

LICENSING SUB COMMITTEE

Tuesday, 4 November 2014 at 2.00 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 5 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 50)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 23rd September 11am, 30th September and 7th October 2014.

4. ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1 Application for a New Premises Licence for Inito, Unit 6, 31 Bell Lane, London E1 7LA	51 - 98	Spitalfields & Banglatown
4 .2 Application for a New Premises Licence for Lonzo, 10A Lamb Street, Old Spitalfields Market, London E1 6EA	99 - 160	Spitalfields & Banglatown
4 .3 Application for a New Premises Licence for Poplar Spice Ltd, 185 East India Dock Road, London E14 0EA	161 - 214	Lansbury
4 .4 Application to Review the Premises Licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ	215 - 264	St Peter's

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

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

3.2 Timescale for notice of hearings to be given

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

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

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

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

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

3.3 Persons who must be notified of a hearing

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

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

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

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

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4. Procedure at the Hearing

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

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

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

evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

- 7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations
- 7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

- 8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:
 - a) it can be accessed by the recipient in a legible form;
 - b) it is capable of being reproduced as a document for future reference;
 - c) the recipient has agreed in advance to receive it in such form;
 - d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

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

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

APPENDIX A

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

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 31(3)(a) (determination of application for a provisional statement).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 88(2) (determination of application for review of club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 11AM ON TUESDAY, 23 SEPTEMBER 2014

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Rajib Ahmed

Officers Present:

Alex Lisowski – (Licensing Officer)
Michelle Terry – (Legal Services)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Marcus Lavell - Item 3.1
David Birch - Item 3.1
Mary Hennessy - Item 3.1
Sam Aldenton - Item 3.2
Lana Tricker - Item 3.3
Tanya Nathan - Item 3.3
Anthony Hoyte - Item 3.4
David Asher Charman - Item 3.4

Objectors In Attendance:

PC Alan Cruickshank - Metropolitan Police
Jon Shapiro - Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Misschu, 91 Whitechapel High Street, London E1 7RA

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Misschu, 91 Whitechapel High Street, London E1 7RA. It was noted that an objection had been received by the Metropolitan Police.

At the request of the Chair, Mr Marcus Lavell, Legal Representative on behalf of the Applicant gave a brief background of the nature of the premises. It was noted that Misschu was a bold and unique brand across Australia and now the UK. The restaurant serves classic Vietnamese street and café foods as both table food and takeaway service. It was further noted that there would only be three forms of alcoholic drinks served at the premises and would be ancillary to food.

Mr Lavell explained that the premise was located at the edge of the cumulative impact zone, however the operators had experience of trading in saturated areas as 8 out of 9 of the premises are located in city centre environments. He explained that they had removed off sales and agreed to conditions proposed by the Police.

It was reiterated that the sale of alcohol was ancillary to food and that alcohol would be less than 5% of their annual turnover. It was noted that the Applicant in addition to promoting the licensing objectives would also support the vision promoted by the Tower Hamlets Partnership Community Plan.

Mr Lavell concluded that the hours applied for were within the framework hours, that conditions had been agreed with the Police, there were no more than 58 covers at the restaurant. Whilst operating Temporary Event Notices there had been no problems or complaints.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he explained that although the hours were within the framework hours it was still another premises that would have the ability to sell alcohol in an area which was already saturated. It was noted that the objection was not a reflection on the applicant but a response to the Saturation Policy. Since the introduction of the policy and the Cumulative Impact Zone (CIZ), licences have been granted in this area but the continuing introduction of new licenced premises or variations however small or well run, would only compound the problems in the CIZ.

Members briefly discussed amongst themselves and the Chair stated that;

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations from the Applicant's representative and PC Alan Cruickshank.

Members reached a decision and the decision was unanimous. Members decided to grant the application with conditions agreed with the Police. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at the meeting, the Applicant had done everything they could to mitigate further impact within the cumulative impact zone and Members were content that the conditions proposed would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Misschu, 91 Whitechapel High Street, London E1 7RA be **GRANTED with conditions**.

Sale of Alcohol (on sales only)

Monday to Sunday from 11:00 hours to 22:30 hours

Hours Premises is open to the Public

Monday to Sunday from 11:00 hours to 23:00 hours

Conditions

1. Alcohol shall not be sold, supplied or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
2. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised

photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.

3. CCTV camera system covering both internal and external to the premises is to be installed.
4. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
5. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
6. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

3.2 Application for a New Premises Licence for Second Home Ltd. - Ground Floor, 68-80 Hanbury Street, London, E1 5JL

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Second Home Ltd, Ground Floor, 68-80 Hanbury Street, London E1 5JL. It was noted that there had been objections made by the Police and conditions had been agreed with Environmental Health and local residents.

At the request of the Chair, Mr Sam Aldenton, Applicant, explained the premises was to be used as a private members club for entrepreneurs consisting of high quality workspace designed for small/medium sized businesses, meeting rooms, event spaces for education, networking and a café. He stated that all licensable activities would be ancillary to the primary focus.

Mr Aldenton concluded that he had worked closely with responsible authorities and local residents and to that effect had agreed conditions with Environmental Health and local residents who had withdrawn their objections and that he had also agreed to conditions proposed by the Police.

Members then heard from PC Alan Cruickshank who stated that he had met with the Applicant and had agreed to conditions, however, this premises was within the saturation zone and therefore had a duty to object as another licensed venue would only compound the problems in the CIZ and would mean that more people would remain in the CIZ in the late hours having the potential to cause public nuisance.

Members also heard from Mr Jon Shapiro, Local resident who welcomed the proposal and the conditions offered and agreed by the Applicant.

In response to questions the following was noted;

- The provision of indoor sporting events was to hold ping pong matches/tournament etc. and only envisaged this to happen possibly once a year
- That the premises would be a members' only club and would only allow entry for members and their guests.
- That there had been no objection from the Fire Authority
- That realistic hours would be between 07:00 to 22:30 hours
- That members would have to be the age of 21 and over
- The company would offer employment opportunities for local colleges

Members retired to consider their decision at 11.45am and reconvened at 11.50am.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations from the Applicant and objectors.

Members noted the concerns of public nuisance and noted the fact that the premises was within the cumulative impact zone. However Members noted how the Applicant had agreed to various conditions prior to the meeting to address the concerns of residents and responsible authorities.

Members were satisfied that the premises would not have a detrimental cumulative impact in the area and therefore granted the application with a reduction in hours and conditions which would help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Second Home Ltd, Ground Floor,68-80 Hanbury Street, London E1 5JL be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Friday from 08:00 hours to 22:30 hours
Saturday from 09:00 hours to 22:30 hours

Sunday from 09:00 hours to 22:00 hours

The Provision of Regulated Entertainment in the form of Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Dance (indoors only)

Monday to Friday from 08:00 hours to 23:00 hours

Saturday from 09:00 hours to 23:00 hours

Sunday from 09:00 hours to 22:00 hours

Hours premises is open to the public

Monday to Friday from 08:00 hours to 23:00 hours

Saturday from 09:00 hours to 23:00 hours

Sunday from 09:00 hours to 22:00 hours

Conditions

1. Regulated entertainment shall not be audible at the façade of any residential or commercial property and/or within any residential or commercial property so as to cause a nuisance.
2. No noise emanating from events in the building will be audible at the facades of neighbouring residents.
3. There will be no more than a maximum of five people (occupants or visitors to the building) waiting outside the building whether smoking, awaiting transport or for any other purpose.
4. There will be no more than 150 (occupants or visitors to the building) in total attending any event (or events) held within the building.
5. The building management will designate a “preferred taxi supplier” to be used to collect occupants and visitors needing a taxi service on leaving the building. This preferred taxi supplier will be contracted to provide a service that avoids all unnecessary noise (eg: no hooting, no running engines whilst waiting, no slamming doors, et al).
6. For any event (or events) held within the building attended by more than 60 occupants and visitors, the building management will employ a “steward” specifically to manage the egress of people from the building, and to ensure there is no undue noise caused outside the building.
7. The applicant will define on the plans submitted the only two areas of the building within which the licensed activities will be permitted; namely the “bar area” at Ground floor (North) of the building, and the middle “events area” at Ground floor (central) of the building.
8. No drinks are to be taken outside or consumed outside the premises
9. 1 SIA staff to be employed during provisions of regulated entertainment

10. A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
11. Incident and refusals log books shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any incidents of disorder
 - d. all seizures of drugs or offensive weapons
 - e. any faults in the CCTV system or searching equipment or scanning equipment
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency service.
12. CCTV camera system covering both internal and external to the premises is to be installed.
13. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
14. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
15. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
16. If there is to be a promoted event with DJ's then a F696 must be submitted within the relevant time period.
17. No more than one event per year in relation to regulated entertainment, in each type of the following;
 - Plays
 - Films
 - Indoor sporting events
 - Live Music
 - Recorded Music
 - Performances of Dance

Any additional events of this kind would require a temporary event notice.

3.3 Application for a New Premises Licence for Redchurch General Store, 64-66 Redchurch Street, London, E2 7DP

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Redchurch General Store, 64-66 Redchurch Street, London E2 7DP. It was noted that there had been objections made by the local residents and Police.

It was noted that the premises had existing licences for the first floor and basement floor and that the licences had been transferred to Soho House Limited.

At the request of the Chair, Ms Lana Tricker, Licensing Representative for the Applicant stated that the premises would like to have the one licence to operate on all three floors, instead of having three separate licences. She explained that the first floor was already licensed for Cheeky Nails, the basement floor was licensed as a cinema and now wanted the ground floor licensed for the use of a reception area, a cafe and a male grooming centre, Neville premises.

It was noted that if the application was granted the Applicants would surrender the two separate licences for the first floor and basement floor. Ms Tricker referred to supporting documents contained within the agenda and highlighted the aspects of the types of service that the premises would be providing.

It was noted that the sale of alcohol was not the primary purpose and was only ancillary to food, or a service at the premises. In response to the objections made to this application the Applicants proposed a number of conditions such as noise insulation, drinks to be ancillary to a meal or treatment, dispersal policies etc. Mr Tricker stated that it was not an alcohol led environment and the reception area was for customers possibly having a drink before watching a film in the cinema or after the film was over. The Applicants accepted that it was in close proximity to local residents however believed that the conditions offered and hours applied for would not have a negative impact on the area.

Ms Tricker explained that off sales was applied for the outside tables and chairs area and would like to use this area between the hours of 8am and 9pm, that there would be 5 tables and 10 chairs and this had been granted by the Streets and Markets Department subject to this application.

She concluded that the ground floor would be used as a reception area to greet customers and café would also be open in the mornings to serve breakfast. She concluded by saying they had a very long lease and were committed to the area and would be happy to have last entry time of 11.30pm.

Members then heard from PC Alan Cruickshank who stated that the premises was within the CIZ and would mean another premises that would have the ability to sell alcohol in an area which was already saturated. It was noted that the objection was not a reflection on the applicant but a response to the

Saturation Policy. Since the introduction of the policy and the Cumulative Impact Zone (CIZ), licences have been granted in this area but the continuing introduction of new licenced premises or variations however small or well run, would only compound the problems in the CIZ. He also expressed concern regarding the use of the outside area till as late as 9pm which he believed could cause noise nuisance. PC Cruickshank proposed that a terminal hour for all licensable activities should be 11pm which would be accepted by the Police and help alleviate concerns for objectors and promote the licensing objectives.

In response to questions the following was noted;

- That the Applicants wanted slightly later hours than 11pm in order to provide refreshments for customers after the viewing of films etc.
- That there was 47 seats in the Cinema
- That currently the Cinema had a licence till 11pm.
- That there had been no complaints in relation to the premises.
- That a series of conditions had been offered by the Applicant to help address the concerns of objectors and promote the licensing objectives.

Members retired to consider their decision at 12.30pm and reconvened at 12.40pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations from the Applicant's representative and the Police. In the absence of the resident objectors Members noted and considered their written submissions.

Members noted the concerns of public nuisance and noted the fact that the premises was within the cumulative impact zone. However Members noted that the Applicant had proposed conditions to address the concerns raised by the residents and the Police. Members believed that by granting one licence for the whole of the premises would be a better way of regularising and managing the premises and would help with the promotion of the licensing objectives.

Members were satisfied that the premises would not have a further detrimental cumulative impact in the area as there was already existing licences for the premises and therefore granted the application with a

reduction in hours upon advice from the Police and conditions offered by the applicant. This licence would only be subject to the Applicant surrendering both the 1st floor and basement floor premises licences.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Redchurch General Store, 64-66 Redchurch Street, London E2 7DP be **GRANTED** with conditions.

Basement Cinema/ Ground Floor/ First Floor

Sale of Alcohol (on sales only)

Monday to Saturday from 09:00 hours to 23:00 hours
Sunday from 10:00 hours to 23:00 hours

The Provision of Regulated Entertainment in the form of Films (indoors) & Recorded Music (indoors)

Monday to Saturday from 09:00 hours to 23:00 hours
Sunday from 10:00 hours to 23:00 hours

Hours premises is open to the public

Monday to Saturday from 09:00 hours to 23:30 hours
Sunday from 10:00 hours to 23:30 hours

Conditions

1. No entry after 22:30 hours
2. The retail sale of alcohol shall be ancillary to;
 - The provision of nail treatments, hair treatments and male/female grooming treatments and/or
 - The purchase of food and/or
 - The purchase of retail products and/or
 - The purchase of a cinema ticket on the same day as the screening in the basement.
3. There shall be no off sales of alcohol permitted with the exception of patrons seated outside the premises at tables and only ancillary to food purchased in the premises.

4. The outdoor seating area to be used only between the hours of 09:00 hours to 21:00 hours from Monday to Saturday and 10:00 hours to 21:00 hours on Sundays.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance to local residents and businesses.
6. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. There shall be no advertising of the sale of alcohol outside the premises.
8. The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.
9. CCTV camera system covering both internal and external to the premises is to be installed.
10. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
11. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
12. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

3.4 Application for a Time Limited Premises Licence for Former Shoreditch Train Station, corner of Pedley Street and Code Street, London, E1 5EW.

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a time limited premises application for Former Shoreditch Train Station, corner of Pedley Street and Code Street, London E1 5EW. It was noted that there had been an objection made by the Police.

At the request of the Chair, Mr Anthoy Hoate, Applicant, explained that he owned the station and wanted Hot Tub Cinema Company to run a series of screenings over a one year period. He explained that they screened non contentious cinema like romantic comedies, animations etc. The application

was for the provision of selling alcohol as an ancillary to the cinema and between the hours of 6.30pm and 10.30pm during week days and 12 noon to 22.30 during weekends and that there would be no vertical drinking and noise disturbance would be minimal as it would be a cinema.

Members also heard from Mr David Asher Charman, Director for Theatron Media Limited who briefly explained that having spoken with the Police they were happy to comply to the conditions proposed by PC Alan Cruickshank by installing CCTV cameras, employing SIA staff etc. He stated that this would be a pop up event, a variety of venues had been used around London and this summer they have had 20 events in the Former Shoreditch Train Station via temporary event notices and were proud to report that there had been no incidents or complaints.

Members then heard from PC Alan Cruickshank who stated that he welcomed the removal of non standard timings and the conditions accepted by the Applicant. However, he had concerns about the safety of customers leaving through Pedley Street. He stated that although the hours were within the framework hours it was yet another premise which will have the ability to sell alcohol in the area which is already saturated.

In response to questions it was noted that the maximum capacity for the premises was 120 people and that there was adequate toilet facilities on the premises.

Members retired to consider their decision at 12.50pm and reconvened at 12.55pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations from the Applicants and PC Alan Cruickshank.

Members reached a decision and the decision was unanimous. Members decided to grant the application with conditions agreed with the Police. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at the meeting, the Applicant had done everything they could to mitigate further impact within the cumulative impact zone and Members were content that the conditions proposed would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Time Limited Premises Licence from the 1st October 2014 to 1st October 2015 for, the Former Shoreditch Train Station, Corner of Pedley and Code Street London E1 5EW be **GRANTED with conditions.**

1st October 2014 to 1st October 2015

Sale of Alcohol (on sales only)

Monday to Friday from 18:00 hours to 22:30 hours
Saturday and Sunday from 12:00 hours (noon) to 22:30 hours

The Provision of Regulated Entertainment in the form of Films

Monday to Friday from 18:00 hours to 23:00 hours
Saturday and Sunday from 12:00 hours (noon) to 23:00 hours

Conditions

1. No promoted events that involve DJ's.
2. Two SIA staff to be employed on a Friday and Saturday from 18:00 until closing time.
3. An incident and refusals log book shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any incidents of disorder
 - d. all seizures of drugs or offensive weapons
 - e. any faults in the CCTV system or searching equipment or scanning equipment
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency service.
4. CCTV camera system covering both internal and external to the premises is to be installed.
5. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
6. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.

