



Meeting of the

# LICENSING SUB COMMITTEE

---

Tuesday, 3 September 2013 at 6.30 p.m.

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## A G E N D A

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### VENUE

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

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

Simmi Yesmin, Democratic Services,

Tel: 020 7364 4120, E-mail: [simmi.yesmin@towerhamlets.gov.uk](mailto:simmi.yesmin@towerhamlets.gov.uk)

## Public Information

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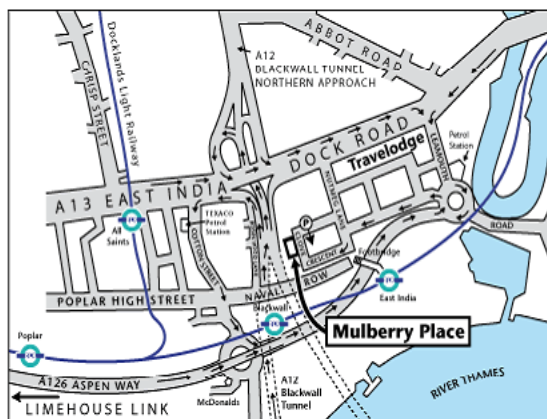
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# LONDON BOROUGH OF TOWER HAMLETS

## LICENSING SUB COMMITTEE

Tuesday, 3 September 2013

6.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. RULES OF PROCEDURE</b>	<b>5 - 16</b>	
To note the rules of procedure which are attached for information.		
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Application for a Variation of a Premises Licence for Golden Grill Restaurant, 184 Hackney Road, London, E2 7QL</b>	<b>17 - 66</b>	<b>Weavers</b>
<b>4 .2 Application for a Variation of a Premises Licence for Offie and Toffee (currently Station News) - 301 Cambridge Heath Road, London, E2 0EL</b>	<b>67 - 114</b>	<b>Bethnal Green South</b>
<b>5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT</b>		

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# Agenda Item 2

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

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

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

### **Interests and Disclosable Pecuniary Interests (DPIs)**

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

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

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

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

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

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

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

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

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

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

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

### **Further advice**

For further advice please contact:-

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

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

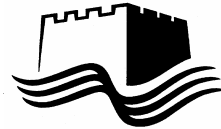
(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

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

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**TOWER HAMLETS**



**LICENSING COMMITTEE**

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

## **1. Interpretation**

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

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

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

## **3. Timescales**

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

- Any holder of a premises licence or club premises certificate where:
  - application is made for review

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

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

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

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

### 3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

**Note:** Transition hearings cannot be adjourned to a date beyond the date that which causes an application to 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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# Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	03 September 13	<b>Unclassified</b>	LSC 14/134	

Report of : <b>David Tolley</b> Head of Consumer and Business Relations	Title: <b>Licensing Act 2003 Application for a variation of a premises licence at Golden Grill Restaurant, 184 Hackney Road, London, E2 7QL</b>
Originating Officer: <b>Andrew Heron</b> Licensing Officer	Ward affected: <b>Weavers</b>

## 1.0 Summary

Applicant: **Kablamo Hospitality Ltd**  
Name and **Golden Grill Restaurant**  
Address of Premises: **184 Hackney Road**  
**London**  
**E2 7QL**

Licence sought: **Licensing Act 2003 variation**  
**To remove conditions from the existing**  
**licence**

Objectors: **The Metropolitan Police**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied  
for register

If not supplied, name and  
telephone number of holder

File Only

Andrew Heron  
020 7364 2665

### 3.0 **Background**

- 3.1 This is an application for a variation in a premises licence for Golden Grill Restaurant, 184 Hackney Road, London, E2 7QL.
- 3.2 A copy of the existing licences is enclosed for Members' information in **Appendix 1**.

The current hours are as follows:-

#### **Ground Floor and Basement Floor**

##### **Sale of Alcohol**

- Sunday to Thursday from 11:00 hours to 00:00 hours
- Friday and Saturday from 11:00 hours to 02:00 hours the following days

##### **Late Night Refreshments**

- Sunday to Thursday from 23:00 hours to 00:00 hours
- Friday and Saturday from 23:00 hours to 02:00 hours the following days

#### **Basement Only**

##### **Provision for Regulated Entertainment**

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

- Sunday to Thursday from 20:00 hours to 00:00 hours
- Friday and Saturday from 20:00 hours to 02:00 hours the following days

#### **The opening hours of the premises**

- Sunday to Thursday, from 10:00 hours to 00:30 hours
- Friday and Saturday, from 10:00 hours to 02:30 hours the following days

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

*“To remove the Condition Number 2 from Annex 3 (alcohol shall only be served to patrons seated and dining at the premises by waiter service) for BASEMENT FLOOR ONLY.”*

- 3.4 The hours that have not been amended.
- 3.5 A map showing the relevant premises is included as **Appendix 3**.

