

LICENSING SUB COMMITTEE

Tuesday, 16 December 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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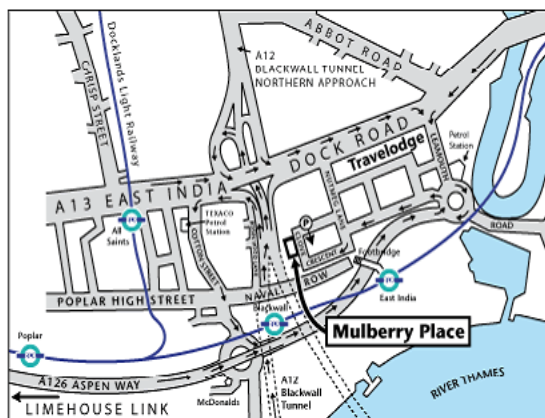
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APOLOGIES FOR ABSENCE

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 - 70)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 23rd September, 21st October, 4th November (2pm), 4th November (4pm) and 18th November 2014.

4. ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1 Application for a New Premises Licence for The Looe, 82A Commercial Street, London, E1 6LY	71 - 192	Spitalfields & Banglatown
4 .2 Application to Review the Premises Licence for Café Bangla - 128 Brick Lane, London, E1 6RL	193 - 280	Spitalfields & Banglatown
4 .3 Application for a New Premises Licence for Khushbu - 74 Whitechapel High Street, London, E1 7QX	281 - 324	Spitalfields & Banglatown
4 .4 Application for a New Premises Licence for Royal PFC - 178a Whitechapel Road, London, E1 1BJ	325 - 360	Whitechapel
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

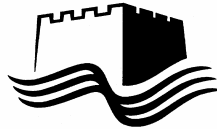
APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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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 3.00 P.M. 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:

Steve Burnett - Item 3.1
Tim Luther - Item 3.1
Kingsley Hoddinott - Item 3.2
Michel Lasserre - Item 3.2
Hassan Abdulah - Item 3.2
Robert Jordan - Item 3.3
Ranjit Kuar - Item 3.3

Objectors In Attendance:

PC Alan Cruickshank - Metropolitan Police
Ian Wareing - Environmental Health
David Hunter - Item 3.2

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 Mercado, Retail Unit D, City Scape, Wentworth Street, London, E1

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Mercado, Retail Unit D, City Scape, Wentworth Street, London E1. It was noted that an objection had been received from the Metropolitan Police.

At the request of the Chair, Mr Steve Burnett, Licensing Representative on behalf of the Applicant explained that it was a restaurant specialising in Spanish food and wine, he further explained that the Applicant had invested a lot of money in the premises, which showed his commitment to the area.

It was noted there was no history of complaints or problems with any of the other premises owned by the Applicant and from experience the restaurants usually quietened down after 11pm and therefore could not see it having a negative impact on the community. Mr Burnett explained that the hours applied for were within the Council's framework hours and that there had been no objections from residents or Environmental Health.

Mr Burnett noted the Police's concerns regarding the Cumulative Impact Zone (CIZ), however he explained that there were good transport links near the premises and it would have a positive effect on the borough. It was also noted that the Applicant had accepted the conditions suggested by the Police in order to promote the licensing objectives. He stated the notices would also be put outside the premises asking customers to respect the needs of local residents and staff would clean and monitor the outside area on a regular basis.

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. He explained that 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 licensed premises or variations however small or well run, would only compound the problems in the CIZ.

Members retired to consider their decision at 3.20pm and reconvened at 3.25pm.

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, Copita Del Mercado, Retail Unit D, City Scape, Wentworth Street, London E1 be **GRANTED with conditions**.

Sale of Alcohol (on sales only)

Monday to Thursday from 09:00 hours to 23:00 hours
Friday and Saturday from 09:00 hours to 23:30 hours
Sunday from 09:00 hours to 22:00 hours

The Provision of Late Night Refreshments

Monday to Thursday from 23:00 hours to 23:30 hours
Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

Hours Premises is open to the Public

Monday to Thursday from 06:00 hours to 23:30 hours
Friday and Saturday from 06:00 hours to 00:00 hours (midnight)
Sunday from 06:00 hours to 22:30 hours

Conditions

1. Outdoor seating area only to be used between the hours of 09:00 hours to 22:00 hours.

2. Alcohol to be only served to seated customers and ancillary to a meal (indoors and outdoors)
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 31 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 (Maison Trois Garcon), 45 Redchurch Street, London E2 7DJ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Maison Trios Garcon, 45 Redchurch Street, London E2 7DJ. It was noted that objections had been received from the Metropolitan Police and local residents.

At the request of the Chair, Mr Kingsley Hoddinott, Licensing Representative for the Applicants briefly explained the nature of the premises he explained that the Applicants had been residents for past 14 years and have had an exemplifying record for the past 18 months trading as a retail café. He explained that the application for the sale of alcohol was to benefit the existing clientele to be able to enjoy a glass of wine with their food. It was noted that there was a capacity for 60 people at the premises.

Mr Hoddinott also offered a list of conditions to help address the concerns of the Police and local residents.

Members then heard from PC Alan Cruickshank, who explained that although the alcohol hours were within the framework hours, it was yet another premise that would have the ability to sell alcohol in the area which was already saturated. He welcomed the removal of non standard timings and the conditions accepted by the Applicants.

Members then heard from Daniel Hunter, resident objector, who explained that he lived next the premise and his bedroom window was 5 metres from its side entrance. He explained that there was noise disturbance from the premise throughout the opening hours and during a recent private event there was a large number of people outside the side entrance causing a considerable amount of noise and disturbance.

In response to questions the following was noted;

- That the Applicants were happy to keep the side entrance closed and would only use it as emergency exit.
- That there would be no off sales.
- That they held private functions which have been managed well with no complaints.
- That there was no live music played at the premises except soft background music.
- That the Applicants were happy to remove the outside tables and chairs after 7pm.

Members retired to consider their decision at 3.45pm and reconvened at 3.50pm.

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 their representative and from 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 the responsible authority.

It was noted that the Police objection related to the premises being in the cumulative impact zone. It was also noted that having regard to paragraph 8.4 of the Licensing Policy, there was a rebuttable presumption in respect of granting an application where a representation is made. Having regard to the hours applied for, the location of the premises and the conditions offered, Members were satisfied that the operation of the premises would not add to the cumulative impact zone.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Maison Trois Garcon, 45 Redchurch Street, London E2 7DJ be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Sunday from 10:00 hours to 22:00 hours

Hours premises is open to the public

Monday to Sunday from 07:00 hours to 22:30 hours

Conditions

1. There will be no more than two people allowed to smoke outside the premises at any time.
2. CCTV camera system covering both internal and external to the premises is to be installed.
3. 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.
4. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
5. Alcohol to be served to seated customers and ancillary to a meal.
6. Only bottled beers, ciders, wines, spirits and minerals will be stocked at the premises. There will be no draft beer.
7. No refuse will be collected or placed outside the premises between the hours of 23:00 hours and 08:00 hours the next day.
8. Noise will be monitored by the house manager or his/her deputy to ensure that there is no nuisance caused to residential neighbours.
9. The side door will be kept shut at all times except for use when in emergency.
10. Outdoor seating area only to be used between the hours of 09:30 hours and 19:00 hours.
11. Outdoor seating furniture will be removed by 19:00 hours
12. 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.

3.3 Application for a New Premises Licence for Gravalia - Unit 1C Cassilis Road, London, E14 9LQ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Gravalia, Unit 1, Cassilis Road, London E14 9LQ. It was noted that objections had been received from the Metropolitan Police, Environmental Health and local residents.

At the request of the Chair, Mr Robert Jordan, Licensing Representative for the Applicant stated that he had agreed conditions with the police and have offered a further condition to cease the use of the outdoor area by 9pm rather than 10pm as originally requested. He also referred to the objections by the local residents and believed that the conditions proposed would help address those concerns.

He explained that the premises had good transport links, it was not in the cumulative impact zone, and the Applicant was happy to cease all activity for the outside area by 9pm as suggested by Environmental Health.

It was noted that the premises was a restaurant/café and not a vertical drinking establishment, that alcohol drinks would be ancillary to food, the premises would attract professionals and mainly affluent people and that the outside seating area at the front of the premises would be supervised by staff.

Members then heard from PC Alan Cruickshank who expressed concerns about the potential for crime and disorder and public nuisance due to the number of covers for the outside area. He welcomed the conditions accepted by the Applicant and the condition to close the outside area for use by 9pm.

Members also heard from Ian Wareing, Environmental Health, he also expressed similar concerns and believed that 24 covers for the outside area would be too many to supervise, that would cause disturbance as it was very close to residential properties their windows, and balconies. He explained that he welcomed the 9pm closure for the outside area but would prefer an even earlier closure for the outside area. He explained that Cassilis Road was a densely residential area and to allow an outside dining area to be used for the hours applied for would result in considerable public nuisance and suggested a closing time of 7pm for the outside area.

In response to questions the following was noted;

- That currently the outside area was used between the hours of 9am - 9pm.
- That the outside area would only be used when the weather was nice
- That the hours applied for were the within the Council's framework hours and the opening hours had not been objected to.
- That there would be no delivery service.

Members retired to consider their decision at 4.10pm and reconvened at 4.15pm.

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 representatives from the Police and Environmental Health. In the absence of the resident objectors Members noted and considered their written submissions.

Members did have concerns that the premises was in a densely populated residential area and that there was a possibility there would be an increase in anti-social behaviour and public nuisance. Members also took into account their local knowledge of the area and representations made by Environmental Health and Police and considered it appropriate to reduce the terminal hours sought for licensable activities and add conditions to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Gravalia, Unit 1C Cassilis Street, London E14 9LQ be **GRANTED in part** with conditions.

Sale of Alcohol (on sales only)

Sunday to Thursday from 11:00 hours to 22:00 hours
Friday and Saturday from 11:00 hours to 23:00 hours

Hours premises is open to the public

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

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 30 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 on the premises.
4. 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.
5. An incident report book is kept and record all incidents of crime and disorder associated with the premises.
6. A dedicated telephone number to be provided for residents to contact management if they have any complaints or concerns.
7. The sale of alcohol to be ancillary to a meal.
8. No use of the outdoor area.

3.4 Application for a Transfer of a Premises Licence Holder for Bethnal Green Food Centre, 438 Bethnal Green Road, London, E2 0DJ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a transfer of a premises licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ. It was noted that objections had been received from the Metropolitan Police.

It was noted that the Applicant nor the Premises Licence Holder were present at the meeting, therefore Members noted the application contained in the agenda and asked PC Cruickshank a brief summary of his objection.

Members heard from PC Alan Cruickshank who stated the applicants lack of attendance, demonstrated the lack of concern and management of the premises. He explained that this premises had been reviewed previously and was recently been reviewed.

He referred Members to the police representation on the restricted papers and briefly went through the breaches of licensing conditions, allowing licensable activities to be carried on outside licensable hours on a number of occasions,

other related incidents relating to crime and disorder and the seizure of smuggled goods.

Members discussed amongst themselves and the Chair stated;

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 PC Alan Cruickshank and noted the lack of attendance and communication from the Applicant

Members reached a decision and the decision was unanimous. Members noted the number of repeated breaches of the licence where the applicant had been found selling outside trading hours, this together with the concerns raised by the Police, Members decided to refuse the application for a transfer of licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Transfer of Premises Licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ be **REFUSED**.

The meeting ended at 4.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 21 OCTOBER 2014

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

Members Present:

Councillor Andrew Cregan (Chair)

Councillor Shah Alam
Councillor Candida Ronald

Other Councillors Present:

Councillor Rachel Blake □ Councillor Joshua Peck

Officers Present:

Alex Lisowski – (Licensing Officer)
Michelle Terry – (Legal Services)
Antonella Burgio – (Democratic Services)

Applicants In Attendance:

Gerald Gouriet, Counsel, Paddy Power
Narinder Dhanjal, Applicant, Paddy Power

Simon Taylor, Legal Representative, Winterville
Daz Guerin, Applicant, Winterville

Objectors In Attendance:

Cllr Joshua Peck, Ward Councillor, Paddy Power ??
Cllr Rachel Blake, Ward Councillor, Paddy Power

Cllr Rachel Blake, Ward Councillor, Winterville
Ian Sharp, Interested Party, Winterville
Erika Cogoni, interested Party, Winterville

Apologies

No apologies for absence were received.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence Paddy Power, 620 Roman Road, London E3 2RW

The Sub Committee considered the application for a new premises licence under the Gambling Act 2005 for Paddy Power, 620 Roman Road, E3 2RW.

The Licensing Objectives

In considering the application, Members were required to consider the Gambling Act 2005, the Licensing Objectives, the Guidance of the Gambling Commission and the Council's Statement of Licensing Policy.

The Sub Committee heard representations from all parties in accordance with the rules of procedure circulated in the agenda.

Members heard from interested parties in relation to two licensing objectives:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

They also carefully considered the concerns from residents and local Councillors about potential harm to young people and vulnerable adults that would encounter the premises which was situated in the vicinity of a primary school, a children's centre, a youth centre and sheltered accommodation for vulnerable adults. The Members were sympathetic to the fears expressed by the residents that this application would worsen problems of gang related antisocial behaviour and cause harm to vulnerable adults by gambling.

Members also noted that:

- no responsible authorities had made representations and
- the measures that the applicant offered to preserve the above licensing objectives which were detailed in the supplementary information bundle circulated prior to the meeting. In particular they noted:
 - All Paddy Power shops have digital CCTV installed
 - A fulltime officer heading a security team monitoring staff/customer activity
 - All staff receive extensive on going training
 - Under 18 notices prominently displayed on the premises and the company's Think 21 policy
 - Staff will require customers to produce a photographic form of identity if requested

- Identity requests will be recorded in a log kept on the premises.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the written and oral representations provided by the applicant and objectors.

Having thoroughly considered the above, the Members agreed to grant the application but to impose a number of conditions on the licence in order to protect children and other vulnerable persons from being harmed or exploited by gambling and prevent gambling from being a source of crime or disorder.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence (Betting) under the Gambling Act 2005 for Power Leisure Bookmakers Ltd (Paddy Power), 620 Roman Road, London, E3 2RW be **GRANTED** subject to the following:

Hours premises open and operating hours:

Monday - Sunday 07:00hrs to 22:00hrs

Conditions

Install and maintain CCTV at the premises.

The CCTV system shall be approved by the Police and 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. Upon request by an officer of a responsible authority a copy of images required must be made available within 24 hours of the request.

Monitoring Activity at the Premises

A member of staff must be responsible at all times to monitor customer activity and those entering and exiting the premises

Staff Training

All existing and new staff must attend annual training in relation to vulnerable adults and children. A record of this training must be kept in a formal log which is to be kept on the premises and made available for inspection by a responsible authority.

Proof of Identity

Under 18 notices must be clearly displayed inside and outside the premises and "Think 21" to be operated within the premises. Staff will require customers to produce a photographic form of identity upon request. All incidents of identity requests will be recorded in a formal log which is to be kept on the premises and available for inspection by a responsible authority.

Visual Access to the Premises

Vision into the premises should be prevented by appropriate measures e.g. installation of frosted glass.

3.2 Application for a Time Limited Premises Licence for Winterville Events Limited, Victoria Park, Bow, E3

The Sub Committee considered the application for a Time Limited Premises Licence under the Licensing Act 2003 for Winterville Events Limited to be held at Victoria Park, Bow, E3.

The Licensing Objectives

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

The Sub Committee heard representations from all parties in accordance with the rules of procedure circulated in the agenda.

Members carefully considered the concerns expressed by residents and a local Councillor about anti-social behaviour and disturbance in the vicinity of Victoria Park where the event would be held caused by consumption of alcohol and noise by patrons and their fear that this additional event would harm the licensing objectives:

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

It was noted that 2 interested parties had withdrawn their objections.

Members considered the remaining objections which concerned:

- preventing access to the park by residents for an extensive period before during and after the event. The event itself was intended to last from 2 December 2014 to 1 January 2015.
- on-going disturbance caused by drinkers at the event
- antisocial behaviours such as urination in the street; this was a common problem caused by drinkers at events in the park. An objector noted the plan did not address how toilet facilities would be serviced
- noise disturbance to residents living along the egress routes by those leaving the event site late in the evenings

- increased traffic congestion that would be created for the period of the event
- Ward Councillors had not been properly consulted on the event
- inconsistencies relating to the details and proposed family-friendly nature of the event compared to the nature and suggested target audience of the event advertising. It was noted that requested (12) hours for sale of alcohol was not consistent with a family-friendly event
- there could not be effective control of numbers since access to the site was free
- lack of control around third-party lettings

At the meeting, the objectors asked Members to consider reducing the hours of sale of alcohol and curtailing the duration of the event.

Members considered the submission of the applicant and his representative that:

- the applicant had 15 years' experience in open air multiple-arts event organisation and there was a comprehensive event plan which included noise reduction and crime reduction elements
- experienced subcontractors had been engaged to deal with noise matters and substantial security arrangements were stipulated in the event plan
- there had been extensive consultations with responsible authorities which had begun in June 2014 and extensive changes to the event plan had been made out of these
- since the application was submitted he had accepted that all of the measures requested by Environmental Health be incorporated as conditions of the licence
- the applicant had approached the Council who had agreed to undertake pre-engagement with Ward Councillors
- there had been three consultation meetings to which residents had been invited
- the event to which the licence application related was smaller in scale than summer events at the park with a mixture of free and paid activities and no more than 2800 people were expected to be at the event at any one time. Additionally the audience aimed for was different to that of summer events and anticipated turnover was 2-hourly.

Members also noted the applicant's offer to terminate sale of alcohol at 22:15 hours on off-peak days and 22:45 hours on peak days.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the written information placed before them and had taken account of the written submissions of the interested parties and the applicant.

Having carefully considered the matter, the Sub-Committee came to a view that the extensive requested hours for sale of alcohol would have a detrimental effect on the licensing objectives. Members noted that the

applicants intention was that the event should appeal to a wide sector of the community and that the hours applied for were not consistent with a family-friendly event. Hence they considered it appropriate that the hours available for the sale of alcohol should be reduced. They therefore granted the premises licence subject to conditions. and reduced hours for the sale of alcohol with a drinking up time of 30 minutes. These measures, in their view, were appropriate to promote the licensing objectives at this premises.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a new time limited premises licence for Winterville Events Ltd, Victoria Park, London E3 be **GRANTED**, for the following activities, subject to conditions:

On Sales of Alcohol

- *2nd – 24th December 2014*
Off-peak days (Sun-Thur): 12:30 hours – 20:30 hours
Peak days (Fri-Sat): 12:30 hours – 21:30 hours
- *27th - 30th December 2014*
Off Peak days: 12:30 hours – 20:30 hours
- *31st December 2014*
Peak day: 12:30 hours – 19:30 hours
- *1st January 2015*
Peak day: 12:30 hours – 17:30 hours

The Operating Hours of The Premises

- *2nd – 24th December 2014*
Off-peak days (Sun-Thur): 10:00 hours – 21:00 hours
Peak days (Fri-Sat): 10:00 hours – 22:00 hours
- *27th - 30th December 2014*
Off Peak days: 10:00 hours – 21:00 hours
- *31st December 2014*
Peak day: 10:00 hours – 20:00 hours
- *1st January 2015*
Peak day: 12:30 hours – 18:00 hours

Provision of regulated entertainment

- *2nd – 24th December 2014*
Off-peak days(Sun-Thur): 10:00 hours – 21:00 hours

Peak days(Fri-Sat): 10:00 hours – 22:00 hours

- 27th - 30th December 2014
Off Peak days: 10:00 hours – 21:00 hours
- 31st December 2014
Peak day: 10:00 hours – 20:00 hours
- 1st January 2015
Peak day: 12:30 hours – 18:00 hours

Conditions:

1. The “Event Noise Level” (ENL) measured as a free field LAeq over any 15-minute period at any position on the boundary of the park or an agreed proxy location shall not exceed 65 dBA, or no more than 15 dB above the existing background noise level to a maximum of 70 dBA*, whichever is the higher.

Noise monitoring locations have been agreed as:-

- i) Wetherell Road (adjacent to the day Nursery within the park)
- ii) Waterside Close (within the park)
- iii) Empire Wharf (within the park)

Any other agreed position within the park, due to it being found that residents are being adversely affected by the event noise level.

2. Low frequency noise shall be controlled so as not to cause a nuisance.
3. A competent person shall be appointed by the licensee of the event. This means a person with the ability to monitor noise and with the authority to control sound levels to ensure compliance with these noise conditions.
4. The sound systems and other noise sources shall be positioned so as to minimise noise disturbance, in consultation with the Council’s Environmental Health Department.
5. Sound tests shall be carried out in conjunction with the Councils Environmental Health Department before the event. This will determine the maximum noise levels that can prevail at agreed proxy monitoring positions so as to ensure compliance with the noise limits defined in condition 1.
6. The Noise Consultant shall be able to demonstrate an up to date calibration certificate for all noise meters used according to the current British and International standards and shall be a minimum type 2 grade instruments.
7. Erection, dismantling and cleaning operations should only be undertaken during Council Policy working hours Mon. – Fri 8.00 a.m. – 6.00 p.m. and

Saturday 8.00 a.m. – 1.00 p.m. unless otherwise agreed by prior consent. If work or operations are agreed outside of the above hours contact telephone number (not an answer phone) must be provided for the person in charge of these operations. (The local authority has agreed to extended working hours until 8 p.m. at night-time with the applicant for safety reasons across the week, works though should not take place before 9 a.m. on a Sunday.

8. White noise "Broadband" reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property.
9. Complaints shall be directed to our Officers immediately by telephone or via the Council's emergency gatehouse telephone number, not radio. The Council's complaints procedure for taking and logging complaints must be followed at all times.
10. The licensee shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.

** At particular location the background noise level measured as an LA(90), 1-hour may be above 50 dB, where this is the case the LAeq is allowed to exceed LAeq 65 dB, 15-minutes, up to a maximum of LAeq 70 dB, 15-minutes. The LAeq noise limit is then the LA(90) + 15 dB. The background noise level must be agreed in advance of any noise limit above LAeq 65 dB being used and must be based on the arithmetic average of the last four hours of the event where the background noise level is likely to be at its lowest point.*

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 10.31 p.m.

Chair, Councillor Andrew Cregan
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 4 NOVEMBER 2014

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Rajib Ahmed

Other Councillors Present:

None

Officers Present:

Philip Devonald	– (Interim Head Legal Services, Law, Probity and Governance)
Kathy Driver	– (Principal Licensing Officer)
Alex Lisowski	– (Licensing Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Jack Spiegler	- Item 4.1
Behrooz Khossousi	- Item 4.1

Objectors In Attendance:

PC Alan Cruickshank	- Item 4.2 & 4.4
Margaret Gordon	- Item 4.2
PC Mark Perry	- Item 4.3

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. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 23rd September, 30th September and 7th October 2014 were agreed as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Inito, Unit 6, 31 Bell Lane, London E1 7LA

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Inito, Unit 6, 31 Bell Lane, London E1 7LA. It was noted that there had been objections from two local residents.

At the request of the Chair, Mr Jack Spiegler, Licensing Representative began by amending the application to include a 30 minute drinking up time to the hours applied for the sale of alcohol.

He explained that the premises was a modest sized restaurant specialising in Indian food and salads. He further explained that there would be a limited amount of alcohol available, which would only be sold ancillary to food. It was noted that the hours applied for were within the framework hours and that no Responsible Authorities had objected to the application.

He referred Members to the conditions proposed and stated that these directly addressed the concerns raised by the two objectors.

Mr Spiegler concluded that the premise was not a late night venue or drink led venue and was confident that it would not have a negative impact on the cumulative impact zone.

It was noted that the objectors were not present at the meeting, however a further condition had been proposed to alleviate the concern of one of the residents in relation to refuse.

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 noted the written objections from the residents.

Members reached a decision and the decision was unanimous. Members decided to grant the application with conditions offered by the Applicant and those 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, Inito, Unit 6, 31 Bell Lane London E1 7LA be **GRANTED with conditions.**

Sale of Alcohol (on and off sales only)

Monday to Thursday from 11:00 hours to 22:30 hours
Friday and Saturday from 11:00 hours to 23:00 hours
Sunday from 11:00 hours to 21:30 hours

The Provision for Late Night Refreshments

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

Hours Premises is 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

Conditions

1. Substantial food and suitable beverages other than alcohol, including drinking water, shall be equally available during the whole of the permitted hours in all parts of the Premises where alcohol is sold or supplied.

2. The sale of alcohol shall be ancillary to food.
3. The outside area will close at 21:00.
4. The premises will implement a smoking policy to ensure no nuisance is caused by smokers.
5. The premises will implement a dispersal policy to ensure no nuisance is caused by persons leaving the premises.
6. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
8. All doors and windows shall be closed after 22:00hrs except to access and egress.
9. All staff will be trained in respect of the promotion of all four licensing objectives under the Licensing Act 2003.
10. CCTV camera system covering internal areas to the premises is to be installed.
11. 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 description.
12. At all times when the premises are open, a person who can operate the CCTV system must be present on the premises.

13. An incident log 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 complaints received;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any faults in the CCTV system;
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
15. A suitable under-age scheme shall be implemented and appropriate identification shall be sought from any person who appears under the age of 25. The only acceptable forms of identification shall be passport, photo driving licence and those carrying the PASS logo. Staff shall be fully trained regarding under-age sales and a refusals shall book kept.
16. The placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties

4.2 Application for a New Premises Licence for Lonzo, 10A Lamb Street, Old Spitalfields Market, London E1 6EA

At the request of the Chair, Mr Alex Lisowski. Licensing Officer, introduced the report which detailed the application for a new premises licence for Lonzo, 10A Lamb Street, Old Spitalfields Market, London E1 6EA. It was noted that there had been objections from Local Residents, Residents Associations and the Metropolitan Police.

It was noted that the Applicant was not present at the meeting. The Clerk confirmed that the Applicant had been sent notification letters and agendas within the prescribed timelines. However, there had been no correspondence, from Applicant to Democratic Services or Licensing Services.

In the absence of the Applicant the Chair stated that they would consider the paper application contained within the agenda and asked the Police Officer to make a brief submission in relation to their representation.

Members heard from PC Alan Cruickshank, Metropolitan Police who stated that the premises was within the Cumulative Impact Zone (CIZ) and would mean another premises that would have the ability to sell alcohol in an area which was already saturated.

PC Cruickshank explained that this premises was a restaurant/wine bar, a vertical drinking establishment attracting people who were only out to drink. He further explained that since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises or variations however small or well run, would only compound the problems in the CIZ.

Members then heard from Ms Margaret Gordon, Local resident who stated that the non attendance of the Applicant showed lack of confidence and disrespect to those attending the meeting and taking time to make representations.

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, it was noted that the Applicant was not present at the meeting and had no correspondence with Democratic Services and Licensing Services despite being sent notification of the meeting and the agenda within the prescribed timelines. Therefore Members noted the written application contained in the agenda and briefly heard representations from the Police and local resident.

Members noted the concerns of public nuisance and noted the fact that the premises was within the cumulative impact zone. Members believed that the lack of attendance at the meeting showed a lack of confidence in the applicant to uphold the licensing objectives and taking into consideration the objections raised Members unanimously refused the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Lonzo, 10A Lamb Street, Old Spitalfields Market, London E1 6EA be **REFUSED**.

4.3 Application for a New Premises Licence for Poplar Spice Ltd, 185 East India Dock Road, London E14 0EA

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Poplar Spice Ltd, 185 East India Dock Road, London E14 0EA. It was noted that there had been objections from local residents, Licensing Authority and the Metropolitan Police.

It was noted that the Applicant was not present at the meeting. The Clerk confirmed that the Applicant had been sent notification letters and agendas within the prescribed timelines. However, there had been no correspondence, from Applicant to Democratic Services or Licensing Services.

In the absence of the Applicant the Chair stated that they would consider the paper application contained within the agenda and asked the Police Officer to make a brief submission in relation to their representation.

Members heard from PC Mark Perry, Metropolitan Police who explained that the area was a residential area with young families. He stated that by granting a late licence would cause a significant risk of increased anti-social behaviour in the early hours of the morning from customers leaving the premises and congregating around the premise to consume food. He also mentioned that the premises was in close proximity to Chrisp Street Market which suffered from anti-social behaviour especially from gangs of people congregating, smoking, taking drugs and alcohol and causing alarm and distress to residents.

It was also noted that during a recent test purchase visit the premises was found to be open beyond trading hours without a licence, when the manager was approached he stated that he had assumed he had a licence to open until midnight.

He concluded that the Police have tried to contact the Applicant to discuss licensing objectives but have received no reply and given the lack of conditions offered or measures put in place by the Applicant in the application to deal with potential crime and disorder the police continue to object to the application and request for refusal.

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, it was noted that the Applicant was not present at the meeting and had no correspondence with Democratic Services and Licensing Services despite being sent notification of the meeting and the agenda within the prescribed timelines. Therefore Members noted the written application contained in the agenda and briefly heard representation from the Police.

Members noted the concerns of public nuisance and anti-social behaviour in the area and noted that the premise was found to be open outside trading hours. Members believed that the lack of attendance at the meeting showed a lack of confidence in the applicant to uphold the licensing objectives and taking into consideration the objections raised Members unanimously refused the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Poplar Spice, 185 East India Dock Road, London E14 0EA be **REFUSED**.

4.4 Application to Review the Premises Licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ. It was noted that the review had been triggered by the Police and supported by the Licensing Authority.

It was noted that the Premise Licence Holder was not present at the meeting. The Clerk confirmed that the Applicant had been sent notification letters and agendas within the prescribed timelines. However, there had been no correspondence, from Applicant to Democratic Services or Licensing Services.

In the absence of the Premise Licence Holder the Chair stated that they would consider the paper application contained within the agenda and asked the

Police Officer and Licensing Officer to make brief submissions in relation to their representations.