The meeting ended at 1pm

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 30 SEPTEMBER 2014

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

Members Present:

Councillor Rachel Blake (Chair)

Councillor Rajib Ahmed
Councillor Amina Ali

Other Councillors Present:

Councillor Candida Ronald

Officers Present:

Kirsty Panton	(Legal Services)
Alex Lisowski	(Licensing Officer Directorate Law, Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

Applicants In Attendance:

Jacques Rene (6.1)
Tazul Islam (6.1)
Alun Thomas (6.2)
Noam Bar (6.2)
Jeremy Bark (6.3)
Hardip Hoodle (6.3)

Objectors In Attendance:

David Richards (6.2)
Robin Moore(6.2)
PC Alan Cruickshank, Metropolitan Police (6.2)
Nadia Mahmood (6.3)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION**3.1 Application for a New Premises Licence for City of Paris Limited - 74 Bonner Street, London, E2 0QP**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for the City of Paris Limited -74 Bonner Street, London, E2 0QP. It was noted that objections had been made by local residents and Councillors. A supplemental agenda for this item had been previously circulated.

The Chair then invited the applicant's representative Jacques Rene to make his representations accompanied by the applicant Tazul Islam and he provided the following information in support of the application for a new premises licence.

- That the Applicant had agreed to install CCTV at the premises and to restrict use of the outdoor areas (as set out in the correspondence with the Police in the agenda papers) as well as other measures.
- That the objections were mainly about the former public house judging by the dates. None of the incidences could directly be attributed to the current restaurant solely. They could even have been caused by passers-by and other businesses.
- No complaints had been made to the Police about the current premises.
- The new company was a high quality restaurant.

In response to questions

- The type of events that would be held would be weddings and birthday parties.
- That the Applicant was agreeable to restricting the number of smokers outside and varying the hours on Sunday to Thursday.
- Music would be mainly background music.
- Explained the measures to manage exits to minimise disturbance.

It was noted that Councillors Amy Whitelock Gibbs and Sirajul Islam had objected to the application but could not be present tonight and had submitted a written statement. The Panel also noted the points about the lease for the premises and that this was not a Licensing matter.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence. Members heard representations and considered the licensing objective for the prevention of crime and disorder and public nuisance.

Members noted the conditions offered by the Applicant to install CCTV, to restrict use of the outdoor area and the use of an incident/refusal book.

They also carefully considered the concerns from residents and local Councillors about anti-social behaviour and disturbance around the premises particularly from the use of alcohol. It was feared that this application would worsen these problems.

In view of the above, the Panel agreed to grant the application but to impose a number of safeguarding conditions on the application to prevent crime and disorder and public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for City of Paris Limited - 74 Bonner Street, London, E2 0QP be **GRANTED** subject to the following:

Hours premises is open to the public:

Sunday to Thursday from 12:00hrs to 14:30hrs and from 17:30hrs to 22:30
Friday to Saturday from 12:00hrs to 14:30hrs and from 17:30hrs to 23:00

Sale of Alcohol (on sales only)

Sunday to Thursday from 12:00hrs to 14:30hrs and from 17:30hrs to 22:00
with a drinking up time to 22:30
Friday to Saturday from 12:00hrs to 14:30hrs and from 17:30hrs to 22:30 with
a drinking up time to 23:00

The Provision of Regulated Entertainment in the form recorded music(indoors):

Sunday to Thursday from 12:00hrs to 14:30hrs and from 17:30hrs to 22:30
Friday to Saturday from 12:00hrs to 14:30hrs and from 17:30hrs to 23:00

Conditions

- No alcohol be served in the outdoor area after 18:00
- Outdoor area to close at 21:00
- No more than four smokers be permitted in the outdoor area after 21:00
- Use of an incident book/refusal book

Install and maintain CCTV at the premises.

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 and 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 another responsible authority.

3.2 Application for Variation of a Premises Licence for Ottolenghi, 11 Artillery Passage, London, E1 7LJ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for the variation of a Premises Licence for Ottolenghi, 11 Artillery Passage, London, E1 7LJ. It was noted that objections had been made by a local residents and the Metropolitan Police. A supplemental agenda for this item had been previous circulated.

The Chair then invited the applicant's representative Alun Thomas to make his representations accompanied by the applicant NoamBar and he provided the following information in support of the application:

- That the Applicant had offered to amend the hours for the sale of alcohol (off sale) to 09:00-23:00 to be sold in a sealed container only.
- The variation also sought permission for no more than 15 customers to drink alcohol without a meal in a seated area up to 23:00. These customers would be encouraged to buy a meal. The premises would mainly be selling high quality wine.
- The Applicant would remove the license for regulated entertainment if granted.
- The proposed amendments should address the objections about late night nuisance.

- Explained the reasons for wishing to sell alcohol for consumption off site (in the interests of hospitality, to complement the services in the delicatessen area where the 'off sales' were to be sold).
- That the main entrance of the premises would be on Artillery Way not Artillery Passage. Therefore, there should be no smokers at that point.
- Given the nature of the restaurant and the proposed changes, there should be no additional impact on the Cumulative Impact Zone (CIZ). Case law suggested that such issues needed to be considered when looking at the impact on the CIZ.
- The Applicant would continue to engage with the residents

Members also heard from PC Alan Cruickshank, Metropolitan Police. Whilst noting the conditions offered by the Applicant and that it was unlikely that the plans should increase street drinking, he considered that the application should still be properly scrutinised to ensure that its impact on the CIZ and residents was acceptable

Members then heard from the local residents David Richards and Robin Moore.

- They welcomed the amendments to the application. However, expressed concern about disturbance from the people drinking in the bar without a meal. Such activity should only be permitted with a tabled meal until 11pm.
- Concern was also expressed about disturbance from smokers outside, particularly late at night. Steps should be taken to minimise this.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations for interested parties. Members heard representations and considered the licensing objective for the prevention of public nuisance and crime and disorder.

In reaching their decision, the Panel took into account the amendments offered by the Applicant: to limit hours for the sale of alcohol (off sales) to 23:00 Monday to Sunday to be sold in sealed containers only; that a maximum of 15 customers be permitted to drink alcohol without a meal in the bar area until 23:00 and to be seated and to withdraw the regulated entertainment licence. It was noted that these measure should help minimise late night disturbance. It was also noted that the sale of alcohol for consumption off premises would take place from the delicatessen area that closed at 21:00.

Nevertheless, Members were also mindful of the representations of the Metropolitan Police and residents about the impact on neighbouring amenity from activity from the premises given it was located in the cumulative impact zone (albeit at the fringe). Specifically, they noted the concerns about anti-social behaviour and disturbance outside the premises at night, particularly from the consumption of alcohol in the bar area and smoking outside.

In view of the above issues, the Panel agreed to grant the license but to reduce the hours for the sale of alcohol (off sale) to 21:00. The Panel also agreed to a number of other safeguarding conditions to prevent public nuisance and crime and disorder.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of a Premises Licence for Ottolenghi, 11 Artillery Passage, London, E1 7LJ be **GRANTED** subject to the following:

Sale of Alcohol (on sales)

- Monday to Saturday from 08:00hrs to 00:00hrs (midnight)
- Sunday from 08:00hrs to 23:30hrs

Sale of Alcohol (off sales)

- Monday to Sunday from 10:00hrs to 21:00hrs

Removal of the following from the license.

- The provision of regulated entertainment in the form of Live Music, Recorded Music and Dancing

Conditions

- Sale of Alcohol (off sales) sold in sealed containers
- No consummation of alcohol in the outside area of the premises.
- Maximum of 15 customers be permitted to drink alcohol without a meal in the bar area until 23:00 and to be seated.
- No more than four smokers be permitted in the outside area after 21:00

3.3 Application for a New Premises Licence for (Tesco), 571 Manchester Road, Isle of Dogs, London E14 3NX

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for (Tesco), 571 Manchester Road, Isle of Dogs, London E14 3NX. Objections had been received from a Ward Councillor and local residents.

The Chair then invited the applicant's representative Jeremy Bark and Hardip Hoodle of Tesco to make their representations and he provided the following information in support of the application:

- That the hours sought were in accordance with the framework hours in Licensing Policy. There were very common hours for Tesco nationally.
- That it was a relatively small shop. Only a small amount of the sales would be alcohol, mainly wine and no strong alcohol.
- The Applicant had agreed additional conditions with the Police.
- No Statutory Authority had made objections. The policy stated that this should be given serious weight and that there should be strong evidence to restrict the application.
- Tesco was a responsible employer and had in place a comprehensive policy to prevent alcohol sales to underage customers and to ensure no alcohol was sold to customers of concern. Staff at all levels were trained on the policy.
- The shop had installed high quality CCTV, the layout of the premises was designed to prevent theft.
- All deliveries of alcohol would be mixed in with deliveries for other goods.
- Tesco worked with statutory agencies such as the Police to prevent crime and took crime prevention very seriously. They were actively involved in many responsible drinking initiatives.
- Highlighted the powers available to the relevant authorities to control alcohol consumption in public areas.
- Explained the delivery plan. The store would actively seek delivery times in social hours.

Members then heard from local resident Nadia Mahmood and Councillor Candida Ronald who reported the following points:

- Expressed concern about the impact on highway safety, noise, parking and the impact from deliveries from the proposal given the area was a densely populated residential area.
- That Councillor Ronald had been approached by residents living by the green, expressing concern that the plans would increase drinking and anti-social behaviour on the green. Many of these residents were vulnerable people.
- That the proposal would increase street drinking and ant-social behaviour in the surrounding area.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations for all interested parties.

Members heard representations and considered the licensing objective for the prevention of public nuisance and crime and disorder.

Members listened carefully to the case made on behalf of the applicant and the representations from the residents and the ward Councillor. Members noted that the concerns related to issues outside the Licensing regime (i.e. Planning, Highway and Health and Safety matters). Therefore, the Panel agreed to grant the licence subject to the conditions offered by the applicant in view of issues raised by the Police:

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for (Tesco), 571 Manchester Road, Isle of Dogs, London E14 3NX be **GRANTED** subject to the following:

The sale by retail of alcohol (Off sales only)

- Monday to Sunday, from 06:00 hours to 23:00 hours

Hours open to the public

- Monday to Sunday, from 06:00 hours to 23:00 hours

Conditions

- No sale of Beer or Cider with an ABV of above 5.5% unless this is "Craft Beer or Cider"
- Operate the "Challenge 25" scheme. All staff will be trained to request valid photographic ID from anyone who they believe to appear to look under the age of 25 years, when buying alcohol.

The following CCTV condition:

- A CCTV camera system covering many areas of the premise is to be installed. The areas shall include entrance/exit, Checkouts and main alcohol display area
- The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

None.

The meeting ended at 8.30 p.m.

Chair, Councillor Rachel Blake
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 7 OCTOBER 2014

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)

Councillor Khaled Uddin Ahmed
Councillor Mahbub Alam

Officers Present:

Kathy Driver	- (Principal Licensing Officer)
Alex Lisowski	- (Licensing Officer)
Ian Moseley	- (Trading Standards Officer)
Michelle Terry	- (Legal Services)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Leo Charalambides	- Item 4.1
PC Brendan O'Rourke	- Item 4.1
Kazim Doldur	- Item 4.2
Dilek Doldur	- Item 4.2

Objectors In Attendance:

Frances Hoar	- Item 4.1
Azmal Mert Hussain	- Item 4.1

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Khaled Ahmed declared a personal interest on item 4.1 Application for a Review of the Premises Licence for Preem Restaurant and Balti House,

118-122 Brick Lane London E1 6RL on the basis that the Premise Licence Holder Mr Azmal Hussain was known to him in relation to separate legal proceedings currently being undertaken. However Cllr Ahmed confirmed that he had not had any discussion with Mr Hussain regarding this particular application.

At this point Mr Frances Hoar, Legal Representative for Mr Hussain, Premises Licence Holder for item 4.1 questioned whether Councillor Mahbub Alam had a declaration of disclosable pecuniary interest to make as he believed there may be some conflict of interest in relation to separate legal proceedings that his client Mr Hussain is related to and suspected that Councillor Alam was also related.

At this point the Chair adjourned the meeting.

The Chair reconvened the meeting and stated that based on the information which had just been laid before them in relation to Councillor Mahbub Alam having not declared an interest that he had provided a witness statement in relation to a separate legal matter relating to the objector for Item 4.1. Members carefully considered this information and the Chair made a decision that this application be deferred to a later date which would be confirmed by the clerk.

At this point Mr Leo Charalambides, Legal Representative for the Metropolitan Police expressed his concern and wished it to be noted that the Sub Committee had adjourned the meeting and had taken a decision to defer the consideration of the item without taking the opportunity to seek a view from the Applicants.

It was noted that the matter had not reached the agenda item in discussion and had been raised under Item 1 Declarations of Disclosable Pecuniary Interest and therefore in light of the information received the Sub Committee decided to defer the item.

2. RULES OF PROCEDURE

The Rules of Procedure were noted

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 2nd & 16th September 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a Review of the Premises Licence for Preem Restaurant and Balti House, 118-122 Brick Lane, London, E1 6RL

The Sub Committee decided to defer the consideration of this application to a later date.

4.2 Application for a Variation of a Premises Licence for Londis 88-90 Columbia Road, London, E2 7QB

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Londis, 88-90 Columbia Road, London E2 7QB. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair, Ms Dilek Doldur, translator on behalf of Mr Kazim Doldur, Applicant stated that Mr Doldur wanted to vary the premises licence for the sale of alcohol till later hours in order to meet customer demands, and to help with the business financially. She explained that most customers finish work late and wanted to buy their alcohol with their groceries and have often requested that the Applicant stay open till late in order for them to do so. It was noted that they do not sold to underage persons or those under the influence of alcohol or sold any form of drugs.

Members then heard from PC Brendan O'Rourke, on behalf of the Metropolitan Police, who clarified that he was not alleging that there had been underage sales or drugs being sold at the premises.

He stated that there had been correspondence between the Police and Mr Doldur's solicitor where conditions had been accepted except for the hours. PC O'Rourke then referred to the Police's representation contained in the agenda on pages 154-156 and detailed incidents that had taken place in relation to the premises it was noted that there had been an assault outside the premises which initially started in the premises as an argument. He also made reference to the fact that CCTV footage had not been supplied to the Police despite many requests made to the Applicant.

Members were then referred to photographs submitted by PC O'Rourke which evidenced litter and empty bottles of alcohol left in the park directly opposite the premises.

In response to questions the following was noted;

- That the empty bottles of alcohol shown in the photographs could be from other premises
- That staff were not allowed to download CCTV images as the Applicant believed that staff would delete images.
- That the Applicant asked the CCTV operating company to download the footage for the Police but he was told that the CCTV cameras were not working at the time hence why the Applicant was unable to provide CCTV footage to the Police.
- That the applicant was happy to accept the CCTV conditions proposed by the Police and would also keep recordings for 31 days.

- It was noted that the park opposite was open 24 hours and well lit in the evenings and not locked.
- That there was 1 full time staff and 7-8 part time staff working at the premises.
- That Columbia Road was a busy road and attracted crime and disorder and public nuisance exhausting police resources.
- Members were also provided with the hours for other licensed premises in the area.

Members retired to consider their decision at 7.50pm and reconvened at 8.20pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered the representation originally made, all the evidence before them and heard the representation at the meeting from the Applicant and the Metropolitan Police.

Members had reached a decision and this decision was a majority decision. Members believed that they had not heard sufficient evidence that this premises itself would contribute to public nuisance and crime and disorder in the area. Therefore the application was granted in line with the Council's framework hours for the sale of alcohol and operating hours as applied for together with conditions proposed by the Police.