#### 4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 8<sup>th</sup> December 2010.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Office has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It will also be available at the hearing. It was last revised in October 2012.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

#### 5.0 Objections

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

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

- 5.2 It should be noted that the application also received a representation from a local resident, whom failed to provide their home address upon request, therefore invalidating the objection.
- 5.3 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 5.4 Essentially, the regulatory Authority opposes the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:  
the prevention of crime and disorder  
*the prevention of public nuisance*
- 5.5 There are strict time limits to any representations. The time limits are contained in the The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

- 5.6 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 providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows the comments of the Association of Chief Police Officers on non-standard times is also included:

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

**Appendix 6** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises

**Appendix 7** Licensing Officer comments on Egress Problems

**Appendix 8** ACPO comments on irregular times

**Appendix 9** Planning

**Appendix 10** Licensing Policy relating to hours of trading

## 7.0 Legal Comments

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

## 8.0 Finance Comments

8.1 There are no financial implications in this report.

## 9.0 Appendices

**Appendix 1** Copy of current licence

**Appendix 2** A copy of the application for variation

**Appendix 3** Maps of the area

**Appendix 4** Representations of the Metropolitan Police

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

**Appendix 6** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises

**Appendix 7** Licensing Officer comments on Egress Problems

**Appendix 8** ACPO comments on irregular times

**Appendix 9** Planning

**Appendix 10** Licensing Policy relating to hours of trading

# Appendix 1

**(Golden Grill)**

Ground Floor and Basement Floor  
184 Hackney Road  
London  
E2 7QL

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment  
The provision of late night refreshment

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

**Signed by**

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

**Date: 22<sup>nd</sup> July 2011**



**Part A - Format of premises licence**

Premises licence number

15622

**Part 1 - Premises details**

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

**(Golden Grill)**  
Ground Floor and Basement Floor  
184 Hackney Road

**Post town**

London

**Post code**

E1 4AA

**Telephone number**

None

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

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment  
The provision of late night refreshment

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

**Ground Floor and Basement Floor**

**Sale of Alcohol**

- Sunday to Thursday from 11:00 hours to 00:00 hours
- Friday and Saturday from 11:00 hours to 02:00 hours the following days

**Late Night Refreshments**

- Sunday to Thursday from 23:00 hours to 00:00 hours
- Friday and Saturday from 23:00 hours to 02:00 hours the following days

**Basement Only**

**Provision for Regulated Entertainment**

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

- Sunday to Thursday from 20:00 hours to 00:00 hours
- Friday and Saturday from 20:00 hours to 02:00 hours the following days

**The opening hours of the premises**

- Sunday to Thursday, from 10:00 hours to 00:30 hours
- Friday and Saturday, from 10:00 hours to 02:30 hours the following days

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

On sales

## **Part 2**

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

Mr Niyazi Kalan



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

Not applicable

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

Mr Niyazi Kalan



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

**Personal licence number:** 15611

**issuing authority:** London Borough of Tower Hamlets

## **Annex 1 - Mandatory conditions**

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

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

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

### **Effective from 6<sup>th</sup> April 2010**

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);



- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
  3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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

4.
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that;
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

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

1. No nudity or semi nudity permitted.
2. At least 3 members of staff shall be on the shop floor between 22:00 hours to closing time.
3. 2 SIA registered door staff shall be employed from 23:00 hours to closing time.
4. CCTV shall be installed, operated and maintained in agreement with the Police. The system shall enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate while the premises are open for licensable activities. The recordings shall be made available to an Authorised Officer or a Police Officer within 24 hours of any request.
5. Notices shall be maintained in the premises displaying a local taxi firm's telephone number.
6. Clear and legible notices shall be displayed to remind customers to leave quietly.
7. Bottling up and clearing of rubbish shall only take place outside the premises from 11:00am to 11:00pm, Monday to Sunday.
8. The amount of people coming outside the premises to smoke shall be limited to a maximum of five people and controlled.
9. A challenge 21 Policy shall be adopted at the premises when selling alcohol.

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

#### Conditions attached following the licensing subcommittee hearing of 22<sup>nd</sup> July 2011:

1. No drinks shall be taken outside the premises.
2. Alcohol shall only be served to patrons seated and dining at the premises by waiter service.
3. There shall be the provision and installation of a noise limiting device to all amplified sound systems within the premises and maximum noise levels of such device are to be set and agreed beforehand with the Environmental Health Officer and if no agreement can be reached the matter is to be remitted back to the Licensing Sub Committee to consider and set an appropriate level.
4. Two SIA security staff shall be employed when regulated entertainment is taking place.