At the request of the Chair PC Alan Cruickshank, Metropolitan Police explained that the Licensing Unit received a intelligent report that the premises was operating beyond their licensed hours. He referred to pages 227-230 of the agenda which detailed the visits to the premises on two consecutive days where alcohol was sold beyond licensing hours on both days. He also referred to three separate occasions when the premises was found to have smuggled goods on the premises. Due to the continued breaches of licensing conditions PC Cruickshank had no trust in the Premise Licence Holder to uphold the licensing objectives and therefore urged Members to revoke the premises licence.

Members also heard from Kathy Driver, Licensing Services, who referred to her representation contained in the agenda and stated that the Premise License Holder and Designated Premises Supervisor had no regard to the requirements of the Licensing Act 2003 and their obligations to meet the licensing objectives.

Members also heard from PC Brendan O'Rourke who stated that previous CCTV footage also showed that the premises had been trading beyond operating hours on many occasions.

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 PC Alan Cruickshank and noted the lack of attendance and communication from the Premise Licence Holder.

Members reached a decision and the decision was unanimous. Members noted the number of repeated breaches of the licence where the applicant had been found selling outside trading hours, this together with the concerns raised by the Police and Licensing Authority, Members decided to revoke the premises licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of Premises Licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ be **GRANTED** with the revocation of the Premise Licence.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 3.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 4.00 P.M. ON TUESDAY, 4 NOVEMBER 2014

**THE COUNCIL CHAMBER, 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:

Mohshin Ali – (Senior Licensing Officer)
Philip Devonald – (Interim Head Legal Services, Law, Probity and
Governance)
Kathy Driver – (Principal Licensing Officer)
Ian Moseley – (Trading Standards Officer)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

James Anderson - (Item 3.1)
Ed Turner - (item 3.1)
Ranu Miah - (item 3.1)
PC Mark Perry - (item 3.3)

Objectors In Attendance:

PC Alan Cruickshank - (Item 3.1)
Steve Cousins - (Item 3.1)
Michael Myers - (Item 3.1)
Jon Shapiro - (Item 3.1 & 3.2)
Jessica Wild - (Item 3.2)
Benjamin Burge - (Item 3.3)
Gurnaib Brar - (Item 3.3)
Somesh Dhaka - (Item 3.3)

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 The Grocer, 4 Crispin Square, Crispin Place, London, E1 6DW**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Grocer, 4 Crispin Square, Crispin Place, London E1 6DW. It was noted that there had been objections from local residents and the Metropolitan Police.

At the request of the Chair, Mr James Anderson, Licensing Representative on behalf of the Applicant asked to amend the application to include a 20 minute drinking up time within the hours applied for.

Mr Anderson noted the Cumulative Impact Zone and the remits of the Policy and was aware this was against the introduction of new premises licences. However he explained that there was already an existing premises licence for this venue and therefore was not adding a new premises licence but merely replacing an existing licence.

It was noted that this was a different style of business and not a like for like application as the venue was a currently a restaurant. It was noted the application was for a public house with a strong emphasis on food.

Members were shown maps and photographs of the premises and explained that there would be little change to the plans except for an introduction of a new outside seating area called the northern terrace, having a capacity of 60 seats giving customers more opportunity to sit. He also referred to the noise impact report which considered that there would not be a significant noise impact arising from the change in use.

Members then heard from Mr Ed Turner, Applicant, who explained that he was in the process of applying for planning permission for the change of planning use from a A3 premises to A4 premises and was looking to run a good well managed company. He explained that he had invested a lot of money into the premises and would not want to jeopardise relations with local residents. He explained that It was not an entertainment venue or live music venue but would be selling good drinks and good food, and together with his 19 years of experience in the industry he was confident that it would benefit the community.

At the request of the Chair, PC Alan Cruickshank, Metropolitan Police explained that Crispin Place and the surrounding area was already very busy in terms of licensed premises and if this licence was to be granted it would be the first public house inside the market area. It was noted that pubs attract more people who are specifically there for drinking alcohol although some will also consume food. It was further noted that the saturation policy was intended to reduce the number of vertical drinking establishments in the CIZ. 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 pubs would only compound the problems in the CIZ. This would also give potential rise to crime and disorder and noise nuisance from the seating area outside.

PC Cruickshank's view was to refuse application, however if Members were minded to grant the application, he suggested that conditions be placed on the licence.

Members then heard from Steve Cousins, Michael Myers and Jon Shapiro, local residents who shared similar concerns that another licensed venue in the area would increase anti-social behaviour, attract more young drinkers, increase noise nuisance and public nuisance associated with drinking establishments. It was also noted that the previous landlords had stated that there would be no pubs inside the market area.

In response to Member's questions the following was noted;

- That the reason for the change of planning use from a restaurant to a Pub was because the landlord wanted a variety of venues in the area.
- That the operator had 19 years of experience in this particular trade and altogether had 39 licensed premises across London.
- That there were CCTV cameras inside and outside the premises, that there would be regular training for staff and waste and rubbish would be removed and the area cleared by 11pm each day.
- That there had been no objection from Environmental Health.
- That the closest residential dwelling was directly opposite the premises.
- The current premises licence hours were also noted.

In conclusion Mr Shapiro stated that key issues of objection were that it was within the Saturation Zone and that a new pub licence should not be allowed in the CIZ area.

Mr Anderson concluded that this was an opportunity for the area, a balanced licence with lots of seating making vertical drinking a minimum, that quality drinks would be sold with quality food and envisaged to do all this without causing problems to local residents. He also stated that the Applicant would be happy to work with local residents to help address their concerns.

Members retired to consider their decision at 4.45pm and reconvened at 5.00pm.

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, the Applicant and objections from PC Alan Cruickshank and local residents.

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 the responsible authority.

It was noted that the Police objection related to the premises being in the cumulative impact zone. It was also noted that having regard to paragraph 8.4 of the Licensing Policy, there was a rebuttable presumption in respect of granting an application where a representation is made. Having regard to the hours applied for, the location of the premises and the conditions offered, Members were satisfied that the operation of the premises would not add to the cumulative impact zone.

Members reached a majority decision and the decision was to grant the application with conditions. 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 additional conditions imposed in relation to off sales, restrictions on the use of the outside areas and allowing drinking up time would further help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee –

RESOLVED

That the application for a New Premises Licence for, The Grocer, 4 Crispin Square, Crispin Place London E1 6DW be **GRANTED with conditions**.

Sale of Alcohol (on sales only)

Monday to Saturday from 10:00 hours to 22:30 hours
Sunday from 10:00 hours to 21:30 hours

Hours Premises is open to the Public

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

Sunday from 10:00 hours to 22:00 hours

Conditions

1. There shall be no off sales
2. There shall be no customer use of the northern terrace after 20:00 hours on any day (The northern side is all areas north from the main entrance doors as detailed on the map)
3. There shall be no customer use of the southern terrace after 22:00 hours on any day (The southern side is all areas south from the main entrance doors as detailed on the map)
4. Whenever the premises are open for licensable activities then the following minimum number of seats will be maintained:-
 - a. In the north patio area- 40
 - b. In the south patio area- 60
5. Waiter/waitress service will always be available in the whole of the premises.
6. 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 .

7. An incident log shall be kept at the premises and made available on request to an Authorised Officer of the Local Authority or the Police which will record the following :-
 - a. All crimes reported to the venue.
 - b. All ejections of patrons from both inside and outside the premises.
 - c. Any complaints received concerning crime and disorder.
 - d. Any complaints received from any local residents or

Residents' Association in relation to the premises.

- e. Any faults in the CCTV system.
 - f. Any refusal of the sale of alcohol.
 - g. Any visit by a Responsible Authority.
8. Substantial food will always be available whenever the premises are open to the public.
 9. The premises will if invited to do so meet with the local Residents' Association promptly to discuss any concerns in relation to the operation of the premises.
 10. The Premises Licence Holder and Designated Premises Supervisor will be responsible for training of all staff who have direct dealings with customers on the following :-
 - a. Licensing law and in particular that relating to the sale of alcohol.
 - b. The Challenge 21 Policy.
 - c. The Premises Licence and its conditions.
 - d. The management of the outside areas and how to encourage, if necessary, good and quiet customer behaviour.
 - e. Vigilance in relation to security inside the premises and in particular relating to customers' personal possessions.

This training will be recorded and will be refreshed every 6 months and records will be available to the Authorised Officer of the Council and Police.

11. The Designated Premises Supervisor, management and staff will be responsible for managing the outside areas and if necessary will encourage customers to be respectful of the presence of local residents.
12. Notices reminding customers to be respectful of local residents and to be quiet when leaving the premises will be displayed at the exit of the premises.
13. A Challenge 21 Policy will be operated at the premises in relation to the sale of alcohol.
14. Any music emanating from the premises must not be audible at the nearest affected facade.
15. No music is to be played in the outside area.
16. Loading and unloading shall be restricted to:

Monday to Friday (08:00hrs- 18:00hrs)
Saturday (08:00hrs to 13:00hrs)
Not at all on Sundays and bank holidays.

17. The area outside and around the immediate vicinity of the premises will be cleared and maintained in a clean and satisfactory state.

3.2 Application to Review the Premises Licence for Sweetpoint, 2 Old Montague Street, London, E1 5NG

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Sweetpoint, 2 Old Montague Street, London E1 5NG. It was noted that the review had been triggered by Trading Standards and supported by Licensing Authority, Metropolitan Police and Local Residents.

At the request of the Chair, Mr Ian Moseley, Trading Standards explained that this premise had been subject to a previous review relating to instances of contraband goods being found on the premises, sales of age-restricted goods to underage persons and an observed sale of alcohol to an intoxicated person. As a result of that review the licence was suspended.

It was noted that on 23rd and 24th May 2014 the premises was visited and the Premises Licence Holder (PLH) was found to be in possession of a small amount of contraband tobacco on each occasion. Again on 19th August 2014 officers searched the premises and resulted in the discovery of 6720 cigarettes and 600g of hand rolling tobacco and 3kg of shisha tobacco all contraband and consequently not carrying the legal required warning statements etc.

Mr Moseley stated that it was apparent that the PLH continues to purchase and deal in contraband goods and therefore Trading Standards had no confidence in the management of the premises and are concerned that the PLH would continue to act in defiance of the law and may continue to obtain contraband goods, including both alcohol and tobacco.

Members also heard from PC Alan Cruickshank, Metropolitan Police and Mohshin Ali, Licensing Services who supported the review application and asked Members to note their representations contained in the agenda.

Members also heard from Jessica Wild, from Hopetown Hostel and Jon Shapiro, local resident, who also expressed grave concerns about the management of the premises, selling to extreme vulnerable persons who were often intoxicated and drinks sold on credit and selling to women from the hostel and to known street drinkers in the area.

It was noted that the PLH was not present at the meeting. The Clerk confirmed that the PLH had been sent notification letters and agendas within the prescribed timelines. However, he had emailed to say he wouldn't be attending as he was intending to sell the business. The Licensing Officer had written to him asking him to attend as it related to his premises licence.

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, Trading Standards and all interested parties supporting the review. It was noted that the Premise License Holder was not present at the meeting. Therefore Members noted the written application contained in the agenda and briefly heard representations from the Applicant and interested parties.

Members expressed grave concerns regarding the public nuisance, crime and disorder and anti-social behaviour linked to the premises. Members noted the overwhelming evidence provided by all parties especially by the representative from the local women's hostel.

Members were satisfied that there were no other conditions they could be imposed on the licence to promote the licensing objectives as the mismanagement of the premises was evident. Members believed that the lack of attendance at the meeting showed a lack of confidence in the Premises Licence Holder to uphold the licensing objectives and taking into consideration the objections raised Members unanimously revoked the premises licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premise Licence for Sweet Point, 2 Old Montague Street, London E1 5NG be **GRANTED** with the revocation of the premises licence.

3.3 Application to Review the Premises Licence for SD Retail, 2 Spey Street, London E14 6PZ

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for SD Retail, 2 Spey Street, London E14 6PZ. It was noted that the review was triggered by the Metropolitan Police and supported by the Licensing Authority.

At the request of the Chair PC Mark Perry, Metropolitan Police explained that the Police had received many complaints from residents in and around Spey Street regarding anti-social behaviour caused by large groups of youth who congregated around the shops in Spey Street. He stated that the Police believed that the anti-social behaviour was linked to the off licence at 2 Spey Street. As complaints had been received alleging that the shop sold to those people responsible for the crime and disorder in the area.

It was also noted that a test purchase was conducted and a 15 year old female cadet was sold alcohol, and officers had also observed an intoxicated person being sold alcohol on credit.

It was noted that CCTV footage was not provided at request of a Police Officer, that there was no till roll and therefore no receipts given to customers, which described the nature of how the premises was run. There was little confidence that any further conditions on the licence would help as the shop was a magnet for anti-social behaviour and therefore urged Members to revoke the licence.

Members also heard from Mohshin Ali, Licensing Officer, who supported the review and detailed a list of complaints received against the premises and a number of conditions breached.

Members then heard from Mr Benjamin Burge, Counsel on behalf of the Designated Premises Supervisor, Mr Dhaka, who explained that the premise was a magnet for youth to congregate outside but not the cause of anti-social behaviour.

He explained that the test purchase was an isolated incident of an underage sale and that the employee who had sold the alcohol had been fined and has since been trained in selling alcohol responsibly and assured Members that such conduct would not happen again.

Mr Burge explained that due to the demographic of the area people were limited to what they could purchase due to affordability. He explained that Mr Dhaka has never caused problems and realised that the underage sale should not have happened. It was noted that it was a very small sized shop, had CCTV newly installed and Mr Dhaka would work with the Police to promote the licensing objectives.

Mr Burge concluded that Mr Dhaka accepted the seriousness of the breach of condition and realised the management of the business needed to be

changed and would be happy to accept conditions to assist the shop in promoting the licensing objectives.

In response to questions the following was noted;

- That one full time staff and 1 part time staff worked at the shop.
- That youth have often abused and attacked Mr Dhaka
- Mr Dhaka apologised for the incident and asked Members for another chance to learn from his mistake.
- That Mr Dhaka had taken on instructions and had attended courses and would abide by all conditions.

Members retired to consider their decision at 5.50pm and reconvened at 6.05pm.

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 PC Mark Perry, The Licensing Authority and from the Legal Representative on behalf of the Designated Premises Supervisor.

Members reached a decision and the decision was unanimous. Members noted the number of repeated breaches of the licence where the DPS was found to have been selling to an intoxicated person, not supplying officers with CCTV footage, opening beer bottles for customers and allegations of selling to underage persons. Members were satisfied that there were no other conditions that could be imposed that would help promote the licensing objectives and therefore Members decided to revoke the premises licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for SD Retail, 2 Spey Street London E14 6PZ be **GRANTED** with the revocation of the premises licence.

The meeting ended at 6.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 18 NOVEMBER 2014

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

Members Present:

Councillor Amina Ali (Chair)

Councillor Khaled Uddin Ahmed
Councillor Shah Alam

Other Councillors Present:

Councillor Gulam Kibria Choudhury

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Philip Devonald – (Interim Head of Legal Operations, Law, Probity
and Governance)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Niall McCann - Item 3.1
Uri Dinay - Item 3.1
Mufti Rashid - Item 3.2
Bayejid Chowdhury - Item 3.2
Annabel Graham Paul - Item 3.3
Nurettin Erdogan - Item 3.3
Dogan Dogus - Item 3.3

Objectors In Attendance:

Richard Poole - Item 3.2
Dulal Uddin - Item 3.3
Selim Tahid - Item 3.3
Sheikh Rahman - Item 3.3
Nishma Suchak - Item 3.3
Nizam Uddin - Item 3.3

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 (Pilpel), Unit E, Pavilion Building, Old Spitalfields Market, London E1 6EW**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Pilpel, Unit E, Pavilion Building, Old Spitalfields Market, London E1 6EW. It was noted that an objection had been made by a local resident.

At the request of the Chair, Mr Niall McCann, Licensing Representative on behalf of the Applicant explained that the premise was a small high quality, falafel Middle Eastern takeaway stall. He explained that no additional time was required for drinking up as it was a takeaway premise. It was noted that there were five other Pilpel stalls close by which all had licences.

Mr McCann made reference to the Pilpel branch on Brushfield Street which on average sold 5-6 beers a day. It was noted that only a small percentage of the sales was for alcohol and there was never more than 10/15 bottles of beer sold in a day and this was the same consistency across all the Pilpel kiosks.

It was noted that no responsible authorities had objected to the application except for one local resident and his objection referred to an 11pm licence/closing time. Which was not the case as the application was for a 7pm closing time. It was further noted that the supporting statement on pages 1-2 contained in the supplemental agenda, together with the Applicant's proposed conditions addressed the concerns of the local resident and promoted the licensing objectives.

Mr McCann concluded that the beer that would be sold would be fair trade and organic and that the sale of alcohol would be ancillary to food. That it was a modest application, there had been no complaints, that they would be mainly selling to a business audience and that it was better to regulate a premises with a licence.

Members then briefly heard from PC Brendan O'Rourke, Metropolitan Police who said that he was happy for the proposed condition;

'All sales of alcohol for consumption off the premises shall be in sealed containers only' not be included as part of the conditions.

The Clerk advised that the objector was not present at the meeting and that all correspondences were sent out to him within the prescribed timelines. In the absence of the objector, Members noted and considered the written objection contained within the agenda.

Members retired to consider their decision at 6.45pm and reconvened at 6.48pm.

The Licensing Objectives

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

Consideration

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

Members reached a decision and the decision was unanimous. Members decided to grant the application with conditions offered by the Applicant and those 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, Pilpel, Unit E, Pavilion Building, Old Spitalfields Market, London E1 6EW be **GRANTED with conditions.**

Sale of Alcohol (on and off sales)

Monday to Sunday from 11:00 hours to 19:00 hours

Hours Premises is open to the Public

Monday to Sunday from 11:00 hours to 19:00 hours

Conditions

1. The supply of alcohol at the premises shall only be to a person taking a meal there and for consumption by such a person as ancillary to their meal
2. A direct telephone number for members of management at the premises shall be made available to local residents associations and to any person wishing to comment on the operation of the premises.
3. Install and maintain CCTV
4. 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.
5. (one camera to be placed outside the entrance and one camera on entry)
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
7. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
8. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
9. A proof of age scheme, such as Challenge 21, 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.
10. An incident log 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 complaints received
 - d. Any incidents of disorder

- e. Seizures of drugs or offensive weapons
- f. Any faults in the CCTV system or searching equipment or scanning equipment
- g. Any refusal of the sale of alcohol
- h. Any visit by a relevant authority or emergency service.

11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

3.2 Application for a premises licence for Grill Villa - 226 Mile End Road, London, E1 4LJ

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Grill Villa, 226 Mile End Road, London E1 4LJ. It was noted that objections had been made by local residents.

At the request of the Chair, Mr Mufti Rashid, Licensing Representative on behalf of the Applicant briefly stated that the application was only for the provision of late night refreshments, that there was only two objections made, and that the advert was published on the East London Advertiser on 25th September 2014. He stated that the concerns raised by the residents were general concerns which related to all the food outlets in the area. Mr Rashid stated that Mile End Road had ample parking available in the early hours of the morning and therefore residential streets would not be used.

Members then heard from Mr Richard Poole, local resident who expressed concerns of anti-social behaviour, litter, noise nuisance, and public nuisance. He stated that a 2am closing time was too late especially for a residential area. He explained that cars parked outside his house, causing noise and public nuisance, eating food, throwing litter on the streets, and were often abusive towards him and other residents. He suggested that there should be a reduction in the time applied for especially during the weekdays, that notices should be displayed asking customers to respect the needs of local residents and not to litter on the streets and not to allow customers entry half an hour before closing time.

In response to questions the following was noted;

- The opening hours for other licensed premises in the area especially the fast food premises.
- That the Applicant wanted later opening hours in order to compete with local business and that the main busy period was between the hours of 10pm to 2am.
- That as a result of more late night premises there was more anti-social behaviour, litter and public nuisance in the area.

Members retired to consider their decision at 7.00pm and reconvened at 7.10pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the evidence submitted by both the Objector and the Applicant's Representative.

It was noted that the objections were general in nature and Members were very aware of the problems in the area as well as the types of premises that cause a problem. Members were sympathetic towards the types of public nuisance associated with late night food establishments and therefore Members considered it appropriate to reduce the hours applied for to keep in line with other local premises in the area and imposed conditions to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Grill Villa, 226 Mile End Road, London E1 4LJ be **GRANTED** with conditions.

The Provision of Late Night Refreshments

Monday to Sunday from 23:00 hours to 01:00 hours (the following day)

Hours premises is open to the public

Monday to Sunday from 10:00 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 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 premise is open, a person who can operate the CCTV system must be present on the premises.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. Last orders to be placed by 00:30 hours.

3.3 Application for a New Premises Licence for Lions Express, 121-123 Poplar High Street, London, E14 0AE

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Lions Express, 121-123 Poplar High Street, London E14 0AE. It was noted that objections had been made by local residents and local businesses.

At the request of the Chair, Ms Annabel Graham Paul, Counsel on behalf of the Applicant explained that this was an application for a new licence for the sale of alcohol. She referred to page 17 of the supplemental agenda which contained a statement from the Applicant detailing his experience in retail, his the proposed business plan etc. She explained that in light of the representations the Applicant was willing to cease the sale of alcohol at 11pm 7 days a week which would go far in helping address the concerns raised by the objectors. She highlighted the Applicant's experience, and explained that he owned another off licence in the borough, with no incidents to date, that he was a responsible operator and had recently had a successful test purchase conducted at the premises. It was also noted that there had been no representations from responsible authorities.

Ms Paul further explained that the hours now applied for were in line with the hours for Poplar Wines and Tesco which both had licences till 11pm. Therefore the hours were not anti-social hours but the same as the other licensed premises in the area. It was noted that it was a convenient store selling groceries, confectionary etc and would only have 15-20% floor space for the display of alcohol.

Ms Paul concluded that the written objections were identical and mainly from business rivals who had a commercial interest in this application and therefore due weight should be given to those representations. She stated that there were no incidents of crime and disorder linked to the premises, that there would be CCTV cameras in operation, and the Applicant would promote the licensing objectives.

Members then heard from Mr Dulal Uddin, representing Perfect Fried Chicken, Mr Nizam Uddin representing St Matthias Centre and Ms Nishma Suchak representing Poplar Mini Market, who expressed similar concerns of an increase in anti-social behaviour as a result of another licensed premises, concerns that there would be underage sales, an increase in drug and alcohol

abuse, gang violence, more intoxicated persons sitting outside St Matthias Centre intimidating senior citizens, young families, residents and worshippers of the Church and Mosque. There was also emphasis that the premises would influence college students in purchasing and consuming alcohol.

There were also concerns that it would affect local businesses financially, as they generally felt that there were too many businesses in the area and not enough people especially more so now with the Tesco store open.

In response to questions the following was noted;

- That residents had complained to police, however, they had not objected to the application.
- That the premise was approximately 30sq feet and would be using 15-20% floor space for the display of alcohol.
- That they would be selling both single cans and multipacks of beers and lager.
- That the introduction of new businesses would cause a financial loss to existing businesses.
- That the premises was opposite the Tower Hamlets College
- That a previous test purchase made at the Applicants other premises was unsuccessful.

Members retired to consider their decision at 8.15pm and reconvened at 8.30pm.

Members suggested that Licensing Services monitor the premises and also conduct test purchases from time to time to monitor the operation and management of the business.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the evidence submitted by the Applicant and the Objectors and heard representations from all interested parties.

Members sympathised with the objectors and their general concerns of public nuisance and anti-social behaviour in the area but this could not be linked specifically to the premises. Members, acknowledged the Applicants proposal to amend the application and reduce the hours for sale of alcohol to 23:00 hours.

Members did have concerns that issues of ASB and public nuisance could increase as result of another licenced premises and to mitigate this Members considered it appropriate to reduce the terminal hour for the sale of alcohol to 11pm and add conditions. Some of the main concerns raised were regarding underage sales and the fear of selling alcohol to college students therefore Members decided to add the condition to operate a Challenge 25 Policy which would help promote the licensing objectives and would help address the concerns of the objectors.

Decision

Accordingly, the Sub-Committee made a majority decision and –

RESOLVED

That the application for a New Premises Licence for Lions Express, 121-123 Poplar High Street, London E14 0AE be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

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

Hours premises are open to the public

Monday to Sunday from 07:00 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 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 premise is open, a person who can operate the CCTV system must be present on the premises.
4. The premises licence holder shall ensure that a Challenge 25 policy is operated at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card. The premise licence holder shall ensure that notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 25' or similar scheme operates in the premises.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.30 p.m.

Chair, Councillor Amina Ali
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	16 December 2014	Unclassified	LSC 55/145	

Report of : David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for a New Premises Licence for The Looe, 82A Commercial Street, London, E1 6LY.
Originating Officer: Alexander Lisowski Licensing Officer	Ward affected: Spitalfields & Banglatown

1.0 Summary

Applicant: **Mr Joseph Debono**

Name and Address of Premises: **The Looe
82A Commercial Street
London, E1 6LY**

Licence sought: **Licensing Act 2003 New Premises Licence
For the On and Off-Sale of Alcohol**

Objectors: **Metropolitan 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

Alexander Lisowski
020 7364 7446

3.0 **Background**

- 3.1 This is an application for a new premises licence, for the on and off sale of alcohol, at The Loove, 82A Commercial Street, London, E1 6LY.

The venue is within the Brick Lane Cumulative Impact Zone.

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

The hours applied for are:

The On and Off Sale of Alcohol

Monday to Sunday, 11.00am to 23.00pm.

Hours Premises are Open to the Public

Monday to Sunday, 08.00am to 23.30pm

- 3.3 Maps showing the relevant premises are 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 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 the following:
Local Residents
Local Businesses
See Appendices 4-29

All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust
- 5.9 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

The Police and local residents on the grounds of
Crime and Disorder
The Prevention of Public Nuisance

- 5.10 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.
- 5.11 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 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 sell 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 The venue is within the Brick Lane Cumulative Impact Zone. **See Appendix 30.**

6.9 In **Appendices 30-34** 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 for a new premises licence.
- Appendix 2** Maps of the area around the venue.
- Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.
- Appendix 4** Representations of PC Cruickshank, Metropolitan Police.
- Appendix 5** Petition from local residents.
- Appendix 6** Representations of Dr. Kate Aspinall.
- Appendix 7** Representations of AleksBojovic and Aleksandra Stipanovich.
- Appendix 8** Representations of Rene'eCleovoulou.
- Appendix 9** Representations of John and Sandy Critchley.
- Appendix 10** Representations of Tracey Emin CBE, RA.
- Appendix 11** Representations of Joyce Fenton Douglas.
- Appendix 12** Representations of Carolyn Fuest.
- Appendix 13** Representations of David Gadd and Frank Picard.
- Appendix 14** Representations of Charles Gledhill and Marianna Kennedy.
- Appendix 15** Representations of Margaret Gordon, Chairman, St Georges Residents' Association, Spitalfields.
- Appendix 16** Representations of Nora Heard.
- Appendix 17** Representations of Glenn Leeder.
- Appendix 18** Representations of Dr Maria Lenn.
- Appendix 19** Representations of Barra Little.
- Appendix 20** Representations of Conor McLernon.
- Appendix 21** Representations of Glen Mifsud.

- Appendix 22** Representations of Selina Mifsud, Spitalfields Community Group.
- Appendix 23** Representations of Michael Myers.
- Appendix 24** Representations of Matt Piper.
- Appendix 25** Representations of Andy Rider, Rector and PCC of Christ Church, Spitalfields.
- Appendix 26** Representations of Karen Seward.
- Appendix 27** Representations of Jon Shapiro.
- Appendix 28** Representations of Paul Shearer.
- Appendix 29** Representations of Nick Shiren.
- Appendix 30** Information on the Brick Lane Cumulative Impact Zone.
- Appendix 31** Licensing officer comments on anti-social behaviour on the premises.
- Appendix 32** Licensing officer comments on anti-social behaviour by patrons leaving the premises.
- Appendix 33** Access and egress problems.
- Appendix 34** Planning.
- Appendix 35** Licensing Policy relating to hours of trading.

Appendix 1

Section 1 of 19

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	The Loove	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? <input checked="" type="radio"/> Yes <input type="radio"/> 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	Joseph	
* Family name	Debono	
* E-mail	[REDACTED]	
Main telephone number	[REDACTED]	Include country code.
Other telephone number		
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		

Is the applicant:

<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader <input type="radio"/> Applying as an individual	A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.
--	--

Applicant Business

* Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	
* Registration number	8203451	
* Business name	DRS Caterers Ltd	If the applicant's business is registered, use its registered name.
* VAT number	- 58676670	Put "none" if the applicant is not registered for VAT.
* Legal status	Private Limited Company	

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

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

A private individual acting as an agent

Agent Business

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

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

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

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent 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.

The 'Loove' occupies the street level and lower ground floor of former public conveniences in Commercial Street, London E1. The premises will operate at street level with three gazebos and seating areas providing premium quality street food. The lower ground floor will continue the food theme but be run as a wine bar/art gallery. The business will operate within the hours of 0800 and 2300hrs daily, with alcohol being sold from 1100hrs and the premises closing to the public at 2330hrs.

'Off sales' is sought to allow customers to purchase alcohol for consumption at home, to remove unfinished alcoholic products from the premises purchased with their meal or allow the flexibility of delivery services in association with food. Such off sales will not be allowed to leave the property in open vessels or containers.

Continued from previous page...