Members noted that the Police Officer had conceded that he couldn't be sure that the bottles came from the premises and that there had been no evidence of underage sales. It was also noted that the failure to provide CCTV footage was not a breach of licensing conditions as the Applicant's current licence did not have CCTV conditions. Members felt that the conditions imposed would help promote the licensing objectives.

Decision

Accordingly, the Sub Committee –

RESOLVED

That the application for a variation for a premises licence for, Londis, 88-90 Columbia Road, London E2 7QB be **GRANTED** in part with conditions.

Sale of Alcohol (off sales only)

Monday to Thursday from 0800 hours to 23:30 hours
Friday and Saturday from 08:00 hours to 00:00 hours (midnight)
Sunday from 08:00 hours to 22:30 hours

Hours premises is open to the public

Monday to Sunday from 08:00 hours to 01:00 hours (the following day)

Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for a minimum of 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times when the premises is open, a person who can operate the CCTV system must be present.
4. Use of an incident/refusal book.
5. The premises will not sell any beer, larger or cider that exceeds the strength of 6.5% abv or higher unless 3 or more bottles/cans are purchased together.
6. A personal licence holder is to be present from 21:00hours until closing time every day
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.30 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee

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Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	04 November 14	Unclassified	LSC 39/145	

Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Inito), Unit 6, 31 Bell Lane, London E1 7LA Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Inito Ltd**

Name and Address of Premises: **Inito**
Unit 6
31 Bell Lane
London
E1 7LA

Licence sought: **Licensing Act 2003**

- The sale by retail of alcohol
- The provision of late night refreshment

Representation: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Inito), Unit 6, 31 Bell Lane, London E1 7LA.

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

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

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

- Monday to Thursday, from 11:00 hours to 23:00 hours
- Friday and Saturday, from 11:00 hours to 23:30 hours
- Sunday, from 11:00 hours to 22:00 hours

The provision of late night refreshment - Indoors

- Friday and Saturday, from 23:00 hours to 23:30 hours

Hours open to the public

- Monday to Thursday, from 11:00 hours to 23:00 hours
- Friday and Saturday, from 11:00 hours to 23:30 hours
- Sunday, from 11:00 hours to 22:00 hours

3.4 Members may wish to note that in relation to the sale of alcohol this is the same as when the premises closes to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met. The problem, of course, is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the regulated activities and the time the premises closes to the public.

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

4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.

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

4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in October 2014.

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

5.0 Representations

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

- Child Protection
- Public Health

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

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

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

5.14 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.

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

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such

a decision in the interests of the promotion of the licensing objectives.” (1.12)

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

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

- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 6 - 12** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Maps of the area
Appendix 3	Section 182 Guidance by the Home Office
Appendix 4	representation of Charles Rosier
Appendix 5	Representation of Lyn McCaw
Appendix 6	Licensing Officer comments on noise while the premise is in use
Appendix 7	Licensing Officer comments on access/egress problems
Appendix 8	Licensing Officer comments on crime and disorder on the premises
Appendix 9	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 10	Planning
Appendix 11	Licensing Policy relating to hours of trading
Appendix 12	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

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Appendix 1

Section 1 of 19

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

System reference This is the unique reference for this application generated by the system.

Your reference 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

* 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:

- 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

If your business is registered, use its registered name.

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

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 19

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Restaurant premises located at unit 6, 31 Bell Lane, E1 7LA. It is ground floor, single story with a capacity of 51 indoors and 14 outside, as indicated on the plans enclosed.

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

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

provision of food and refreshment both alcoholic and non alcoholic, passed 23:00 hours on Fridays and Saturdays inside the premises. Only back ground music at a level where normal conversation can take place, inside the premises.

State any seasonal variations

Continued from previous page...

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

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

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

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 19

ADULT ENTERTAINMENT

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

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 19

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

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

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.

None

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

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

None

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

Training. All staff will be trained on licensing rules, Challenge 25 system to verify age, dealing with challenging situation. Management team. All salaried managers will have Personal Licence (Part1), or attend a credited course to obtain their license during their first year of employment.

Only wine, beer and cider will be served with a meal. No spirits. Small measure for wine sold by the glass will be available and advertised.

Cumulative Impact. As the emphasis of our operation will be on food, it will not add to the existing Cumulative Impact on the area.

Continued from previous page...

b) The prevention of crime and disorder

We will operate a CCTV system which will cover anyone entering and exiting, the premises, the lobby area to the toilet facilities and the seating areas. Digital recording will be kept for a minimum of 28 days and be made available to the Police or the local authorities upon request. Signs will indicate "CCTV in operation". Incident Log will be maintained. The premises will be fitted with a burglar alarm system. There will be both fixed and mobile Panic Button systems, connected to the police through a monitoring system.

c) Public safety

We will ensure that appropriate Fire Safety and Health & Safety regulations are applied at the premises, tested through a comprehensive Risk Assessment exercise and documented. Accident Book will log any dangerous occurrences, which will be investigated and any short comings will be remedied.

d) The prevention of public nuisance

Outside area will be close at 21:30. Staff training will emphasis on the need to be conscious of the neighboring local residents when outside the premises. Notices will be displayed close to the exit reminding patrons to respect local residents. The pavement area in front of the premises will be kept swept and tidy. Only background music at a volume level to allow normal conversation will be played indoors. All complaints will be dealt with the General Manager or higher level and will be logged.

e) The protection of children from harm

We will be a child friendly restaurant. No activity or material will be on display that would not be suitable for the children. "Challenge 25" will be operated and sign indicated. The only acceptable forms of identification shall be photographic Driving License, valid Passport or any other recognized identification incorporating Pass logo.

Section 19 of 19

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Continued from previous page...

- 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 (£)

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

* Date / /
dd mm yyyy

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

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

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

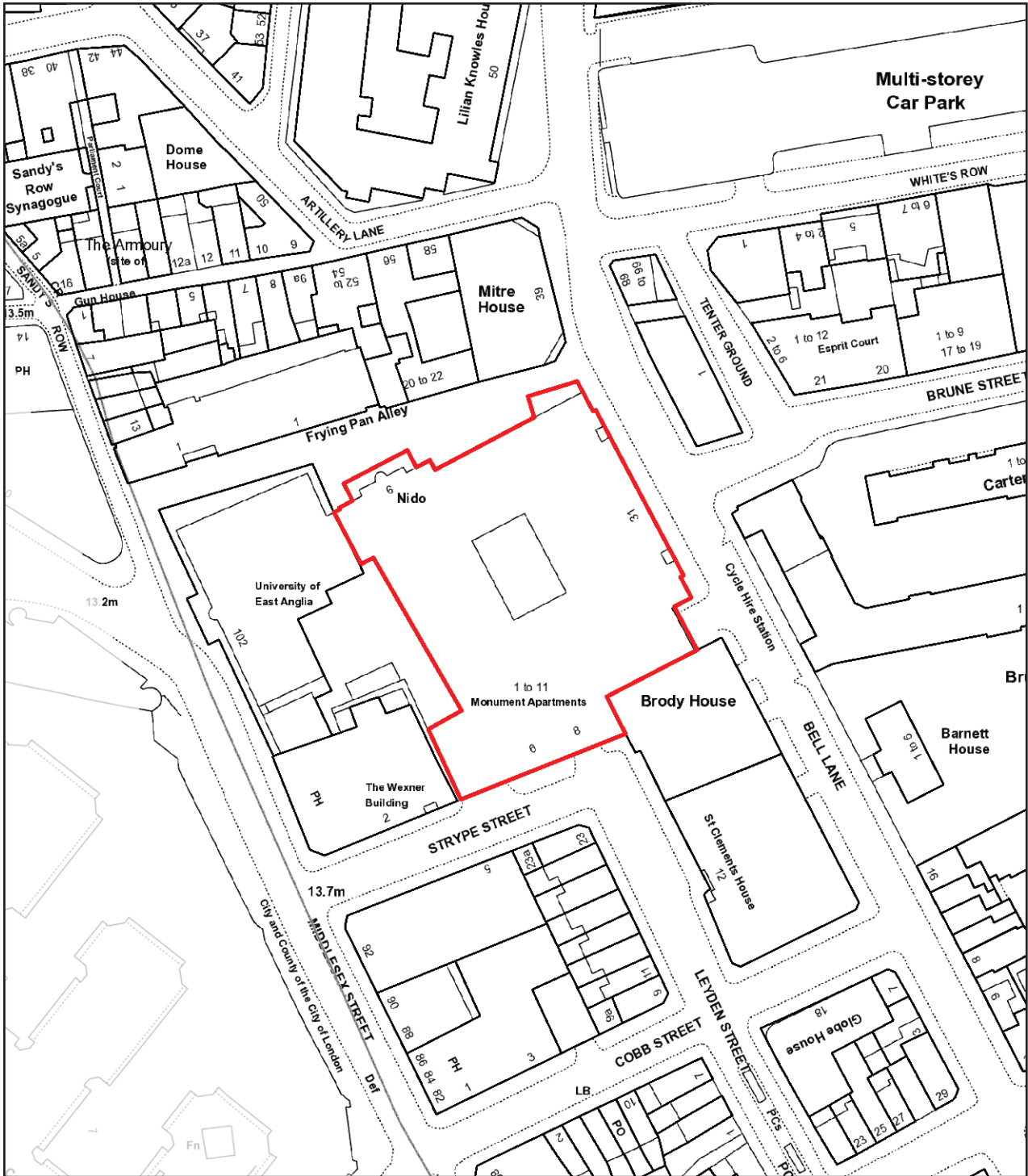
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Inito Spitafields"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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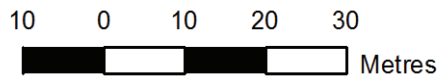
Appendix 2



Unit 6, 31 Bell Lane



Scale 1:1143



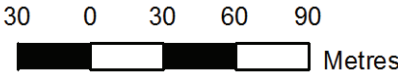
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Unit 6, 31 Bell Lane



Scale 1:3812



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Appendix 3

Section 182 Advice by the Home Office

Updated Oct 2014

Relevant, vexatious and frivolous representations

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

recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

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

Appendix 4

Mohshin Ali

From: Charles Rosier [REDACTED]
Sent: 22 September 2014 12:45
To: Mohshin Ali
Subject: Ref: Inito. Unit 6, 31 Bell Lane L1U: 78444

Dear Mr Mohshi Ali

I am the owner of flat [REDACTED].

I would like to confirm and show my "strong" opposition to the proposal of extended licensing hours for the new Inito restaurant on Bell lane. Whether is be internal or external use of alcohol.

We have had to endure so much noise nuisance since the shop units have opened-up in Bell Lane. My bedroom and living room over look the Nido and Bell Lane, and from the 5th floor we can hear noise from the early hours to very late at night. For example, the local Sainsbury's often break their delivery hours and cause much noise from large HGV lorries parking, large metal crates being shoved along the pavements and shop fire alarms going off. To offer a drink license to the Inito would cause extra street noise, drunken bad behaviour, litter and late night talking noise adjacent to a private residential block.

To be perfectly frank, we are fed up with this extra noise.

So once again, I write to say I strongly oppose the alcoholic drink licence for Inito.

Yours Sincerely

Charles Rosier
[REDACTED]

Appendix 5

Mohshin Ali

From: Lynn McCaw [REDACTED]
Sent: 25 September 2014 16:54
To: Mohshin Ali; Licensing
Subject: InitoUnit 6, 31 Bell Lane

Follow Up Flag: Follow up
Flag Status: Flagged

Dear sirs

I have received from you notice of an application for a late night alcohol, refreshment and entertainment licence at Unit 6, Bell Lane.

I would like to register my objection in the strongest possible terms. The windows of my flat look out over the well between Brody House and the Nido building with a clear view of Bell Lane. All noise from Bell Lane is funnelled up and into my window. To have a late night drinking and/or entertainment spot there will make my flat intolerable!

There is no shortage of late evening drinking spots over on Bishopsgate or on Commercial Street where there are far fewer residents. There is no public need for this establishment to have this licence. On the contrary it will seriously adversely affect those of us who live close by.

Please please please reject this licence application!!

Yours faithfully

Lynn McCaw
[REDACTED]

Appendix 6

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

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

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

Appendix 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 Section 8.1 of the Licensing Policy**).

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.17).

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

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

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

Appendix 8

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 9

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 10

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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 11

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

(see 12.9 of the licensing policy)

Appendix 12

Special Cumulative Impact Policy for the Brick Lane Area

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

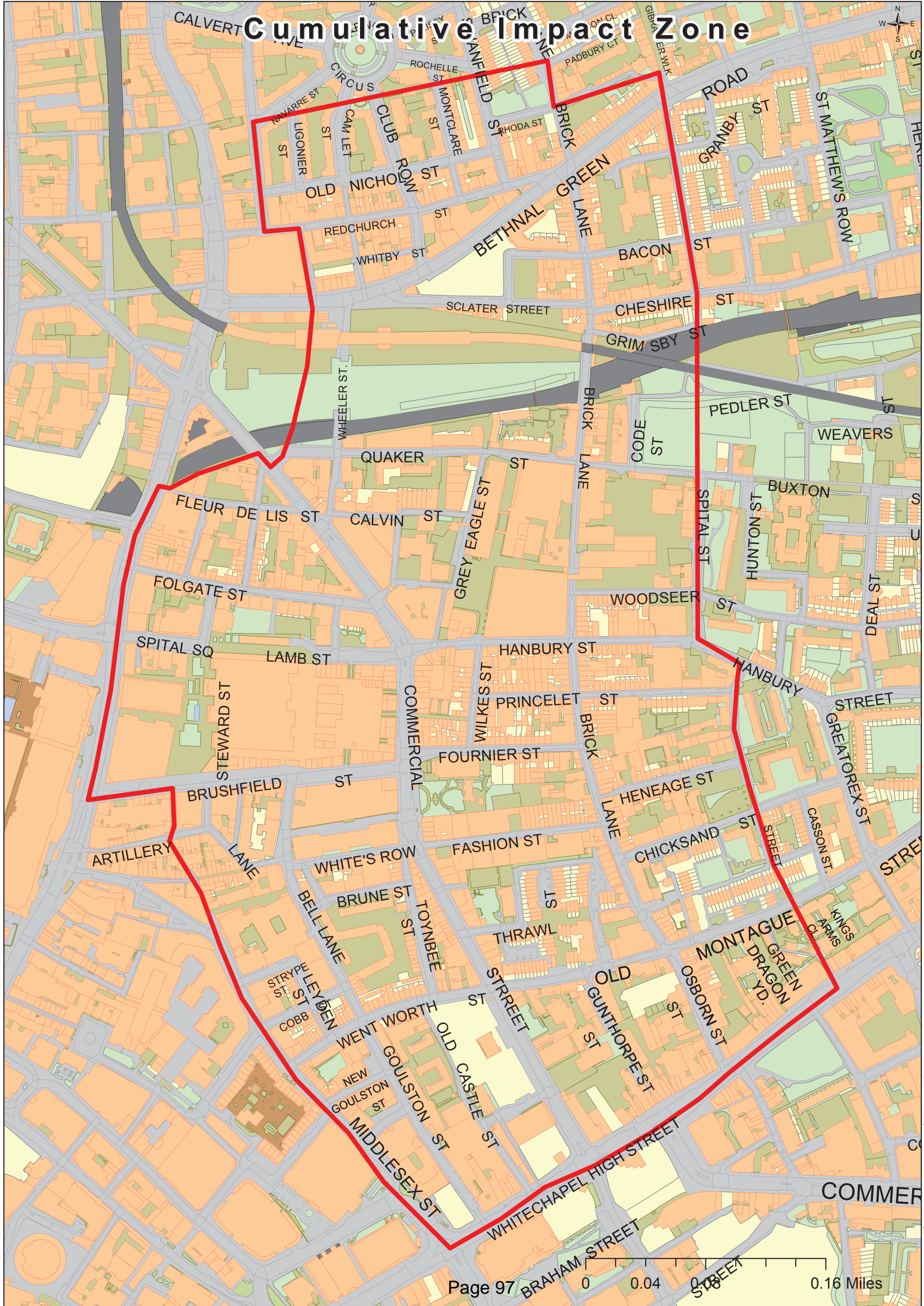
After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems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

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

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

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

Cumulative Impact Zone



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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	04 November 14	Unclassified	LSC 40/145	

Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Lonzo), 10A Lamb Street, Old Spitalfields Market, London E1 6EA Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Lonzo (UK) Ltd**

Name and **Lonzo**

Address of Premises: **10A Lamb Street**
Old Spitalfields Market
London
E1 6EA

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

Representation: **Met Police**
Local Residents / Residents Association

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Lonzo), 10A Lamb Street, Old Spitalfields Market, London E1 6EA.