### **Annex 4 - Plans**

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

7<sup>th</sup> June 2011 – Basement Floor (*Ref No. E26042011 Dated 26/04/11*)  
Ground Floor (*Ref No. E26042011 Dated 26/04/11*)



**Part B - Premises licence summary**

**Premises licence number**

**15622**

**Premises details**

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

**(Golden Grill)**  
Ground Floor and Basement Floor  
184 Hackney Road

**Post town**

London

**Post code**

E2 7QL

**Telephone number**

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of regulated entertainment  
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

**Ground Floor & Basement Floor**

**Sale of Alcohol**

- Sunday to Thursday from 11:00 hours to 00:00 hours
- Friday and Saturday from 11:00 hours to 02:00 hours the following days

**Late Night Refreshments**

- Sunday to Thursday from 23:00 hours to 00:00 hours
- Friday and Saturday from 23:00 hours to 02:00 hours the following days

**Basement Only**

**Provision for Regulated Entertainment**

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

- Sunday to Thursday from 20:00 hours to 00:00 hours
- Friday and Saturday from 20:00 hours to 02:00 hours the following days

The opening hours of the premises

- Sunday to Thursday, from 10:00 hours to 00:30 hours
- Friday and Saturday, from 10:00 hours to 02:30 hours the following days

Name, (registered) address of holder of premises licence

Mr Niyazi Kalan  


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

On sales

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

Not applicable

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

Mr Niyazi Kalan

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

No restrictions

# Appendix 2

**Section 1 of 17**

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	13.0102.PL/RC	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	THOMAS EDWARD
* Family name	DOCKER
* 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.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?       Yes       No

* Registration number	08554726
* Business name	Kablamo hospitality Ltd
* VAT number	-      -
* Legal status	Private Limited Company

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

**Continued from previous page...**

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

A private individual acting as an agent

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country



Continued from previous page...

**Section 2 of 17**

**APPLICATION DETAILS**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 17**

**VARIATION**

Do you want the proposed variation to have effect as soon as possible?     Yes     No

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

Describe briefly the nature of the proposed variation

To remove the Condition Number 2 from Annex 3 (alcohol shall only be served to patrons seated and dining at the premises by waiter service) for BASEMENT FLOOR ONLY  
Ground Floor is operating as a Restaurant (A3 Use Class)  
Basement Floor will be operating as a Bar (A4 Use Class)

**Section 4 of 17**

*Continued from previous page...*

**PROVISION OF PLAYS**

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes  No

**Section 5 of 17**

**PROVISION OF FILMS**

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes  No

**Section 6 of 17**

**PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 17**

**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 17**

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

*Continued from previous page...*

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 12 of 17**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes  No

**Section 13 of 17**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

**Section 14 of 17**

**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.

Provide 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.

N/A

**Section 15 of 17**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Provide 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.

**Continued from previous page...**

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

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 above, list below.

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

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

To remove the Condition Number 2 from Annex 3 for BASEMENT FLOOR ONLY

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

**Continued from previous page...**

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

**Section 16 of 17**

**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)

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

all other conditions to remain

b) The prevention of crime and disorder

all other conditions to remain

c) Public safety

all other conditions to remain

d) The prevention of public nuisance

all other conditions to remain

e) The protection of children from harm

all other conditions to remain

**Section 17 of 17**

**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.

Variation 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/>

**Continued from previous page...**

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 you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise 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**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**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

\* Capacity

**Continued from previous page...**

Date (dd/mm/yyyy)

Add another signatory

One 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/change-1> to upload this file and continue with your application

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

# Appendix 3

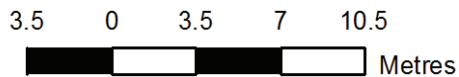




## 184 Hackney Road, Map 1



Scale 1:384



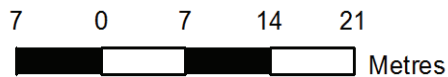
Produced by London Borough of Tower Hamlets on 08/08/2013. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



## 184 Hackney Road, Map 2



Scale 1:769



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# Appendix 4

LBTH Licensing

**HT - Tower Hamlets Borough**

Licensing Office  
Limehouse Police Station  
27 West India Dock Road  
Limehouse  
E14 8EZ

Telephone: [REDACTED]

Facsimile:

Email: [REDACTED]

[www.met.police.uk](http://www.met.police.uk)

Your ref:

Our ref:

30th July 2013

Dear Mr McCrohan

**Re: Application to vary a Pemises Licence**

**Golden Grill, 184 Hackney Road, E2 7QL**

**( Basement )**

I write with reference to the above application which was received in the Licensing Office on the 9th July 2013.

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

**The prevention of crime and disorder**

**The prevention of public nuisance**

When the original licence was applied for, I objected to alcohol being supplied in the basement. I feared that the easy availability of alcohol in a late night fast food shop would lead to crime and disorder or at the very least a public nuisance.