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 19

ADULT ENTERTAINMENT

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

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

NIL

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

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

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

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

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

The DPS, management and staff are mindful of the cumulative impact concerns of the area and will constantly assess any risks to the licensing objectives. They will work in partnership with authorities and local people alike in this respect. The staff will be properly authorised, trained and motivated in this task. There will be:

- A notice of 'authority' record for all staff who sell alcohol
- Adequate training for staff and records kept for inspection
- Contact details of the Designated Premises Supervisor available to staff and the authorities

b) The prevention of crime and disorder

The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder and neither creates nor contributes to crime and disorder. This will include:

- Staffing levels maintained at an appropriate level to ensure adequate security.
- Staff being trained on all security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.
- Alcohol will not be allowed to leave the premises in open bottles or containers.
- A policy of zero-tolerance to drugs at the premises

Continued from previous page...

c) Public safety

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to. The policy will include:

- Ensuring that the entrance and any walkways within the premises are kept free from obstruction
- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff

d) The prevention of public nuisance

The DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:

- The premises and public areas nearby are kept free from litter associated with the operation of the business
- Any noise, vibrations, smells, light pollution and any other potential nuisance is monitored and kept to an acceptable level
- Notices will be displayed asking customers to be considerate of neighbours when they leave the premises
- Deliveries and waste removal are undertaken at a time that does not cause disturbance

e) The protection of children from harm

The premises will be promoted as family friendly and suitable for all ages. There will be no inappropriate promotions, activities or behaviour tolerated at the premises that might put children at risk. There will be an effective age verification policy in accordance with the mandatory code. This policy will be one of Challenge 21 for age-restricted products and include:

- The display of notices relating to the policy within the premises.
- These notices will indicate that any customer not appearing to have reached the age of 21 will be required to produce appropriate identification proving that they have turned 18 before being served.
- Appropriate ID will be a passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.
- Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 21 policy.
- Staff training will occur before a staff member is authorised to sell alcohol within the premises.
- Staff training records will be available for inspection by the police or other responsible authority upon request.

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 the local authority. If, however, the licence also authorises the use of

Continued from previous page...

the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required. Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

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

Michael Nickson

* Capacity

Authorised Agent for Applicant

* Date

27 / 09 / 2014
dd mm yyyy

Add another signatory

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.

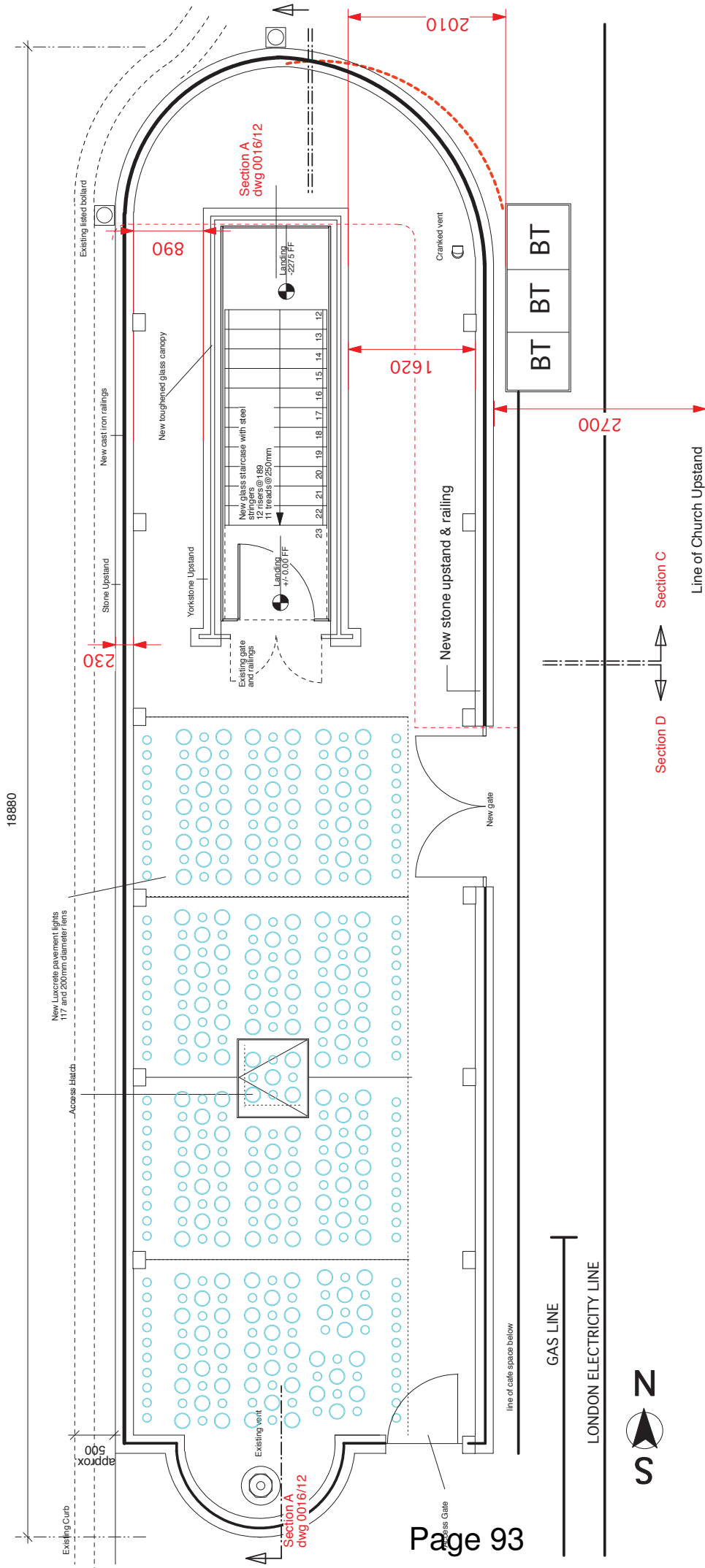
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="The Loove"/>
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"/>

[< Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [Next >](#)

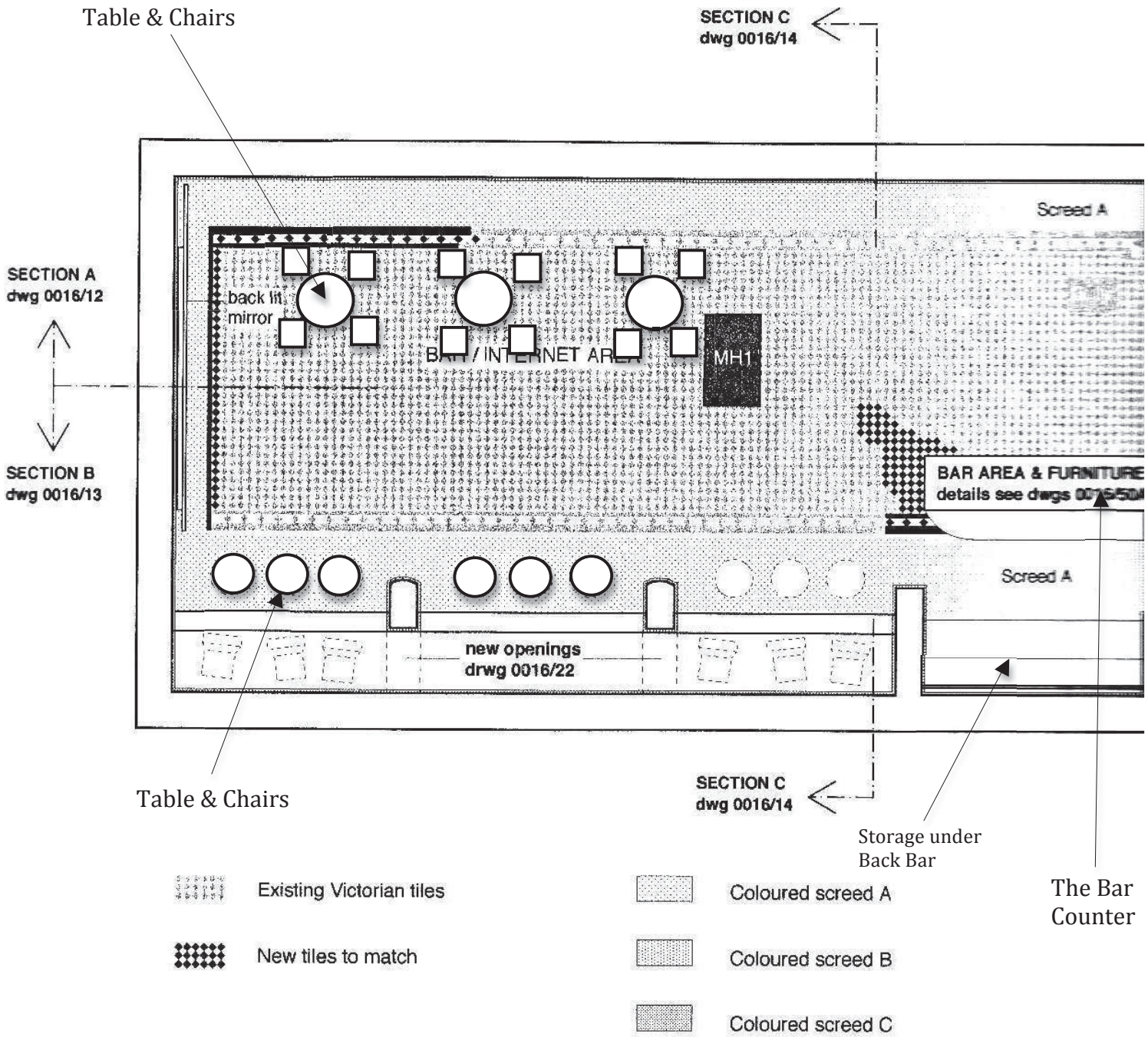
Section D
Section C



GROUND LEVEL

JOB NO. 16	JOB TITLE PUBLIC LIFE	SCALE 1:50 @ A3	DRAWN BY NB
	CLIENT RASHID QUADI		ISSUE
DRAWING TITLE PROPOSED PLANS Ground Floor		DATE 27.07.10	DRAWING NO. 0016/10E
UNIT 668 2 OLD BROMPTON RD. LONDON SW7 3QX t: 0207-306-3342 e: info@rabotat.net		RABOTAT	

The Loove - Lower Level - 15.24m x 4.88m



2nd floor
 architecture and urbanism
 2 - 8 scrutton street . london EC2A 4RJ
 T 0044 (0)171 247 0993
 F 0044 (0)171 247 9935

notes:

Do not scale off this drawing.
 All dimensions to be checked by the Contractor before construction proceeds.
 © 2nd floor a+u

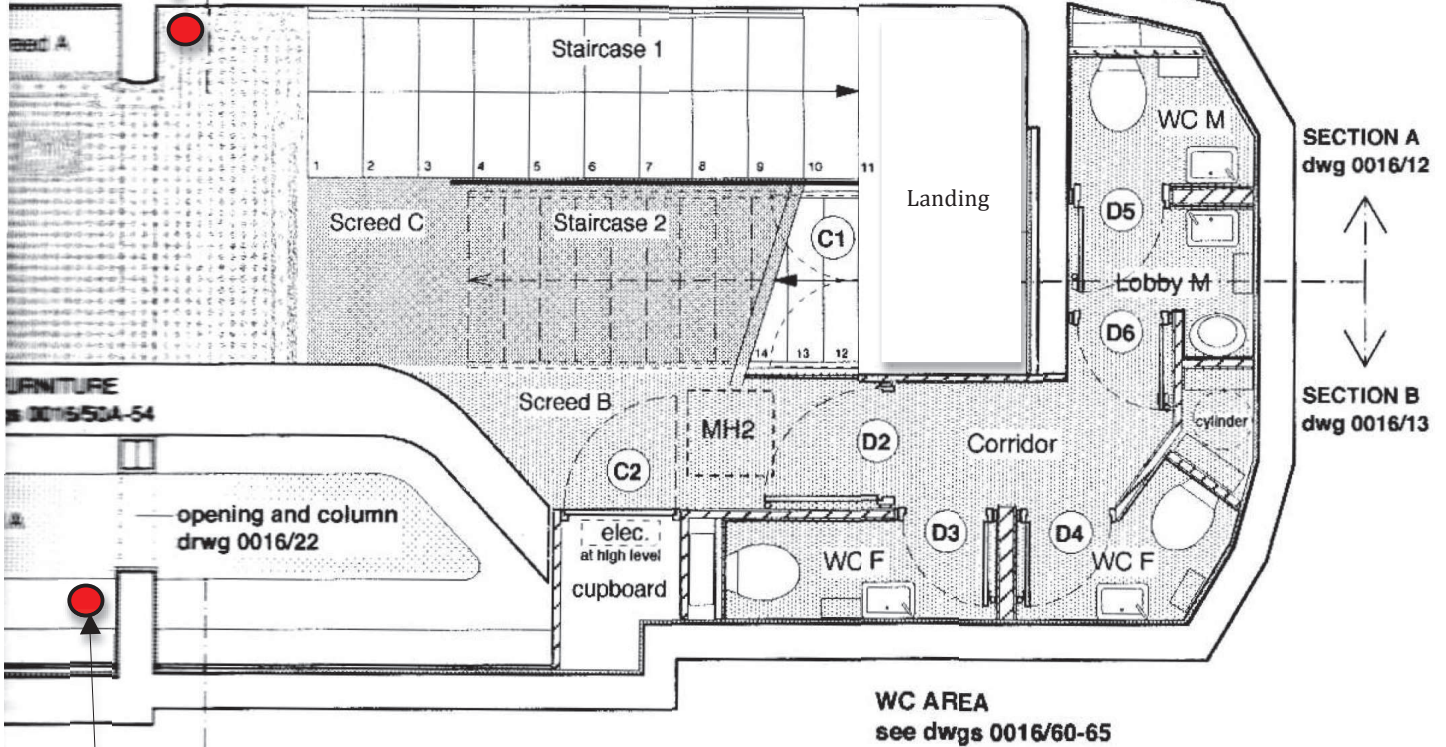
issue:

Foam AFFF Fire Extinguisher

SECTION D
dwg 0016/14

STAIRCASES + ENCLOSURE details
see dwgs 0016/30-39

staircases + landing to be finished in Screed C throughout



SECTION A
dwg 0016/12

SECTION B
dwg 0016/13

opening and column
dwg 0016/22

WC AREA
see dwgs 0016/60-65

SECTION D
dwg 0016/14

CO2 Fire Extinguisher

For WALL FINISHES - see dwgs 0016/12, 13, 14

PRELIMINARY

scale: 1:50

drwn: MM

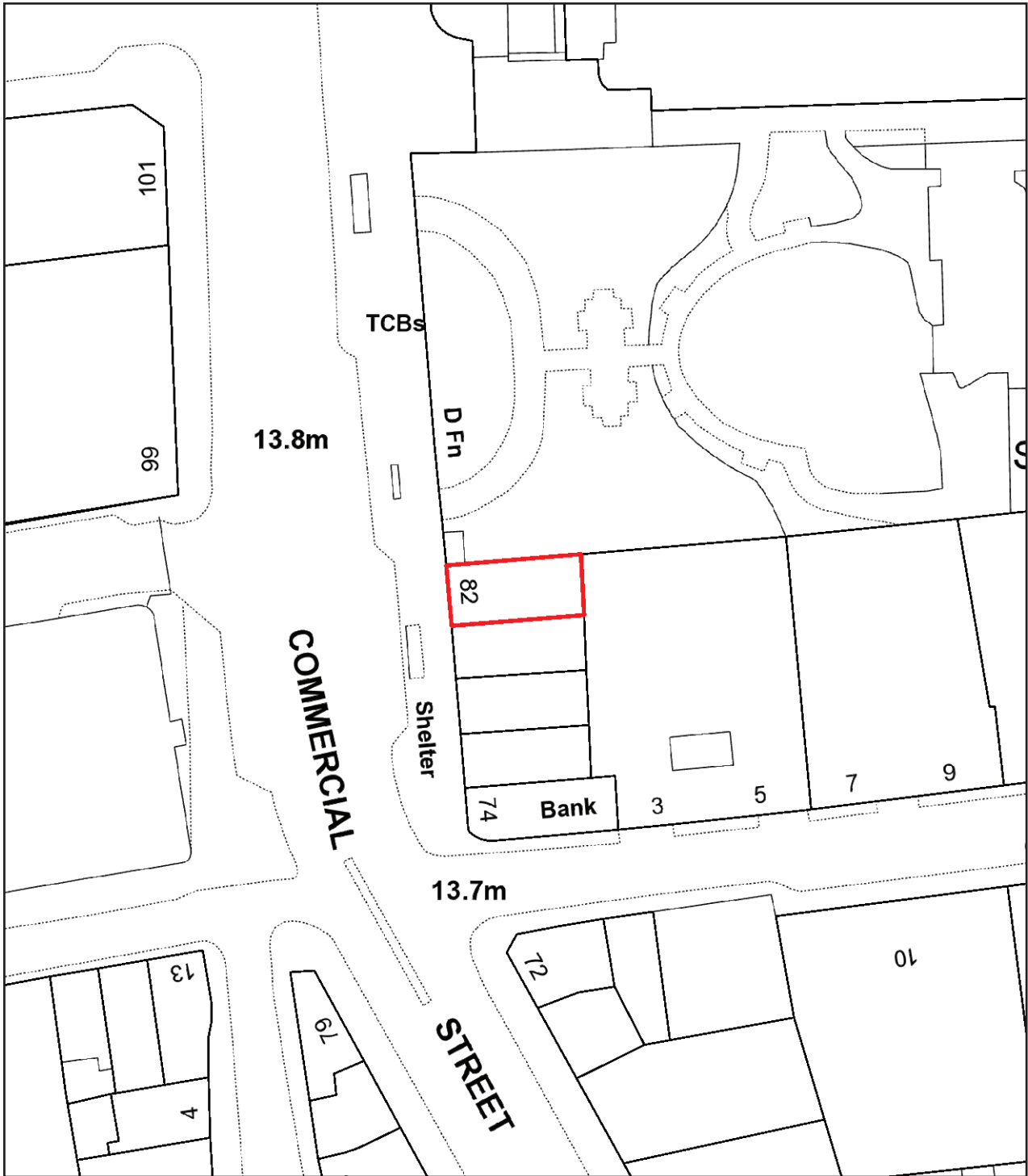
date: 19.8.99

title: Strike: Digital Gallery

GA Bar Floor Plan

dwg no: 0016 / **11K**

Appendix 2

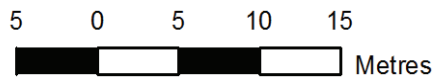


The Looe

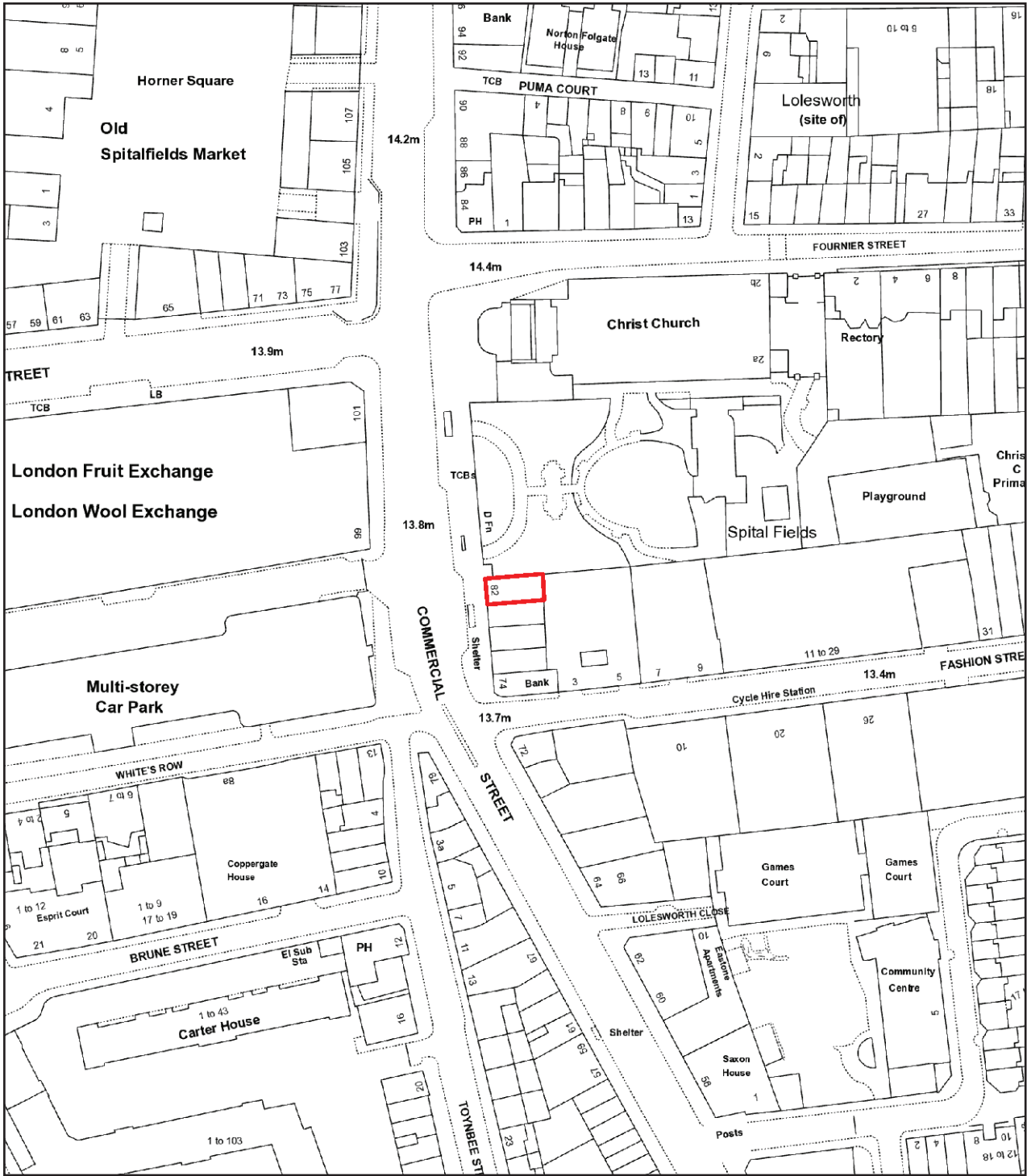
on the pavement above No. 82



Scale 1:572



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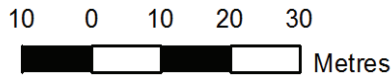


The Looove

on the pavement above No. 82



Scale 1:1334



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Appendix 3

Section 182 Advice by the Home Office

Updated October 2010

Relevant, vexatious and frivolous representations

- 9.8 A representation would only be “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 businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. 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, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the Home Office website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.
- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving 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 subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.12 The Home Secretary recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 4

LBTH Licensing

Toby Club
Vawdrey Close
E1 4AU

HT - Tower Hamlets Borough

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

Telephone: 0207 275 4911

Facsimile:

Email:

[REDACTED]
k

www.met.police.uk

Your ref:

Our ref:

3 November 2014

Dear Mr McCrohan

Re: Application for a premises licence

82a Commercial Street, E1 6LY

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

I understand that every new application has to be viewed individually but the venue is still leased by the same man who was arrested at the time after a warrant was executed at the venue on the 18th December 2011

It is very unfortunate for the new applicant, as every new application will be viewed with scepticism by local residents who lives were blighted by the previous licence.

As you will hear tonight, their living conditions have been greatly improved by the closure of this venue.

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

Monday - Sunday: 1100 -2300

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

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

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

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

The premises also falls within the 'Shoreditch Triangle', which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards

(Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

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

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

The hours applied for falls into the above peak hours.

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

The plan I believe is only to have the ground floor outside area as a food court. Littering had been a problem in the past and I can foresee this occurring again. This venue is only yards away from a church and a small garden area.

The use of the outside area has great potential for ASB. Is there sufficient control to prevent alcohol being consumed here and with people under the influence of alcohol they may well be disorderly or simply too loud for their surroundings. People may be contained in the area but it does not stop noise travelling.

The applicant has applied for alcohol hours of 1100 - 2300. These are traditional pub hours and I would be concerned that this would slowly become a pub.

I am also concerned that the applicant has asked for both on and off sales. My concern would be that people would take their alcohol into the nearby park and potentially commit ASB.

With the same owner still having some sort of control over the venue, I ask the committee to refuse this application.

However, if they are to consider granting a licence, I would ask them to consider the following:

1. As the “premises will be promoted as a family friendly and suitable for all ages”: alcohol hours to be restricted from 1130 - 2000, all week.

2. No off sales

Conditions

3. 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,

(Can cameras be placed on street level eating area, on entry and to cover basement area.)

4. No karaoke
5. No promoted events
6. No DJs
7. An incident / refusal books
- 8 A drugs policy agreed with Tower Hamlets Police Licensing Unit
9. No alcohol to be consumed on street level

Alan Cruickshank PC 189HT

Appendix 5

Petition to OBJECT to Licensing Application for 82a Commercial Street E1 (“Public Life”)

<p>Petition summary and background</p>	<p>The premises remains in the hands of the previous owner and manager. As Public Life, the underground nightclub was a major source of ASB and nuisance in the community, and had its licence revoked in January 2012 following a successful police drugs raid. In the course of this raid the owner was one of the 11 people arrested. Closure created a safer, less intimidating neighbourhood.</p> <p>We feel the premises should never regain an alcohol licence for the following reasons:</p> <ul style="list-style-type: none"> - the underground space means it is difficult to ensure licensing objectives are being met - its single entry/exit increases fire risk - its lack of soundproofing means noise nuisance is inevitable - its location in front of Christ Church makes it an inappropriate venue for drunk and disorderly behaviour - the premises has a longstanding association with drug taking and selling, a problem which continues to blight the local community <p>The site is within LBTH’s Cumulative Impact Zone. This policy recognises the negative impact on the quality of lives of those living and working within the designated area; in accordance with this the application should be refused.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, OBJECT to the licensing application submitted for 82a Commercial Street E1 6LY, and urge LBTH to REJECT it.</p>

Printed Name	Signature	Comment	Date
ROSEMARY ARCHER			06 Nov 14
DANNA BURTON			26 Nov 14

Petition to OBJECT to Licensing Application for 82a Commercial Street E1 ("Public Life")

<p>Petition summary and background</p>	<p>The premises remains in the hands of the previous owner and manager. As Public Life, the underground nightclub was a major source of ASB and nuisance in the community, and had its licence revoked in January 2012 following a successful police drugs raid. In the course of this raid the owner was one of the 11 people arrested. Closure created a safer, less intimidating neighbourhood.</p> <p>We feel the premises should never regain an alcohol licence for the following reasons:</p> <ul style="list-style-type: none"> - the underground space means it is difficult to ensure licensing objectives are being met - its single entry/exit increases fire risk - its lack of soundproofing means noise nuisance is inevitable - its location in front of Christ Church makes it an inappropriate venue for drunk and disorderly behaviour - the premises has a longstanding association with drug taking and selling, a problem which continues to blight the local community <p>The site is within LBTH's Cumulative Impact Zone. This policy recognises the negative impact on the quality of lives of those living and working within the designated area; in accordance with this the application should be refused.</p>		
<p>Action petitioned for</p>	<p>We, the undersigned, OBJECT to the licensing application submitted for 82a Commercial Street E1 6LY, and urge LBTH to REJECT it.</p>		

Printed Name	Signature	Address	Comment	Date
V. LICORISH	[Redacted]	[Redacted]		6/11/14
P. Shearer	[Redacted]	[Redacted]		6/11/14

Printed Name		Comment	Date
MARLYNNE MORSE			6.11.14
Sally Hill			11
Claire Johnston			11
Ben Ward			11
Mae COSTER			11
Juliet McKee			11
Sarah Cuthbert			11
Joan Biverton			11
R. CLEVOUILLON			11
DAVID STEGEMANN			11
GREG KRIPPES			11
R. CIRACCI			12
J. GOMMERS			11
A. H. WINTERT			11

Printed Name
S. SCOTT I
N. BETHUNE
P. JONES
R. WHEELER
H. P. A. W. I
K. McCaffrey



Comment	Date
	6.11.14
	"
	"
	"
	"
noisy	6.11.14

Petition to OBJECT to Licensing Application for 82a Commercial Street E1 ("Public Life")

<p>Petition summary and background</p>	<p>The premises remains in the hands of the previous owner and manager. As Public Life, the underground nightclub was a major source of ASB and nuisance in the community, and had its licence revoked in January 2012 following a successful police drugs raid. In the course of this raid the owner was one of the 11 people arrested. Closure created a safer, less intimidating neighbourhood.</p> <p>We feel the premises should never regain an alcohol licence for the following reasons:</p> <ul style="list-style-type: none"> - the underground space means it is difficult to ensure licensing objectives are being met - its single entry/exit increases fire risk - its lack of soundproofing means noise nuisance is inevitable - its location in front of Christ Church makes it an inappropriate venue for drunk and disorderly behaviour - the premises has a longstanding association with drug taking and selling, a problem which continues to blight the local community <p>The site is within LBTH's Cumulative Impact Zone. This policy recognises the negative impact on the quality of lives of those living and working within the designated area; in accordance with this the application should be refused.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, OBJECT to the licensing application submitted for 82a Commercial Street E1 6LY, and urge LBTH to REJECT it.</p>

Printed Name		Comment	Date
J. J. MIFSUDD		Should NEVER regain a licence	4.11.14
M MYERS		Do not grant licence	4.11.14

Printed Name	Comment	Date
M. GORDON.		4/11/2014
M. DONAGHAN		
G. MIFUO	FIRE ASST Public nuis Ance	4/11/14
L. GORDON		4/11/2014
DAVID DONOFF	A dangerous & Unstable site	4/11/2014
Tom SWAPRO		4.11.14
Peter Boissac		5.11.14
PETER SINDEN		5.11.14
MATTHEW PIPER		5/11/14
VIOLA PIRER		8/11/14
PAUL VANDERKIP	AMBS VENDOR!	5.11.14
Pete Garrett		5.11.14
CHARLENE DEWET		5.11.14
Carole Bonifas		5/11/14

Printed Name	Signature	Address	Comment	Date
NORA HEARD				5/11/14
MARIA LEANN				5/14/14
ANASTAS MURRAY				5/11/14
PAUL B. HILL				5/11/14
Sam, Eric Graham				5/11/14
Toby Brown				5/11/14
Richard Scantlebury				5/11/14
Jason Derwin				5/11/14
O Godart-Brown				5/11/14
OWEN EVANS				5/11/14
HELEN BARKER				5/11/14
DAVID WOOD				5/11/14
PAUL PICKARD				5/11/14
TONIA ATKINS				6/11/14

Appendix 6

Alex Lisowski

From: [REDACTED]
Sent: 01 November 2014 07:17
To: Alex Lisowski; Licensing
Cc: Alan.D.Cruickshank [REDACTED]
Subject: Objections to re-licensing of 82a Commercial Street

Dear Alex,

I am writing to convey my objections to the re-licensing of 82a Commercial Street - the premises once known as Public Life, which I understand remains under the same ownership.