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

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

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

- Monday to Saturday, from 08:00 hours to 23:00 hours
- Sunday, from 08:00 hours to 21:00 hours

Hours open to the public

- Monday to Saturday, from 08:00 hours to 23:00 hours
- Sunday, from 08:00 hours to 21:00 hours

3.4 Following consultation with Environmental Protection, the applicant has withdrawn the recorded music from the application (See **Appendix 2**).

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 1st November 2013.

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

4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in October 2014.

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

5.0 **Representations**

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

- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Met police and local residents.
- 5.9 Please see **Appendix 5** for the representation of Met police.
- 5.10 Please see **Appendix 6** for the representation of St Georges Resident’s Association.
- 5.11 Please see **Appendix 7** for the representation of Ian Gordon who is a local resident.
- 5.12 Please see **Appendix 8** for the representation of Philippa Dawson who is a local resident.
- 5.13 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health

- 5.14 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.15 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the prevention of public nuisance and the prevention of crime and disorder.
- 5.16 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.
- 5.17 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

- 6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 6.2 Guidance issued under section 182 of the Licensing Act 2003
- ∇ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
 - ∇ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).
 - ∇ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)

- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
 - ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 9 - 15** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Applicant's email to withdraw recorded music
Appendix 3	Maps of the area
Appendix 4	Section 182 Guidance by the Home Office
Appendix 5	Representation of Met police
Appendix 6	Representation of St Georges Resident's Association
Appendix 7	Representation of Ian Gordon
Appendix 8	Representation of Philippa Dawson
Appendix 9	Licensing Officer comments on noise while the premise is in use
Appendix 10	Licensing Officer comments on access/egress problems
Appendix 11	Licensing Officer comments on crime and disorder on the premises
Appendix 12	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 13	Planning
Appendix 14	Licensing Policy relating to hours of trading
Appendix 15	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

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Appendix 1



FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

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

On-Line payments can be made at:

http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

I/We (Insert name(s) of applicant) Eliza Flanagan

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
10A Lamb St, Old Spitalfields Market, E1 6EA	
Post town	London
Post code	E1 6EA

Telephone number at premises (if any) n/a

Non-domestic rateable value of premises £28250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick as appropriate
- a) an individual or individuals* Please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname **First names**

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname **First names**

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name	LONZO (UK) LTD		
Address	Studio 4, 197-201 Richmond Rd, E8 3NJ		
Registered number (where applicable)	9080431		
Description of applicant (for example partnership, company, unincorporated association etc)	Limited Company		
Telephone number, if any	[REDACTED]		
E-mail (optional)	[REDACTED]		

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year		
01	10	2014		

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

Day	Month	Year		

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

--

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

The premises is a single shop unit on Lamb St, which faces the street and also has access from the inside of the market. It has 2 levels - the ground which is approx 55.9 m2 and the basement, which is approx 78.6 m2. We intend to open as a restaurant/wine bar. The ground floor will have a long bar that extends the length of the room, and downstairs will be a mixture of smaller and larger tables that will seat up to 32 as well as the kitchen that will supply the food for both upstairs and downstairs. We also have a designated area within the market which will be seating for our guests and a small service counter which will offer off-sales drinks and food for guests of the market. We see this as counter as being set up to resemble one of the many stalls that exist within the walls of the market.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon	8:00	23:00	Please give further details here (please read guidance note 3) We intend to play background music to a level no louder than that people can still converse at normal levels	Both	<input checked="" type="checkbox"/>	
Tue	8:00	23:00				
Wed	8:00	23:00		State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	8:00	23:00				
Fri	8:00	23:00		Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	8:00	23:00				
Sun	8:00	21:00				

G

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

H

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

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

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (Y) (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon	8:00	23:00	Please give further details here (please read guidance note 7) We plan to offer a curated list of wine, beer and spirits in house available by the glass, carafe and bottle, and a shorter range of wines and beer available off premise from the market counter	Both	✓	
Tue	8:00	23:00				
Wed	8:00	23:00		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	8:00	23:00				
Fri	8:00	23:00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	8:00	23:00				
Sun	8:00	21:00				

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

Name

Eliza Flanagan

Address



Personal Licence number(if known)



issuing licensing authority (if known)



K

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

Empty rectangular box for providing details of adult entertainment or services.

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	8:00	23:00	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)
	8:00	23:00	
Tue			
Wed	8:00	23:00	
Thur	8:00	23:00	
Fri	8:00	23:00	
Sat	8:00	23:00	
Sun	8:00	21:00	

M

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

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

We will ensure that no supply of alcohol will be made:
At the time there is no designated premises supervisor in respect to the premises licence
or/
At the time when the designated premises supervisor doesn't hold a personal licence
or it is suspended.

b) The prevention of crime and disorder

We will provide a clear notice indicating the opening hours
A limited number of occupants will be allowed as specified by the fire authority
People will be reminded on exit that the area surrounding is residential and to keep
noise to a minimum.
Outside seating will be table served, so that our staff will be present at all times.
Any drinks and food served outside our premises will be served on non breakable
utensiles and no glass will be served outside our designated premises.

c) Public safety

All parts of the premises and all appliances will be maintained and be in good order
and safe condition.
Where patrons wait, there will be a sufficient care made that they don't obstruct exits
A log book will be provided where anything related to public safety can be recorded and
reviewed.

d) The prevention of public nuisance

Noise and vibration will not emanate from the building such as to cause neighbours disturbance.

Outside seating will be only available during opening times, and never exceeding 11pm. Clear notices will be seen at all exits requesting the patrons to respect the needs of the local residents

placing of rubbish will be done at reasonable times

we will use a reputable taxi firm to assist our guests with quick and smooth exits from the area at night.

e) The protection of children from harm

The premises is part of the Old Spitalfields Market which is a family friendly destination. Although we are to be serving alcohol, we are predominantly a restaurant and we will be happy to have children attend with their parents.

We won't be any ellicit materials shown, nor any imagery that may be deemed unacceptable.

We will offer a safe and warm environment for all our guests including those who are underage.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee
Insert On-Line Payment reference here if applicable :
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Part 4 – Signatures (please read guidance note 10)

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

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

Signature

[Redacted Signature]

Date 12th August, 2014

Capacity

Director

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

Signature

Date

Capacity

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

Eliza Flanagan

[Redacted Address]

Post town

London

Post code

[Redacted Postcode]

Telephone number (if any)

[Redacted Telephone Number]

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

[Redacted Email Address]

Appendix 2

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 16 September 2014 12:33
To: Mohshin Ali
Subject: FW: Lonzo, 10a Lamb Street. MAU 078107

From: Eliza Flanagan [<mailto:>]
Sent: 16 September 2014 12:30
To: Alkesh Solanki
Cc: Alan.D.Cruickshank@met.police.uk; Kelechi Ogbonna; Nicola Cadzow; Licensing
Subject: Re: Lonzo, 10a Lamb Street. MAU 078107

Hello,
I confirm that I withdraw this aspect of our application as our music will only be back ground and therefore not a licensable activity.

Thank you,

Sent from my phone, so please excuse the typos..
Eliza Flanagan
[REDACTED]

On Sep 16, 2014, at 12:01 PM, Alkesh Solanki <Alkesh.Solanki@towerhamlets.gov.uk> wrote:

Dear Eliza,

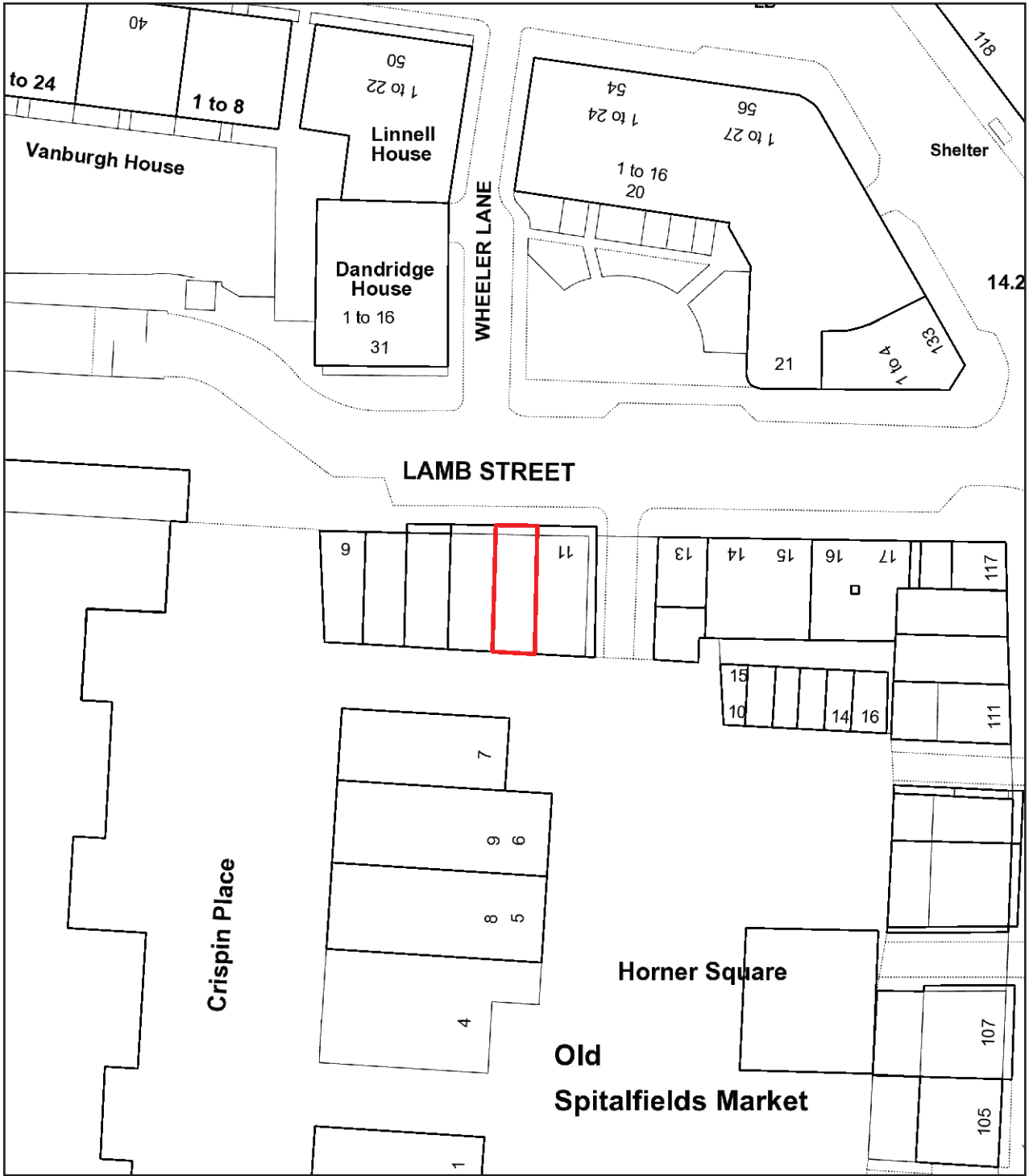
Please withdraw the recorded music from your application as background music is not a licensable activity.

I thank you in advance for your cooperation in this matter.

Regards,
Alkesh

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

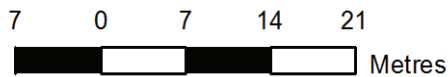
Appendix 3



10A Lamb Street



Scale 1:762



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10A Lamb Street



Scale 1:3812

30 0 30 60 90



Metres



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Appendix 4

Section 182 Advice by the Home Office

Updated Oct 2014

Relevant, vexatious and frivolous representations

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

recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

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

Appendix 5

Mohshin Ali

From: Alan.D.Cruickshank@met.pnn.police.uk
Sent: 29 September 2014 15:17
To: Licensing; Mohshin Ali
Subject: 10a Lamb St
Attachments: 10a Lamb St, E1 objection (Sept 14).doc

Dear Licensing

Please find my representation re: the above application

Regards

Alan Cruickshank PC 189HT

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

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

LBTH Licensing

Vawdrey Close
E1 4AU

HT - Tower Hamlets Borough
HH - Limehouse Police Station

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

Telephone: 0207 275 4911

Facsimile:

Email:

Alan.D.Cruickshank@met.pnn.police
.uk

www.met.police.uk

Your ref:

Our ref:

29 September 2014

Dear Mr McCrohan

Application for a new premises licence

10a Lamb St, E1 6EA

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

The prevention of crime and disorder

The prevention of public nuisance

LBTH has adopted a Saturation Policy / Cumulative Impact Policy which includes Old Spitalfields Market. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

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

Old Spitalfields Market and the surrounding area are already very busy in terms of licensed premises. However as the applicant has noted they are mainly restaurants and not wine bars. There is a difference between a restaurant and a wine bar in terms of their relationship with their customers. However well run a particular wine bar is, it still attracts more people who are there specifically for drinking alcohol. I do accept that many will also eat food.

Restaurants although selling alcohol to their customers are more food based. It is rare for our crime statistics to show restaurants as a "hot spot". Bars at the very least attract criminals who have identified these premises as a prime opportunity to commit theft from their patrons.

The saturation policy was intended to reduce the number of vertical drinking establishments in the CIZ.

There are residential properties adjoining the market and in nearby streets.

Since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises in relation to the more traditional licensed premises will only compound the problems in the CIZ.

It is yet another premise that will have the ability to sell alcohol in the area which is already "saturated"

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

Is there any specific plans in place to deal with rowdy customers or to combat theft in the venue?

Recent committees have expressed concern over seating areas. I am concerned that the seating areas may be a public nuisance, in terms of the people standing or sitting there. It can lead to a noise issue even if it's just people with raised voices. This concern increases if people are allowed to drink without it being ancillary to a meal.

I ask the committee to refuse this application.

If however the committee is to consider granting a licence I would ask them to consider the following:

As the applicant has stated that the market is "a family friendly destination" , the committee may wish to consider reducing the start time for alcohol to 1000 each day

Conditions

1. Install / maintain CCTV

CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

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

2. Outside seated area.

- a) Alcohol must be ancillary to a meal
- b) All seating areas to be used from 1000 - 2000

3. Use of an incident / refusal book

4. Recorded Music to begin at 1000 (Background music does not require licensing)

The music is Not to be played outdoors.

5. All licensable activities to stop 30 minutes before closing , to allow a half hour "drinking up" time.

6. There shall be no consumption of alcohol in the outside area apart from those seated at tables

Appendix 6

To:
Alex Lisowski
Licensing Section, Town Hall,
Mulberry Place,
5 Clove Crescent,
London
E14 2BG

St George Residents' Association

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

e-mail: [REDACTED]

27th September 2014

Dear Mr Lisowski,

Re: New Premises Licence Application - 10A Lamb Street, E1 6EA.
Sale of alcohol; regulated entertainment.

10A Lamb Street is part of the northern side of the Old Spitalfields Market. Ballymore Properties sold the Horner Building of Old Spitalfields Market (OSM) to Ashkenazy Acquisitions in 2013.

St George Residents' Association (SGRA) represents residents in 193 flats, part of the Master Plan for the redevelopment of this part of Spitalfields in the 1990s. The section of Lamb Street between Commercial Street and Crispin Place is residential on all sides. On the south side there are homes above the retail units. On the north side there is an open paved area with flats on three sides – [REDACTED] Lamb St (16 flats), [REDACTED] Folgate St (24 flats), [REDACTED] Folgate St (27 flats), and [REDACTED] Lamb St (16 flats). About half of these addresses have windows looking onto Lamb Street; they are south-facing, need ventilation and consequently are subject to noise reflected between the buildings.

Engine vibrations and thumping by deliveries on Lamb Street pass through the fabric of the road and paves, into the flats, particularly those on the ground floors. Loud noise from groups of people and any music from the market or shops opposite pass through our windows.

The large number of restaurants nearby means that many delivery and refuse vehicles use Lamb Street to service Bishops Square both at street level and via the ramp, and to service OSM near the Mulberry Gate (situated between nos 11 and 13 Lamb Street). Deliveries to OSM in Lamb St unload on both sides of the road near the paved area outside our flats. Refrigerated trucks associated with restaurants and refuse collection vehicles are very noisy. On Thursdays and Sundays some market traders' vans and cars arrive earlier than the permitted Market Operating times and some are still packing up as late as 7:30pm on Sundays (should finish 5:00pm).