The licensing committee imposed a condition that alcohol could only be served with a substantial meal.

Visiting the basement, I would say that this has been totally ignored as it has become a bar.

Both PC Perry and myself have visited the Golden Grill and found it to be operating as a bar and not a restaurant.

On Saturday 1st December 2012 I was on duty in plain clothes conducting licensing visits when I visited the basement of the Golden Grill.

On our arrival there was about ten people outside the venue, none of them were eating fast food but were smoking and chatting.

The restaurant on the ground floor was empty but the basement bar was packed.

Everybody was standing in the basement area. There was certainly no one sitting have a meal. I then spoke to one of the women in charge. She said that she allowed 90 people in the basement. She had been leasing the premises from the owner for about two months. She was unaware of any condition that would stop her operating as a bar. I advised her to contact LBTH Licensing

On 14th June 2013 PC Perry of the Licensing Unit visited the Golden Grill.

He spoke with a Ibrahim OZDEMIR , a manager at the premises.

Mr. OZDEMIR stated that the club downstairs was not open and that they were planning to re-open it the next week. Whilst speaking to Mr. OZDEMIR four people entered this shop asking if the club was open. The manager said it was not. One of the customers said he wasn't surprised as the club was serving "Rocket Fuel" and people were getting "Pretty loaded at the venue" and that it wouldn't surprise him if they were causing problems outside".

The two women I spoke to ran the basement as the Qui Qui Ri Qui bar. It has been described as the following on the internet.

Mezcaleria Quiquiriqui is the first genuine mezcal bar to open in London, selling some of the finest hand crafted mezcals currently coming out of Mexico.

Mezcalerias (Mezcal bars) have been a secret of Mexico city until recently when people have really started to get turned on the the fact this is more than just a drink... with bars popping up in New York, Berlin, Paris and now London!

The mezcals we have selected are from a new wave of young producers who have gone to great lengths to perfect a modern day drink using the traditional techniques that have defined mezcal production for centuries. It is crafted from a variety of agaves, using varied artisan methods..... Mezcal is one of Mexico's oldest stimulant drinks

For those who have not yet come across what we like to call proper mezcal, think more earthy, more mineral, more fiery, more primal, more visceral, more grrrr than most things you will have drunk before. A single mezcal can have most, or all, or none of these characteristics, venturing out into its own universe where nothing at all tastes quite the way it does.

Expect the finest mezcal the UK has ever seen... fantastic mezcal cocktails... Mexican beers with lime and salt... better than good music... to get addicted and have some really fun times...

Secondly

Qui Qui Ri Qui and I didn't get off to the best start. Hidden away behind a kebab take away shop on Hackney Road, it had me wondering up and down for a good 10 minutes before spying its disguise, the Golden Grill

Thirdly

Welcome to London's first Mezcaleria! Locating this little gem is all part of the colourful experience of a night out on the mezcal tiles I assure you. On the corner of Hackney Road and Hassard Street there is a kebab shop with a bar downstairs. That's not the bar you're after. [Qui Quiri Qui](#) is, in fact, located at the end of Hassard Street, noticeable only by a small flashing 'OPEN' sign in the doorway. Down the marginally perilous staircase is a cosy single room bar, and home to what is sure to be London's newest drinking sensation. For those of you who have not tried mezcal, it really is rather wondrous. While there are many similarities with tequila, there is an added smokiness and je ne sais quoi that results in some truly imaginative metaphors as the night wears on. As redundant as this is, knowing that you will all enjoy this establishment responsibly, may I suggest not mixing mezcal with any other spirit, let's say whiskey. That would be a bad idea

It is quite clear that the DPS has allowed this to carry on and therefore in breach of his licensing conditions.

In terms of calls to the Golden Grill , on Saturday 15th September 2012 at about 0245 ( when the premises should have been closed ) , an argument began , both parties were drunk. It was alleged that the victim had bits of a kebab thrown over her and she was slapped to the head. She also thought the suspect was racist towards her boyfriend. CCTV shows both victim and suspect acting aggressively towards one another. The victim

was aggressive towards officers. Independent witnesses said there was no assault or racial abuse.

The suspect had made off prior to police arrival.

I attended the Golden Grill on Saturday 3rd August 2013 at about 0100 and spoke to the owner, Mr. Ibo Ozdemir. The basement area was closed.

Hackney Road, although it is a main route through Tower Hamlets, there is still a considerable amount of residential properties in this street and the surrounding side streets.

Remaining open until 0230 on a Friday and Saturday this would become one of the longest opening bars in the area.

By opening this late, the likelihood is that it will attract people who already under the influence of alcohol. Quite a considerable number would be in high spirits, boisterous or some can be aggressive and shouting at the top of their voices. Violence can easily occur from a small flashpoint. It is often very difficult for staff to deal with disruptive customers.