I oppose its re-licensing, especially the regaining of the alcohol licence because of the premises's longstanding association with drug taking and selling - a problem that still persists in the area - as well as late night drinking in this location contributing to noise and antisocial behaviour.

I would like the re-licensing to be refused especially because it lies within the LBTH's Cumulative Impact Zone for alcohol saturation, which recognises the negative impact on the quality of lives of those living and working within the designated area.

Please do not make my name and details public.

Regards,
Kate

--

Dr Kate Aspinall
Independent Art Historian
/ Consultant

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Appendix 7

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 21 October 2014 09:22
To: Alex Lisowski
Subject: FW: Objection to license application at 82a Commercial Street E1 6LY

From: Alan.D.Cruickshank@met.pnn.police.uk [mailto:Alan.D.Cruickshank@met.pnn.police.uk]
Sent: 21 October 2014 09:06
To: [REDACTED]
Cc: Licensing
Subject: Objection to license application at 82a Commercial Street E1 6LY

Hi Aleks

I have forwarded this to Tower Hamlets Licensing who will log your representation and inform you of the date of the hearing

Best wishes

Alan

From: Aleks Bojovic [REDACTED]
Sent: 21 October 2014 08:25
To: Cruickshank Alan D - HT
Subject: Re: Objection to license application at 82a Commercial Street E1 6LY

Hi Alan,

I would like to object to the license based on all of the objectives listed.

I object based on the prevention of crime and disorder because that location was associated with criminal activities in the past and if the premises is used for similar purposes (selling alcohol, etc), it is likely that similar illegal activities could happen again.

I object based on prevention of public nuisance because of similar reasons.

I also object based on public safety and prevention of children from harm. Again, the fact that this premises is underground makes it difficult to monitor illegal activities and other nuisances like binge drinking. Then once the patrons emerge, they are a nuisance and also pose a safety risk to locals in the area, especially children. This venue is outside a church and should be in keeping with the area, that is it should be more family friendly.

This venue has a very negative history. A simple twitter search will show that even today people still refer to the "infamous public life". Everything should be done to prevent a similar "infamous" venue from being established here again. The property should be turned into something more suitable to the area/not a nuisance.

Thank you,
Aleks

Sent from my iPhone

On 21 Oct 2014, at 08:11, <Alan.D.Cruickshank@met.pnn.police.uk> wrote:

Hi Aleksandra

You need to give a reason why you are objecting based on one or more of the following licensing objectives.

1. Prevention of crime and disorder
2. Prevention of public nuisance
3. Protection of children from harm
4. Public safety

Best wishes

Alan

From: Aleks Bojovic [REDACTED]
Sent: 20 October 2014 21:43
To: Alex.Lisowski@towerhamlets.gov.uk; licensing@towerhamlets.gov.uk
Cc: Cruickshank Alan D - HT
Subject: Objection to license application at 82a Commercial Street E1 6LY

Hello,

I would like to object to the license application at 82a Commercial Street E1 6LY (formerly Public Life).

My details are as follows:

Aleksandra Stipanovich
[REDACTED]
[REDACTED]
[REDACTED]

Kind regards,
Aleksandra Stipanovich

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

Appendix 8

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 21 October 2014 09:45
To: Alex Lisowski
Subject: FW: OBJECT to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

From: Rene'e Cleovoulou [REDACTED]
Sent: 21 October 2014 09:34
To: Alex Lisowski; Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk
Subject: OBJECT to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

To whom it may concern.

I would like to object to the alcohol licence application at 82a Commercial Street. As a resident and business I am well aware of the noise and disorderly behaviour caused when these premises previously had an alcohol licence.

The historical adjoining streets should be protected but it is exactly those streets that are effected. We already have too many local alcohol outlets which do not have the toilet facilities to cater for their customers and I personally am sick and tired of my home and business front door being used as a local urination spot.

Thanks.

Rene'e Cleovoulou
Aesthetic Dermatologist



M | 07961180949
Appointment Times | Mon-Sat 10am-7pm



Appendix 9

Alex Lisowski

From: Critchley [REDACTED]
Sent: 04 November 2014 09:11
To: Alex Lisowski; Licensing
Cc: Alan.D.Cruickshank@met.police.uk; 'Critchley'
Subject: 82A Commercial Street, London E1 6LY - new licensing application (Public Life)

Dear Licensing Committee,

We are writing to express our strong opposition to the new licence application for provision of alcohol and takeaway food which has been submitted to the London Borough of Tower Hamlets for the premises known as Public Life at 82A Commercial Street. The premises remain in the hands of the previous owner and manager.

As "Public Life", the underground nightclub was a major source of anti-social behaviour and nuisance in our community. The premises eventually had their licence revoked in January 2012 following numerous complaints from local residents and groups, and a police raid in the course of which 11 people were arrested for drugs-related and other offences.

It is our view that revocation of the licence and closure of the premises created a safer, less intimidating, more pleasant neighbourhood.

Our grounds for opposing the application are:

the anti-social behaviour in the area associated with alcohol sales and late night drinking has repeatedly been recorded and you will be well-aware of it - noise, vomiting and urination on or around households' front doorsteps. These premises abut a residential area and children will be affected;

the premises have a longstanding association with drug-taking and selling; drugs are a problem that continues to blight the local community;

we believe that the previous owner and manager have shown themselves to be unfit to hold an alcohol licence;

and the premises are within the Borough's Cumulative Impact Zone for alcohol saturation. This saturation policy recognises the negative impact of such premises on the quality of lives of those living and working within the designated area. The zone's saturation policy should be respected.

For all those reasons we urge the Licensing Committee to refuse this application.

Yours sincerely,

John and Sandy Critchley
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 10

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 07 November 2014 16:09
To: Alex Lisowski
Subject: FW: Objection re License Application at 82a Commercial Street, E1 6LY

Importance: High

From: Natasha Jarman [REDACTED]
Sent: 07 November 2014 16:08
To: Alex Lisowski
Cc: Licensing; alan.d.cruickshank@met.pnn.police.uk
Subject: Objection re License Application at 82a Commercial Street, E1 6LY
Importance: High

Dear LBTH Licensing,

I am writing to object regarding the above application for a licence at 82a Commercial Street, also known as 'Public Life'.

I feel that this application is extremely inappropriate for the area as the community already endures a lot of drinking activity that spills onto the streets and the granting of a licence in this instance would only encourage more of the same. It is also inappropriate outside of a Grade I listed church and is really not very nice for any funerals, weddings and other services taking place.

The granting of this licence would continue to encourage the drug taking and selling in the Spitalfields area and indeed the premises has had a longstanding association with this major problem, which clearly affects the general community.

Before, when Public Life was in action you could hear the noise throughout the night echoing around Spitalfields. It wasn't cool.

Since the bar has been closed the surrounding environment has been very much improved with less noise disruption and anti social behaviour. I fear that if a new licence were granted this would have completely the opposite effect.

Yours faithfully,

Tracey Emin CBE, RA

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 11

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 04 November 2014 08:41
To: Alex Lisowski
Subject: FW: OBJECTION to license application 82a Commercial Street

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

From: Joyce Fenton-Douglas [REDACTED]
Sent: 03 November 2014 17:39
To: Alex Lisowski; Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk
Subject: OBJECTION to license application 82a Commercial Street

To: Alex Lisowski, Tower Hamlets Licensing

OBJECTION to the application from 82a Commercial Street, for a license for a bar below ground with food stalls above, together with off sales, 7 days a week. Opening hours are proposed to be 08.00 – 23.30 daily, with alcohol served from 11.00 daily.

I understand that these premises remain under the control of the previous owner and manager. When operating as Public Life the nightclub was a real problem for our community, with patrons indulging in extreme anti-social behaviour; drug taking and binge drinking were rife with the consequent nuisance of people vomiting, urinating and defecating in the street and nearby Church Gardens, and often generally harassing and even intimidating others who were trying to enjoy the amenity of the gardens or indeed the streets around. I recall that Public Life had its licence revoked in January following a successful police drugs raid and in the course of this raid the owner was one of the people arrested - so how can he and the premises now be considered for a similar set up?

Closure of these premises created a safer, less intimidating neighbourhood.

Surely the premises are within LBTH's Cumulative Impact Zone for alcohol saturation, a policy that recognises the negative impact on the quality of lives of those living and working within the designated area?

I should point out that there are two drinking establishments within a few metres of these premises, namely 'Blessings' wine bar and the 'Ten Bells' pub. As for food there is a huge range of eating establishments available locally.

Finally I would note that over the earlier part of this year I observed that food stalls operating from 82a Commercial Street caused an enormous amount of extra rubbish in Church Gardens, partly due to the operators dumping their rubbish within the gardens [which I did report to Tower Hamlets].

Kind regards,

Joyce Fenton Douglas
[REDACTED]
[REDACTED]

Appendix 12

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 07 November 2014 17:07
To: Alex Lisowski
Subject: FW: OBJECTION to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

From: Fuest Carolyn [REDACTED]
Sent: 07 November 2014 16:59
To: Alex Lisowski; Alan.D.Cruickshank@met.pnn.police.uk; Licensing
Cc: Mark Hutton; [REDACTED]
Subject: OBJECTION to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

Dear Sirs

I am writing to lodge an OBJECTION to the current license application submitted by Public Life.

There are many reasons for objecting to this application:

. previously, the bar caused considerable nuisance and distress to our neighbours and to members of the congregation at Christ Church. These are well documented and the premises was closed down. The improvement to the area and reduction in noise at night, safety, vomit and such like was immediate. A successful drugs raid by the police resulted in the owner being one of the 11 people arrested. The applicants for the new license are the same owners and managers.

. In such a confined space with only one entrance/exit and being underground means that safety is compromised and it is not possible to police overcrowding or illegal behaviour.

. food stalls above, together with off sales for the hours of 0800-2300 is extremely difficult for the owners to control where the food or drink will be consumed and the likelihood is that it will be on the steps of the residents and of the church - causing nuisance, smell, litter and anti social behaviour.

. food stalls of a haphazard nature in front of a grade 1 listed building Christ Church Spitalfields on which considerable sums have been spent (including several thousand on the curtilage by LBTH) is not a good idea. Christ Church is a landmark in the area, considered of international importance and Towerhamlets itself uses it's image on much of its promotional material. It is totally inappropriate to clutter the front of this a building in such a way.

. a haphazard temporary arrangement has already started to exist on this site and the noise and visual clutter in front of Christ Church is a considerable nuisance. It should not be allowed to become a permanent fixture.

. I understand that the site is within the borough's saturation zone. I am objecting on these grounds as well. The negative impact of drinking in the borough on the lives of its residents is well documented. Unfortunately it appears that we have to object repeatedly on every planning application submitted.

Please kindly REJECT any relicensing for this premises.

Yours sincerely

Carolyn Fuest

Carolyn Fuest, Director
The Friends of Christ Church Spitalfields

[REDACTED]

Appendix 13

Alex Lisowski

From: David Gadd [REDACTED]
Sent: 04 November 2014 12:07
To: Alex Lisowski
Subject: Fwd: OBJECTION 82A COMMERCIAL STREET, LONDON E1 6LY

Hi Alex, see below. I understand you are the case officer for this application.

----- Forwarded message -----

From: David Gadd [REDACTED]
Date: 4 November 2014 09:53
Subject: OBJECTION 82A COMMERCIAL STREET, LONDON E1 6LY
To: licensing@towerhamlets.gov.uk, Mohshin Ali <Mohshin.Ali@towerhamlets.gov.uk>

Dear LBTH Licencing,

We strongly object to the licence application at 82a Commercial Street, E1 6LY.

1. The application is within the Council's Cumulative Impact Zone. The council recognised that the area suffers from cumulative impact as a result of the very high density of alcohol outlets in the vicinity.
2. Further - the basement bar/diner previously occupying these premises under the same ownership caused intolerable levels of disturbance to the neighbouring community.
3. This disturbance emanated directly from the premises due to the inadequate measures for noise insulation and sound limitation. The disturbance was also caused in the form of anti-social behaviour and abuse by customers in its vicinity. Such behaviour consisted of screaming, shouting, swearing, defecating, urinating and vomiting, such that local residents felt frightened to walk past the premises.
This affected not only residents but also churchgoers and local businesses.
4. The underground space means it is difficult for the police, fire service and local authority to ensure that the licensing objectives are being met.
5. The premises have a longstanding association with drug taking and selling, a problem which continues to blight the local community.
6. This particular application poses problems as there is the strong likelihood that customers will loiter in the local area causing a disturbance whilst they consume takeaway food and alcohol on the steps of local residents the steps of Christ Church and Christ Church gardens which is adjacent to a children's nursery.
7. Since the bar was closed in 2012, the environment around the premises has significantly improved, with less noise, anti-social behaviour and disorder, and measures put in place by the Council and the Police to control crime and disorder.
8. Against this background, the reintroduction of the premises licence would be a seriously retrograde step. It would add to the cumulative impact already being experienced, and would be likely to result in nuisance and crime and disorder .
9. We do not consider that there are conditions which would render the proposal acceptable.

David



Appendix 14

Alex Lisowski

From: Charles Gledhill [REDACTED]
Sent: 28 October 2014 22:58
To: Alex Lisowski; Licensing
Subject: Licence Application for 82a Commercial St, E1 6LY

We are writing to OBJECT to the granting of a licence at the above address.

1. This small cramped site is unsuitable for the consumption of alcohol. The underground premises are so unappealing that clients will inevitably congregate on the area above, causing noise and disturbance, and – with the asked for off-sales facility – spilling out into the surrounding streets.
2. The recent experiment with food stalls has given a taste of what can be expected. With only two stalls in position, there was scarcely any room for seating. So this new business would essentially be selling food and drink for off-site consumption, which is the last thing the neighbourhood needs, particularly in light of LBTH's commitment to clamping down on on-street drinking.
3. We fully support the council's implementation of a Cumulative Impact Zone and would oppose the introduction of further licensed premises within it.
4. The area has benefited enormously from the closure of the Public Life club on this site. It is hugely quieter and safer, and we fear that any reintroduction of alcohol will inevitably attract the sort of antisocial behaviour that previously blighted the lives of local residents.

Charles Gledhill
Marianna Kennedy

[REDACTED]

Appendix 15

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 21 October 2014 09:22
To: Alex Lisowski
Subject: FW: 82A Commercial Street, E1 6LY. Premises Licence Application.

From: StGeorgeResidents'Association [REDACTED]
Sent: 21 October 2014 00:34
To: Licensing; Mohshin Ali
Cc: Environmental Health; Alan.D.Cruickshank@met.police.uk
Subject: 82A Commercial Street, E1 6LY. Premises Licence Application.

From:
Margaret Gordon - Chairman, St George Residents' Association,

[REDACTED],
[REDACTED],
[REDACTED]
To: Licensing Section,
Trading Standards,
Town Hall,
Mulberry Place,
London
E14 2BG

Dear Licensing Officers,

Re: Premises Licence Application - 82A Commercial Street, London E1 6LY

St George Residents' Association represents owners and residents in 193 flats built by St George (North) London in the 1990s. The flats include addresses on the south side of Folgate Street from Spital Square to Commercial Street, many of them facing onto Lamb Street. Most of the flats are within three minutes walk from 82A Commercial Street.

We regularly suffer from noise, litter and urination by people who have become inebriated either in bars or have purchased alcohol from off-licences. After "Public Life" was closed, the amount of antisocial behaviour associated with 82A Commercial Street decreased. In the meantime, however, other premises in the locality have been granted licences. Therefore we oppose any further increase in the number of licensed premises within the Cumulative Impact Zone and especially so close to where we live.

The DRS Caterers Ltd description of the business "The Looove" they propose to operate sounds interesting and that, in itself, might not be a problem. Our concern is the siting of the venue and the safe access for clients who will arrive and leave in groups. People are likely to gather around the entrance at pavement level, thereby being a source of noise nuisance, especially after an evening of drinks. The size of the entrance was designed for individuals wishing to use the underground public convenience, arriving and leaving singly or maybe two together, at spaced intervals, not to accommodate groups of drinkers and diners for an evening out.

Planning Permission PA/07/02022 was granted on 18 January 2008 for a variation to the hours for restaurant/bar use. The time for Sunday is 12:00h to 22:30h. If a premises licence is to be granted, it would seem sensible for the licensed hours not to exceed that permitted by Planning. This means opening "11:00h to 23:00h daily" would be in breach of Planning Permission on Sundays.

We ask that the application be REFUSED because we believe it will be a source of noise nuisance and antisocial behaviour in the immediate vicinity and in the nearby streets when clients walk to stations and bus stops. We also question that the venue exit is adequate in an emergency.

Yours faithfully,

Margaret Gordon - Chairman, St George Residents' Association, Spitalfields.

Appendix 16

Alex Lisowski

From: heard nora [REDACTED]
Sent: 02 November 2014 15:20
To: Licensing
Subject: Licence application, 82a Commercial Street. E1 6LY

Dear Sir/Madam,

Re: Application for a licence to sell alcohol at 82a, Commercial Street, E1 6LY, as part of plans for a bar/food/arts venue

I wish to object to this application for the following reasons:

- a) these premises are totally unsuitable for any use which involves people gathering in the downstairs area, as its size and lack of exit options in an emergency such as a fire render it an enormous public safety risk
- b) quite apart from this safety issue, the fact that the premises are mainly located underground, and therefore hidden from public gaze, means that they provide the ideal venue for secretive illegal activities such as drug dealing, which has been rife on that site in the past.
- c) anti-social activity of all sorts (extremely loud music played at all hours, shouting and brawling, intimidation of pedestrians at street level, urinating in the street, as well as drug taking) has been a huge problem at these premises in the past and is likely to recur if alcohol is available, whoever is managing the site; the location right outside the church makes this a particularly sensitive issue.
- d) finally, 82a, Commercial Street has a totally disreputable history, well documented in the Council's records, and this alone should convince the Committee that the premises should never again be granted an alcohol licence

For all the above reasons, I hope that this application will be rejected.

Yours sincerely,
(Ms.) Nora Heard,
[REDACTED]

Appendix 17

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 21 October 2014 10:55
To: Alex Lisowski
Subject: FW: 82a Commercial Street E1 6LY (PUBLIC LIFE)

From: Glenn Leeder [REDACTED]
Sent: 21 October 2014 10:52
To: Alex Lisowski; Licensing; Alan.D.Cruickshank@met.pnn.police.uk
Subject: 82a Commercial Street E1 6LY (PUBLIC LIFE)

As a **local resident**, I would like to object to the proposed licensing for the above venue. This **latest application** proposes a bar below ground with food stalls above, together with off sales, 7 days a week. Opening hours are to be 0800 – 2330 daily, with alcohol served from 1100 daily. This would **negatively impact my quality of life** and that of other near neighbours. This venue has a history of antisocial behaviour.

The premises remains in the hands of the previous owner and manager. As Public Life, the underground nightclub was a major source of ASB and nuisance in the community, and had its licence revoked in January 2012 following a successful police drugs raid. In the course of this raid the owner was one of the 11 people arrested. **Closure created a safer, less intimidating neighbourhood.** There was immediately less drunkenness and less people urinating and vomiting in the surrounding streets.

I feel the premises should not regain an alcohol licence for the following reasons:

1. its lack of soundproofing means noise nuisance is inevitable
2. its location in front of Christ Church makes it an inappropriate venue for drunk and disorderly behavior
3. the premises has a longstanding association with drug taking and selling, a problem which continues to blight the local community

This particular application poses problems as there is the strong likelihood that patrons will loiter in the local area causing a disturbance whilst they consume takeaway food and alcohol, for example on the steps of Christ Church.

I also object to the application on the grounds of **saturation**, as the site is within LBTH's Cumulative Impact Zone. This policy recognises the negative impact on the quality of lives of those living and working within the designated area.

Please reject this application and register my objection to it.

Thank you.

GLENN LEEDER

████████████████████

████████████████████

Appendix 18

Dr Maria Lenn
[REDACTED]
[REDACTED]
[REDACTED]

7 November 2014

Dear Sir/Madam

Objection to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

I live a few minutes' walk from these premises, and I am horrified to hear that a further licence application has been submitted to LBTH by Public Life for 82a Commercial St.

You will recall that this bar had to be shut down and have its licence revoked in January 2012, after so many public complaints about the rowdy and anti-social behaviour of its customers, culminating in a drugs raid by the police.

The owner of Public Life was himself arrested in the drugs raid, but it appears that he has now submitted yet another application for alcohol and takeaway food at the same venue.

There are a number of problem attached to the premises being used for these purposes, including the question of whether the applicant is a fit and proper person to hold such a licence. The bar is based underground, so monitoring what is happening there would be particularly difficult, but it is obvious that the proposal for this owner to sell alcohol from 11am to 23.30 will encourage the same clientele as before, and create a severe risk of yet more anti-social behaviour, seriously affecting the health, safety and well being of the local residents. The bar was previously identified as being a magnet for drug sellers and takers. Given that many problems related to drug use already abound in the local neighbourhood, there is absolutely no need to encourage even more drug-related problems.

There is also a very serious fire hazard risk, with just one entrance to the bar and no other way out. Additionally, the lack of any soundproofing means the threat of even more disruptive noise for the local neighbourhood.

I also understand that the site falls within LBTH's Cumulative Impact Zone, and on these grounds alone, the application for the license must be refused.

Yours faithfully

Dr Maria Lenn

Appendix 19

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 22 October 2014 13:01
To: Alex Lisowski
Subject: FW: OBJECTION to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

From: Little, Barra [REDACTED]
Sent: 22 October 2014 12:39
To: Alex Lisowski; Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk
Subject: OBJECTION to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

Dear All,

I understand you are in receipt of a licence application for alcohol and takeaway food for the former toilets outside Christ Church Spitalfields.

I own a flat on [REDACTED] and my main residence will be on [REDACTED] nearby, which I have exchanged contracts on. I object strenuously to this application. It is really inconceivable that a bar should open on the steps of one of London's most important churches, in a neighbourhood which is already saturated with bars and restaurants serving alcohol. It is also not appropriate for it to spill out onto the street with a stall serving food, where people will inevitably congregate with alcohol. Experience of the Ten Bells, where drinkers constantly spill out onto Fournier street despite the owners' efforts to restrict where they stand, makes it clear that another venue in that area will result in uncontrolled and uncontrollable public drinking and disorderly conduct, and noise.

The space and its owner's activities have been a serious source of nuisance and danger in the neighbourhood for some time, with a drug raid which included the arrest of the owner. When it was previously operated the venue generated constant and unacceptable noise. I am aware that residents of Fournier street have had to move their living arrangements because of intolerable levels of street noise.

In addition it is simply not a safe venue for a large crowd and alcohol, given there is only one exit.

I also object on the grounds of saturation, as the site is within LBTH's Cumulative Impact Zone. Spitalfields is being ruined as a family neighbourhood and a tourist attraction because of the amount of noise and disorderly activity.

Barra Little
[REDACTED]

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Appendix 20

Alex Lisowski

From: Conor McLernon <[REDACTED]>
Sent: 05 October 2014 19:58
To: Licensing
Subject: OBJECTION to license application for 82a Commercial Street

Dear Sir/Madam

The Spitalfields Society OBJECTS to the application by DRS Caterers Ltd for 82a Commercial Street.

The application is wholly inappropriate for the site.

You are no doubt aware that previous establishments on the site have been a source of significant dissatisfaction for the local residents.

This has stemmed from the site's limitations. It has a tiny, dank underground space - in practice most patrons have spilled outside the area of the site into the nearby churchyard and into residential areas.

Unfortunately we are not convinced, looking at DRS Caterers website - that this would represent an appropriate business for the area. There is no evidence of any experience running an 'art gallery', nor do we see the arrangement of 'three gazebos' as aesthetically pleasing or fitting for a site beside a Grade I listed church.

Local residents see this as no more than a static burger van requesting a 12 hours a day, 7 days a week alcohol license. It goes without saying that the request for off-sales is not acceptable.

The site lies within the Cumulative Impact Zone. As such the license request should be subject to the rebuttable presumption that the effects of approval would be deleterious to the local community.

As previous experience has shown, patrons would spill out over the local areas. The site does not have appropriate toilet facilities and the implications for residents are obvious. Noise, broken bottles and blocking of the pavement and other anti-social behaviour can all be anticipated. Tower Hamlets in general and the Brick Lane area specifically do not need any more licensed premises or off-licenses.

As such the Spitalfields Society feels the request should be REJECTED outright.

Yours,

Conor McLernon
[REDACTED]

Appendix 21

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 27 October 2014 10:47
To: Alex Lisowski
Subject: FW: objection to licensing application for 82a Commercial Street E1 6LY

From: Glen Mifsud [REDACTED]
Sent: 25 October 2014 17:47
To: Alex Lisowski; Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk
Subject: objection to licensing application for 82a Commercial Street E1 6LY

Dear Tower Hamlets licensing department.

Please register and acknowledge my objection to the latest licensing application for the ex-Public Life premises at 82 a Commercial Street.

"Ex-Public Life" says it all: the operation of licensed premises at this address caused misery for residents for years, because both the premises themselves and the owner are unfit to contain or run any business involving the sale of alcohol and the playing of music. The sale of alcohol is unacceptable here, because there is an established record of not adhering to licensing controls, such that drunk and abusive people were served beyond permissible hours and allowed to intimidate the neighbourhood with anti-social behaviour. The owner of the premises repeatedly flouted the law and showed no intention of ever sticking to licence conditions. He was also found with drugs on these premises by the police. He cannot be trusted to be behind any business, even via a the "front" of a tenant, that allows a continuation of this abuse of alcohol and drugs.

In any case, the premises are unsuitable for music, as the glass walls and light bricks offer no sound/vibration insulation and the noise disturbance immediately leaks to the surrounding area, causing further nuisance. Neighbours were always able to hear Public Life music in their homes.

The site would continue to accommodate over-crowding with no fire exit: a fire and crush hazard difficult to control. When the police last raided the place, there was significant over-crowding, hidden from the street by its dangerous, underground location. The combination of alcohol, music and crowds would inevitably cause an unacceptable level of public nuisance. This is particularly unacceptable on the very steps of Christ Church. There is a history of church-goers and children being intimidated by Public Life customers.

In summary,

These premises should never, ever regain any alcohol or music licence, as it is clear:

- the small, hidden space has always made it difficult to police licensing conditions and they've regularly been flouted by this owner's tenants
- its single exit means significant fire risk, made worse by regular over-crowding and the inability to police occupation limits. There was a case in recent years of a fire tragedy in a similar underground toilet location for this same reason. Does the Council want this risk?
- lack of sound insulation makes noise nuisance automatic and unavoidable
- it is virtually on the steps of Christ Church - inappropriate venue for drunk and disorderly behaviour, as well as food litter and associated human waste. Public Life regularly spewed forth human excrement and vomit from its drunken customers
- the premises has long been a well-known place to buy drugs and will attract its old clientele again, causing misery to the local residents and legitimate businesses

There are already far too many venues for buying and consuming alcohol in this area.

Yet another place to do so, on this notorious site, would leave the area awash with drunks and their associated ASB, urine and vomit. This is unacceptable and must be rejected.

Imagine the headlines and public disgust if LBTH gets this wrong:

“Council allows notorious drug den to re-open for business, selling alcohol in an area already saturated with pubs and clubs, where the police constantly battle the ASB and crime spilling into residential streets and onto the steps of one of the finest churches in London”.

And when the inevitable fire in an underground, overcrowded space with no fire exit, causes the death of some young people, everyone will want to know why the lessons of previous such tragedies have not been heeded.

Yours.

Glen Mifsud

[REDACTED]

[REDACTED]

[REDACTED]

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Appendix 22

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 21 October 2014 09:23
To: Alex Lisowski
Subject: FW: licence application for 82a Commercial St, E1 6LY

From: Spitalfields Community Group [REDACTED]
Sent: 20 October 2014 21:28
To: Licensing
Cc: Alan Cruickshank
Subject: licence application for 82a Commercial St, E1 6LY

Dear Sir/Madam,

Spitalfields Community Group (SCG) OBJECTS to the licensing application submitted for 82a Commercial Street E1 6LY for opening hours 0800 – 2330 daily with sale of alcohol from 1100 daily.

Spitalfields Community Group (SCG) was founded in 2011 with the aim of representing those who live and work in Spitalfields, enhancing their quality of living, and improving their sense of community. To that end, we have sought to represent the consensus view as demonstrated in our latest survey of members' priorities, which highlights continued concern about the detrimental effect of the night time economy in the area on our domestic and working lives.

SCG actively supported the adoption and implementation of the Cumulative Impact Zone by LBTH, which recognizes the negative impact on residential amenity of the dense concentration of licensed premises in our community. The premises at 82a Commercial Street is within the Zone, and for this reason alone should be refused.

82a Commercial Street has luridly demonstrated in the past its total unsuitability as a licensed premises. The application proposes using the underground space as a bar. It is difficult to ensure the licensing objectives are being met when a venue is invisible from the street, as was definitively proved.

The venue has only one point of entry and exit, meaning fire risk is inevitable and danger from overcrowding a constant likelihood. It has no soundproofing so will cause noise breakout from below ground and direct noise from above ground, creating nuisance for surrounding residents. The applicants are not including live and/or recorded music in their application, but have stated music will be a part of their proposed offering before 2200. This music will contribute to the nuisance.

82a Commercial Street is sited on the pavement in front of Christ Church, making it an inappropriate location for the consumption of alcohol and takeaway food. Christ Church is a historical asset to the borough with its Grade I status. This status should not be tarnished by patrons loitering on the steps and surrounding area as they consume takeaway food and alcohol purchased from the premises, the supply of which is proposed in the application.

The premises has a long standing association with drug selling and using. This notoriety will inevitably attract patrons hoping for a return to its former incarnation. The local area is already blighted by drug dealing and buying, with the ASB and intimidation that such activity brings to an area. This is a problem which needs no further encouragement in our community.