I hope that the above description puts this application into the context of all the sources of noise in Lamb Street. Representatives of local residents groups, including myself, meet regularly with the estate management of Old Spitalfields Market and Bishops Square to discuss these issues, for instance those operations which take place at unacceptable hours near peoples' homes.

Specifically regarding this Premises Licence application for 10A Lamb Street:

A Planning application for Change of Use from A1 to mixed A3/A4 was refused recently, but Mohshin Ali told us that a Premises Licence might be granted even when there is no relevant Planning Permission. Up until now 10A Lamb Street has been a retail outlet and could

arrange deliveries at anytime. However restaurants often want night-time and early-morning deliveries of perishable goods, so an A3 or A4 business at 10A Lamb Street will create door-slamming and thumping and unbearable refrigeration noise whilst unloading goods opposite our flats in addition to the disturbances we already get from vehicles delivering to the markets and those which drive through to Bishops Square.

“Lonzo” will produce empty bottles, as with any A3 or A4 Use. Bottle dumping noise from all the restaurants within the Old Market space echoes and passes out via Mulberry Gates, so additional bottle dumping is not welcome, particularly if late in the evening or early morning.

Smoking is not permitted in restaurants, nor in the Old Market open area, so smokers will want to stand outside. When Los Barillos occupied 8/9 Lamb Street, some customers stood on the pavement drinking (not within their licence!) after dining indoors and, whilst their noise was not huge, it naturally became noisier towards the end of the evening, reflecting across the street.

It is unclear whether the outside area referred to in this application is within the market area or if it is meant to include the pavement. On 5th August 2014, WB Spitalfields (Wright’s Oyster restaurant) was granted Licence to serve alcohol at pavement tables. The Committee recognised that this was a potential noise nuisance and included conditions to minimise it. I know that Planning and Licensing consider different aspects of how businesses operate, but from the residents’ point of view, it would be appropriate to have some degree of consistency rather than the confusion about what Premises Licensing, Planning and Street Licensing permit at individual units along the street.

“Lonzo” has put forward a credible case. However, as a responsible restaurant business they must be aware of the effects on residents in a locality, so they should be prepared to arrange deliveries, refuse disposal and the use of outside areas so as not to cause nuisance. If 10A Lamb Street is granted A3 Use (hopefully NOT A4) and the Licensing Committee decide that a Premises Licence is appropriate, may we suggest:

- deliveries after 8am and before 6pm.
- refuse collections: 8am to 6pm Mon-Fri; 9am to 6pm Sat; 9am-5pm Sun; (to fit in with permitted market operating times)
- no vertical drinking outside.
- limited number of standing smokers, say three.
- smokers not to take drinks outside (as for Wright’s).
- no outside dining on the street; the frontage is very small anyway.

We ask that these suggestions are included as conditions of the Premises Licence, but only if Planning decide to permit ONLY A3 Use of 10A Lamb Street and NOT A4 Use.

We would oppose A4 use (as a bar) if Change of Use were applied for again, because there is already an excess of bars in this designated Cumulative Impact Zone. We are not in favour of a licence being granted for a bar because of the potential additional noise nuisance to residents as described above.

Yours respectfully,

Margaret Gordon – Chairman, St George Residents’ Association, Spitalfields.

c.c.: LBTH Environmental Health; Alan Cruickshank, Police; Beth Eite, Planning

Appendix 7

Licensing Section,
Town Hall,
Mulberry Place,
5 Clove Crescent,
London E14 2BG



25th September 2014

Dear Sir or Madam,

Re: Premises Licence Application at 10A Lamb Street, London E1 6DW

My flat is on the opposite side of Lamb Street directly facing No 10A. I am concerned about noise reaching my home if this unit is a restaurant and even more so if it is a bar. I am informed that a Planning Application for Change of Use from A1 to A3/A4 (to which I objected) has been refused, so I am surprised that Lonzo is applying for a Premises Licence.

I would prefer that this application be refused, primarily because there are already numerous bars within a very short walk producing evening noise from drinkers and smokers outside.

Customers of Los Barriles restaurant at no 8/9 Lamb Street used to stand outside drinking whilst smoking even though it was not a bar. It has been more pleasant in the evenings since that stopped when it changed to Wright's Oyster restaurant. I would not want noise in the evenings again from outdoor diners and drinkers.

If a Licence is granted, I ask that certain conditions be included.

I am bothered about the inevitable increase in noisy delivery vehicles and refuse collections if No 10A becomes a bar/restaurant. Vehicles that deliver chilled foods are extremely noisy because the drivers leave the compressors running whilst they unload. Chilled food deliveries should not be earlier than 8am, and bread and milk deliveries no earlier than 7am. Nor should there be any evening deliveries after 6pm.

Bottle dumping should not be before 8am Sun – Fri, or before 9am Sat, and not after 10pm any day.

There should be no outside dining or drinking on Lamb Street, and groups of drinking smokers should not be permitted. If Lonzo operates as a restaurant and not a bar then people only need to leave their table for one cigarette.

Yours faithfully,



Ian Gordon

Please acknowledge that you have received this letter. Whilst I know that my comments will be held on file as a public document, please do not make my personal details viewable via the Tower Hamlets website.

Appendix 8

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 25 September 2014 13:49
To: Mohshin Ali
Subject: FW: Licencing for Market areas. 10A Lamb St, 4 Crispin Place

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

From: StGeorgeResidents'Association [REDACTED]
Sent: 25 September 2014 12:18
To: Licensing; Alex Lisowski
Subject: Licencing for Market areas. 10A Lamb St, 4 Crispin Place

To Licensing, LBTH, Town Hall.

One of our residents has sent this to you and copied to SGRA. She is concerned it might not have reached you . She asked that I clarify the address details of two premises about which she is concerned:

1. Geronimo's/Scarlet, 4 Crispin Place, E1 6DW 2. 'Lonzo', 10A Lamb Street, E1 6EA Please add her comments in respect of both applications.

Thanks.

Margaret Gordon, Chairman SGRA

On Wednesday, 24 September 2014, 20:38, DawsonPhilippa [REDACTED]
wro: te:
From: DawsonPhilippa [REDACTED] >**Sent:** Wednesday, 24 September 2014
21:25**To:** licensing@towerhamlets.gov.uk; Alex Lisowski**Subject:** Licencing for Spitalfields Market.
Lamb St Establishments
#yiv3994629957 body {
color:#262626;}

Dear Council, or licensing committee or whomever u are.

I find this constant requirement to protect the environment I live in wholly untenable. Weekly I am being bombarded by more establishments wanting to open within the market area. This market area already has it's fair share of establishments. Places that already pump out music, drunken patrons to urinate, be sick or hangout near my home and cause nuisances of themselves. The market is rapidly becoming the place to go to drink and just chuck your rubbish, get rowdy, be rude, and generally be horrible. I as an owner would love something gentile. Something that doesnt involve drunken behaviour or something that means loitering. Why can the council not see this saturation? Why can the council not see this outright and not have to put it to the general public.

Start thinking about the long term prospect of the area. Feeling intimidated walking home from drunken behaviour, loitering, singing, dancing, throwing bottles etc is common place. These establishments need glass collections which resonate thru the market and down the street causing sleepless hours due to the timing of such things and the hardness of the buildings which do not allow for any sound absorption. I am young. I like a vibrant place to live but this is now getting beyond a joke. Start thinking and be more proactive about the place I live and the place u represent. I am whole heartedly against ANY establishment that would serve only alcohol. Stand on the pavements with or without those drinks smoking. They are close enough to some benches which entice some revellers which causes rubbish, urination and noise.

PLEASE think carefully.I am across the road from the requested establishments @ [REDACTED]
[REDACTED] and already have enough broken sleep from revellers. Dont make it the joke of
the city. Saturation has already happened.
Please ensure that my data is not freely advertised and please confirm receipt and it's entry into
the consideration for these 2 licences.
Philippa Dawson Address above.

Appendix 9

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

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

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

Appendix 10

Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.17).

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

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

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

Appendix 11

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 12

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 13

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 14

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

(see 12.9 of the licensing policy)

Appendix 15

Special Cumulative Impact Policy for the Brick Lane Area

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

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

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

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

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

Figure One

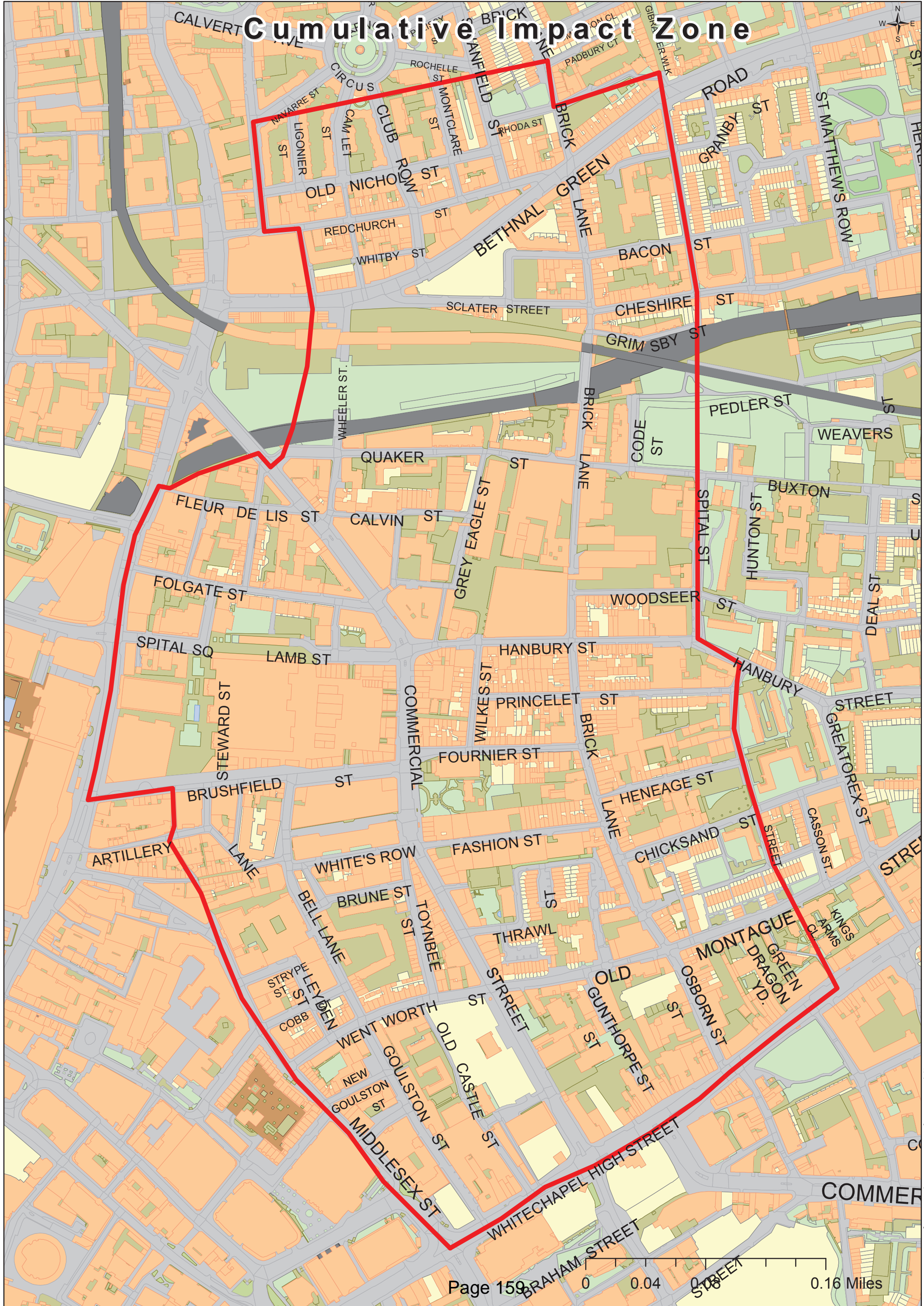
The Cumulative Impact Zone in the Brick Lane area

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



Drawn by: WJ, CLC Strategy & Performance, September 2012

Cumulative Impact Zone



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Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	04 November 14	Unclassified	LSC 41/145	

Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Poplar Spice Ltd) 185 East India Dock Road, London E14 0EA Ward affected: Lansbury
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1.0 Summary

Applicant: **Poplar Spice Ltd**

Name and Address of Premises: **Poplar Spice Ltd**
185 East India Dock Road
London
E14 0EA

Licence sought: **Licensing Act 2003**
•The provision of late night refreshment

Representation: **Licensing Authority (Responsible Authority)**
Met Police
Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Poplar Spice Ltd) 185 East India Dock Road, London E14 0EA.

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

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

The provision of late night refreshment

- Monday to Sunday, from 08:00 hours to 02:00 hours

Hours open to the public

- Monday to Sunday, from 08:00 hours to 02:00 hours

4.0 For members' information, late night refreshment starts from 23:00 hours. A premises licence is not required prior to 23:00 hours.

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

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.

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

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.

5.4 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.

6.0 **Representations**

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

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

- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 6.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Licensing Authority (Responsible Authority), Met Police, and local residents.
- 6.9 Please see **Appendix 4** for the representation of the Licensing Authority acting in its role as a Responsible Authority.
- 6.10 Please see **Appendix 5** for the representation of the Met Police.
- 6.11 Please see **Appendix 6** for the representation of Symon & Michelle Cope, local residents.
- 6.12 Please see **Appendix 7** for the representation of Mr Nasseur Miah, a local resident.
- 6.13 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
- 6.14 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

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

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

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

6.17 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.

7.0 Licensing Officer Comments

7.1 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.

7.2 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.
- 7.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 7.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 7.5 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.
- 7.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 8 - 13** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

8.0 Exemptions

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

9.0 Legal Comments

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

10.0 Finance Comments

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Maps of the area
Appendix 3	Section 182 Guidance by the Home Office
Appendix 4	Representation of the Licensing Authority
Appendix 5	Representation of the Met Police
Appendix 6	Representation of Symon & Michelle Cope
Appendix 7	Representation of Mr Nasseur Miah
Appendix 8	Licensing Officer comments on noise while the premise is in use
Appendix 9	Licensing Officer comments on access/egress problems
Appendix 10	Licensing Officer comments on crime and disorder on the premises
Appendix 11	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 12	Planning
Appendix 13	Licensing Policy relating to hours of trading

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Appendix 1

077221



LICENSING ACT 2003

FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

On-Line payments can be made at:

http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (insert name(s) of applicant) POPLAR SPICE LTD

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
185 EAST INDIA DOCK ROAD, LONDON, E14 0EA	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">LBTH TRADING STANDARDS 23 JUL 2014 LICENSING</p> </div>
Post town <u>LONDON</u>	Post code <u>E14 0EA</u>

Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £ 14750.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick as appropriate
- a) an individual or individuals* Please complete section (A)
 - b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
 - c) a recognised club please complete section (B)
 - d) a charity please complete section (B)
 - e) the proprietor of an educational establishment please complete section (B)
 - f) a health service body please complete section (B)
 - g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
 - h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name	POPLAR SPICE LTD					
Address	185 EAST INDIA DOCK ROAD POPLAR, LONDON, E14 0EA					
Registered number (where applicable)	08659028					
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY					
Telephone number, if any	[REDACTED]					
E-mail (optional)	[REDACTED]					

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
2	1	07 2014

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

Day	Month	Year

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

--

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

THE PREMISES IS USED FOR FRIED CHICKEN AND FAST FOOD SHOP. THE PREMISES IS A CORNER SHOP AT CHRIS STREET MARKET.

THE SHOP IS COMPOSES OF ONE KITCHEN UNIT, SITTING ARRANGEMENT FOR 25 PEOPLE, ONE CUSTOMER TOILETS AND STORE ROOM.

