, disorder and public nuisance have already reached problem levels for the local police. Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so. The area has lots of school children, parents and elderly people. In view of the above, I would urge the Licensing Authority to refuse the application.

NAME	ADDRESS	SIGN
Amirun Nessa	Flat [REDACTED] Block [REDACTED] Peabody Building Cambridge Crescent London E2 [REDACTED]	[REDACTED]
Anisa Miah	Flat [REDACTED] Block [REDACTED] Peabody building Cambridge Crescent London E2 [REDACTED]	
M. M. AHMED	[REDACTED] MINERIA C. CENTRE MINERIA ST. LONDON E2 [REDACTED]	
T. a Khan	[REDACTED] Mineria Street London E2 [REDACTED]	
Ruhula Begum	Flat [REDACTED], Lysander House, Temple Street, London E2 [REDACTED]	
Rohim a begum	[REDACTED] Tamsvurt E2 [REDACTED]	
Yasin	[REDACTED] Tamsvurt E2 [REDACTED]	

LBTH  
TRADING STANDARDS  
12 MAR 2014  
LICENSING

**REF: OBJECTION PETITION FOR THE REFUSAL OF ALCOHOL LICENSE (PREMISES LICENSE) - 55 OLD BETHNAL GREEN ROAD - 04/03/2014**

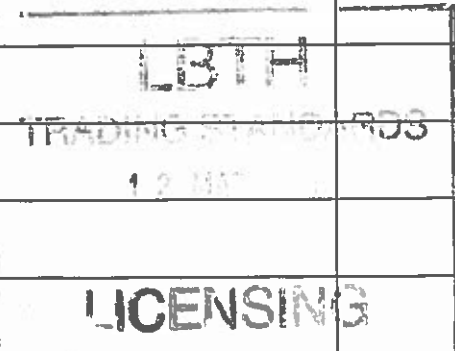
PETITION ORGANISER : M. RAHMAN 57 A OLD BETHNAL GREEN ROAD, LONDON E2 6QA TEL [REDACTED]

fAO: J. McCrohan, Trading Standards and Licensing Manager

Licensing , Mulbery Place (AH) 6<sup>th</sup> Floor 5 Clove Crescent, London E14 2BG

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NAME	ADDRESS	SIGN
V. BUTLER	JOHN FIELDEN HSE	[REDACTED]
N. FERRER	Hector, Old Bethnal Green	[REDACTED]
C. McNEIL	William Channing Hse	[REDACTED]
K JACOBS	Old Bethnal Green	[REDACTED]
T Howick	OLD BETHNAL GREEN	[REDACTED]
L Farmer	John Cartwright house E2 Old Bethnal Green Rd	[REDACTED]
M Farmer	John Cartwright house E2	[REDACTED]
R Farmer	John Cartwright house E2	[REDACTED]
A. KALAM	C ZARKSON ST E2	[REDACTED]



**REF: OBJECTION PETITION FOR THE REFUSAL OF ALCOHOL LICENSE (PREMISES LICENSE) -  
55 OLD BETHNAL GREEN ROAD - 04/03/2014**

PETITION ORGANISER : M. RAHMAN 57 A OLD BETHNAL GREEN ROAD, LONDON E2 6QA TE

FAO: J. McCrohan, Trading Standards and Licensing Manager

Licensing, Mulbery Place (AH) 6<sup>th</sup> Floor 5 Clove Crescent, London E14 2BG

TRADING STANDARDS

12 MAR 2014

LICENSING

We are making a petition to object to the application for a premises licence made by 55 Old Bethnal Green Road London E2 6QA. The basis for this opposition is that by granting a licence for these premises will not promote the licensing objectives, particularly the prevention of Crime and Disorder (antisocial behaviour), Public Safety, Prevention of Public Nuisance and Protection of Children From Harm. 55 Old Bethnal Green Road, London E2 6QA lies within a residential area which consists of several local Primary and Secondary Schools and by enabling the premises to sell alcohol would totally have a serious detrimental effect on the residents and population. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises (Hackney Road and Bethnal Green Rd) that crime, disorder and public nuisance have already reached problem levels for the local police. Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so. The area has lots of school children, parents and elderly people. In view of the above, I would urge the Licensing Authority to refuse the application.