We have recently met with the applicant and raised these concerns with him. Unfortunately his responses did nothing at all to allay these fears and we therefore wish to OBJECT to the licensing application for 82a Commercial Street E1 6LY.

From and on behalf of Spitalfields Community Group

c/o Selina Mifsud



Appendix 23

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 27 October 2014 13:41
To: Alex Lisowski
Subject: FW: 82a c0mmercial street

From: Michael Myers [REDACTED]
Sent: 27 October 2014 13:18
To: Alex Lisowski; Licensing; alan.d.cruickshank@met.pnn.police.uk
Subject: 82a c0mmercial street

Dear Mr Lisowski

I object to the license application for 82a Commercial St.
The premises, formally trading as Public Life, underground night club, had its license revoked in January 2012,
being a source for anti-social behavior ,because of drugs and alcohol . .
Its closure meant a disgraceful blot was removed from the locality.
Now we're informed, the premises is still owned by the former owner, trying his luck again
to apply for the sale of alcohol.
This application must surely be rejected to ensure we do not return to an ASB situation again.

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 24

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 15 October 2014 10:49
To: Alex Lisowski
Subject: FW: licence application at 82a Commercial St

From: Matt Piper [REDACTED]
Sent: 14 October 2014 21:49
To: Licensing
Subject: licence application at 82a Commercial St

Dear Sir/Madam,

I would like to object to the licence application at 82a Commercial Street, E1 6LY.

Spitalfields suffers from an over-concentration of licensed premises. Alcohol-fuelled antisocial behaviour has a severe impact on the quality of my life and those of my wife and children. Drunken shouting, screaming, banging on doors and acts of vandalism are a nightly occurrence and disturb our sleep. We regularly wake to find that patrons of the bars and clubs in the area have vomited, urinated and even defecated on our doorstep or on the pavement outside our house. Only this morning a man, presumably drunk, urinated into the light-well outside our house and against our kitchen window at 9.40am. I can still smell his urine as I type this email. LBTH have made a very positive step in introducing a Cumulative Impact Zone but this application runs contrary to the aims of that zone. A further licensed premises can only exacerbate the problems we face. The applicant has done nothing to demonstrate how he will avoid a cumulative impact resulting from his premises.

In addition, the premises in question has a well-documented history of drug dealing and troublesome patrons. It was only after Public Life was closed down in 2011 that it became evident that the premises was responsible for a significant amount of the area's problems regarding drugs. At the moment we have a frequent and persistent problem with drugs being dealt on Fournier Street, at all times of the day and night. The history of 82a Commercial Street is such that it is inevitable that the premises will once again become a magnet for such criminal behaviour.

The premises is wholly unsuitable for use as a bar. Not only does the single entrance/exit represent a significant fire risk, but also the sound-proofing is non-existent. The applicant has explained to local residents that there will be live music performances in the premises. Unless the applicant is prepared to cover up the glass in the pavement above, no sound-proofing will be sufficient to prevent the noise travelling to neighbouring properties. Although we do not have direct sight of the premises from our property we could hear the noise it generated when it was open.

Seating in the proposed outdoor 'street food' area is also inadequate. The applicant has already had a large shack constructed that covers much of the possible seating area. It is inevitable that the food and the off-sales will be consumed on the pavements and doorsteps around the premises (one only has to look at Hanbury St on a Sunday afternoon to appreciate this). I regularly have to move on people who are drinking on our doorstep. A further premises with a licence for off-sales will only make this problem worse.

Spitalfields is an area of mixed use. For too long the commercial needs of businesses have dominated the rights of local residents to a quiet family life. I urge you to take a step towards correcting this imbalance by rejecting this application.

Many thanks for your help in this matter.

Matt

Matthew Piper

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Appendix 25

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 23 October 2014 11:04
To: Alex Lisowski
Subject: FW: email from Revd Andy Rider and PCC

From: Fay Cattini [REDACTED]
Sent: 23 October 2014 10:57
To: Alex Lisowski; Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk
Subject: email from Revd Andy Rider and PCC

licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

Dear Sir/Madam

As Rector of Christ Church Spitalfields and on behalf of the Parochial Church Council, I continue to be concerned at the way this property is being managed and used. In the last 6 months there appears to have been a flagrant disregard for keeping the street tidy and presentable. Banners have been hung all over the church railings and street furniture. Signs have been placed on the pavement way outside their curtilage and the arrival of sheds selling foods suggests that the freeholder and those who manage the site on a day to day basis are acting in a seriously irresponsible manner and this should be considered fully before any change in planning or licensing conditions are agreed with them.

Yours truly

Andy Rider, Rector and
PCC of Christ Church Spitalfields

Appendix 26

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 22 October 2014 09:22
To: Alex Lisowski
Subject: FW: OBJECTION to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

From: [REDACTED]
Sent: 22 October 2014 08:56
To: Alex Lisowski; Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk
Subject: OBJECTION to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

From Karen Seward
[REDACTED]
[REDACTED]

I gather yet another licence application for alcohol and takeaway food has been submitted to LBTH for the premises known as Public Life. This one proposes a bar below ground with food stalls above, with off sales, 7 days a week from morning til late at night with alcohol served from 1100 daily.

The premises remains in the hands of the previous owner and manager. How can it be the case that this man can be allowed to keep making licence applications? As Public Life, the underground nightclub was a MAJOR source of nuisance in the community, and had its licence revoked in January 2012 following a drugs raid in which he himself was arrested. Let me assure you – life has been a lot more bearable since he has been out of our lives.

It seems plain to us that the premises should never EVER regain an alcohol licence. From a point of view of the community, its lack of soundproofing means noise nuisance is inevitable, its location in front of Christ Church makes it an inappropriate venue for drunk and disorderly behaviour and the premises has a longstanding association with drug taking and selling. But critically, this is going to encourage people to loiter around whilst they consume take away food and drink – they will then litter, urinate and throw up all over the street. This we know from experience. Honestly, I don't know how it can even be on your desks given the it is within LBTH's Cumulative Impact Zone.

PLEASE don't give this man a licence

Thanks Karen

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Appendix 27

Alex Lisowski

From: Jon Shapiro [REDACTED]
Sent: 28 October 2014 19:43
To: Licensing
Cc: Alex Lisowski; John Mccrohan
Subject: Licensing Application for 82a Commercial Street, E1

Importance: High

Dear Sir or Madam,

I understand that there is yet another Licensing Application for the premises at 82a Commercial Street, E1 previously known as "Public Life".

I would like to request that this Licence Application should be wholly refused on the grounds of:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

as the premises is within the Brick Lane "Cumulative Impact Zone" (CIZ) and the previous track record of use of these premises is appalling. As the premises is still in the ownership of the same leaseholder, and as that leaseholder seems only interested in obtaining as much income as possible from the premises, I do not believe the premises should ever again hold an alcohol licence until and unless the premises is in new ownership.

The CIZ is already (by definition!) over-supplied with alcohol, and is already stated by our Borough Police Commander to be the "number one policing problem in Tower Hamlets". Until and unless this area ceases to be such a policing problem I believe that 82a Commercial Street should never again hold an alcohol licence. The premises are very small and underground with very little ventilation. It is difficult to envisage how these premises could ever be profitable at the level expected by the leaseholder (who values the premises at £800,000!) unless an illegal activity is involved as indeed drugs were abundantly involved in the leaseholder's previous tenant "Public Life" – whom the leaseholder then allowed to try to obtain another Licence using alias names.

As you will be aware the Fournier Street area is still plagued by drug dealing, and the premises at 82a Commercial Street would be a magnet for such drug dealing – as indeed they were previously for many years until raided by 50 police in November 2012.

For all the reasons quoted above I request **most strongly** that this Licensing Application should be **wholly rejected**, and if I may I would like to make this request as:

- 1) A resident of Spitalfields
- 2) Chair of the Police Ward Panel, and on behalf of the Ward Panel
- 3) Chair of SPIRE which now speaks on ASB matters for local resident and community groups representing over 700 local residents in the Brick Lane area, and on behalf of those 700+ local residents.

Yours faithfully,
Jon Shapiro.

Resident at:

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 28

Alex Lisowski

From: Alex Lisowski on behalf of Licensing
Sent: 21 October 2014 14:44
To: Alex Lisowski
Subject: FW: OBJECTION to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

From: [REDACTED]
Sent: 21 October 2014 13:52
To: Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk
Subject: OBJECTION to licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

Dear Sir or Madam,

I am emailing to lodge my objection to the application for a licence at 82A Commercial Street, known as PUBLIC LIFE.

These premises are wholly unsuited and completely mislocated for this kind of activity.

1. It used to be a public toilet.
2. It is by the entrance to Christchurch Spitalfields, an important historic Church.
3. There are already too many bars and restaurants in the area.
4. The building has poor access and represents both a fire risk and a noise pollutant.

Residential tolerance is stretched to the limit by the amount of noise and drunken behaviour in the area late into the night as recognised by the admirable acknowledgement by the council of saturation status.

Please refuse this application.

Yours

Paul Shearer
[REDACTED]
[REDACTED]
[REDACTED]

Sent from Windows Mail

Appendix 29

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 27 October 2014 10:46
To: Alex Lisowski
Subject: FW: OBJECTION: licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

From: Nick Shiren [REDACTED]
Sent: 24 October 2014 19:00
To: Alex Lisowski; Licensing; Alan.D.Cruickshank@met.police.uk
Subject: OBJECTION: licence application at 82a Commercial Street E1 6LY (PUBLIC LIFE)

I understand that another licence application for alcohol and takeaway food has been submitted to LBTH for the premises known as Public Life. This latest one proposes a bar below ground with food stalls above, together with off sales, 7 days a week. Opening hours are 0800 – 2330 daily, with alcohol served from 1100 daily.

I also understand that the premises remains in the hands of the previous owner and manager. As Public Life, the underground nightclub was a major source of ASB and nuisance in the community, and had its licence revoked in January 2012 following a successful police drugs raid. In the course of this raid the owner was one of the 11 people arrested. Closure created a safer, less intimidating neighbourhood.

I feel the premises should never regain an alcohol licence for the following reasons:

- the underground space means it is difficult to ensure licensing objectives are being met
- its single entry/exit increases fire risk
- its lack of soundproofing means noise nuisance is inevitable
- its location in front of Christ Church makes it an inappropriate venue for drunk and disorderly behaviour
- the premises has a longstanding association with drug taking and selling, a problem which continues to blight the local community

This particular application poses problems as there is the strong likelihood that patrons will loiter in the local area causing a disturbance whilst they consume takeaway food and alcohol, say on the steps of Christ Church.

For these reasons, I strongly object to the application.

Yours sincerely

Nick Shiren



Appendix 30

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.



Appendix 31

Anti-Social Behaviour On The Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (Annex 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, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (S2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003
Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

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 32

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

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

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 6 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (13.20).

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 33

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy, and also Section 12.5**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.4**)

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (13.20 and 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 (1.16).

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

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 (2.36).

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. (2.38)

Appendix 34

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 35

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:

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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Agenda Item 4.2

Committee: Licensing Sub-Committee	Date: 16 December 2014	Classification: UNRESTRICTED	Report No. LSC 56/145	Agenda Item No.
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Report of: David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application to review the premises licence for Café Bangla – 128 Brick Lane, London, E1 6RL Ward affected: Spitalfields and Banglatown
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1.0 Summary

Name and
Address of premises: **Café Bangla
128 Brick Lane
London
E1 6RL**

Licence under review: **Licensing Act 2003**

- **Sale by retail of alcohol**
- **Regulated entertainment**
- **Late night refreshment**

Representations: **- LBTH Licensing Authority
- Metropolitan Police**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		Andrew Heron 020 7364 2665

3.0 Review Application

3.1 This is an application for a review of the premises licence for Café Bangla – 128 Brick Lane, London, E1 6RL. The review was triggered by John McCrohan of LBTH Licensing Department.

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

4.0 The Premises

4.1 The premises licence was issued on 28th November 2005. A copy of the current licence is contained in **Appendix 2**.

4.2 The premises licence was transferred to the present licence holder Mr Daras Miah on 18th January 2013. It is noted that the Licensing Authority had never received any complaints from members of the public or Responsible Authorities in regards to the conduct of the premises until 31st January 2013. Since that time, complaints of touting and aggressive behaviour by employees of the premises have been made.

4.3 On 8th November 2013 Licensing Officer Andrew Heron and Metropolitan Police (Licensing) PC Mark Perry were stopped by an employee directly outside the premises and solicited for custom. A warning letter was sent to the premises licence holder reminding them of the existing conditions on the licence.

4.4 On 20th July 2014 Metropolitan Police (Licensing) PC Brendan O'Rourke witnessed touting by employees of the premises.

4.5 On 3rd September 2014 the premises was written to in order to ask them to voluntarily amend their licence via Minor Variation in order to update the CCTV condition within the licence. No response was received and no Minor Variation was initiated. In that correspondence, the premises licence holder was advised that if they failed to respond, a review of the premises licence would be initiated.

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

5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Metropolitan Police.

5.2 The review is also supported by the Metropolitan Police. 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 interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & 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 1st November 2013.

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 The home office has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 7.**

6.6 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 8**. The Council’s Policy on Public Nuisance is contained in **Appendix 9**.

6.7 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a

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

- 6.8 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident, business or member of the Licensing Authority).
- 6.9 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.
- 6.10 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	Supporting Representation from the Metropolitan Police
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	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 8	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 9	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I John Patrick McCrohan

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description (Café Bangla), 128 Brick Lane	
Post town	Post code (if known) E1 6RU

Name of premises licence holder or club holding club premises certificate (if known) Daras Miah

Number of premises licence or club premises certificate (if known) 16571
--

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

n/a

First names

n/a

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

n/a

Post town

n/a

Post Code

n/a

Daytime contact telephone number

n/a

E-mail address (optional)

n/a

(B) DETAILS OF OTHER APPLICANT

Name and address
n/a

Telephone number (if any)
n/a

E-mail address (optional)
n/a

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

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

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

[REDACTED]

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

Please refer to attached document.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

n/a

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

[Redacted Signature]

Date 6th October 2014

Capacity **TRADING STANDARDS AND LICENSING MANAGER**

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

London Borough of Tower Hamlets

(Café Bangla)
128 Brick Lane E1 6RU

Licence No 16571 (Licence Holder — Daras Miah)
9 Chilton Street, London, E2 6DZ

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

London Borough of Tower Hamlets – Licensing Authority

REPRESENTATIONS

-
1. The Licensing Authority is designated a 'responsible authority' for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and Disorder licensing objective.
 2. The premises at 128 Brick Lane, a venue known as Café Bangla, holds a Premises Licence under the Licensing Act 2003, numbered 16571.
 3. The Premises Licence Holder and Designated Premises Supervisor at the premises is Daras Miah, [REDACTED]

Extant CCTV condition

4. There is a CCTV condition placed on the premises licence as follows: -
Annex 2 - Conditions consistent with the operating Schedule

1. *CCTV cameras shall be fitted both on the interior and exterior of the premises and maintained and operated in accordance with the requirements of the relevant Metropolitan Police Crime Prevention Officer. Recordings shall be retained for 30 days and produced upon request to the police and Licensing Authority.*

Visit by PC Brendan O'Rourke – failure to operate CCTV

5. PC Brendan O'Rourke, who is attached to HT Division Licensing Unit, visited Café Bangla, 128 Brick Lane, E1 6RF on the evening of 20th July 2014 investigating a breach of a licensing condition. The breach was in relation to the use of touts to offer inducement.
6. At the premises PC O'Rourke spoke to Daras MIAH, the premises licence holder, and asked him to operate the premises CCTV system to view images of the alleged restaurant touting. Daras MIAH told PC O'Rourke that he was unable to work the CCTV. A copy of PC O'Rourke's witness statement describing his visit to Café Bangla and his encounter with Mr Daras MIAH is attached.

Licensing team request to PLH to apply for a minor variation

7. The Licensing Team wrote to the premises licence holder, Daras MIAH on 3rd September 2014, a copy the letter is attached. The letter requested that Daras Miah apply for a minor variation to add a condition employing the wording of the best practice CCTV condition produced by the Metropolitan Police. The letter gave a deadline of 17th September 2104. The condition reads:-

1. *CCTV shall be installed at the premises. One camera shall be placed outside the entrance and on entry.*

2. *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 immediately on request by a police officer or other responsible authority.*

3. *CCTV shall be maintained in good working order;*

8. The Metropolitan Police condition states clearly what the responsibilities of the premises licence holder are pertaining to the operation of the CCTV system.

9. Daras MIAH has not applied for a minor variation.

Brick lane – Shoreditch ASB/crime hot spot

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

11. The Brick Lane area is a hot spot for crime and disorder. In particular there are long standing concerns about the restaurant's use of touts who offer inducements to visit a particular restaurant.

Section 182 guidance – CCTV

12. This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the HOME OFFICE. In particular the Service requests that you consider under the heading CRIME AND DISORDER paragraphs 2.3, which reads

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.

13. Applying the Home Office's logic, it follows that the provision of CCTV is justifiable in this instance when considering the locality of the premises particularly with regard to the promotion of the licensing objectives.

14. In order to improve the management of the premises in accordance with the Council's Licensing Policy and concerns about crime and disorder, the applicant seeks to have the conditions below added to the premises licence —

1. *CCTV shall be installed at the premises. One camera shall be placed outside the entrance and on entry.*
2. *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 immediately on request by a police officer or other responsible authority.

3. CCTV shall be maintained in good working order;

John Patrick McCrohan

Trading Standards and Licensing Manager

London Borough of Tower Hamlets

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Brendan Paul O'ROURKE** URN:

01	HT		14
----	----	--	----

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222**

This statement (consisting of: 5..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: **20/07/2014**

Tick if witness evidence is visually recorded (supply witness details on rear)

This statement is in relation to a breach of Premises Licence Conditions
at Café Bangla, 128, BRICK LANE LONDON E1 6RU on 20/07/14

Officers original notes made at Brick Lane Police Station at 18:15 hours in my own company.

I am a police officer with the Licensing Unit of Tower Hamlets Borough Police.

On Sunday, 20th July 2014, I was on duty in plain clothes on patrol in Brick Lane, at approximately 16:30 hrs, I was close to the junction of BRICK LANE and HANBURY STREET, near to the Sunday Up-Market at the Old Truman Brewery (the food stall market) when I saw two males, dressed as waiters (white shirts and black trousers) approaching multiple people exiting the Sunday Up-Market and offering business cards and "A FREE BOTTLE OF BEER" as an inducement for Café Bangla. However I took a CAD call over my radio for a theft at the top of BRICK LANE and left to deal with it.

I returned to the area at approximately 17:00 hrs and again saw the same males now across the road from Café Bangla approaching people exciting the Up-Market touting for business again. But I also took another call over my radio for suspects on a roof at SPITTLE STREET and went off to deal with that too..

However, that was dealt with very briefly and on my return at approximately 17:05 hrs, I saw that the same two males were still touting across the road. One male said to people leaving the market "I GIVE YOU FREE BEER AND 25% DISCOUNT", I saw he had a wad of business cards in his hand, which

Signature:  Signature witnessed by: **N/A**

Continuation of Statement of **Brendan Paul O'ROURKE**.....

were white with a black trim - that were for Café Bangla. I turned to him, but he recognised me and pulled away the business cards, which I believe he gave to the other male who then disappeared.

I approached him and identified myself as a police officer by producing my warrant card and saying "HELLO, I'M PC O'ROURKE FROM TOWER HAMLETS LICENSING, YOU HAVE BEEN SEEN TOUTING AND I'D LIKE TO TAKE YOUR DETAILS PLEASE, LET'S GO OVER HERE AND SIT DOWN".

He replied "SIR, WE ARE EMPTY WE NEED CUSTOMER".

The whole frontage of Café Bangla was open, as it has doors that fold back exposing the whole of the inside of the restaurant. We sat down at the table far left next to the street. The restaurant was empty with no customers, apart from a male sat on a middle table on the left, who was just staring out into the street.

I said to the male "I HAVE SEEN YOU TOUT MYSELF, CAN YOU TELL ME YOUR NAME PLEASE"?

He replied "KAMALI SHAH".

As I was writing this down the male sat in the middle started to shout at me "WHY ARE YOU TALKING TO HIM, HE DOES NOT WORK HERE, WHY ARE YOU TALKING TO HIM, YOU NEED TO SPEAK TO ME".

I said to the man shouting "I WILL TAKE HIS DETAILS FIRST AND I WILL SPEAK TO YOU SECOND, I KNOW HE WORKS HERE AS I HAVE BEEN WATCHING HIM ON AND OFF FOR SOME TIME".

I then continued with the male I was sat with and said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied [REDACTED]

I said "AND WHAT IS YOUR DATE OF BIRTH PLEASE"?

He replied [REDACTED]

I then said "WAS YOU BORN IN LONDON"?

He replied "NO [REDACTED]"

I said "WHAT DO YOU DO FOR A LIVING, A WAITER"?

He replied "NO A STUDENT, I AM STUDYING FOR A DEGREE IN BUSINESS AND LEISURE".

At 17:07 hrs, I said to him "MR SHAH I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE TOWER HAMLETS BYELAWS TO TOUT FOR CUSTOM". I then cautioned them, using the 'now'

Signature: [REDACTED]

Signature witnessed by: N/A.....

2003(1)

PC J. [Signature]

Communities, Localities & Culture Safer Communities

Daras Miah

Head of Consumer and Business Regulations
Service **David Tolley**

Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

3rd September 2014

Your reference
My reference: CLC/LIC/77088/MA

Enquiries to **Mohshin Ali**

Dear Mr Miah,

Email

Licensing Act 2003

Premises: (Café Bangla), 128 Brick Lane, London E1 6RU

We write to you as the licence holder for the above premises. The Met Police have informed us that on Sunday 20th July 2014, touting took place at your premises and you also failed to produce a full copy of your premises licence.

Please note the following conditions are contained in your new licence (licence number 16571):

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV cameras shall be fitted both on the interior and exterior of the premises and maintained and operated in accordance with the requirements of the relevant Metropolitan Police Crime Prevention Officer. Recordings shall be retained for 30 days and produced upon request to the police and Licensing Authority.
2. The restaurant will not knowingly allow any person, by payment or otherwise, to solicit custom for that premises by offering inducements or other concessions
3. 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 metre radius of the premises as shown edged in red on the attached plan.

Please be advised that the Met Police and this Licensing Authority are considering a review of your premises licence. We will be looking to add the following condition to your licence:

1. *CCTV shall be installed at the premises. One camera shall be placed outside the entrance and on entry.*
2. *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 immediately on request by a police officer or other responsible authority.*
3. *CCTV shall be maintained in good working order;*

You have the option to apply for a minor variation. I attached the relevant form and supplementary information with this letter. You can also go on to www.towerhamlets.gov.uk and use the following pathway
Business > Licences and street trading > Alcohol and entertainment licence > Minor variations

If you require a duplicate copy of the premises licence, please write to the Licensing Section at the above address requesting a copy of your licence, stating the address of the premises and a fee of £10.50 is required.

If the review gets triggered then other interested parties can also add representations to it and then the application will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-committee.

At the review hearing Members will 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

You may wish to seek independent legal advice. However, if you would like any further clarification, do not hesitate to contact us.

We look forward to receiving the minor variation by the 17th September 2014.

Yours faithfully



Mohshin Ali
Senior Licensing Officer

CC: DPS: Abdul Quayum, 

(Café Banqla), 128 Brick Lane, London E1 6RU

Pc Brendan O'Rourke, Metropolitan Police Service, Licensing Unit,
Limehouse Police Station, 27 West India Dock Road, London E14 8EZ

Appendix 2

(Café Bangla)
128 Brick Lane
London
E1 6RU

Licensable Activities authorised by the licence
The sale by retail of alcohol
The provision of regulated entertainment
Late Night Refreshment

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 28/11/05



Part A - Format of premises licence

Premises licence number

16571

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Café Bangla)
128 Brick Lane

Post town
London

Post code
E1 6RU

Telephone number
[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 01:00 hours the following day.

Thursday, Friday and Saturday from 12:00 hours to 03:00 hours the following day.

Regulated Entertainment consisting of Recorded Music only:

Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 01:00 hours the following day.

Thursday, Friday and Saturday from 12:00 hours to 03:00 hours the following day.

Late Night Refreshment:

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 00:30 hours the following day

Sunday until 23:00 hours

Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 01:00 hours the following day.

Thursday, Friday and Saturday from 12:00 hours to 03:00 hours the following day.

Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

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

On sales only

Part 2

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

Daras Miah
[REDACTED]
[REDACTED]
[REDACTED]

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

N/A

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

Abdul Quyum
[REDACTED]
[REDACTED]

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

18105
London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

The sale by retail of alcohol:

Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 01:00 hours the following day.

Thursday, Friday and Saturday from 12:00 hours to 03:00 hours the following day.

Regulated Entertainment consisting of Recorded Music only:

Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 01:00 hours the following day.

Thursday, Friday and Saturday from 12:00 hours to 03:00 hours the following day.

Late Night Refreshment:

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 00:30 hours the following day

Sunday until 23:00 hours

Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV cameras shall be fitted both on the interior and exterior of the premises and maintained and operated in accordance with the requirements of the relevant Metropolitan Police Crime Prevention Officer. Recordings shall be retained for 30 days and produced upon request to the police and Licensing Authority.
2. The restaurant will not knowingly allow any person, by payment or otherwise, to solicit custom for that premises by offering inducements or other concessions
3. 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 metre radius of the premises as shown edged in red on the attached plan.

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

None

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
25 November 2005



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

16571

Premises details

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

(Café Bangla)
128 Brick Lane

Post town

London

Post code

E1 6RU

Telephone number

Where the licence is time limited
the dates

N/A

Licensable activities authorised by
the licence

The sale by retail of alcohol
The provision of regulated entertainment
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:
Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 01:00 hours the following day.
Thursday, Friday and Saturday from 12:00 hours to 03:00 hours the following day.
Regulated Entertainment consisting of Recorded Music only: Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 01:00 hours the following day. Thursday, Friday and Saturday from 12:00 hours to 03:00 hours the following day.
Late Night Refreshment: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 00:30 hours the following day. Sunday until 23:00 hours
Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 01:00 hours the following day.
Thursday, Friday and Saturday from 12:00 hours to 03:00 hours the following day.
Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Name, (registered) address of holder of premises licence

Daras Miah
[Redacted]
[Redacted]

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

On sales only

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

Not applicable

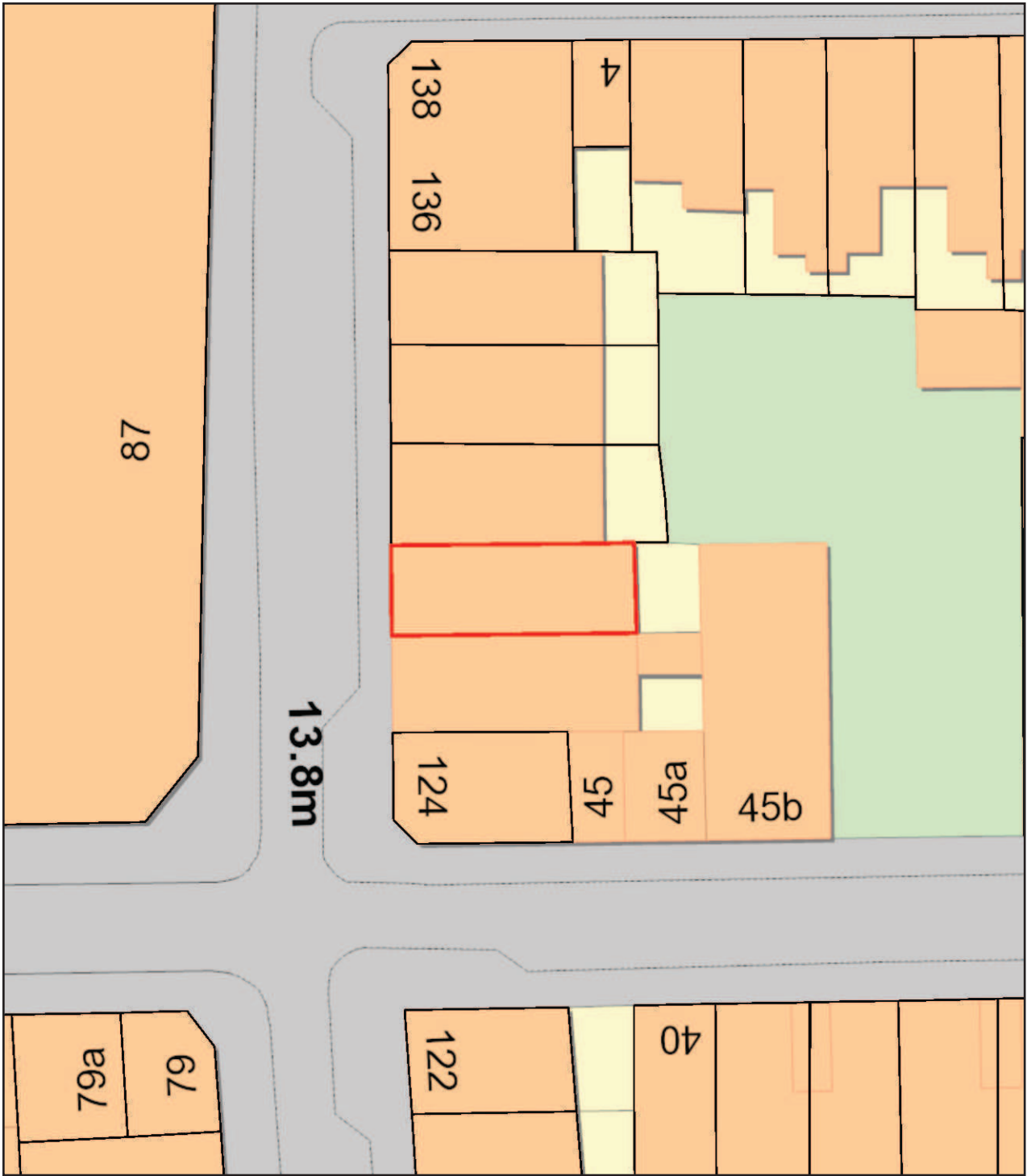
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Abdul Quayum

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

No restrictions

Appendix 3

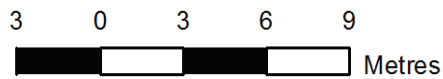


128 Brick Lane

Map 1



Scale 1:334



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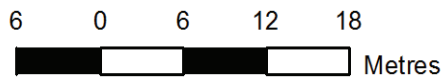


128 Brick Lane

Map 2



Scale 1:668



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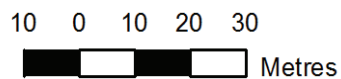


128 Brick Lane

Map 3



Scale 1:1669



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Appendix 4



**METROPOLITAN
POLICE**

TOTAL POLICING

Tower Hamlets Borough
Licensing Unit

Mr. John McCrohan
Trading Standards and Licensing Manager
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London
E14 2BG

The Toby Club,
Vawdry Close,
Whitechapel,
LONDON
E1 4UA

Cc:
Daras Miah
(Premises Licence Holder - Café Bangla)

[REDACTED]
[REDACTED]
Email: HT-LicensingOffice@met.pnn.police.uk

Your ref:
Our ref:

28th October 2014

Dear Mr McCrohan,

Re: Café Bangla, 128, Brick Lane, London E1 6RU

I write in reference to the Licensing Authorities application for a review of the above Premises Licence under Section 51 of the Licensing Act 2003, dated 06/10/14.