THE SHOP IS COVERED BY CLEAR GLASS WITH AN ENTRANCE DOOR.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick all that apply

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

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

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

in all cases complete boxes K, L and M

A

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

B

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

E

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

F

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

G

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

H

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

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	00.00	2.00	Please give further details here (please read guidance note 4)	Both			
	08.00	24.00					
Tue	00.00	2.00					
	08.00	24.00					
Wed	00.00	2.00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
	08.00	24.00					
Thur	00.00	2.00					
	08.00	24.00					
Fri	00.00	2.00			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
	08.00	24.00					
Sat	00.00	2.00					
	08.00	24.00					
Sun	00.00	2.00					
	08.00	24.00					

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			
Mon			Please give further details here (please read guidance note 4)	Both			
Tue							
Wed				State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Thur							
Fri					Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat							
Sun							

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

Name

MR KOBIR AHMED

Address



Personal Licence number(if known)



Issuing licensing authority (if known)



K

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

THIS IS ONLY A FRIED CHICKEN AND FAST FOOD SHOP. THERE IS NO ALCOHOL OR TOBACCO PRODUCT SOLD IN THIS PREMISES.

THE SHOP IS REGISTERED FOR HEALTH & SAFETY AND HYGIENE IS MAINTAINED ON REGULAR AND DAY TO DAY BASIS.

THERE IS NO CONCERN IN RESPECT OF CHILDREN SAFETY. WE WILL NOT SERVE ANY CHILDREN CUSTOMER AFTER 8 10 AM ~~WITH~~ UNLESS HE IS ACCOMPANIED WITH AN ADULT.

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	08:00	2:00	<p>NO SEASONAL VARIATION</p> <p>EVERY DAY UNTIL 2:00 CLOCK IN THE NIGHT</p>	
	08:00	24:00		
Tue	00:00	2:00		
	08:00	24:00		
Wed	00:00	2:00		
	08:00	24:00		
Thur	00:00	2:00		<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>NO NON-STANDARD TIMINGS.</p> <p>EVERY DAY UNTIL 2:00 CLOCK IN THE NIGHT.</p>
	08:00	24:00		
Fri	00:00	24:00		
	08:00	24:00		
Sat	00:00	2:00		
	08:00	24:00		
Sun	00:00	2:00		
	08:00	24:00		

08:00 - 02:00

M

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

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

PREMISES ARE FURNISHED WITH HIGH STANDARD TO MEET THE FIRE AND SAFETY REGULATION. THE SHOP IS ENCLOSED WITH FITTED GLASS AND THERE IS AN ENTRANCE DOOR. IT IS THEREFORE PROTECTED FROM OUTSIDE PEOPLE AND OUTSIDE NUISANCE.

b) The prevention of crime and disorder

WE DO NOT SELL ANY ALCOHOL OR WE DO NOT ALLOW ANY ALCOHOL TO BE BROUGHT IN OR CONSUMED IN THE PREMISES. A CUSTOMER SERVICE OFFICER IS ALWAYS AVAILABLE IN THE COUNTER TO REPORT ANY CRIME AND DISORDER IMMEDIATELY TO THE POLICE.

THE SHOP IS ENCLOSED WITH FITTED GLASS AND THEREFORE PROTECTED FROM OUTSIDE PEOPLE AND OUTSIDE NUISANCE.

c) Public safety

THE PREMISES IS FULLY FURNISHED WITH PROPER TABLE AND CHAIR. THE PREMISES IS FULLY COMPLIANT WITH FIRE REGULATION. PROPER FIRE SIGNS ARE DISPLAYED INSIDE THE SHOP.

WE DO NOT ALLOW CUSTOMER TO GATHER OUTSIDE OR TO SIT OUTSIDE. THE PREMISES ARE FULLY PROTECTED FROM OUTSIDE NUISANCE.

d) The prevention of public nuisance

WE DO NOT PLAY ANY MUSIC IN THE PREMISES.
WE DO NOT ARRANGE ANY LIVE MUSIC, WE DO NOT ALLOW OUR CUSTOMER TO SIT OUTSIDE THE PREMISES.
WE HAVE CUSTOMER TOILETS SEPARATELY FOR LADIES AND GENTS. WE HAVE TRAINED STAFF TO HELP CUSTOMERS AND MAKE THEM HAPPY WITH QUALITY SERVICE.

e) The protection of children from harm

WE ARE FULLY COMPLIANT WITH FIRE REGULATION AND PROPER SITTING ARRANGEMENT FOR THE CHILDREN. OUR KITCHEN IS FAR AWAY FROM CUSTOMER SITTING AREA. WE ALWAYS RECOMMEND THAT CHILDREN BE ACCOMPANIED WITH ADULT.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee
Insert On-Line Payment reference here if applicable :
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Part 4 – Signatures (please read guidance note 10)

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

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

Signature



Date

21/07/2014

Capacity

DIRECTOR

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

Signature

Date

Capacity

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

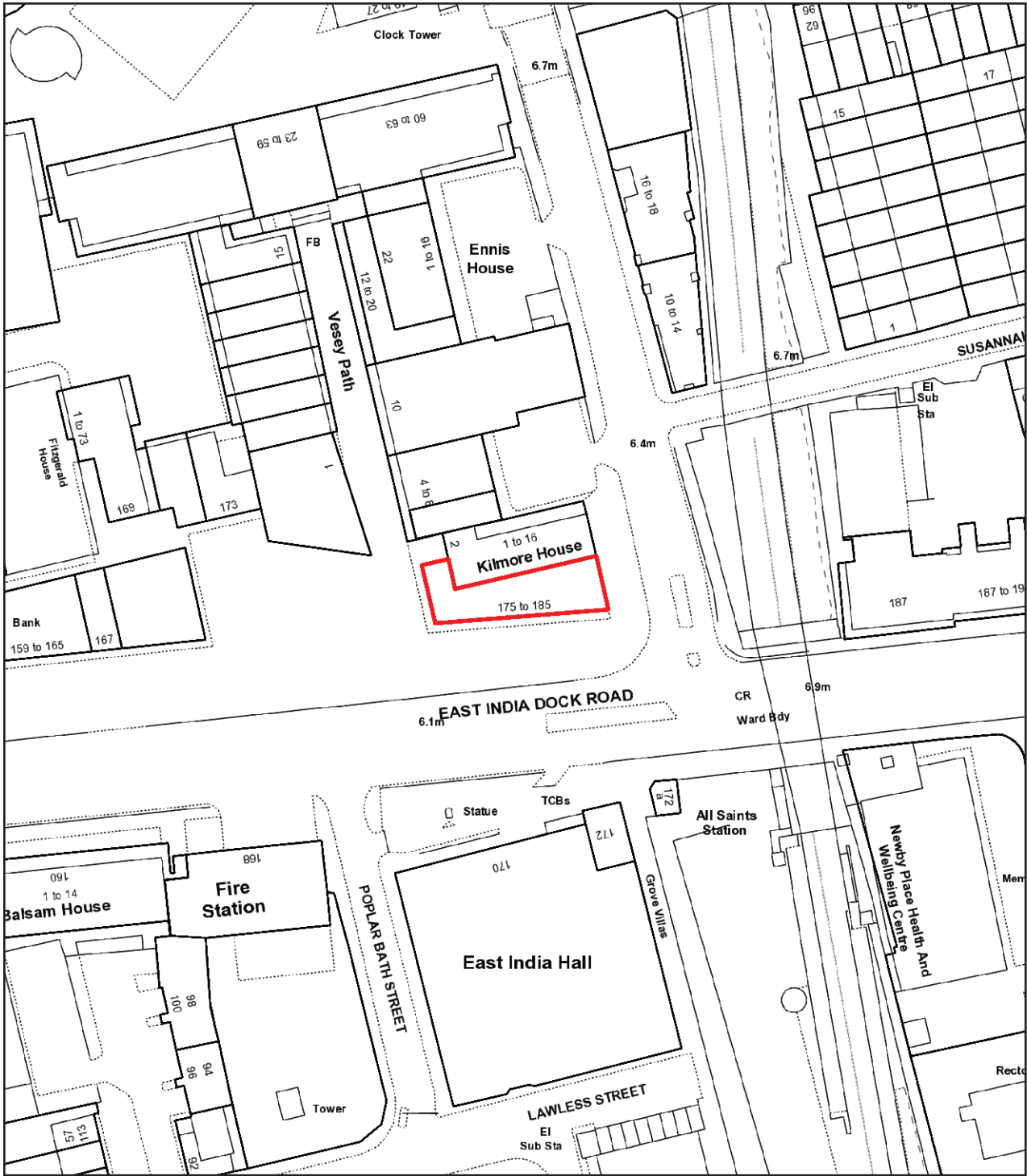
Post town

Post code

Telephone number (if any)

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

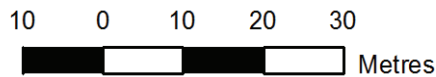
Appendix 2



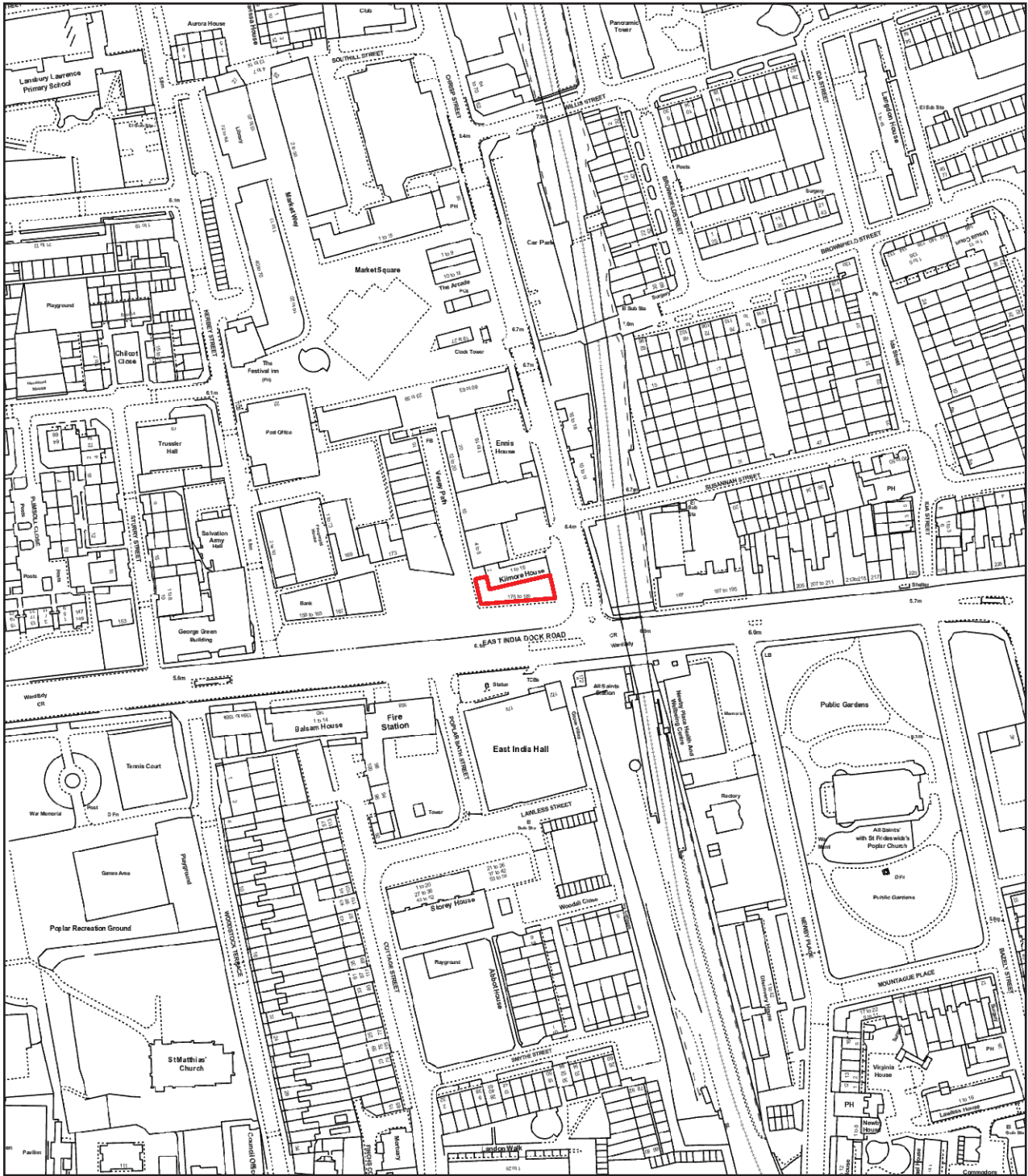
185 East India Dock Road



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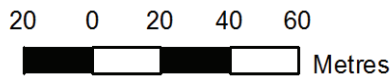
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185 East India Dock Road



Scale 1:2690



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Appendix 3

Section 182 Advice by the Home Office

Updated June 2014

Relevant, vexatious and frivolous representations

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

recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

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

Appendix 4

Kathy Driver

From: Damian Doherty
Sent: 11 August 2014 10:04
To: Licensing
Cc: [REDACTED]
Subject: Representation against 185 East India Dock Road E14 (Ref: 077221)
Attachments: Scanned from a Xerox Multifunction Device.pdf

To Whom it may concern

Please find attached a representation against the New Application for a Late Night Refreshment Licence.

I am sending this on behalf of Tower Hamlets Licensing Section (as a Responsible Authority)- a copy will be sent to 185 East India Dock Road E14.

Yours

Damian Doherty
c/o Licensing Section

Mulberry Place
5 Clove Crescent
London
E14 2BG

Tel: 020 7364 3329

Report it! - ASB 0800 917 5918 - Hate Crime 0800 138 0521

Communities, Localities & Culture
Safer Communities

Head of Consumer and Business Regulations
David Tolley

Tower Hamlets Licensing

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel 020 7364 3329
Fax 020 7364 0863
Enquiries to **Damian Doherty**
Email Damian.doherty@towerhamlets.gov.uk

11th August 2014

www.towerhamlets.gov.uk

My reference: TSS/LIC/077221
Your reference:

Dear Sir/Madam,

Licensing Act 2003
Re: Real Taste/Poplar Spice Ltd 185 East India Dock Road E14 0EA
New Premises application for Late Night refreshments

Officers from the Local authority have been tasked to visit Licensed Premises including Off Licences, bars, pubs and restaurants offering late night refreshments during the Night time as part of Operation Dymock. This is to ensure Compliance by existing Premises that have Licences allowing them to carry out Licensable activities and to find premises that are flouting the law and trading without a Licence.

Due to intelligence received of the premises being open beyond 11pm, Officers visited on Friday 11th July 2014 and entered Real Taste/Poplar Spice Ltd 185 East India Dock Road E14 after 23:00 hours to perform a test purchase of Hot food as there was no Licence in place. They obtained and paid for Hot food at 23:10 and identified themselves to staff. The Manager claimed that they had a Licence up until 00:00, but was unable to show the Licence that he claimed to have.

An application for Late Night refreshment was subsequently made to the Licensing section on 23rd July 2014.

The Licensing Authority is therefore making representation against the above application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. The applicant has not offered any conditions in the operating schedule that we feel would meet the requirements of the

licensing objectives and do not have the confidence of the premises complying with any licence that may be granted. I ask the Committee to reject the application in full.

Yours sincerely,

A black rectangular box redacting the signature of the Licensing Officer.

Damian Doherty, Licensing Officer

Appendix 5

Mohshin Ali

From: MARK.J.Perry@met.pnn.police.uk
Sent: 20 August 2014 16:08
To: Licensing; Mohshin Ali; [REDACTED]
Subject: Objection Premises License Application Poplar Spice
Attachments: Objection Poplar Spice 185 East India Dock Road.doc

Dear all,

Tower Hamlets Police formally object to the application for a premises license for Poplar Spice at 185 East India Dock Road on the grounds of crime and disorder.

Please see the objection attached.

Regards

Pc Mark Perry
Licensing Officer
Tower Hamlets Borough
Toby Club
Vawdry Close
E1 4UA
07825 850 906

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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Find us at:

Facebook: [Facebook.com/metpoliceuk](https://www.facebook.com/metpoliceuk)
Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)

John McCrohan
LBTH Licensing
Anchorage House
5 Clove Crescent,
E14

HT - Tower Hamlets Borough

Licensing Office
Toby Club,
Vawdry Close

Telephone: 0207 275 4911
Facsimile:
Email: Mark.perry2@met.police.uk
www.met.police.uk

Your ref:
Our ref:

20th August 2014

Dear Mr McCrohan

Re: Application for Premises Licence for 185 East India Dock Road

I write with reference to the above application which was received in the Licensing Office on the 27th July 2014.