The current licence for the basement was not granted for it to be operated as a bar, but it is clear that this is how they operated.

To vary this licence to allow a full time bar would be to reward his previous breaches. I ask the committee to reject in full this application.

Alan Cruickshank PC 189HT

# Appendix 5



### Crime and Disorder on the Premises

#### Licensing Policy

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

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

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

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

#### Police Powers

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

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

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

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

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

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

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

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

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 6

### Crime and Disorder from Patrons Leaving The Premises

#### General Advice

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

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

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

#### Licensing Policy

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

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

#### Police Powers

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

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

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

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

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

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

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

The pool of conditions, adopted by the council is recommended (Annexe G). Licence conditions should not duplicate other legislation (1.19).

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

#### Other Legislation

##### Crime and Disorder Act 1998

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

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

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

# Appendix 7

### Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

#### Comment

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

#### General Advice

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

The hours of operation also need to be considered.

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

#### Licensing Policy

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)

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

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

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

Licence conditions should not duplicate other legislation (1.19).

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

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.24).

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



# Appendix 8

### ACPO comments on irregular times

#### Association of Chief Police Officers

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

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

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

# Appendix 9

### Planning

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

# Appendix 10

### 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 hrs to 23:30 hrs
Friday and Saturday	06:00 hrs to midnight
Sunday	06:00 hrs to 22:30 hrs

(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

# Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	03 September 13	<b>Unclassified</b>	LSC 15/134	

Report of : <b>David Tolley</b> <b>Head of Consumer and Business Relations</b>	Title: <b>Licensing Act 2003 Application for a variation of a premises licence at Offie and Toffee (currently Station News) – 301 Cambridge Heath Road, London, E2 0EL</b>
Originating Officer: <b>Andrew Heron</b> <b>Licensing Officer</b>	Ward affected: <b>Bethnal Green South</b>

## 1.0 Summary

Applicant: **Mustafa Has**  
Name and **Offie and Toffee (currently Station News)**  
Address of Premises: **301 Cambridge Heath Road**  
**London**  
**E2 0EL**

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

Objectors: **The Metropolitan Police**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied  
for register

If not supplied, name and  
telephone number of holder

File Only

Andrew Heron  
020 7364 2665

### 3.0 **Background**

3.1 This is an application for a variation in a premises licence for Offie and Toffee (currently Station News) – 301 Cambridge Heath Road, London, E2 0EL.

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

The current hours are as follows:-

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

- Sunday to Thursday from 07:00hrs to 23:30hrs
- Friday to Saturday from 07:00hrs to 00:00 (midnight)

#### **The opening hours of the premises**

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

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

- Extending the hours for the sale of alcohol

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

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

- Monday to Sunday from 07:00hrs to 02:00hrs (the following day)

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

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

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

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

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

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

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



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

## 5.0 **Objections**

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

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

5.2 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

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

5.3 Essentially, the regulatory Authority opposes the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:

- the prevention of crime and disorder
- the prevention of public nuisance

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

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

## 6.0 **Licensing Officer Comments**

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

6.2 Guidance issued under section 182 of the licensing Act 2003

- ∇ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
- ∇ 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 providing they are accompanied by an adult. It is not necessary to make this a condition.

- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows the comments of the Association of Chief Police Officers on non-standard times is also included:

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

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

**Appendix 7** Licensing Officer comments on Egress Problems

**Appendix 8** ACPO comments on irregular times

**Appendix 9** Planning

**Appendix 10** Licensing Policy relating to hours of trading

## 7.0 Legal Comments

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

## 8.0 Finance Comments

- 8.1 There are no financial implications in this report.

## 9.0 Appendices

- Appendix 1** Copy of current licence
- Appendix 2** A copy of the application for variation
- Appendix 3** Maps of the area
- Appendix 4** Representations of the Metropolitan Police
- Appendix 5** Licensing Officer comments on Crime and Disorder on the Premises
- Appendix 6** Licensing Officer comments on Crime and Disorder from Patrons Leaving the Premises
- Appendix 7** Licensing Officer comments on Egress Problems
- Appendix 8** ACPO comments on irregular times
- Appendix 9** Planning
- Appendix 10** Licensing Policy relating to hours of trading

# Appendix 1

**(Station Newsagent & Off-Licence)  
301 Cambridge Heath Rd  
London  
E2 0EL**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

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

**Signed by**

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

**20<sup>th</sup> June 2011**  
**(Variation 20<sup>th</sup> December 2012)**



**Part A - Format of premises licence**

Premises licence number

15775

**Part 1 - Premises details**

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

301 Cambridge Heath Rd

**Post town**

London

**Post code**

E2 0EL

**Telephone number**

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

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

Sale of Alcohol by retail (off sales only)

Sunday to Thursday – 07:00 hours to 23:30 hours

Friday to Saturday – 07:00 hours to midnight

**The opening hours of the premises**

Monday to Sunday – 06:30 hours to 02:00 hours the following day

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

Off sales only



## **Part 2**

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

Mustafa Has

[Redacted]

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

Not applicable

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

Mustafa Has

[Redacted]

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

Personal Licence number: 11679  
Issued by London Borough of Tower Hamlets.