Please find enclosed on behalf of the Chief Officer of Police, supporting evidence in the Licensing Authorities review application which we submitted on the grounds of the following Licensing Objectives: **The Prevention of Crime and Disorder (Criminal Offences - Licensing Act 2003 etc), Public Safety (CCTV) and Public Nuisance (Touting)** as defined in **The Licensing Act 2003** and will make the following representations:

Whilst I appreciate the Licensing Authority's application is based primarily on strengthening the premises CCTV condition, it refers in paragraph's 10 and 11 to Brick Lane/Shoreditch being an ASB/crime hot spot. In support of that I would like to offer some updated data in this regard as below.

I can advise the Licensing Sub-Committee (LSC) that in the last 12 months¹, there has been 129 offences involving 'violence with injury' (VWI) comprising of 64 ABH'S; 49 GBH'S, 14 GBH with Intent, 1 attempted murder and 1 incident involving a dangerous dog. **Temporal Analysis:** Peak days: Saturdays and Sundays are the most affected days accounting for 17% and 23% of offences respectively. The peaks on these are in the early hours of the morning. Peak hours: Extended peak in offences between 1800 to 0200 hours during which 60% of activity occurs. However there is a very defined peak within this timeframe from 0000 and 0200 hours when 22% of offences occur.



Brick Lane Cumulative Impact Zone (VWI)

¹ The data utilised for this report was taken from DOI mapped crime and CRIS FBOC 01/09/2013 to 31/08/2014. Data obtained relates to the saturation zone in the Brick Lane area.

It can be seen that there are three main hot spot areas (for VWI) within the Cumulative Impact Zone (as above) - one being the area where these premises are situated.

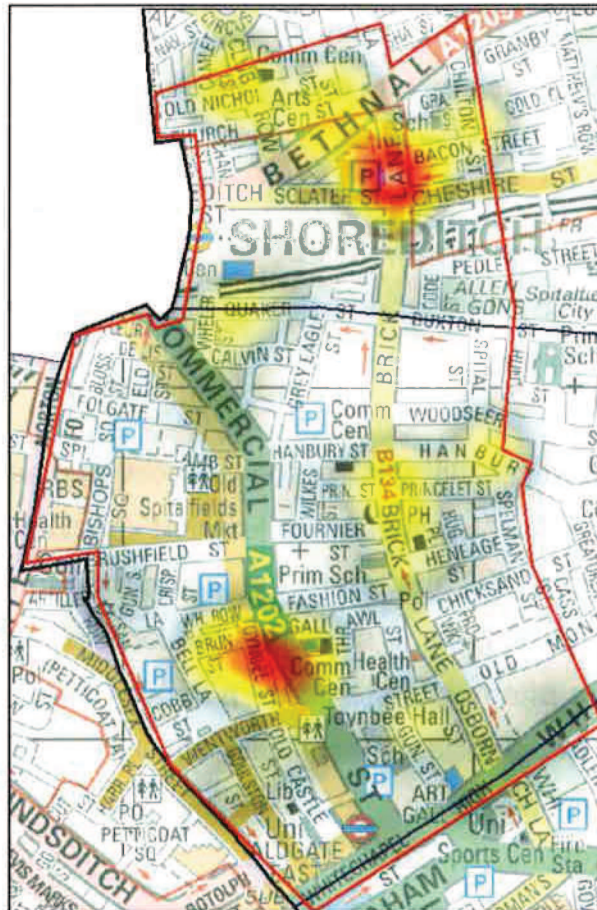
Whilst the author is very much aware that the LSC requires direct evidence linking specific premises to ASB, disorder or violence etc. It can be demonstrated below that these premises does generate such.

It should be noted however that 69% of the offences quoted above occurred in the street. This is due to incidents either being just that - 'incidents in the street' or more often crime reports or CADS that state the incident address as being 'outside' a particular venue - so Brick Lane is shown as the location and not the venue itself - even though incidents often originate inside a venue, where the victims have been eating or drinking - but the incident technically occurs outside and therefore there is no direct link to the venue as such.

CCTV is crucial in these incidents as it links victims and suspects from a venue to the external Council CCTV and may collaborate (or not) their involvement and whether they were inside the venue or not?

The map below is taken from the same data² and shows Anti-social Behaviour (ASB) for the CIZ. There have been 842 ASB CAD calls to the saturation zone within the last 12 month period, accounting for 5.5% of Tower Hamlets ASB CADs. Since November 2013 the number of CAD calls as been consistently lower than those seen in the previous year. **Temporal Analysis** - Peak days: Saturdays and Sundays are the most affected days accounting for 18% and 22% of offences respectively. Peak hours: Peak in calls between 2100 to 0100 hours during which 34% of activity occurs:

² The data utilised for this report was taken from DOI mapped crime and CRIS FBOC 01/09/2013 to 31/08/2014. Data obtained relates to the saturation zone in the Brick Lane area.



Brick Lane Cumulative Impact Zone (ASB)

It will become apparent to the LSC, that what started out as research into a supporting document from the police regarding the CCTV condition, there has been much more uncovered - that on a day to day basis the Licensing Unit does not have the time to analyse in such detail, but I am mindful of not misrepresenting Café Bangla or Mr MIAH in any way and therefore there are positive incidents listed as well as those that are not so. I trust this strikes a balance from the research I have undertaken.

The police note that a statement dated **20/07/14** from **PC 291HT O'Rourke** has already been submitted with the Licensing Authorities application and it would appear that three pages did not scan. I therefore re-submit that statement for clarity in Annex B of this letter. The police would however ask that both copies of the statement be

RESTRICTED as criminal proceedings are ongoing in Thames Magistrates Court and a trial will take place on 15/01/15 (for the incident referred to on 20/07/14).

In fact due to the majority of the contents of this letter being sensitive, statistics, incidents and previous (relevant) conviction details of Mr MIAH - I would ask that this whole document is RESTRICTED please.

In supporting the Licensing Authorities review, I have interrogated police systems in the research of the premises using these two fields: '**Café Bangla**' and '**128 Brick Lane**':

- **Re: 25/01/13 (Friday) - HTRT00377418 - Licensing Update:**

Premises Licence transferred from Mr Gulab (Gadu) MIAH to Mr Daras MIAH. Mr MIAH is understood to have a business interest in Cinnamon and describes 'Gadu' as a 'relative'.

- **Re: 15/02/13 (Friday) @ 19:45 hrs (approx) - CRIS 4204248/13**

Section 4 Public Order Act 1986 - Victim states that she was on a night out and as they were stood at the junction of Hanbury Street and Brick Lane discussing their plans, the suspect approached the group trying to entice them into a 'curry house'. The girls waved the suspect away, to which he reacted 'adversely' and 'immediately started to shout and swear' saying "I WILL FUCKING STAB YOU", before spitting on her. However the saliva did not hit, as her friends pulled her away. At the same time local businessmen shooed the suspect away. Territorial Support Group (TSG) officers were flagged down 30 minutes later, who took a 'first description' and undertook an 'area search' for the suspect with one of the witnesses. One of the witnesses learned that the suspect may be called 'Shafiq' and may work at Curry Bazaar. The manager Mr Mohammed AHMED was spoken to and denied that anyone matching that description or name worked at his restaurant. Officers also

spoke to Mr Daras MIAH at Café Bangla, who said he 'ran the marketers that encourage punters into the restaurants'. He said he had been made aware of the incident and knew who the suspect was, but was not in possession of any particulars at the time. He stated he would endeavour to ascertain the details of the suspect by Monday and would have those details available. On 22/02/14 PC 3542U WEBB makes contact with Mr MIAH, who is said to have proved very elusive. Mr MIAH was unable to give PC WEBB any further details than of those he gave on the night. Regrettably the victim is advised of no further leads and the investigation is closed.

This is not the behaviour of a Premises Licence Holder and he is clearly unable to uphold or assist police with his obligations under the Licensing Objectives.

Sadly this type of behaviour from 'touts' is all too common in Brick Lane and I would suggest, akin to 'Hate Crime', these incidents are 'under-reported' - though I have two such similar matters passed on to me from LBTH ASB/Hate Crime third-party reporting website from September alone (not Café Bangla).

- **Re: 26/05/13 (Saturday) CAD 9519/26MAY13 @ 22:35 hrs** - Call to police regarding ASB outside 128 Brick Lane - Both 'CAD Lite' and 'DARIS' systems are unable to retrieve this incident and no details can be verified.

- **Re 24/06/13 (Monday): 4216029/13 (GBH) & 4216030/13 (Common Assault) o/s Nazrul, 128 Brick Lane:**

Mr MIAH is arrested on suspicion of Common Assault after allegedly head-butting a member of staff from Nazrul (next door), a mass brawl had broken out in which sticks and belts are used as weapons it mainly occurs outside Nazrul and Aladin (the same family run both Aladin and Nazrul), but spills as far north as Woodseer Street. It is understood that an argument ensued between Mr MIAH and a staff member of Nazrul as a result of staff at Aladin and Nazrul allegedly spreading 'bad words' about Café Bangla and Cinnamon (134 Brick Lane) in that they 'had cockroaches and that

the food is poor' etc. Five males in total from surrounding restaurants are arrested. Mr MIAH pleads guilty to Common Assault on 29/05/14 at East London (Stratford) Magistrates Court (a charge of Section 4 POA 1986 being dropped at court, with no evidence offered) and received a Community Order and a nightly Curfew Requirement, no fine, but an order for costs and victim surcharge totalling £160.00.

- **Re: 25/06/13 (Tuesday) - CAD 9759/25JUN13 @ 20:45 hrs (linked to CAD #9416 & CAD #9996 @ 21:17 hrs) - CRIS 4216144/13 -**

As above both 'CAD Lite' and 'DARIS' systems are unable to retrieve these three CAD incident records and no CAD details can be verified. However, the above CRIS shows the following: The venue address is shown as junction of Brick Lane and Hanbury Street. The victim is a former member of staff from Café Bangla and the suspects are staff from Aladin/Nazrul. The matter is an ongoing dispute over business rivalry between them. This incident is a follow on from last nights Affray, GBH and Common Assault. At approximately 20:30 hrs the victim was walking towards Café Bangla (where he worked) and was approached by staff from Aladin who asked to 'speak to him about the fight last night'. Another member of staff from Aladin joined and accused the victim of punching someone last night, which he denied. A third Aladin staff member joined the group and ultimately one of them grabbed the victims hands instructing another to punch him in the face - which he allegedly did several times, another then joined in and the victim is punched about the face and head. The group then tell the victim not to go to Café Bangla to work and that if he did 'bad things would happen to him or his family'. The victims injuries are described as extremely minor and it was questioned whether it was an old injury.. The ultimate result is that, this victim was charged with offences from the previous night and no longer wishes to be involved in this second (related matter) and the investigation is closed.

- **Re: 04/07/13 (Thursday) - East London Magistrates Court:**

Mr MIAH pleaded guilty to two of three offences laid before Magistrates (one was withdrawn). They relate to offences occurring at Cinnamon (134 Brick Lane) on 19/12/12 when he was found to have failed to produce his premises licence (Sec 57) and knowingly allowed 'touting' (Sec 136). Mr MIAH was fined £100 for each offence, with £250 costs and a £20 victim surcharge (£470 total). Similar matters to which he will later deny knowledge of on 20/07/14.

- **Re: 28/09/13 (Thursday) - CAD 0764/28SEP13 @ 01:13 hrs:**

Call to police regarding ASB outside 128 Brick Lane. The caller reports that there is a car outside the location 'blaring music out'. 'She has asked the driver to turn the music down and the driver was sexually abusive to her'. 'Seems the car belongs to somebody who works in the restaurants nearby'. Vehicle registration is passed on (not disclosed here) - I have undertaken police checks on the vehicle and it would appear the wrong registration was given, as the first address was in Bristol. There appears to be no link whatsoever to Café Bangla.

- **Re: 28/09/13 (Thursday) - CAD 10545/28SEP13 @ 22:57 hrs - o/s 120, Brick Lane - (Linked to CAD 10552/28SEP13 @ 22:59 hrs - Café Bangla):**

Report of 'fighting going on'. Police attend, PC 345HT updates 'no parties substantiating any allegations, moved on from area'. Linked **CAD #10552**, caller states that two males and one female are fighting at location. LAS declined, no weapons seen. No further action.

- **Re: 08/11/13 (Friday) - Breach of Premises Licence - Sec 136 LA 2003:**

LBTH Licensing Officer Andrew Heron was touted by staff from Café Bangla. PC 748HT PERRY issued a Section 19 Closure Notice (**Copy in Annex A**). Outcome

unknown.

Re: 07/12/13 (Saturday) - CAD 418/07DEC13 @ 00:42 hrs:

Call to police - Stating location as '128 Brick Lane near the bridge'. Police operator states caller 'does not speak very good English and sounds drunk'. Caller has stated that 'some people have tried to beat him up'. Operator hears 'a male in the background asking if he is OK and needs LAS', caller stops answering operator's questions and at 00:47 a police vehicle, call sign 74HT attends and reports that the male is 'bleeding from the lip area'. At 00:52 hrs PC 252HT requests LAS, who attend and initially see the male, but he declines any further assistance from the paramedics or police and after alleging no offences leaves on his own accord. There appears to be no link to Café Bangla, other than a reference point?

- **Re: 23/02/14 - (Sunday) CRIS 4204449/14 - o/s Café Bangla:**

Former DPS Mr Abdul QUYUM, had parked his car outside. He was a driving instructor at the time and his vehicle had a sign on top, indicating he was a 'Driving Instructor' 'L' plates etc. Between 01:00 hrs when he parked the vehicle and 03:30 hrs when he returned the sign had been stolen. No damage to the vehicle. LBTH CCTV not viewed due to the excessive time span.

- **Re: 20/07/14 (Sunday): Breach of Licensing Act 2003**

This is the incident already referred to and I will not repeat what is contained in the statement, save: The premises licence holder Mr MIAH was present and the member of staff who claimed he 'not to work there' was Mr Shah KAMALI.

Mr MIAH also claimed that Mr KAMALI did not work there. The premises are one large room, the front patio doors were wide open, it would be impossible for him not to have seen anyone walking in and out of his restaurant, and he had full

unobstructed view of the comings and goings of the front door area. He had no customers and they were the only three people present. This shows a lack of accountability and poor judgement on Mr MIAH'S behalf. Suffice to say too, it is totally unacceptable for a premises licence holder to claim he does not know how to work his own CCTV. Full statement attached in **Annex B**.

Copy Book 694 'Notification of alleged offences under the Licensing Act 2003 - attached in **Annex C**.

- **Re: 26/07/14 (Saturday) @ 20:00 hrs - CAD 9523/26JUL14 @ 20:06:23 hrs. Police also 'flagged down' in the street. Custody HT/3907/14; CRIS 4218832/14**

Initial comments on the CAD are 'Att Lochn :O/S BRICK LANE,E1:CAFE BANGLA' - "CALLER STATES 20 PEOPLE PUSHED HIM AND SPAT AT HIM BECAUSE HE PARKED OUTSIDE THEIR RESTAURANT" and "CALLER STATES THERE IS A UNIT THERE SO HE WILL SPEAK TO THEM". There are no further updates on the CAD.

The incident starts outside Café Bangla with an apparent parking dispute. The victim parks his motorbike immediately outside Café Bangla and is told 'he cannot park it there as it's a busy time for the restaurant' (this is a public parking bay in Brick Lane!).

As the victim returns to his motorbike and attempts to leave, the matter escalates and the victim is eventually spat in the face by a tout (suspect 1) from the Sheba Restaurant - he actually jumps off his feet high into the air and purposefully spits in the victims face. He is subsequently arrested for Common Assault, during which time police were surrounded by waiters and touts who are reported to be shouting "TERRORISTS" at the two police officers. One officer draws and racks his baton as the situation turned very anti-police, there is some pushing and shoving and the officer had to call for 'back-up'. There is a scuffle, Mr Daras MIAH is there, but not involved and to his credit, try's to separate the touts and waiters from shoving the

officer who has arrested 'suspect 1' around. The suspect is bailed and the victim later withdraws his allegation saying he had no time to go to court, due to family commitments and work.

Whilst the Licensing Unit was reviewing the LBTH CCTV it was seen that one of the touts from Café Bangla (who I will refer to as 'suspect 2') initially engages in conversation with the victim when he returns to his motorbike. An argument ensues and the two start to push and shove each other. A crowd gathers (including Mr Daras MIAH and Mr Shah KAMALI who exit Café Bangla). Again to his credit Mr MIAH is seen to push away 'suspect 2' back inside the restaurant, but he is having none of it. Mr MIAH intervenes again trying to break them away from each other, but another group get involved from the road side and a mini fight breaks out - during which time 'suspect 2' throws a punch at the victim (he actually looks up at the CCTV camera to see if it is pointing towards him). He is then seen to return inside Café Bangla with Mr MIAH. The victim remains outside until police arrive at 20:08 hrs, when 'suspect 1' is arrested. Due to the crime eventually being closed, 'suspect 2' (as subsequently identified) is not arrested, nor does he feature in the CRIS as a suspect. Nor are his details known.

This is a perfect example of one of the incidents 'outside' [a venue] or 'in the street'.



'Suspect 2', bottom right, checked shirt (26/07/14)

- **Re: 27/07/14 (Sunday) - Touting:**

Following the parking incident above, on the day after - 'suspect 2' can be seen actively touting in and outside of Café Bangla between 16:52 hrs and 16:50 hrs. He clearly works there. Again the patio doors are wide open and whilst it is not known if Mr MIAH is present - it probably can be assumed he was? Of note, but of no surprise Mr KAMALI is seen to work side by side with 'suspect 2'.



Shah KAMALI and 'suspect 2' (27/07/14)



Shah KAMALI (27/07/14)



'Suspect 2' Touting (27/07/14)

- **Re: 01/08/14 (Friday) - Touting:**

LBTH CCTV camera #38 is seen pointing north up Brick Lane between Hanbury Street to Woodseer Street. To the right is Café Bangla, Nazrul, Aladin, Cinnamon and City Spice - there are very active touts outside all of those restaurants. Most are seen to cross the road (if not already standing across the road) and tout passerby's. The footage runs from 21:15 hrs to 22:00 hrs.

Of note at 21:15:56 hrs a fully uniformed PC walks north on the eastern footway and the touts don't bat an eyelid. They continue to tout seconds after he has passed them and to the unsuspecting public it is relentless, with the same people stopped every few feet by different touts from different restaurants, literally being 'pounced on'.

At 21:18:42 hrs Mr Daras MIAH is seen to exit Café Bangla and cross the road to a group of two males and two females. The same group is simultaneously approached by a tout from Nazrul.



Mr MIAH seen to gesture and shout from across the road (01/08/14)



Mr MIAH finally crosses the road and eventually the group accompany him into the restaurant (01/08/14)

At 21:27:29 hrs 'Suspect 2' also exits the restaurant and crosses the road to tout

- **Re: 31/08/14 (Sunday) - CAD 6449/31AUG14 @ 15:54 hrs - Car Theft**

Call originating from Café Bangla reporting a theft of a vehicle. It transpires that the vehicle was clamped and removed, after it was parked on a yellow line and the caller

did not think it mattered on a Sunday. No further police action.

- **Re: 07/10/14 (Tuesday) - LBTH Town Hall - Licensing Sub-Committee - 18:30 hrs - Cross Reference Preem - 118-122 Brick Lane.**

In an unrelated application to review the premises licence of Preem 118-124 Brick Lane, the premises licence holder Mr. HUSSAIN submitted publically available documents to the LSC in which he says *"he, his staff have been the subject of harassment by six surrounding restaurant"* (including Café Bangla). Though the document clearly states later *"throughout the above period Mr. HUSSAIN has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten my staff"*.

- **Re: 07/10/14 (Tuesday) - CAD 9836/07OCT14 - 999 call to police @ 22:26:39 - 'Violence Against The Person:**

Informant states that "HE IS BEING THREATENED BY THE RESTAURANT STAFF". The CAD also states "I WILL CALL THE BOYS FROM THE AREA". The CAD also states however "NO VIOLENCE HAS BEEN USED" and that "THE CALLER IS WITH A FRIEND". CAD states "CALLER HAS HAD A COUPLE OF BEERS" and "THE CALLER AGREED TO £24 ALL IN, FOR 2 SET MENUS. THE RESTAURANT ARE TRYING TO OWE £30 ODD". Police operator states "CALLER SOUNDS INTOXICATED" and "HE CALLER IS NOW SAYING THAT HE IS GOING TO MOVE HIS CAR AS HE DOESNT WANT IT TO GET SMASHED UP... SHE SOUNDS INTOXICATED. I TOLD HIM HE SHOUDLNT BE DRIVIGN AND HIS RESPONSE WAS 'I KNOW'". Two police vehicles are dispatched on an 'I' grade call ('H1N' - the area car and 'HT80N' - a response car'. PC 814HT results the CAD stating "Male left prior to police arrival, his friend is inside sorting out the bill, the incident was over the price of the bill. No offences.

I have checked LBTH CCTV and the camera is pointing the other way. I have also

spoken to the informant, who advises me that he was approached in the street by a 'tout' and offered a deal for two for £24.00, but this rose to £38.00, which led to the dispute. An itemised bill was apparently presented, but did not 'add up'. During the argument over payment a person inside was said to make a mobile phone call in the informant's presence attempting to intimidate him. By threatening to "call the boys from the area"...

I should add, that there has been a modification to the Met Polices standard model licensing conditions and in regards to CCTV and it is this:

MC01 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer (or Police Licensing Officer). All entry and exit points will be covered enabling frontal identification with a 'head and shoulder' image of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations and comply with all legislation, including clearly displayed warning signs.

MC02 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

As Crime Prevention Officers, don't exist as they used to, that wording could be modified to Police Licensing Officer, or I would refer the LSC and the respondent to the attached Home Office Guidance which is extremely useful (**Annex D**)

I am mindful too, that colour photographs do not copy well in the LSC bundle and I shall therefore; bring suitable colour copies for all parties at the hearing.

Finally the police would suggest given the substantial representations made that in addition to the more robust CCTV condition sought, that the Licensing Sub-Committee consider a suspension of the Premises Licence.

If I can assist any further or provide further documentation, please let me know?

Yours sincerely,



Brendan O'Rourke
PC 291 HT

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 8/11/13 Time Served: 21-30

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: Pc Mark Perry 708 HT Licensing Officer

Signature: Pc Mark Perry 708 HT

Name (if applicable) and address of the affected premises: Cafe Bangla 128 Brick Lane E1 6RL

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

Breach of soliciting for custom condition on licence.
No DPS or delegated authority to sell alcohol.

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

Noted by worker for custom. No DPS present, manager
not given delegated authority to sell on his behalf.

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

Stop trading (soliciting for custom). Have DPS on premises
or delegated authority to sell alcohol on his behalf.

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details)

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name Mr. Akhad Miah

Signature [Redacted]

Date 8/11/13

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Annex B

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Brendan Paul O'ROURKE** URN:

01	HT		14
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222**

This statement (consisting of: **5**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: **20/07/2014**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

This statement is in relation to a breach of Premises Licence Conditions

at Café Bangla, 128, BRICK LANE LONDON E1 6RU on 20/07/14


Officers original notes made at Brick Lane Police Station at 18:15 hours in my own company.

I am a police officer with the Licensing Unit of Tower Hamlets Borough Police.

On Sunday, 20th July 2014, I was on duty in plain clothes on patrol in Brick Lane, at approximately 16:30 hrs, I was close to the junction of BRICK LANE and HANBURY STREET, near to the Sunday Up-Market at the Old Truman Brewery (the food stall market) when I saw two males, dressed as waiters (white shirts and black trousers) approaching multiple people exiting the Sunday Up-Market and offering business cards and "A FREE BOTTLE OF BEER" as an inducement for Café Bangla. However I took a CAD call over my radio for a theft at the top of BRICK LANE and left to deal with it.

I returned to the area at approximately 17:00 hrs and again saw the same males now across the road from Café Bangla approaching people exiting the Up-Market touting for business again. But I also took another call over my radio for suspects on a roof at SPITTLE STREET and went off to deal with that too..

However, that was dealt with very briefly and on my return at approximately 17:05 hrs, I saw that the same two males were still touting across the road. One male said to people leaving the market "I GIVE YOU FREE BEER AND 25% DISCOUNT", I saw he had a wad of business cards in his hand, which

Signature:  Signature witnessed by: **N/A**

Continuation of Statement of **Brendan Paul O'ROURKE**.....

were white with a black trim - that were for Café Bangla. I turned to him, but he recognised me and pulled away the business cards, which I believe he gave to the other male who then disappeared.

I approached him and identified myself as a police officer by producing my warrant card and saying "HELLO, I'M PC O'ROURKE FROM TOWER HAMLETS LICENSING, YOU HAVE BEEN SEEN TOUTING AND I'D LIKE TO TAKE YOUR DETAILS PLEASE, LET'S GO OVER HERE AND SIT DOWN".

He replied "SIR, WE ARE EMPTY WE NEED CUSTOMER".

The whole frontage of Café Bangla was open, as it has doors that fold back exposing the whole of the inside of the restaurant. We sat down at the table far left next to the street. The restaurant was empty with no customers, apart from a male sat on a middle table on the left, who was just staring out into the street.

I said to the male "I HAVE SEEN YOU TOUT MYSELF, CAN YOU TELL ME YOUR NAME PLEASE"?

He replied "KAMALI SHAH".

As I was writing this down the male sat in the middle started to shout at me "WHY ARE YOU TALKING TO HIM, HE DOES NOT WORK HERE, WHY ARE YOU TALKING TO HIM, YOU NEED TO SPEAK TO ME".

I said to the man shouting "I WILL TAKE HIS DETAILS FIRST AND I WILL SPEAK TO YOU SECOND, I KNOW HE WORKS HERE AS I HAVE BEEN WATCHING HIM ON AND OFF FOR SOME TIME".

I then continued with the male I was sat with and said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "[REDACTED]"

I said "AND WHAT IS YOUR DATE OF BIRTH PLEASE"?

He replied "[REDACTED]"

I then said "WAS YOU BORN IN LONDON"?

He replied "NO [REDACTED]".

I said "WHAT DO YOU DO FOR A LIVING, A WAITER"?

He replied "NO A STUDENT, I AM STUDYING FOR A DEGREE IN BUSINESS AND LEISURE".

At 17:07 hrs, I said to him "MR SHAH I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE TOWER HAMLETS BYELAWS TO TOUT FOR CUSTOM". I then cautioned them, using the 'now'

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

N/A.....

Continuation of Statement of **Brendan Paul O'ROURKE**.....

caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED".

An excerpt from the Byelaws reads: London Borough of Tower Hamlets BYELAWS FOR GOOD RULE AND GOVERNMENT - *Byelaws made under section 235 of the Local Government Act 1972 by the Council of London Borough of Tower Hamlets for the good rule and government of the Borough of Tower Hamlets and for the prevention and suppression of nuisances. TOUTING 13 - No person shall in any street or public place for the purpose of selling or advertising any article or obtaining custom tout or importune to the annoyance or obstruction of passengers.*

I then went over to the male who had been shouting at me (he had repeated himself several times) and again I produced my warrant card and said "HELLO I AM PC O'ROURKE FROM THE LICENSING UNIT, ARE YOU THE MANAGER"?

He replied "PREMISES LICENCE HOLDER".

We both sat down at a large round table at the rear of the restaurant and I moved a stack of menus out of the way and put them on top of another pile. The male was already agitated and then got very upset and started shouting "WHY YOU MOVED ALL MY NAPKINS, YOU HAVE SAT DOWN AND MOVED EVERYTHING".

I said "YOU NEED TO CALM DOWN, THEY ARE MENUS NOT NAPKINS, THERE IS NO POINT IN SHOUTING AT ME".

I said "DO YOU HAVE A COPY OF YOUR PREMISES LICENCE PLEASE".

He pointed high up on a wall above the bar area and indeed there was copies of his licence on the wall, but practically on the ceiling and it was impossible to read.

He took it down, but it was not a full copy of the licence and it only contained pages 2,3,4 8 & 9.

Pages 8 & 9 are 'Part B Summary Licence' - which was good, at least that was on display, albeit it impossible for anyone to read pages as it was so high up on the wall.

Pages 2, 3 & 4 contain the basic details of the premises licence holder (PLH) and designated premises supervisor (DPS), but it appeared to me the conditions placed on the licence were missing and I did not have a copy of it with me, so I was unable to conduct a proper licensing visit as I could not inspect his full licence. I suspected there was a condition 'not to tout' and possibly one regarding CCTV - but I simply could not check. I said to him "YOU ARE A PERSONAL LICENCE HOLDER, YOU SHOULD KNOW WHAT THE LAW IS AND YOU SHOULD HAVE A COPY OF THE FULL

Signature: 

Signature witnessed by: N/A.....