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

The prevention of crime and disorder

Firstly there are large amounts of residential premises in the area, many with families. In the Police's opinion there is a significant risk of increased anti-social behaviour in the early hours of the morning from customers leaving the store, and congregating around the premises to consume their food.

The applicants shop is very close to Chrisp Street market, an area that has suffered from anti-social behaviour, especially from groups of people congregating together, smoking drugs and drinking alcohol and causing harassment alarm and distress to local residents. Police are concerned that being open until 02:00 will act as a magnet to those who cause

anti-social behaviour, as it is one of the few premises open in the area at that time, and will provide them with a place to congregate.

The applicant has provided no details of how he will prevent crime and disorder, save to say that they will call the Police. The applicant has not offered to put up signs asking customers to be respectful to local residents when leaving, or have a litter bin for people to put rubbish in.

Police have contacted the applicant to discuss the matter with him but have received no reply. Given the lack of conditions offered or measures put in place by the applicant to deal with the potential crime and disorder, Tower Hamlets Police therefore have no option but to object to this application, and ask that the Licensing Committee reject this application.

If the Licensing Committee were minded to grant the application I would ask that the hours were restricted to framework hours of:

Monday to Thursday 06:00 to 23:30

Friday and Saturday 06:00 - 00:00

Sunday 06:00 to 23:00

I would also ask that the following conditions be added to the license:

1) The Following CCTV condition be attached

1. A CCTV camera system covering both internal and external to the premise is to be installed.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority.

2) That an incident report book be kept and record all incidents of crime and disorder associated with the premises.

3) Signs be prominently displayed by the exit asking customers to be quiet when leaving the premises.

4) A rubbish bin be provided for customers to place any unwanted material in as they leave the shop.

5) The premises does not allow customers to congregate in the immediate vicinity of the shop.

I will be providing statements from the local Neighbourhood Policing Teams regarding their concerns about the licence.

Respectfully

PC Mark Perry 748HT

Police Licensing Officer

Appendix 6

Kathy Driver

From: SYMON COPE [REDACTED]
Sent: 28 July 2014 20:55
To: Licensing
Subject: Applied License for Poplar Spice Ltd. 185 East India Dock Road, London E14 0EA

Re. Application TSS/LIC/077221

Dear Ms Driver,

We have recently received your letter concerning the license application for the above business.

We wish to put in an objection to the application based on noise nuisance. We already experience some problems after 23.00 from the back of these premises with staff and associates socialising late at night. We feel that if they were to have a license it would just make the situation worse, especially as I work for the emergency services and have different shifts throughout the week, which can effect my much needed sleep. Even if we were to switch bedrooms, we have a young 12 year old child who would disturbed nights, and it would interfere with her performance at school.

We hope you will take this into consideration when considering their application and look favourably on our objection.

Your sincerely

Symon & Michelle Cope
[REDACTED]
[REDACTED]
[REDACTED]



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

Appendix 7

Mohshin Ali

From: [REDACTED]
Sent: 11 August 2014 00:45
To: Licensing
Subject: ref 077221

Objection
Mr nessur miah

[REDACTED]
[REDACTED]
[REDACTED]

Whom it may concern

Re: ref 077221 premises 185 east india dock
London e140ea late night licensing

I would like to object to the proposal of late night refreshment proposal as it would effect myself and my mum as she is a diabetic patient this permises is not suitable as we live above the premise this would create

Noise nuisance smell nuisance

Thanks

Kind regard

Mr nesseur miah

Appendix 8

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

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

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

Appendix 9

Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.17).

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

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

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

Appendix 10

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 11

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 12

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 13

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

(see 12.9 of the licensing policy)

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Agenda Item 4.4

Committee: Licensing Sub-Committee	Date: 04 November 14	Classification: UNRESTRICTED	Report No. LSC 42/145	Agenda Item No.
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Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ Ward affected: St. Peters
---	---

1.0 Summary

Name and Address of premises: **Bethnal Green Food Centre**
438 Bethnal Green Road
London
E2 0DJ

Licence under review: **Licensing Act 2003 – Premises Licence**
§ Sale by retail of alcohol

Review triggered by: **Met Police**
Representations by: **Licensing Authority (Responsible Authority)**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Mohshin Ali
020 7364 5498

3.0 **Review Application**

- 3.1 This is an application for a review of the premises licence for (Bethnal Green Food Centre) 438 Bethnal Green Road, London E2 0DJ.
- 3.2 The review was triggered by the Metropolitan Police. A copy of the review application is attached in **Appendix 1**.
- 3.3 In relation to the application and the representations, the personal details such as emails, phone numbers and signatures have been redacted for the purposes of identity theft protection. The Licensing Officer has the original documents on file.

4.0 **The Premises**

- 4.1 The premises licence was issued on **11th June 2007**. A copy of the current licence is contained in **Appendix 2**. The licence was varied following the licensing sub-committee review hearing of 19th July 2011.
- 4.2 Maps showing the premises and the surrounding areas are included in **Appendix 3**.

5.0 **Representations**

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Metropolitan Police.
- 5.2 The Licensing Authority acting as a Responsible Authority has made a made a representation in support of review. Please see **Appendix 4**.
- 5.3 Only representations that relate to the following licensing objectives are relevant:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.4 In the view of the responsible authorities it is necessary to achieve the licensing objectives of the prevention of crime and disorder.

6.0 **Review Explained**

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”

- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 5**. It is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2014.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that "The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted."
- 6.4 In relation to its advice on representations the Home Office has also advised that "there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations." It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. see **Appendix 6**.
- 6.5 Members should also note the Council's Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 7**. The Pool Conditions in the Policy are the same as the Government's.
- 6.6 The Home Office has advised that in relation to reviews "It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review."
- 6.7 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident or business).

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

7.0 **Review Advertisement**

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

8.0 Licensing Officer Comments

- 8.1 The Governments advice in relation to reviews is contained in **Appendix 5**. Members must consider all the evidence and then decide from the following alternatives:
- Take no further action as they do not consider it proportionate to do so
 - Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
 - Suspend the licence for a period
 - Revoke the licence completely
- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

9.0 Legal Comments

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

10.0 Finance Comments

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Licensing Authority representation
Appendix 5	Guidance issued under Section 182 by the Home Office for reviews
Appendix 6	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 7	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder

Appendix 1



This form should be completed and forwarded to:

London Borough of Tower Hamlets,
Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Alan Cruickshank PC 189HT apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Bethnal Green Food Centre 438 Bethnal Green Road	
London	E2 0DJ

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

Mr Ali SAHIN

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

17727

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) x
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if different
from premises
address**

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Alan Cruickshank PC 189HT
Tower Hamlets Police Licensing Unit
Toby Club
Vawdrey Close
E1 4AU

Telephone number (if any) 0207 275 4911

Alan.Cruickshank@met.police.uk

BLANK

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

Please tick one or more boxes

1) the prevention of crime and disorder

x

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

This review has been instigated as the licensing objective of preventing crime and disorder has clearly failed to be maintained by the premises licence holder, the DPS and staff who are employed there.

Bethnal Green Food Centre has a premises licence that allows the sale of alcohol all week from 0600 - 0100.

The Licensing Unit received an intelligence report stating that Bethnal Green Food Centre was operating beyond their licensable hours.

On Saturday 26th July 2014 at about 0135 my licensing colleague PC O'Rourke was on duty in plain clothes, attended Bethnal Green Food Centre. He then purchased alcohol, namely two cans of Red Stripe lager, outside of their licensable hours. He then left the shop

Shortly afterwards, PC O'Rourke returned and introduced himself to the man who served him, Mr Ali SAHIN, producing his warrant card. He then spoke to Ali SHAHIN, the then Premises Licence Holder. There is currently an application to transfer the premises licence to his brother, Mr Etem SAHIN. At the time of writing I will be opposing this transfer.

PC O'Rourke completed Book 694 which informs the person which offences they have been reported for in relation to the Licensing Act 2003(see attached)

The offence was 136(1) : Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on (selling alcohol outside of his licensable hours)

PC O'Rourke then reported and cautioned him for this offence. Mr SAHIN replied "ok" Mr SAHIN then signed the F694, PC O'Rourke then handed Mr SAHIN the top copy. (please see attached statement)

The following incident occurred the following day.

On Saturday 26th July 2014 , Cam LIENG and Kathy DRIVER of LBTH Licensing Unit were on duty in casual clothing, along with my licensing colleague, PC 291HT O'Rourke. He was also in plain clothes and all three were conducting licensing visits.

At about 0120 on Sunday 27th July 2014, both Ms LIENG and DRIVER entered Bethnal Green Food Centre. LIENG picked a bottle of Peroni lager and DRIVER selected a bottle of SOL lager. They then handed over the money to Mr Ali SAHIN and asked him to open the bottles. He then opened them with a bottle opener. They then left the shop

Once outside they spoke with PC O'Rourke and informed him of what had occurred. All three returned and PC O'Rourke recognised Mr Ali SAHIN behind the counter. PC O'Rourke once again introduced himself, producing his warrant card. Mr SAHIN was shocked at seeing PC O'Rourke.

Once again Mr SAHIN had sold alcohol after its licensable hours of 0100. He also committed the offence of trading as an on licence, after opening the bottles for LIENG and DRIVER.

At the time there was no letter of authorisation for Mr SAHIN to sell alcohol on behalf of his brother Etem SAHIM.

LBTH Licensing at the time of writing are considering a prosecution over this matter.

Mr SAHIN informed PC O'Rourke that his home address was [REDACTED]

[REDACTED] N1 [REDACTED]

PC O'Rourke has conducted a "voter's check" on this address and no one is registered at this address.

Please see page 18 and 19 for a previous review of the Bethnal Green Food Centre. On three separate occasions they had "smuggled goods" on the premises. The duty avoided was £604.42

The DPS at the time was Mr Etem SAHIN, who is currently applying to be the premises licence holder. Any changes to the DPS or PLH involving the SAHIN brothers would I believe only be cosmetic and would do nothing to promote the licensing objectives.

In relation to Bethnal Green Food Centre itself, there was a serious incident on the 18th August 2013 (CAD 319/18Aug 13 refers)

At about 0029 the victim attended Bethnal Green Food Centre to buy some alcohol. The suspect, who was a member of staff (not known if he still works there), pushes the victim out of the shop. Once outside on the pavement, they have a conversation but the suspect then attacks the victim, punching him several times in the face, causing him to fall to the ground.

The victim initially walks away from the suspect but shortly returns to the shop where after more conversation, the suspect once again attacks the victim, causing him to fall to the floor. On getting up, the victim is once again punched and kicked to the floor.

Some other member of staff tries to intervene but the suspect drags the victim out into the street and again punches the victim. The victim realises that he has lost a tooth and throws it in the direction of the suspect.

On police arrival it was noted that victim was drunk. However, the suspect was arrested for ABH.

The incident was witnessed by an independent person who described the suspect's behaviour as over the top and not acting in self defence.

However the suspect in a prepared statement said the drunk victim was knocking things over in the shop and eventually attacked him and he acted out of self

defence.

The suspect was eventually charged with ABH and at a pre trial hearing changed his plea to guilty.

I also find it incredible that Mr Etem SAHIN has applied to vary his premises licence at a time when he has twice sold alcohol beyond his licensable hours.

He is applying from Sun - Thursday : 0800 - 0100
Fri - Sat : 0800 - 0200

Even without the prospect of a review we would be opposing this application as Bethnal Green Road can be very busy and this would only increase the likelihood of crime and disorder and public nuisance.

For an off licence to have breached its hours on one occasion could be unfortunate for a number of reasons. However both sales were made by the Premises Licence Holder who should be promoting all four licensing objectives and not breaching the crime and disorder objective in a manner that would indicate that he has no regard to ever maintaining them.

Police and responsible authorities do not have the time to constantly check on licensed premises to ensure that they are complying with their hours and conditions. Two sales in two days would indicate that the PLH and the DPS are happy to ignore their responsibilities in regards to the Licensing Act.

1. In light of the previous review (see page 18) the committee may wish to consider revoking the licence.

At the very least I would ask the committee to suspend the licence for a period of time to restructure the management of the off licence and :

2. Reduce the sale of alcohol hours : 0900 - 2300

3. The removal of non standard hours

4. I would ask that someone independent of Mr Ali SAHIN and Etem SAHIM is made DPS. Mr Etem SAHIN to be removed as DPS

5. Use of incident / refusals book

6. CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed.

The system will be maintained and fully operational throughout the hours that the

premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

Alan Cruickshank PC 189HT

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

Please tick ? yes

x

If yes please state the date of that application

Day		Month		Year			
2	4	0	5	2	0	1	1

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

This premises was reviewed on the 19th July 2011 in relation to "smuggled goods" I submit below part of my review from the 24th May 2014.

On 17th February 2011 a joint operation was conducted at a number of off licences. Taking part in this multi-agency approach were H.M. Revenue and Customs, Trading Standards, Whitechapel Town Centre Team and Bethnal Green Police Licensing Unit.

There have been a large number of visits conducted throughout Tower Hamlets, with results ranging from the revocation of a licence, the suspension of a licence, a warning or finding that the off-licences were operating correctly.

At about 1721 we entered Bethnal Green Food Centre and identified ourselves to a Mr Erkan SAHIN and to the Premises Licence Holder / DPS, Mr Etem SAHIM., A search took place throughout the shop and "smuggled goods" were found inside the supermarket.

I produce a statement from Mr Philip Bush of HMRC, who is their Law Enforcement Coordinator, who now produces statements on behalf of the officers who attended the venues, which is then supplied to the police or other responsible authority.

In his statement he confirms HMRC seized spirits and wines on **three** different occasions from Bethnal Green Food Centre:

1. 17th February 2011 : 24.5 litres of mixed branded vodka
2. 24th February 2010 : 57.75 litres of mixed wine (HMRC only)
3. 18th November 2009 : 16.1 litres of mixed branded vodka.

As no invoices or receipts were provided, HMRC concluded that no duty was paid on these goods.

The total revenue due on the seized goods is **£604.42**.

I also produce a statement from Mr Alan Richards of LBTH Trading Standards who also attended Bethnal Green Food Centre on the 17th February 2011.

He seized the following:

1. Eight bottles of Raymond Vadim champagne
2. Four bottles of De Cancave champagne.

On making further investigations he found the De Cancave champagne was genuine. However, the Vadim alcohol was a well known fraudulently produced "champagne" and not entitled to claim its origin from the champagne region.

This is the third time goods have been found on the premise. It would seem that the Premises Licence holder has no intention in abiding by the licensing objective of preventing crime and disorder.

Government guidelines state that the selling of smuggled goods is deemed a serious offence and should be viewed as such by licensing committees.

I ask the Committee to revoke their licence.

Licensing committee decision.

That the review application for the premises license for **Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ** be **GRANTED** with the suspension of the licence for sale of alcohol for a period of four weeks running from the receipt of the decision notice and with the following conditions;

Conditions

No alcoholic goods will ever be purchased from sellers calling to the shop.