## **Annex 1 - Mandatory conditions**

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

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

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

1.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

- 1. A digital CCTV must be installed in the premises complying with the following criteria:
  - a. Cameras must be sited to observe the entrance door, the alcohol displays and floor area.
  - b. The camera facing the entrance door must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
  - c. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
  - d. Provide a linked record of the date, time and place of any image.
  - e. Provide good quality images, which are colour during opening times.
  - f. Operate under existing light levels within and outside the premises.

- g. Have the recording device located in a secure area or locked cabinet
  - h. Provide a monitor in full view of customers entering the premises. This monitor must display the images of said customers.
  - i. Have a separate monitor to review images and recorded picture quality.
  - j. (10) Be regularly maintained to ensure continuous quality of image capture and retention.
  - k. (11) Have signage displayed on the front entrance door and in the customer area to advise that recorded CCTV is in operation.
  - l. (12) Digital images must be kept for 31 days.
  - m. (13) Police will have access to images at any reasonable time.
  - n. (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer.
  - o. (15) Copies must be made available to Police on request.
2. A monitored alarm system to EU50131 standard incorporating a panic button facility at the counter will be installed.
  3. All staff shall receive induction and refresher training, relating to the sale of alcohol. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.
  4. At least two members of staff shall be on the premises at all times that the licence is in force.
  5. Prominent, clear and legible notices shall be displaced at the public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly.

6. A written record of refused sales must be kept on the premises and completed when necessary. It must be made available to Police and/or the Local Authority upon request.
7. Children under the age the age of 14 years shall not be permitted on the premises after 21:00 hours unless accompanied by an adult.
8. Signs shall be prominently displayed on the exist doors advising customers that the premises is in a 'Drinking Control Area" and that alcohol should not be taken off the premises and consumed in the street.

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

Not applicable

### **Annex 4 - Plans**

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

7<sup>th</sup> April 2011(reference number 110312-L1 covering the ground of the premises only.)



**Part B - Premises licence summary**

**Premises licence number**

15775

**Premises details**

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

301 Cambridge Heath Rd

**Post town**

London

**Post code**

E2 0EL

**Telephone number**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol by retail (off sales only)  
Sunday to Thursday – 07:00 hrs to 23:30 hrs  
Friday to Saturday – 07:00 hrs to midnight

The opening hours of the premises

Monday to Sunday – 06:30 hours to 02:00 hours the following day

Name, (registered) address of holder of premises licence

Mustafa Has  


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

Off sales only

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

Not applicable

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

Mustafa Has

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

No restrictions

# Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. [http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We MUSTAFA HAS (Insert name(s) of applicant)

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

Premises Licence number 15775

**Part 1 - Premises details**

Postal address of premises or, if none, ordnance survey map reference or description  
301 CAMBRIDGE HEATH ROAD  
Premises Name: OFFIE & TOFFEE  
\* PLEASE CHANGE NAME OF Premises from Station Newsagents

**LBTH**  
**TRADING STANDARDS**  
**10 JUL 2013**  
**LICENSING**

Post town LONDON Post code E2 OEL

Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £ 7,900



**Part 2 - Applicant details**

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

**Part 3 - Variation**

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

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

Day	Month	Year

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

Variation of the premises licence.  
 Extending the hours of Alcohol Sale, (supply of alcohol)  
 From: 07.00 - 02.00 (MON-SUN).

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

--

## Part 4 Operating Schedule

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

### Provision of regulated entertainment

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

Provision of 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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	Y
Mon	07:00	02:00		Both	
Tue	07:00	02:00			
Wed	07:00	02:00			
Thur	07:00	02:00			
Fri	07:00	02:00			
Sat	07:00	02:00			
Sun	07:00	02:00			

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	06:30	02:00	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	06:30	02:00	
Wed	06:30	02:00	
Thur	06:30	02:00	
Fri	06:30	02:00	
Sat	06:30	02:00	
Sun	06:30	02:00	

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

Please tick yes

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



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

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



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

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

- Managing rubbish in the area
- Managing groups of people loitering around the shop
- Managing the noise of customers leaving the shop
- Fire safety for customers
- Risk Assessment Certified
- Staff training on the Licensing Act
- 24 hour CCTV
- Controlled noise coming from the inside of the shop

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

- A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
- Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
- As a off-licence premises, custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
- 24 hour CCTV (indoor and outdoor)

**c) Public Safety**

- A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information.
- Adequate access is provided for emergency vehicles.
- 24hour CCTV camera operating, including indoor and outdoor.
- All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times n good order and in a safe condition.