PC Jellix

Continuation of Statement of **Brendan Paul O'ROURKE**.....

PREMISES LICENCE FOR INSPECTION AND ONLY PART B ON DISPLAY”.

He replied “I DID NOT KNOW, BUT HE HAD A COPY AT HOME”

He then blamed the situation on Jackie RANDALL at the Council, whom he said had told him to do various things with his licence (which I find hard to believe).

I could see on the licence that the PLH was a Mr Daras MIAH and I said to him, “SO YOU ARE MR DARAS MIAH”.

He replied “YES”.

I said “AND DO YOU STILL LIVE AT [REDACTED]”

He replied “YES”.

I then said “AND WHAT IS YOUR DATE OF BIRTH PLEASE”?

He replied “[REDACTED]”

He said to me “I KNOW ABOUT YOU, ALL THE STAFF IN BRICK LANE ARE TALKING ABOUT YOU, YOU ARE PICKING ON ALL THE RESTAURANTS, YOU WANT TO COME HERE ON SATURDAY AND SEE EVERYONE TOUTING AT THE JUNCTION OF HANBURY STREET”.

I said “NO-ONE IS BEING PICKED ON, I AM DEALING WITH PEOPLE BREAKING THE LAW AND YOU JUST DON'T LIKE IT BECAUSE YOU HAVE BEEN CAUGHT RED-HANDED”.

He replied “I HAVE NOT BEEN CAUGHT RED HANDED”.

I then saw he was fiddling with his mobile phone and I said “I TAKE IT YOU ARE RECORDING THIS CONVERSATION, I SUPPOSE YOU DID NOT RECORD WHEN YOU WAS JUST SHOUTING AT ME THAT THE TOUTS DID NOT WORK FOR YOU? HE JUST TOLD ME WE ARE EMPTY WE NEED CUSTOMER, I HAVE HEARD HIM AND WATCHED HIM, YOU HAVE BEEN CAUGHT RED HANDED AND YOU DON'T LIKE IT”.

He replied “I DID NOT SAY THAT”.

I said “I CLEARLY HEARD YOU SHOUT AT ME, WHY YOU TALKING TO HIM, HE DOES NOT WORK HERE - WE BOTH KNOW HE DOES, WHY CAN'T YOU JUST TELL THE TRUTH”?

I then said “LET ME CHECK YOUR CCTV AND THAT WILL PROVE THAT THEY BOTH WORK HERE AND HAVE BEEN IN AND OUT ALL AFTERNOON”.

He said “I DO NO KNOW HOW TO WORK IT”.

I said “YOU'RE THE BOSS YOU SHOULD BE ABLE TO WORK IT”.

He invited me to try and I declined, I asked him once more and he still claimed he was unable to work it.

Signature [REDACTED]

Signature witnessed by: N/A.....

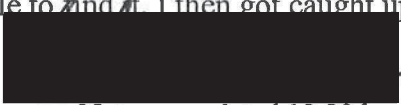
Continuation of Statement of **Brendan Paul O'ROURKE**.....

Due to no full premises licence, I was unable to check if that was an operating condition. I was sure the premises had a 'no touting' condition, but was unable to report him for process or issue a Section 19 Closure Notice without seeing it first. I told him I would go to Brick Lane and return if need be.

I then completed Met Police Licensing Forms 'Book 694' "Notification of alleged offences under the Licensing Act 2003" and said to him a 17:27 hours "MR MIAH I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 SECTION 57 (7) FAIL TO PRODUCE A PREMISES LICENCE OR CERTIFIED COPY, IN PLAIN ENGLISH THAT MEANS YOU MUST HAVE A COPY OF THE PREMISES LICENCE FOR INSPECTION AT ANY TIME AND NOT KEEP IT AT HOME".

I then gave the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED", he made no reply. The above offences are recorded on the Form Book 694, of which I gave it him to read and invited him to sign it, but he refused. I wrote this of the form and gave him a copy. I produce a copy in evidence as exhibit BOR/1 (copy attached).

I then left the premises and went to Brick Lane Police Station to check on the LBTH intranet for the Premises Licence, but I was unable to find it. I then got caught up in a theft of a bicycle and dealt with that before starting these notes..



Handwritten signature

Notes completed 19:20 hrs.



Signature.....

Signature witnessed by: N/A.....

Handwritten signature



Notification of alleged offences under the Licensing Act 2003

Venue Name: Cafe Sangly REF: (CAD/CRIS etc.)

Address: 128 Brick Lane London E1 6RU

Date: 2017/11/14 Time: 1715

Details of person in charge at the relevant time: Mr Darius MIAH

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:

Two workers seen to exit premises and shop people exiting the Sunday up Market - Mr KAMALI was heard to offer a free beer to a couple leaving. Could be verified as full premises licence not available.

Issuing officer: [Redacted] Print: [Signature]

I acknowledge receipt of this form: (venue) refused to sign

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 256 Justice and Police Act 2001



Home Office

CCTV supporting small businesses

Home Office Centre for Applied Science and Technology

This leaflet offers guidance to current or potential users of CCTV on how to get the most from this technology. Much like buying a new car or a television you have to make some important decisions before you buy to ensure that it actually meets your requirements and gives you a return on your investment.

Further guidance for users of CCTV will be available in the surveillance camera code of practice which, subject to the outcome of statutory consultation and the will of Parliament, will come into force in summer 2013. The code is intended to strike an appropriate balance between protecting the public and upholding civil liberties. This leaflet will be reissued after the code comes into force.

What can CCTV do for me and my customers?

If you install a poor system then the answer is probably "very little". You should have a very clear idea of what you want your system to do and how it should perform. This should be based on your own premises, its layout, and the specific problems you want to address. The mere visible presence of a CCTV camera is unlikely to assist your fight against crime in your business. It is the action that can be taken as a result of your system that is all important, whether that be at the time of an incident or afterwards. Performance has to be 'designed in' and cannot be taken for granted. CCTV needs to be of a high enough quality to ensure these elements actually work. It doesn't necessarily have to cost a fortune – it just needs to be well thought out.






How good is your CCTV?

Benefits of a good quality CCTV system

<p>Crime detection</p> <p>CCTV is an electronic witness that can assist in proving guilt, innocence and association. It plays a significant part in many investigations by the police. There are two critical elements within the investigative process – the identification of suspects and the capture of events.</p>	<p>Staff and public safety</p> <p>The use of CCTV for the safety of users of your business is important. Often this requires some form of live time monitoring of the cameras to enable an early intervention by an appropriate person in an incident such as an assault or a violent shoplifter.</p>
<p>Crime reduction</p> <p>The reduction of crime is inextricably linked to the ability to detect and prosecute offenders. The potential reduction strategy is therefore based on the threat of being caught. This preventative benefit relies on knowledge by the public of the presence of cameras and also their effectiveness. Clearly people cannot be deterred from committing crime if they don't know they are being watched.</p>	<p>Shop management</p> <p>Some CCTV has an important part to play in the management of a store, e.g. seeing the arrival of a delivery lorry. This will probably mean however, that the same camera cannot be expected to be capable of identifying persons committing crime. In simple terms don't install a camera for one purpose and expect to use it for another because you and the police are likely to be disappointed.</p>

What do I need in a CCTV system?

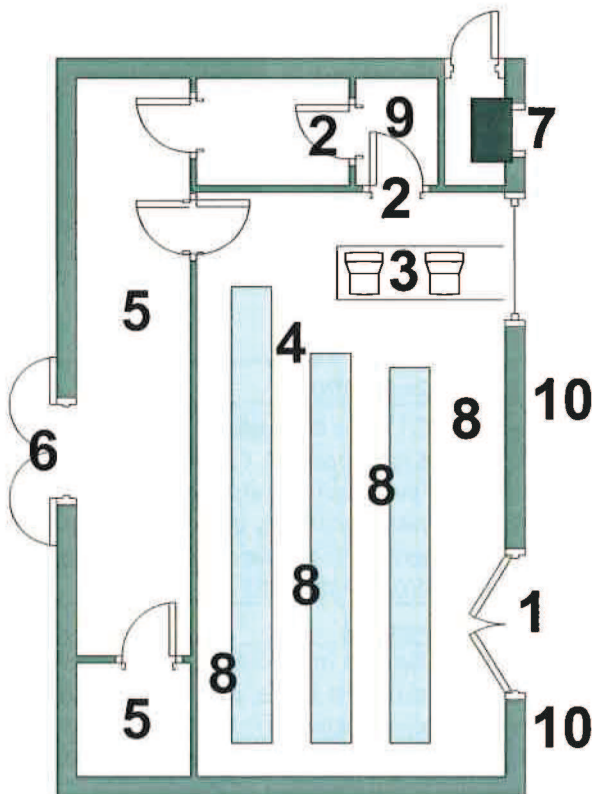
One of the most common failings in a CCTV system is having image sizes that are too small to enable identification and recognition. The pictures below demonstrate how large a person should look on screen, depending on the purpose of the camera.

		
Identify (100% screen height)*	Recognise (50% screen height)*	Observe (25% screen height)*
Sufficient picture quality and detail to identify an individual beyond reasonable doubt.	Viewers can say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before.	Some characteristic details of the individual, such as distinctive clothing can be seen.

Screen height is how much space vertically a 1.7m tall figure would occupy, as shown in the diagram above

*on a standard definition image

Generic Site Plan



	Location	Activity	Image Quality
1	Door – Customer	Any	Identify
2	Door – Secure	Any	Recognise / Observe
3	Tills	Robbery / Assault / Theft / Fraud	Identify
4	High Value Items	Theft	Recognise / Observe
5	Stock Room	Theft	Recognise / Observe
6	Loading Bay	Theft / Vandalism / Health & Safety	Recognise / Observe
7	ATM	Theft / Assault / Fraud	Identify
8	Aisles	Theft / Health & Safety	Observe
9	Cash Counting	Theft / Fraud	Identify
10	Car Park	Theft / Assault	Observe

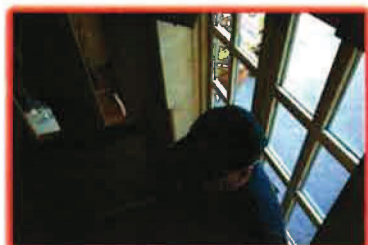
A key element of most systems is the ability to identify persons entering and leaving the premises. By recording large images at these 'pinch points', smaller image sizes and therefore wider overview coverage is likely to be acceptable at other parts of the building to provide sufficient evidence of what took place.

As a minimum, your system should therefore meet the following standard:

- At least one camera must provide identifiable quality images of everyone entering your premises, i.e. clear image of the face plus characteristics of clothing, items carried etc. The best place to capture these images is usually at the main doorway. It is strongly recommended that a second camera with similar capabilities is placed near the till.
- The video signal from these cameras should be recorded at a minimum of six frames per second. All other cameras should record at six frames per second for higher risk locations or a minimum of two frames per second at lower risk locations.
- Make sure the recorded image quality is similar to that of the live view. The video should be recorded at its original size with a minimal amount of compression.

In addition to these cameras you should then identify the most important areas of your premises from the table and generic site plan above and ensure that they are also covered with additional cameras to the required standard.

As well as choosing the best location for your cameras, it is also important to consider the angle of view and lighting conditions as the pictures below illustrate. Additional lighting may need to be installed to achieve good quality images.



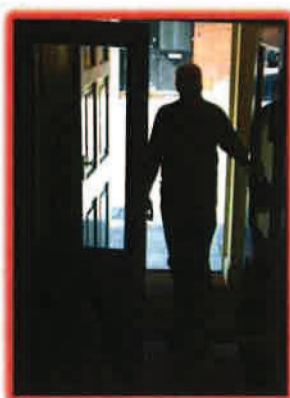
Camera set too high



Camera view obscured



View too wide to identify vehicle



Subject strongly backlit



Good position and lighting



Good coverage to identify vehicle

What else do I need to know?

Storage and Retention. What should you keep and for how long?

- The system should be capable of saving and securing recorded images for review or export at a later date.
- Information should be kept secure and retained for no longer than is necessary for the purpose of the system. A minimum of 14 days is recommended for small CCTV systems.
- The system clock should be set correctly and kept accurate (taking account of GMT and BST). This will be very important if a police investigation is carried out.

Playback and Export. Can the pictures be quickly reviewed and can the police take them away as evidence easily?

- There should be someone available at all times who is trained and able to replay recordings and produce copies for the police.
- The user should know the retention period of recordings
- The system should be able to quickly export video and stills onto a removable storage medium e.g. CD/DVD with the time and date integral to the relevant picture and without any drop in quality.
- Exported images should include any software needed to view or replay the pictures.
- Equipment and installation should be compliant with BS EN 50132-7.

Who should install a CCTV system for me?

It is likely that you have a 'monitored' intruder alarm. You could choose to use that company or another company who specialises in CCTV. They should be CCTV accredited by a UKAS approved scheme to ensure that the installation and subsequent maintenance are of a professional standard. The company should perform testing of the system using an approved audit and commissioning test and 'prove' that the system meets your specified requirement. We recommend the Home Office CAST test targets, which can be found on the Home Office website.

<http://www.homeoffice.gov.uk/science-research/hosdb/industry-download/>

Do I have to comply with the Data Protection Act?

Yes. It's simpler than you might think. The Information Commissioners' Office has published specific guidance on CCTV, which contains a lot of useful information and step by step help specifically for small businesses like yours. Visit their website at

http://www.ico.gov.uk/for_the_public/topic_specific_guides/cctv.aspx

Appendix 5

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.
- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

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

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's

duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

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

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

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

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

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

Appendix 6

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

Crime and Disorder Act 1998

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

Pool Conditions

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;

- the activities being conducted there and the potential risk which these activities could pose to the local area;
- the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
- the anticipated clientele.

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

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

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

RADIO LINKS AND TELEPHONE COMMUNICATIONS

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

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

DOOR SUPERVISORS

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

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

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

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

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

RESTRICTING ACCESS TO GLASSWARE

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

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or
- no customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place).

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

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

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

ALTERNATIVES TO TRADITIONAL GLASSWARE

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

such as international football matches, when there may be high states of excitement and emotion.

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

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

CCTV

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

RESTRICTIONS ON DRINKING AREAS

It may be appropriate to restrict the areas of the premises where alcoholic drinks may be consumed after they have been purchased. An example would be at a sports ground where it is appropriate to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances and times during which the ban would apply. Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

CAPACITY LIMITS

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

PROOF OF AGE CARDS

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

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

CRIME PREVENTION NOTICES

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

DRINKS PROMOTIONS

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

SIGNAGE

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

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

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

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

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

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

Appendix 7

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

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

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

HOURS

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

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

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

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

NOISE AND VIBRATION

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

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

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

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

NOXIOUS SMELLS

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

LIGHT POLLUTION

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

OTHER MEASURES

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

Appendix 8

Appendix 8

Licensing Policy Adopted by the London Borough of Tower Hamlets in relation to the Prevention of Crime and Disorder

- 5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

Appendix 9

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

Licensing Policy

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.34)

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

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

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

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Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	16 December 2014	Unclassified	LSC 57/145	

Report of : David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a new Premises Licence for Khushbu – 74 Whitechapel High Street, London, E1 7QX Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Aventio Ltd**
Name and **Khushbu**
Address of Premises: **74 Whitechapel High Street**
London
E1 7QX

Licence sought: **Licensing Act 2003**
The Provision of Late Night Refreshment (the supply of hot food and hot drink)

Objectors: **The Metropolitan Police**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

- 3.1 This is an application for a premises licence for Khushbu – 74 Whitechapel High Street, London, E1 7QX.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the nature of the application as follows:
- The provision of late night refreshment (the supply of hot food and hot drink)
- 3.3 The hours that have been applied for are as follows:-

The Provision of Late Night Refreshment:

- Sunday to Thursday from 23:00hrs to 00:00hrs (midnight)
- Friday to Saturday from 23:00hrs to 04:00hrs (the following day)

- Members will note that the applicant has incorrectly completed the application form by only completing the section relevant to opening hours. It has been confirmed that the applicant wishes to apply for late night refreshment only, up to the hours listed on the application form.

- Members will also note from the application that the applicant has written 11:00hrs therefore as the commencement of late night refreshment; however, this does not become a licensable activity under the Licensing Act 2003 until 23:00hrs each night.

Hours premises is open to the public:

- Sunday to Thursday from 23:00hrs to 00:00hrs (midnight)
- Friday to Saturday from 23:00hrs to 04:00hrs (the following day)

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

4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 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 Office has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It will also be available at the hearing. It was last revised in October 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 **Objections**

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by:
- The Metropolitan Police, see **Appendix 3**
- 5.2 Members should note that the application has since been amended upon consultation with the Metropolitan Police. The applicant has agreed to adopt a CCTV condition. The applicant and the Police remain unable to agree on hours of the provision of late night refreshment. A copy of the email in which the applicant agrees to the amendment is exhibited as **Appendix 4**.
- 5.3 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.4 Essentially, the regulatory Authority opposes the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
- the prevention of crime and disorder
 - the prevention of public nuisance
- 5.5 There are strict time limits to any representations. The time limits are contained in the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.6 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 **Licensing Officer Comments**

- 6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's

Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ❖ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
- ❖ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.

- 6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows the comments of the Association of Chief Police Officers on non-standard times is also included:

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

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

Appendix 7 Licensing Officer comments on Egress Problems

Appendix 8 Licensing Policy relating to Hours of Trading

Appendix 9 LBTH Cumulative Impact Policy

7.0 Legal Comments

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

8.0 Finance Comments

- 8.1 There are no financial implications in this report.

9.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Representations of the Metropolitan Police
- Appendix 4** Email amending the application in regards to agreeing to the addition of a CCTV condition
- Appendix 5** Licensing Officer comments on Crime and Disorder on the Premises
- Appendix 6** Licensing Officer comments on Crime and Disorder from Patrons Leaving the Premises
- Appendix 7** Licensing Officer comments on Egress Problems
- Appendix 8** Licensing Policy relating to Hours of Trading
- Appendix 9** LBTH Cumulative Impact Policy

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 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

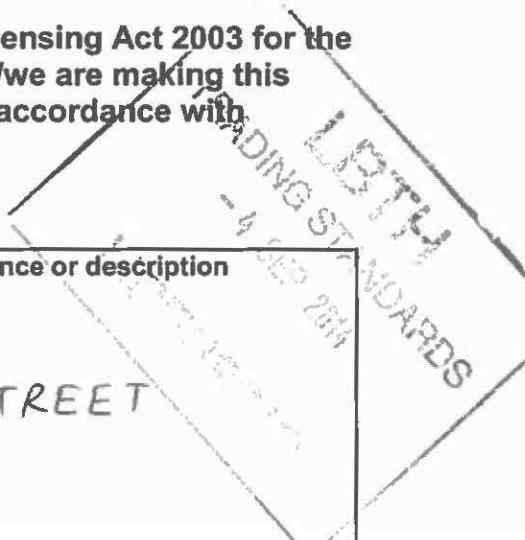
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep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

I/We (Insert name(s) of applicant) IMRAN AHMED AVENTIO 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	
<p>AVENTIO LIMITED 7A WHITECHAPEL HIGH STREET</p>	
Post town	LONDON
Post code	E1 7QX



Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £

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)

N/A

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	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

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	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

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	AVENTIO LIMITED
Address	74 WHITECHAPEL HIGH STREET LONDON, E1 7QX
Registered number (where applicable)	8484907
Description of applicant (for example partnership, company, unincorporated association etc)	COMPANY
Telephone number, if any	██████████ ██████████ ██████████
E-mail (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
02	09	2014

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

Day	Month	Year
	N/A	

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

NO

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

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

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	11:00	00:00	<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>
Tue	11:00	00:00	
Wed	11:00	00:00	
Thur	11:00	00:00	
Fri	11:00	04:00	
Sat	11:00	04:00	
Sun	11:00	00:00	

N/A

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)	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			Please give further details here (please read guidance)	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						

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)

The primary objective of seeking a licence is to operate a catering business (food and non-alcoholic beverages only) which would in a very certain people with good food.

b) The prevention of crime and disorder

My plan is only to serve good food and non-alcoholic drinks, thus the incidence of crime and disorder is almost nil and in the rare event of occurring any incident the local police will be contacted.

c) Public safety

For reasons stated above, I do not foresee any issue with public safety.

d) The prevention of public nuisance

I shall ensure that no environmental damage is caused or any misconduct on the part of any customer is taken care of as soon as possible.

e) The protection of children from harm

No harmful substance or instrument will be within the easy access to any children.

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

02.09.2014

Capacity

DIRECTOR, AVENTIO LIMITED

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

Signature

Date

Capacity

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

IMRAD AHMED
7A WHITECHAPEL HIGH STREET

Post town

LONDON

Post code

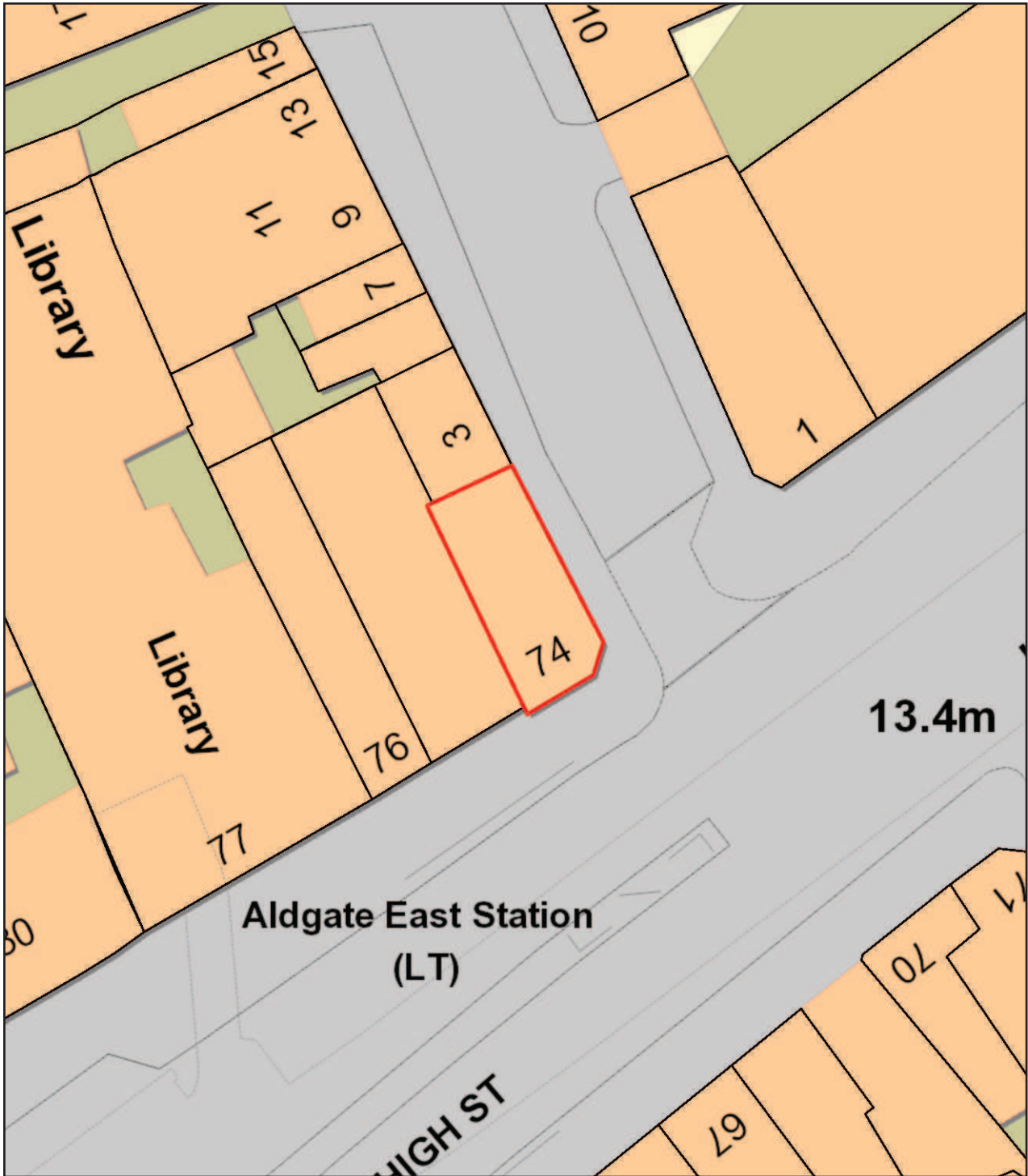
E1 7QX

Telephone number (if any)

[Redacted Telephone Number]

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

Appendix 2

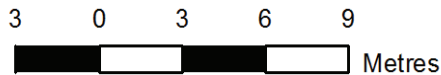


74 Whitechapel High Street

Map 1



Scale 1:334



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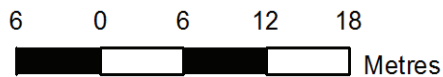


74 Whitechapel High Street

Map 2



Scale 1:668



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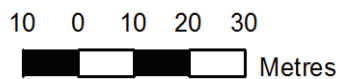


74 Whitechapel High Street

Map 3



Scale 1:1669



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Appendix 3

LBTH Licensing

Toby Club
Vawdrey Close
E1 4AUHT - Tower Hamlets Borough
HH - Limehouse Police StationLicensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZTelephone: [REDACTED]
Facsimile:
Email:
Alan.D.Cruickshank@met.pnn.police
.uk
www.met.police.uk

Your ref:

Our ref:

1 October 2014

Dear Mr McCrohan

Application for a premises licence
Aventio Ltd, 74 Whitechapel High St, E1 7QX

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

The prevention of crime and disorder

The prevention of public nuisance

The applicant has applied for the following hours in relation to late night refreshments

Sunday - Thursday: 2300 - midnight

Friday - Saturday: 2300 - 0400

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Brick

Lane Area. This policy was adopted due to the concerns about the number of licensed

premises in such a small area and the resulting number of ASB calls and the potential for disorder.

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

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

One more late night opening venue will only compound the problems in this area. This will be the longest opening hours in the area and will be a destination for people, many of whom will clearly be under the influence of alcohol. There is no other late night fast food shop in this immediate vicinity.

The availability of hot food on a Friday and Saturday until 0400 will mean more people staying for longer within the CIZ, with the potential for ASB and violence.

The applicant must be aware that there is now a saturation policy and the late hours applied for do not reflect the concerns that have led to the implementation of a CIZ.

Even without a saturation policy, Tower Hamlets Police Licensing Unit would be objecting to such late hours.

One of the main reasons for the introduction of the CIZ was to combat the expansion of late night takeaways.

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

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

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

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

The hours applied for falls into the above peak hours.

It is unfortunate that many people who attend these types of venues are under the influence of alcohol. Quite a considerable number would be in high spirits and boisterous. Others can be aggressive and shouting at the top of their voices. It is often very difficult for staff to deal with disruptive customers. Violence can occur quickly and result in quite serious assaults.

I am hoping to produce a statement from the local policing team regarding this application.

There is nothing in their application that promotes the four licensing objectives.

“My plan is only to serve good food and non alcoholic drinks thus the incidence of crime and disorder is almost nil...”

However good their food is, this is not going to stop aggressive and drunk individuals entering their takeaway in the early hours.

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?

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

I ask the committee to refuse this application.

If the committee is to grant a licence, I would ask they consider for following:

Late night refreshments: Friday and Saturday until midnight.

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,

(Can one camera be placed o/s the entrance and on entry,)

Alan Cruickshank PC 189HT

Appendix 4

Andrew Heron

From: [REDACTED]
Sent: 30 October 2014 07:51
To: [REDACTED]; Andrew Heron
Subject: Application for Premises Licence – Aventio Ltd - 74 Whitechapel High Street, London E1 7QX

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Ahmed

Thank you for agreeing to the CCTV condition.

Unfortunately the alcohol hours requested still remains a problem, which will be resolved at the licensing committee.

Best wishes

Alan

From: Imran Ahmed [REDACTED]
Sent: 29 October 2014 20:29
To: Cruickshank Alan D - HT; [A](#) [REDACTED]
Subject: Application for Premises Licence – Aventio Ltd - 74 Whitechapel High Street, London E1 7QX

Mr Alan Cruickshank PC 189HT

Licensing Officer

Limehouse Police Station

27 West India Dock Road &

5 Birchfield Street

London E14 8EZ

Dear Mr Cruickshank

Re: Application for premises licence – Aventio Ltd, 74 Whitechapel High Street, London E1 7QX

Further to your letter dated 1 October 2014 I would like to let you that the CCTV system of our premises has been placed last week. I would like to add that the CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity and there must also be someone on the premises who will download the images and present them on request by a police officer or other responsible authority. The system will also be stored in a suitable and secure manner for a minimum of 31 days.

I hope the above information will answer your queries and request you to inform the LBTH Licensing Authority to grant us the licence.

Kind regards

Imran Ahmed

Avention Limited, T/A Khushbu Grill House

74 Whitechapel High Street, London E1 7QX

CC: Mr Andrew Heron, Licensing Officer, Licensing Section, London Borough of Tower Hamlets, Mulberry Place (TC), 6th Floor Mulberry Place, 5 Clove Crescent, London E14 2BG

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Appendix 5

Crime and Disorder on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.6).

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 6

Appendix 6

Crime and Disorder from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (1.6).

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

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

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

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

Licence conditions should not duplicate other legislation (1.19).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 7

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)

- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

Appendix 8

Appendix 8

Licensing Policy relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

Appendix 9

Appendix 9

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.