NAME	ADDRESS	SIGN
GULESTA BIBI	CLAREDALE ST, LONDON, E2	[REDACTED SIGNATURES]
COWSIV	" "	
ABTAR, ABU	" "	
FARZANA BEGUM	" "	
REZWANA BEGUM	" "	
ABDULNATIN	" "	
SALMA BEGUM	TEESDALE ST. E2	
SHABINA YESMIN	1 TEESDALE ST.	
Shah Yarid Ahmad	Teesdal Street, E2	
Khawira Beem.	Teesdal Street, E2	
HELINA Begum	claredale st E2	
Minara Khatun	claredale st E2	
RUHENA	PARIS HOUSE, E2	
RUBIN	Anten House E2	
M. NARA	FLORIDA ST, E2	

Heba Ullah  
Rayhan Ullah

Hector House E2  
Hector Page 1512

# Appendix 10



## **Mohshin Ali**

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**From:** Ian Moseley  
**Sent:** 26 March 2014 16:05  
**To:** Mohshin Ali; Licensing  
**Cc:** John Mccrohan  
**Subject:** 55 Old Bethnal Green Road

Further to my previous representation by e-mail; I have received further details and comments from the applicant's representative and, as a result of this information, withdraw the representation

Ian Moseley  
Trading Standards  
020 7364 6840

For information on Trading Standards in Tower Hamlets please see  
[www.tradingstandards.gov.uk/towerhamlets](http://www.tradingstandards.gov.uk/towerhamlets)

## Mohshin Ali

---

**From:** Ian Moseley  
**Sent:** 26 March 2014 11:47  
**To:** Licensing; Mohshin Ali; John Mccrohan  
**Cc:** [REDACTED]  
**Subject:** 55 Old Bethnal Green Road  
**Attachments:** 55beth.doc

In addition to concerns about underage sales I note that the application is in Mr Ali's name but the proposed schedule of conditions refers to 'Pound Plus'. Mr Ali has a registered company, Pound Plus London Ltd 08746836 registered at 55 Old Bethnal Green Road. It would be helpful if he would indicate whether or not he will be trading as the limited company

Ian Moseley  
Trading Standards  
020 7364 6840

For information on Trading Standards in Tower Hamlets please see  
[www.tradingstandards.gov.uk/towerhamlets](http://www.tradingstandards.gov.uk/towerhamlets)

**London Borough of Tower Hamlets  
Weights and Measures Authority (Trading Standards)**

**Muhammed Azrof Ali T/A Pound Plus  
55 Old Bethnal Green Road, E2 6QA  
New Licence Application**

**REPRESENTATIONS WITH REGARD APPLICATION FOR NEW LICENCE**

The Trading Standards Service has concerns relating to the suitability of the applicant with regard to underage sales and makes this representation with regard to the protection of children from harm.

On the 7<sup>th</sup> of December 2013 a test purchaser under the age of 18 was able to buy cigarettes from a Mr Roni Miah, an employee working at the premises. At the time of visit Mr Miah initially refused to give his details.

Although we note that the trader has proposed a condition adopting Challenge 25 this does not contain a provision relating to the training of staff.

The Trading Standards Service recommends that any condition related to the prevention of under-age sales include a requirement to provide regular staff training and to retain records of that training.

Ian Moseley  
Senior Trading  
Standards Officer

# Appendix 11

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.4**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.5**).

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

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

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

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

### Police Powers

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

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

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

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

Licence conditions should not duplicate other legislation (1.17).

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.

# Appendix 12

## Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.4**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.5**)

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.17).

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).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.37).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.39)

# Appendix 13

## 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 14

## 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 15

## **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 16

## 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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