**d) The prevention of public nuisance**

- Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
- Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
- Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
- A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers.
- The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
- Bright lights on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
- Adequate waste receptacles for use by customers will be provided in the local vicinity.

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

- Ensure no children are allowed in after 9pm, or no unaccompanied children after 9pm.
- Ensure ID is required for anybody who looks below the legal age, for Cigarettes, Lotto or Alcohol.
- Use of safe recruitment practices
- Restrict access to the premises
- Ensure that customers are aware of the laws relating to selling and purchasing alcohol for or on behalf of children
- Ensure that staff prioritise safeguarding measures and are committed to their enforcement

**CHECKLIST:**


Please tick  yes

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

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

**Part 5 – Signatures** (please read guidance note 10)

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

Signature	
Date	10 / 07 / 2013
Capacity	Company Director

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) 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.

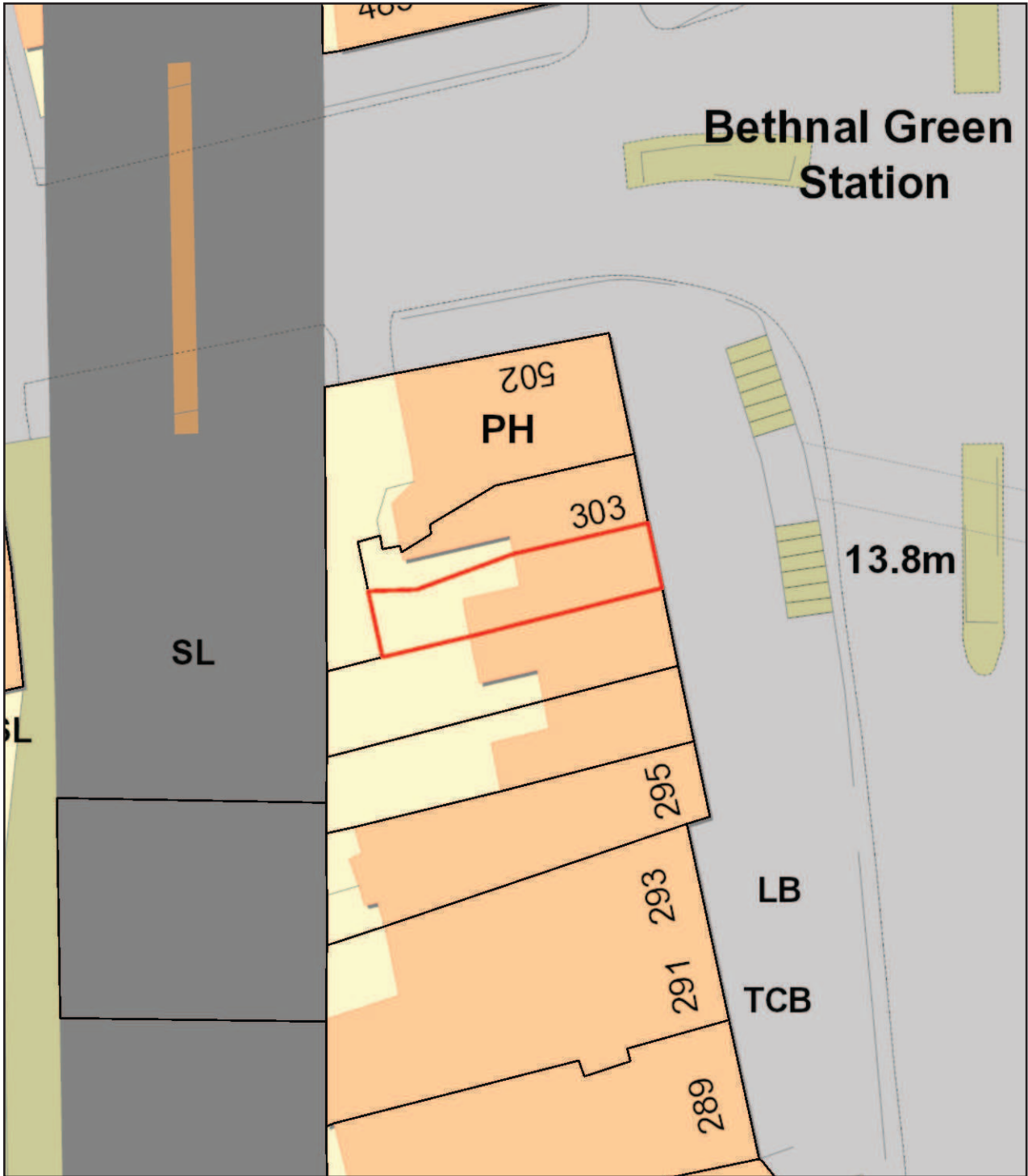
Signature	
Date	
Capacity	

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

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

# Appendix 3

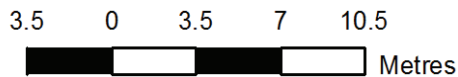




# 301 Cambridge Heath Road Map 1



Scale 1:384



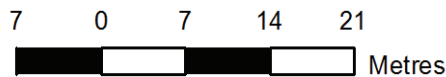
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## 301 Cambridge Heath Road Map 2