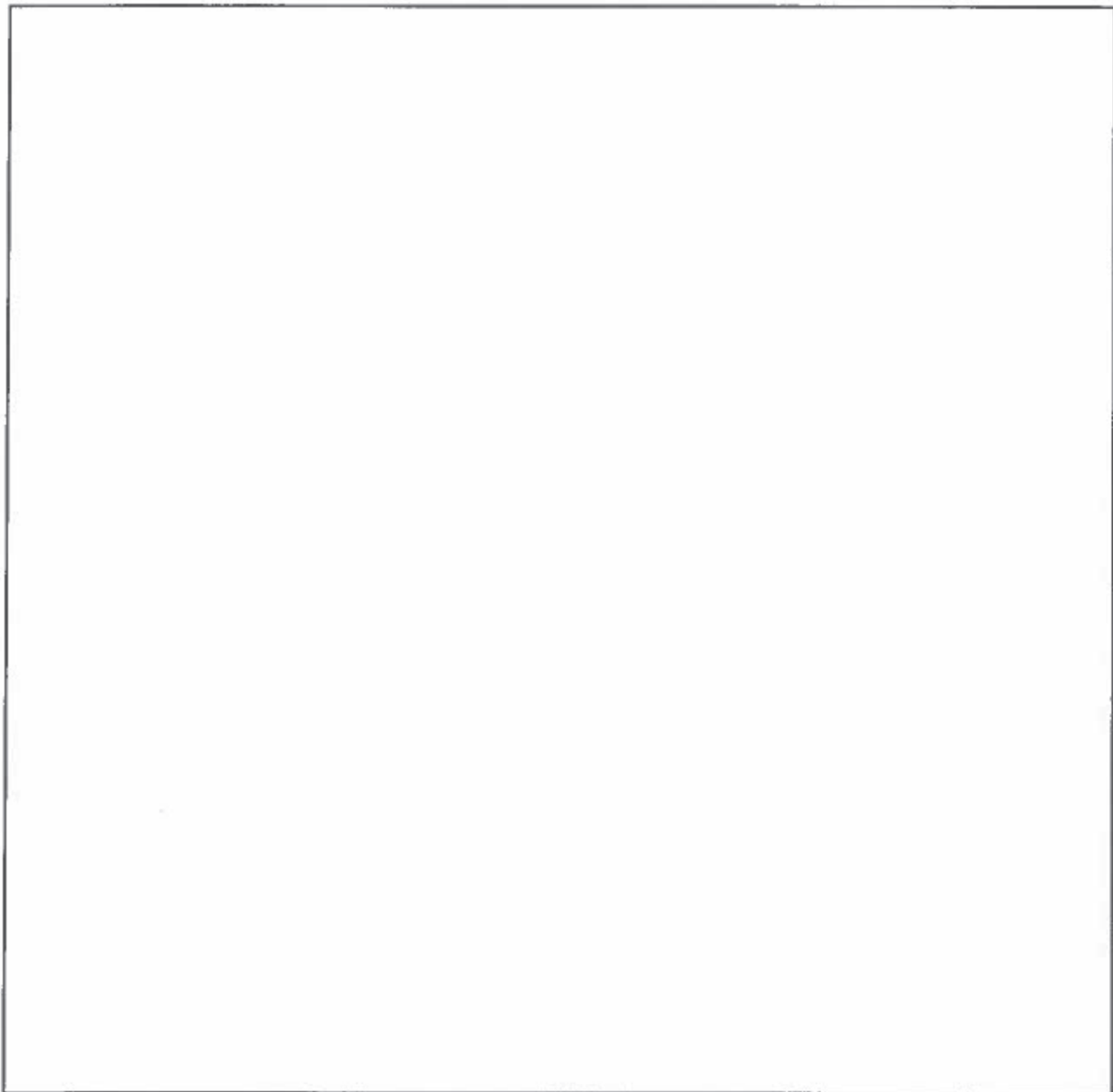
Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.

A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.

An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practically after they have been purchased.

If any spirits brought by the company have UK Duty Stamps that do not fluoresce under the ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to trading standards department and HMRC as soon as possible.

Any alcohol and tobacco purchases will be kept in the stock room and will be checked by the premises license holder or DPS for compliance of conditions 2, 3, 4 and 5 stated.



I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Please tick yes
X

I understand that if I do not comply with the above requirements my application will be rejected X

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date

14th August 2014

Capacity

LICENSING OFFICER - METROPOLITAN POLICE
(TOWER HAMLETS BOCU)

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

Post town

Post code

Telephone number (if any)

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

Notification of alleged offences under the Licensing Act 2003

Venue Name: Behnal Green Food Centre REF: (CAD/CRIS etc.)

Address: 438 Behnal Green Road
LONDON E2 0SS Date: 26/7/14 Time: 0149

Details of person in charge at the relevant time: M. ALI SAHIN

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:
PC JAHIN carried out a best purchase at 01:35hrs purchase
2 cans of Red Stripe Lager

Issuing officer:  Print: J. Rourke

I acknowledge receipt of this form: (venue) 

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

Appendix 2

(Bethnal Green Food Centre)
438 Bethnal Green Road
London
E2 0DJ

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 11 June 2007

- Licence varied following the licensing sub-committee review hearing of 19th July 2011



Part A - Format of premises licence

Premises licence number

17727

Part 1 - Premises details

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

(Bethnal Green Food Centre)
438 Bethnal Green Road

Post town
London

Post code
E2 0DJ

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 times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 06:00 hours to 01:00 hours the following day

Non-standard timings

Bank Holidays, Christmas Eve, Christmas Day, Good Friday, Easter Monday and all other Public Holidays.

New Years Eve: from 06:00 hours to 03:00 hours the following day

The opening hours of the premises

- Monday to Sunday, from 06:00 hours to 01:00 hours the following day

Non-standard timings

Bank Holidays, Christmas Eve, Christmas Day, Good Friday, Easter Monday and all other Public Holidays.

New Years Eve: from 06:00 hours to 03:00 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

Mr Ali Sahin

[Redacted address and contact information]

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

N/A

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

Mr Etem Sahin

[Redacted address and contact information]

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

Issuing Authority: [Redacted]
Personal Licence Number: [Redacted]

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

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.

Annex 2 - Conditions consistent with the operating Schedule

1. There will be a minimum of 2 persons present at the premises from 21:00 hours every day
2. CCTV to be operational at all times
3. Any crime and disorder to be reported to the Police and CCTV footage made available
4. Proof of age policy of "No ID No Sale" to be enforced

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

Conditions attached following the licensing sub-committee review hearing of 19th July 2011

1. No alcoholic goods shall be purchased from sellers calling to the shop.
2. Invoices (or copies) for all alcoholic goods on the premises shall be kept at the shop and made available to officers from the council, police or HMRC upon request.
3. A stock control system shall be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
4. An ultra-violet light shall be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practically possible after they have been purchased.
5. If any spirits brought by the company have UK Duty Stamps that do not fluoresce under the ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to trading standards department and HMRC as soon as possible.
6. Any alcohol and tobacco purchases shall be kept in the stock room and shall be checked by the premises licence holder or Designated Premises Supervisor for compliance of conditions 2, 3, 4 and 5 stated above.

Annex 4 - Plans

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

17 April 2007

Part B - Premises licence summary

Premises licence number

17727

Premises details

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

(Bethnal Green Food Centre)
438 Bethnal Green Road

Post town

London

Post code

E2 0DJ

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 times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 06:00 hours to 01:00 hours the following day

Non-standard timings

Bank Holidays, Christmas Eve, Christmas Day, Good Friday, Easter Monday and all other Public Holidays.

New Years Eve: from 06:00 hours to 03:00 hours the following day

The opening hours of the premises

- Monday to Sunday, from 06:00 hours to 01:00 hours the following day

Non-standard timings

Bank Holidays, Christmas Eve, Christmas Day, Good Friday, Easter Monday and all other Public Holidays.

New Years Eve: from 06:00 hours to 03:00 hours the following day

Name, (registered) address of holder of premises licence

Mr Ali Sahin



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

Off sales only

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

N/a

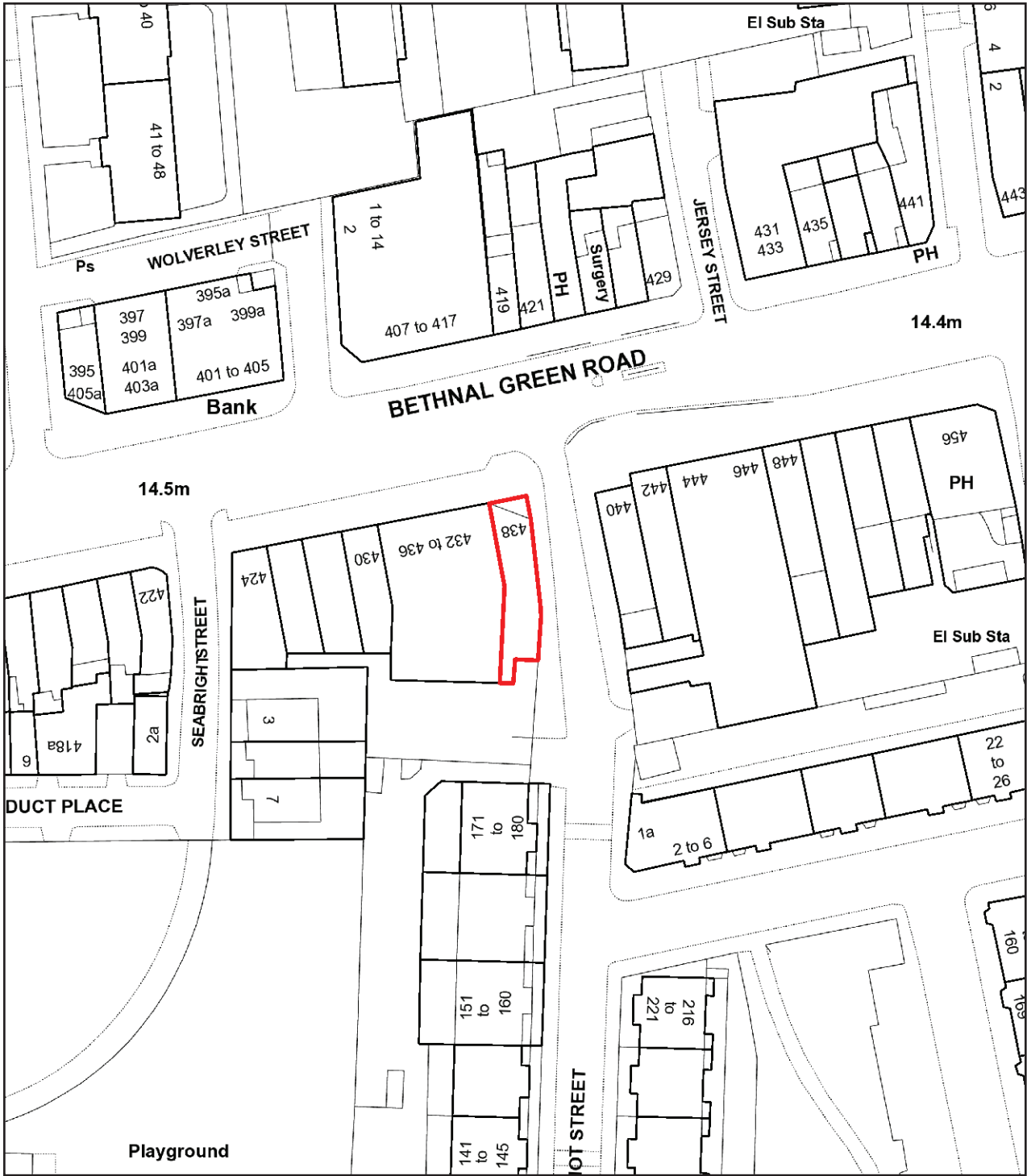
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Etem Sahin

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

No

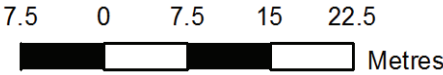
Appendix 3



438 Mile End Road



Scale 1:836



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438 Bethnal Green Road



Scale 1:2928

25 0 25 50 75



Metres



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Appendix 4

Communities, Localities & Culture Safer Communities

Licensing Authority
6th Floor
Mulberry Place
5 Clove Crescent
London
E14 2BG

11th September 2014

Your reference:
My reference CLC/LIC/77689/KD

Dear Sir/Madam,

Head of Consumer and Business Regulations
Service **David Tolley**

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Licensing Act 2003

Application for review of a premises licence: Bethnal Green Food Centre, 438
Bethnal Green Road, London E2 0DJ

The Licensing Authority as a Responsible Authority wishes to support the application for review made by the Metropolitan Police.

The premises licence for 438 Bethnal Green Road, London E2 0DJ has been in place since 11th June 2007, the licence was amended on 10th December 2008 when Mr. Etem Sahin became the licence holder and designated premises supervisor.

This licence was first reviewed on **24th May 2011** by the Metropolitan Police following a number of seizures for smuggled goods.

The review detailed that on 3 occasions on 18/11/2009; 24th February 2010 and 17th February 2011 smuggled goods were seized;
18/11/2009 - 16.1 litres of branded vodka
24/2/2010 – 57.75 litres of wine
17/2/2011 24.5 litres branded vodka and 8 bottles of champagne; were found to be counterfeit.

Following the review hearing on **19th July 2011**, the licence was suspended for 4 weeks and conditions added to the licence. (Conditions 1-6 Annexe 3 on current licence). The decision of the Members at the hearing:
Having heard representations from both the Metropolitan Police and from the Premise License Holder's representative, Members decided to SUSPEND the licence for a period of four weeks starting from receipt of the decision notice and accepted the conditions suggested on behalf of the Premises License Holder.

Both actions were in order to further the licensing objective of preventing crime and disorder.

Members noted that this was the third offence and could no longer accept the explanation that it had been the Premise License Holder's father that had purchased the stock. As for the first incident, it was noted that the amount of alcohol purchased during a week was approximately £2000 - £5000 and on that basis this Vodka would have been on the premises for almost 2 years which was not entirely credible. As for the second incident it was accepted that the purchase could have been a mistake by the Premise Licence Holder's father but once instruction had been issued to the father and the two brothers working at the shop this should not have happened again. Therefore suspension was necessary and proportionate. It was noted that 4 weeks was a relatively small amount and this was due to the Premises License Holder having taken steps to regularise and check purchases. Members did note the position on the champagne, however for the purpose of this decision, this was ignored

On **19th November 2012** A visit was made by Trading Standards whereby a further 14 bottles of counterfeit branded vodka was seized. On this occasion Trading Standards decided to prosecute.

On **7th November 2013** the defendant, Mr. Etem Sahin, pleaded guilty to offence under Section 92 (1) (b) and (6) Trade Marks Act 1994.

During the court case it was stressed the seriousness of selling counterfeit vodka, trades mark reputational considerations and how such offences could put the health of consumers at risk, including Mr. Sahin's previous antecedent history and the fact of him being known to Trading Standards.

The court ordered the defendant to pay:

- (i) A fine in the sum of £675;
- (ii) Costs of £2,273.19; and,
- (iii) A Victim Surcharge of £68.

In addition to the financial penalty, the Court ordered the suspension of Mr. Etem Sahin's personal licence for a period of 6 months (the maximum period).

On **26th November 2013** the licence was transferred to Ali Shahin.

On **8th December 2013** council officers were able to purchase a can of beer at 01:18 hours

On **5th July 2014** – Council Officers purchased one bottle of beer and one can of cider at 01:10 hours, outside the licensable hours. The sale was made by Etem Sahin.

On **26th July 2014** – the Metropolitan Police purchased 2 cans of beer at 01:35 hours. The sale made by Ali Sahin.

On **27th July 2014** – Licensing Officers purchased two bottles of beer at 01:22 hours, outside the licensable hour from Mr. Ali Sahin who also opened the bottles upon our request. I understand Mr. Ali Sahin is Mr. Etem Sahin's brother. The DPS was not present and there was no letter of authorisation.

On 31st July 2014 an application for a transfer has been made to revert back to Mr. Etem Sahin, the Metropolitan Police have objected to this. Also, on this date an application to vary the hours from:
Monday to Sunday, from 06:00 hours to 01:00 hours; to
Sunday to Thursday 08:00 hours to 01:00 hours and Friday and Saturday 08:00 to 02:00 hours. This Licensing Authority has made representation against the application.

Conclusion

This report clearly shows that the licence holder and DPS have no regard to the requirements of the Licensing Act 2003 and their obligations to meet the licensing objectives. Despite the licence being suspended for four weeks, Mr. Etem Sahin's suspension of personal licence for 6 months and fines for offences under Trade Marks, Mr. Etem Sahin or Mr. Ali Shahin continue to breach the law. It is clear that any conditions placed on the licence would be disregarded by this family business and would therefore ask Members seek to revoke the licence.

Yours faithfully,

[REDACTED]

Kathy Driver
Principal Licensing Officer
Licensing Authority Acting As a Responsible Authority

CC: Mr Ali Sahin, [REDACTED]
Mr Etem Sahin, [REDACTED]
[REDACTED]

Appendix 5

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

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other

authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to

give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

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

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish

the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

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

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

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

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

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

- 11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

Appendix 6

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

Crime and Disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

Appendix 7

Licensing Policy Adopted by the London Borough of Tower Hamlets

6 Crime and Disorder

6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.

6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.

6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 200. (See **Appendix 2.**)

6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)

2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.

6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them

Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.

6.11 Illicit Goods: Alcohol and Tobacco - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.

6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled

6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.

6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

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

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