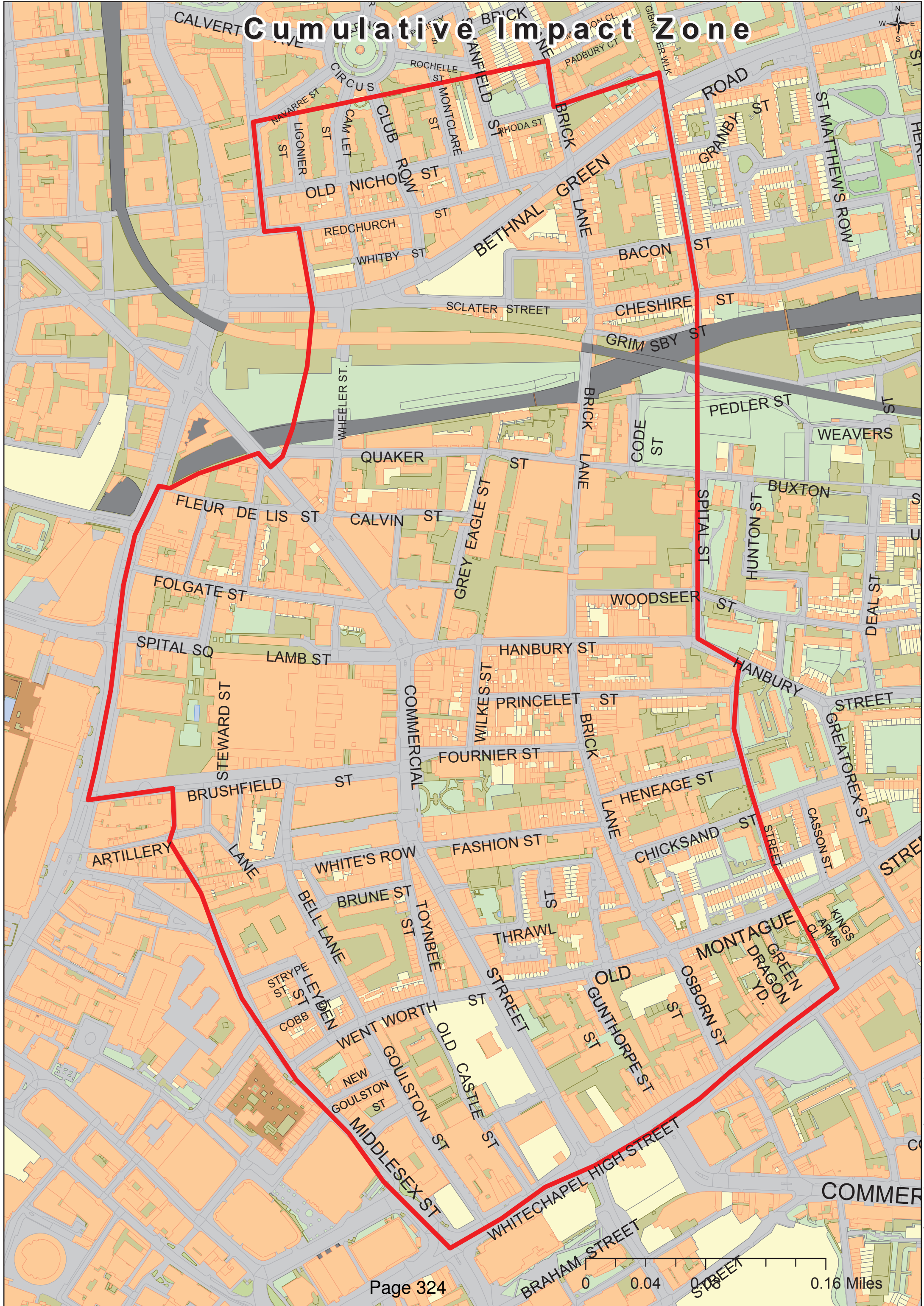
The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore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

The following map shows the outline of the LBTH CIZ.

Cumulative Impact Zone



Map showing street names and landmarks within the Cumulative Impact Zone. Street names include: CALVERT AVE, CIRCUS, NAVARRE ST, LIGONIER ST, CAM LET ST, CLUB ST, ROCHELLE ST, MONTCLARE ST, BRICK LANE, PADBURY CT, GIBBA FERRICK, BRICK LANE, GRANBY ST, ROAD, ST MATTHEW'S ROW, OLD NICHOLSON ST, REDCHURCH ST, WHITBY ST, BETHNAL GREEN, BACON ST, CHESHIRE ST, GRIMSBY ST, PEDLER ST, WEAVERS ST, QUAKER ST, GREY EAGLE ST, FLEUR DE LIS ST, CALVIN ST, WOODSEER ST, SPITAL ST, HUNTON ST, BUXTON ST, FOLGATE ST, LAMB ST, HANBURY ST, DEAL ST, SPITAL SQ, STEWARD ST, COMMERCIAL ST, WILKES ST, PRINCELET ST, BRICK LANE, HANBURY ST, GREATOREX ST, BRUSHFIELD ST, FASHION ST, CHICKSAND ST, ARTILLERY LANE, WHITE'S ROW, BRUNE ST, TOMBEE ST, HENEAGE ST, BELL LANE, STRYPE LLEYDEN ST, COBB ST, WENT WORTH ST, THRAWL ST, MONTAGUE GREEN DRAGON YD, NEW GOULSTON ST, GOULSTON ST, OLD CASTLE ST, OLD GUNTHORPE ST, OSBORN ST, MIDDLESEX ST, WHITECHAPEL HIGH STREET, BRAHAM STREET, and COMMERCIAL ST.

Agenda Item 4.4

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	16 December 2014	Unclassified	LSC 58/145	

Report of : David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for a new Premises Licence for Royal PFC – 178a Whitechapel Road, London, E1 1BJ
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Whitechapel

1.0 Summary

Applicant: **Four Brothers Limited**
Name and **Royal PFC**
Address of Premises: **178a Whitechapel Road**
London
E1 7BJ

Licence sought: **Licensing Act 2003**
The Provision of Late Night Refreshment (the supply of hot food and hot drink)

Objectors: **The Metropolitan Police**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Andrew Heron 020 7364 2665

3.0 **Background**

- 3.1 This is an application for a premises licence for Royal PFC – 178a Whitechapel Road, London, E1 1BJ.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the nature of the application as:
- The provision of late night refreshment (the supply of hot food and hot drink)
- 3.3 The hours that have been applied for are as follows:-

The Provision of Late Night Refreshment:

- Monday to Saturday from 23:00hrs to 03:00hrs (the following day)
 - Sunday from 23:00hrs to 00:00hrs (midnight)
-
- Members will note from the application that the applicant has written 11:00hrs therefore as the commencement of late night refreshment; however, this does not become a licensable activity under the Licensing Act 2003 until 23:00hrs each night.

Hours premises is open to the public:

- Monday to Saturday from 23:00hrs to 03:00hrs (the following day)
- Sunday from 23:00hrs to 00:00hrs (midnight)

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

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by:
- The Metropolitan Police, see **Appendix 3**
- 5.2 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.3 Essentially, the regulatory Authority opposes the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
- the prevention of crime and disorder
 - the prevention of public nuisance
- 5.4 There are strict time limits to any representations. The time limits are contained in the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.5 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 **Licensing Officer Comments**

- 6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 6.2 Guidance issued under section 182 of the licensing Act 2003
- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
 - ❖ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it

if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).

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

adequately covered elsewhere.

- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council's licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows the comments of the Association of Chief Police Officers on non-standard times is also included:

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

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

Appendix 7 Licensing Officer comments on Egress Problems

Appendix 8 Licensing Policy relating to Hours of Trading

7.0 Legal Comments

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

8.0 Finance Comments

- 8.1 There are no financial implications in this report.

9.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Representations of the Metropolitan Police
- Appendix 4** Licensing Officer comments on Crime and Disorder on the Premises
- Appendix 5** Licensing Officer comments on Crime and Disorder from Patrons Leaving the Premises
- Appendix 6** Licensing Officer comments on Egress Problems
- Appendix 7** Licensing Policy relating to Hours of Trading

Appendix 1

079117



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 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) Four Brothers (UK) Limited

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	
ROYAL PFC 178A WHITECHAPEL ROAD LONDON	
Post town	Post code <u>E1 1BJ</u>



Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £8000

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

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	FOUR BROTHERS (UK) LIMITED
Address	178A WHITECHAPEL ROAD LONDON E1 1BJ
Registered number (where applicable)	8551364
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number, if any	[REDACTED]
E-mail (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0	1	1 1 2 0 1 4

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.

N/A

Please give a general description of the premises (please read guidance note1) FAST FOOD OUTLET FRIED CHICKEN AND CHIPS. EAT IN AVAILABLE FOR MAXIMUM 28 PEOPLE. (NO LOUD MUSIC).

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

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	11:00	24:00	Please give further details here (please read guidance note 5) *ADDITIONAL HOURS REQUIRED FROM MIDNIGHT.				
	24:00	03:00*					
Tue	11:00	24:00					
	24:00	03:00*					
Wed	11:00	24:00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
	24:00	03:00*					
Thur	11:00	24:00					
	24:00	03:00*					
Fri	11:00	24:00			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)		
	24:00	03:00*					
Sat	11:00	24:00					
	24:00	03:00*					
Sun	12:00	24:00					
	24:00	01:00*					

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 5)				
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							

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	11:00	03:00	N/A
Tue	11:00	03:00	
Wed	11:00	03:00	
Thur	11:00	03:00	
Fri	11:00	03:00	
Sat	11:00	03:00	
Sun	12:00	01:00	

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)

FOR THE PAST TWO MONTH WE HAVE BEEN TRADING WE HAVE NOT HAD ANY ISSUES WITH CUSTOMERS OR THE GENERAL PUBLIC. FURTHER TO THIS THE INFORMATION I RECEIVED FROM PREVIOUS OWNERS IS THAT THEY TRADED FOR 4 YEARS AND DID NOT HAVE ANY ISSUES WITH CUSTOMERS. PUBLIC SAFETY IS VERY IMPORTANT FOR US AND I HAVE CONFIDENCE IN MY STAFF TO PROVIDE EXCELLENT QUALITY SERVICE WITH PRIDE.

b) The prevention of crime and disorder

WE HAVE SHUTTERS TO SECURE THE SHOP WHEN IT IS CLOSED. NO MONEY IS LEFT IN THE PREMISES WHEN IT CLOSED. WE ALSO HAVE CCTV IN PLACE TO PREVENT CRIME AND DISORDER. TO THIS DAY WE HAVE NOT HAD ANY ISSUE WHERE POLICE HAVE BEEN CALLED IN TO THE SHOP. THE MAIN CUSTOMER BASE FOR OUR SHOP IS FROM THE HOSPITAL AND WE SERVE PATIENT AND WELL AS NIGHT DOCTORS WHO ARE ALWAYS COMPLAINING TO WHY WE DONT OPEN FOR FEW EXTRA HOURS WHICH WILL THE PUBLIC SERVICE.

c) Public safety

WE HAVE SEATING FOR 28 PEOPLE, WHEN ALL SEATINGS ARE FULL CUSTOMERS ARE TO TAKE OUT ONLY. WHEN SHOP IS FULL DOORS ARE CLOSED FOR PUBLIC SAFETY. CUSTOMERS ALLOWED TO COME IN WHEN SEATING ARE AVAILABLE.

d) The prevention of public nuisance

WE HAVE ALREADY INSTALLED CCTV WHICH RECORDS ALL ACTIVITY IN THE PREMISES, AS WELL AS TRAINED STAFF TO HANDLE DIFFICULT CUSTOMERS.

e) The protection of children from harm

NOTHING IN THE SHOP TO HARM CHILDREN WHICH COME TO THE SHOP.

WE DO NOT TOLERATE:-

- STRONG LANGUAGE
- VIOLENCE
- GAMBLING
- DRINKING ALCOHOL
- ADULT ENTERTAINMENT.

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

29/09/14

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)

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)	

Royal PFC
 178A WHITECHAPEL ROAD
 LONDON E1 1BJ.

LBTH
 TRADING STANDARDS
 01 OCT 2014
LICENSING



EXISTING REAR ELEVATION (PART)
 (WITH PROPOSED DUCTING)

...with a surface weight of 10kg/m² and nominal thickness of 4mm (in black) to be applied around the duct with overlapped/sealed joints to be held in place in accordance with suppliers recommendations.

The noise level at the point of the window would be mitigated to at least 32dB @ 1.0 meter.

The remainder of the ducting above nave level would be painted black.

3. CARBON FILTER UNIT

2 No. ACD extra duty 207C activated carbon filter units 597x597x597mm @ 80 kg per unit with 12 disposable chemically bonded carbon panels permanently sealed with a galvanised steel casing.
 Air volume of each unit would be 1.05m³/s totaling 2.12m³/s with total air resistance of 60Pa and a dwell time of 0.24 seconds - secured to structure sitting on anti-vibration mountings.
 (Panels to be replaced every 9-12 months)

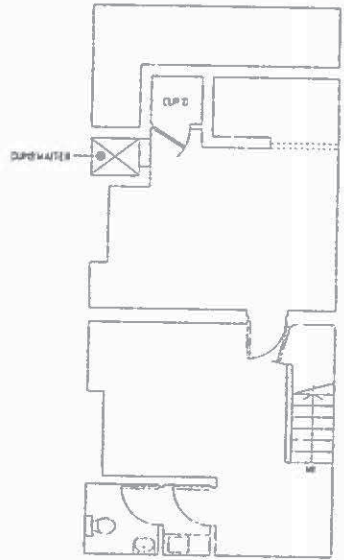
- secured to the structure using mountings and insulated - con

7. DUCTING

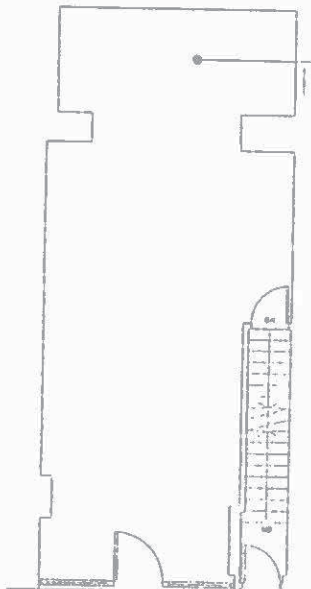
Galvanised steel ducting (18sw cross sectional area discharging least 1.0 metre above eaves lev discharging nozzle @ maximum to the structure with duct support mountings.

4. Flexible canvas connectors

APPLICATION FOR
 LATE NIGHT REFRESHMENT
 LICENSE.

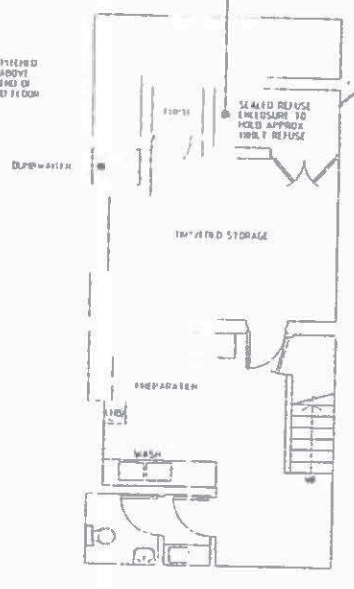


EXISTING BASEMENT PLAN

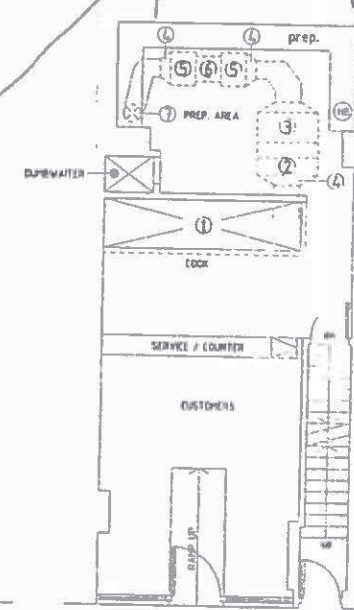


EXISTING GROUND FLOOR PLAN

FOOD AND PACKAGING WASTE TO BE COLLECTED TO BRASS ENCLOSURE IN SEALED BLACK BAGS AND BAKED OIL ON COLLECTION DAYS AND PICKED BY THE REFUSEE FOR MUNICIPAL COLLECTION FOR COMMERCIAL REFUSE CONTRACTORS



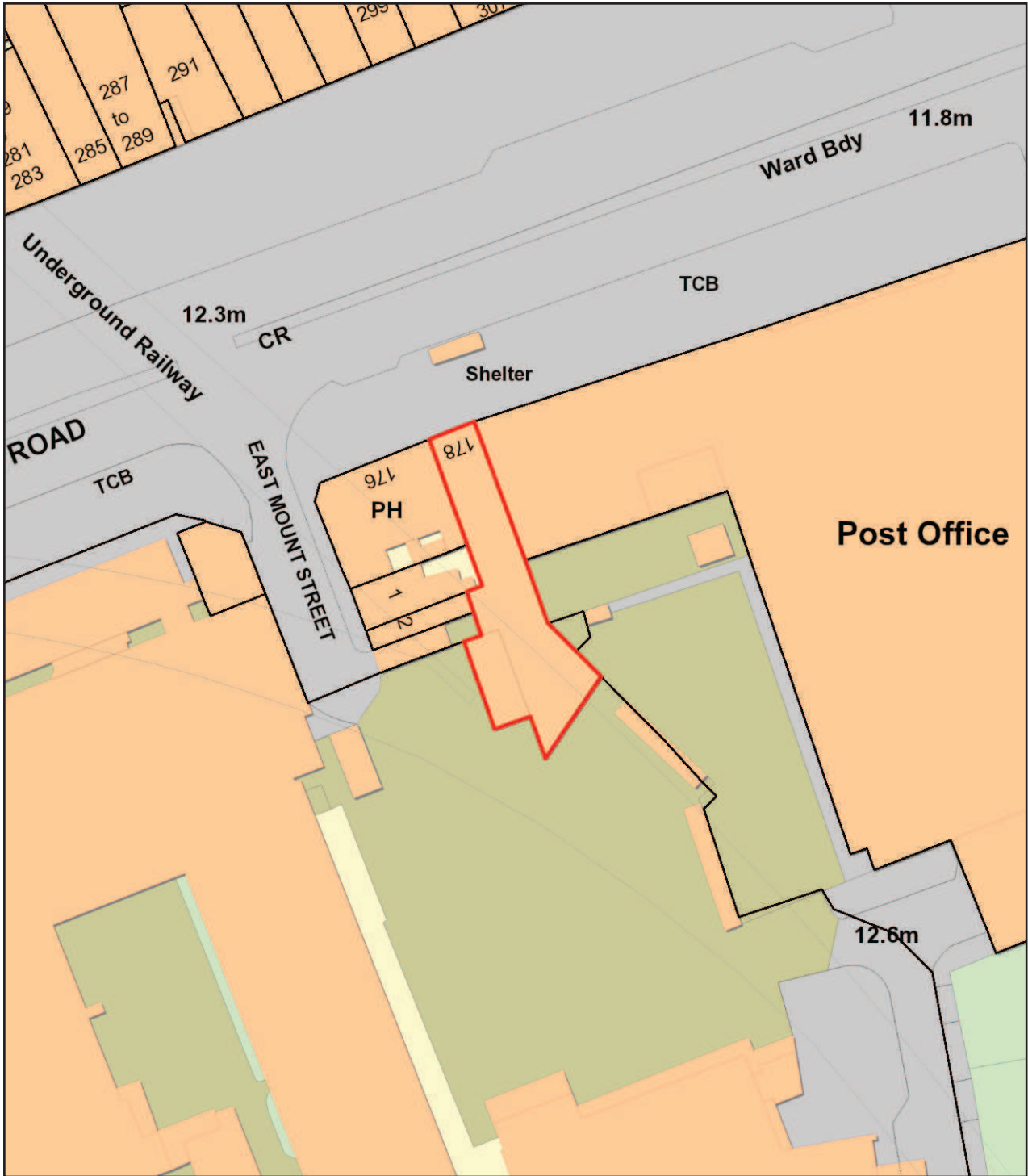
PROPOSED BASEMENT PLAN



PROPOSED GROUND FLOOR PLAN

Client	MR K
Project	178 V LON E1 1E
Drawg. Title	CHA
Drawn	RGO
Scale	1:100
Project/Drawg.	DP/1.

Appendix 2

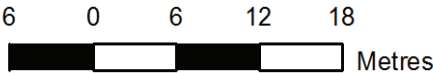


Whitechapel Road 178a

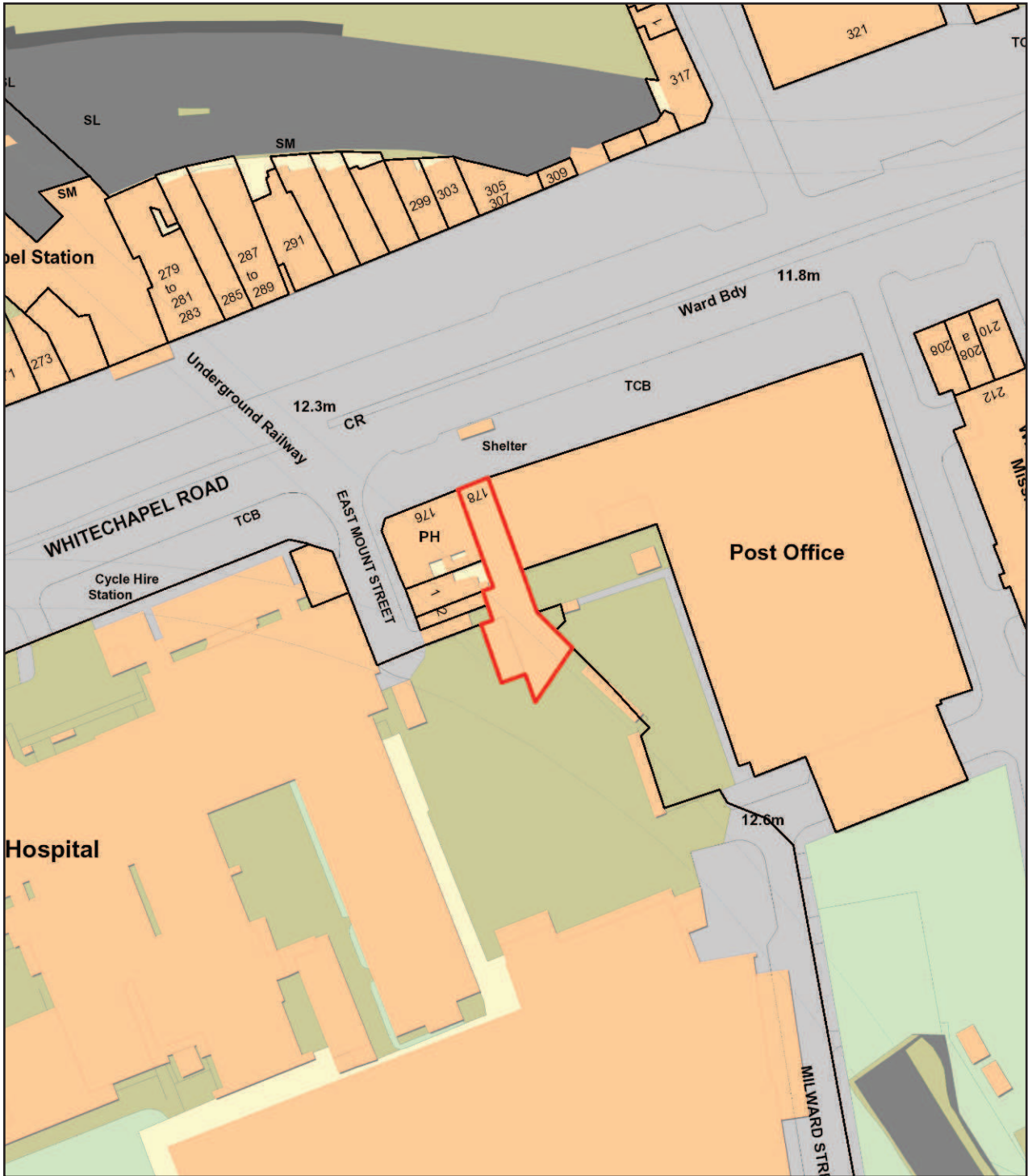
Map 1



Scale 1:668



Produced by London Borough of Tower Hamlets on 10/11/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

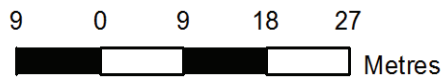


Whitechapel Road 178a

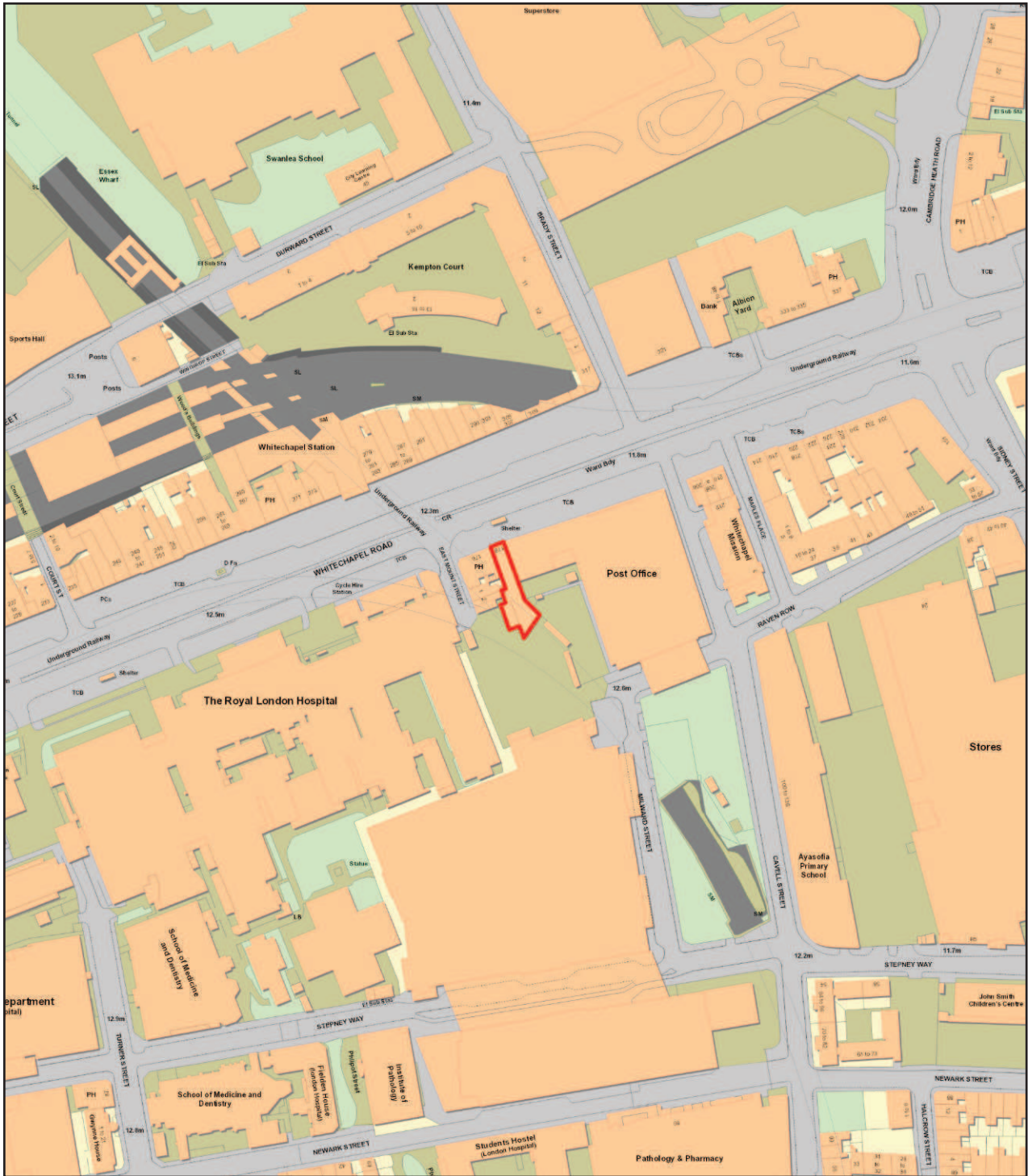
Map 2



Scale 1:1001



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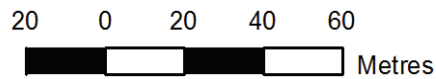


Whitechapel Road 178a

Map 3



Scale 1:2337



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Appendix 3

Mr John McCrohan,
Tower Hamlets Council Licensing,
Toby Club,
Vawdry Close

HT - Tower Hamlets Borough

Licensing Office
Toby Club,
Vawdry Close

Telephone: [REDACTED]

Facsimile:

www.me [REDACTED]

Your ref:

Our ref:

21st October 2014

Dear Mr McCrohan,

Re: Application for Premises Licence for Royal PFC 178A Whitechapel

Road E1

I write with reference to the above application which was received by Tower Hamlets
Police Licensing

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, and Public Nuisance

Firstly Tower Hamlets Police believe that having the premises open until 3:00am on
Monday to Saturday would attract yet more people into a very busy area of Tower
Hamlets. There are concerns that the venue will attract people who have been drinking in
one of the bars on Whitechapel road who wish to get hot food on their way home.
Especially given the close proximity of the premises to Whitechapel Tube Station which is
a transport hub for people entering and leaving the borough.

Secondly with customers who are under the influence of alcohol there is an increased risk of crime and disorder as arguments and confrontations take place in a confined space as people queue for food. These premises do not have security and there is no way for staff behind the counter to filter customers who are drunk, or aggressive away from the premises. Staff at these premises are not trained to deal with violent confrontations. This then increases demand on the Police at a time when resources are stretched, especially over the weekend due to policing the night time economy.

Lastly the area has residential premises in close proximity and there is in the police's opinion a significant risk of increased anti-social behaviour with customers dropping litter, and loud noise associated with drunken revellers making their way home in the early hours of the morning.

Tower Hamlets Police therefore ask that the hours are moderated to the following:

Late Night Refreshment.

Sunday to Thursday - 11:00 to 00:00

Friday and Saturday - 11:00 to 01:00

The following conditions to 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 both inside and in the outside asking customers to respect local residents, and to be quiet when leaving the premises.

Regards

Pc Mark Perry 748HT

Police Licensing Officer

Appendix 4

Crime and Disorder on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.6).

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 5

Crime and Disorder from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (1.6).

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

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

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

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

Licence conditions should not duplicate other legislation (1.19).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 6

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)

- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

Appendix 7

Appendix 7

Licensing Policy relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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