Scale 1:769



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# Appendix 4

LBTH Licensing

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

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

Telephone:

Facsimile:

Email:

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

Your ref:

Our ref:

30 July 2013

Dear Mr McCrohan

**Application to vary a Premises Licence**  
**Offie and Toffee, 301 Cambridge Heath Road, E2 0EL**

I write with reference to the above application which was received in this office on the 19th July 2013.

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

**The prevention of crime and disorder**

**The prevention of public nuisance**

Cambridge Heath Road, although a main arterial route through Tower Hamlets, still has a substantial residential population in that street and the surrounding streets.

I have spoken with the applicant and suggested that he should consider the same hours as Sainsbury's which is only a short distance away and his nearest competitor. I believe that a 2am finish all week is excessive and will result in ASB or public nuisance.

The off licence is right next to Bethnal Green underground station and this area is busy throughout the night. By remaining open until 2am it will attract people who want to continue drinking, remaining in the street.

This is especially true in the summer months, most are young adults. After the pubs close, many of them are already under the influence of alcohol. They become increasingly drunk

by buying more alcohol from off licences. This can lead to violence, ASB and littering. Glass bottles are often found smashed in the street.

It will certainly attract people who are already drunk and looking to top themselves up. It is unfortunate but off licences often attracts people who are either under the influence of alcohol who can be very loud or it can attract people who are either anti-social or violent. With the best will in the world, it is difficult for staff to stop the noise or the potential ASB.

At the this time of writing I am hoping to receive a statement from the local Neighbourhood Policing Team (NPT)

My second concern would be the easy availability of alcohol to alcohol dependent individuals, some of whom are classed as “street drinkers” I frequently see both men and women consuming high volume percentage tins of alcohol in this area.

I produce an e-mail from Will Norman from Thames Reach charity who works with the local hostels and their clients. He states:

“Tower Hamlets SORT provide outreach services to rough sleepers and support former rough sleepers in their homes once they move away from the street. In this capacity I would strongly challenge the application for an extended licence to 2am from 00.00. The junction of Cambridge Heath Rd and Bethnal Green Rd and more specifically the green spaces in Paradise Gardens and Bethnal Green Gardens are not only rough sleeping hotspots, but also street drinking locations. There is strong correlation between the accessibility of alcohol near to rough sleeping hotspots and the likelihood of street drinking. Both if these issues have significant health and welfare implications for the individuals involved and negatively affect local communities.

We are currently working with a group of around 6-10 men who regularly street drink in Paradise Gardens and the team constantly visits Bethnal Green Gardens to work with rough sleepers. There have been several assaults on individuals at this location in recent weeks and it is considered an unsafe location.

If alcohol is available at 2am there is a far greater likelihood that street drinking will become rough sleeping as individuals are too intoxicated to move away from the area.

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

I ask the committee to reject this application

However, if the committee is to consider granting an increase in hours I would ask them to restrict it to midnight ,all week ,which would correspond to Sainsbury’s , the nearest similar off licence.

I would also ask them to consider the following conditions

1. An update on their CCTV condition

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

(One camera to be placed outside the premises)

2. This premise will not sell any beer, lager or cider that exceeds the strength of 5.6% abv or higher.”

Or

The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.

3. To maintain an Incident Book to record any incidents, refusals etc.

Alan Cruickshank PC 189HT

# Appendix 5

### Crime and Disorder on the Premises

#### Licensing Policy

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

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

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

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

#### Police Powers

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

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

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder



and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.6).

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

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

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

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

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 6

### Crime and Disorder From Patrons Leaving The Premises

#### General Advice

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

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

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

#### Licensing Policy

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

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

#### Police Powers

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

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

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (1.6).

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

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

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

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

Licence conditions should not duplicate other legislation (1.19).

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

#### Other Legislation

##### Crime and Disorder Act 1998

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

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

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

# Appendix 7

### Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

#### Comment

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

#### General Advice

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

The hours of operation also need to be considered.

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

#### Licensing Policy

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)

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

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

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

Licence conditions should not duplicate other legislation (1.19).

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

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.24).

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

# Appendix 8



### ACPO comments on irregular times

#### Association of Chief Police Officers

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

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

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

# Appendix 9

### Planning

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

# Appendix 10

## Appendix 10

### Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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