



LICENSING SUB COMMITTEE

Tuesday, 28 July 2015 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

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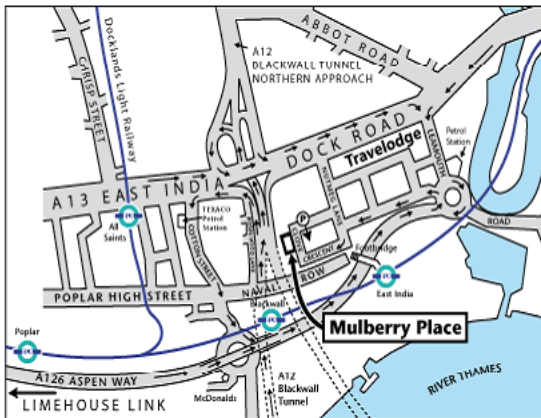
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APOLOGIES FOR ABSENCE

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 - 36)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 19th May 2015 (to follow), 2nd June 2015, 16th June 2015 (to follow) and 30th June 2015.

4. ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1 Application for a New Premises Licence for The Royal Pharmaceutical Society of Great Britain, 66-68 East Smithfield, London, E1W 1AW.	37 - 102	Whitechapel

Licensing objectives:

Representations by:

4 .2 Application for a Premises Licence for Shiraz Food and Wine - 178 Hackney Road, London, E2 7QL	103 - 192	Weavers
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Licensing objectives:

Representations by:

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

3.2 Timescale for notice of hearings to be given

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

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

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

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

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

3.3 Persons who must be notified of a hearing

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

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

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

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

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4. Procedure at the Hearing

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

8. Notices

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

9. Appeals

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

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

APPENDIX A

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

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 6.40 P.M. ON TUESDAY, 2 JUNE 2015

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)
Councillor Khaled Uddin Ahmed
Councillor Amina Ali

Apologies

None

Officers Present:

Alex Lisowski	- (Licensing Officer)
Ian Moseley	- (Trading Standards Officer)
Vivienne Walker	- (Senior Prosecution Lawyer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

PC Alan Cruickshank	- (Item 4.2)
Kitty St Aubyn	- (Item 4.2)

Objectors In Attendance:

Abdul Hasib	- (Item 4.1)
Abdul Rab	- (Item 4.1)
David Dadds	- (Item 4.2)
Abdul Ahad	- (Item 4.2)

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 meeting were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for A1 Brady News, 59 Brady Street, London, E1 5DW

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 A1 News, 59 Brady Street, London E1 5DW. It was noted that the review had been triggered by Trading Standards.

At the request of the Chair, Mr Ian Moseley, Trading Standards Officer explained the concerns which led to the review. Ms Moseley explained that there were concerns of underage sales and records showed that there had been a number of breaches of legislative requirements at the premises. Including underage sales of tobacco and alcohol and possession of non-duty paid cigarettes and suspected counterfeit wine.

It was also noted that the shop was closely situated next to a school and that the school had banned the children from going to the shop. He said that Mr Abdul Rab, Premises Licence Holder, had accepted the conditions proposed but Mr Mosely wanted the Sub-Committee to apply these conditions on to the licence and consider whether a suspension was necessary.

Members then heard from Mr Abdul Hasib, representative on behalf of Mr Rab, he said that Mr Rab has not sold to underage children and have agreed to all conditions proposed by Trading Standards and that all CCTV cameras were in working order. He explained that there was a lot open space surrounding the shop which therefore attracted children to loiter outside and cause anti-social behaviour.

In response to questions it was noted that there were CCTV cameras both inside and outside the premises. That the DPS has changed and all conditions have been complied with. It was also noted that Trading Standards currently had no concerns.

Members retired to consider their decision at 6.50.pm 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 Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both interested parties with particular regard to the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

Members noted the Premise Licence Holder/Designated Premises Supervisor's efforts in alleviating the concerns by agreeing to the conditions proposed by Trading Standards. Members also noted that Trading Standards were satisfied that the conditions would be met and that there were no concerns at the moment and therefore suspension was not appropriate.

Therefore Members decided to grant the review in part by adding conditions to the licence which would help promote the licensing objectives.

Members urged the Premise Licence Holder to ensure that all staff are regularly trained and that no underage sales are made.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the review application for, A1 Brady News, 59 Brady Street, London E1 5DW be **GRANTED in part** with conditions.

Conditions

1. No sales of alcohol to take place unless a persona/licence holder is present on the premises.
2. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door to door sellers other than from established traders who provide full receipts at the time of delivery.
3. The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - i. Seller's name and address
 - ii. Seller's company details, if applicable
 - iii. Sellers VAT details, if applicable
 - iv. Vehicle registration details, if applicable
3. Legible copies of the documents referred to above shall be retained on the premises and made available to authorised officers on request.
4. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

4.2 Application to Review the Premises Licence for Muhib Indian Cuisine, 73 Brick Lane, London E1 6QL

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 Muhib Indian Cuisine, 73 Brick Lane, London E1 6QL. It was noted that the review had been triggered by the Metropolitan Police and supported by local residents.

The Chair adjourned the meeting at 7.20pm to view CCTV footage submitted by the Police. It was confirmed that the CCTV footage had been served to the premises licence holder. The Chair reconvened the meeting at 7.40pm.

Mr David Dadds, Legal representative for the Premise Licence Holder highlighted the fact that supporting documents submitted by the Police were served very late. Mr Dadds explained that requests for this information was made months ago.

At the request of the Chair, Ms Kitty St Aubyn, Counsel representing the Metropolitan Police explained that the Premise Licence Holder had failed to promote the licensing objectives of crime and disorder and public safety. She explained that there had been two incidents of serious crime and disorder at the premises and therefore believe the licence should be revoked. Ms St Aubyn went on to explain in detail the two incidents which took place at the premises in September 2013 and in December 2014. She highlighted the fact that on both occasions staff were fighting with customers and both times weapons were used.

Ms St Aubyn referred to page 114 of the agenda and continued to detail the history of the premises and its various licence holders. It was noted that Mr Ahad was an a previous Premise Licence Holder from 2007 then transferred over to Mr Elias Miah in November 2012 following a review hearing in November 2011 when Members of a Licensing Sub Committee made a decision to suspend the premises licence for three days and added touting conditions. She explained that since the current review had been triggered, an application to transfer the licence to "Copper Chimney (London) Limited" has been received, the company director being Mr Abdul Ahad who has been a licence holder previously as mentioned above.

It was noted that the review had been triggered because of the shocking incident on 13th December 2014 where a fight broke out in the premises between staff and customers, and as seen in the CCTV footage, staff used chairs and glasses as weapons. It was noted that the victims suffered head injuries and a broken finger. It was also noted that staff left the premises immediately evading cooperating with the police.

Ms St Aubyn explained that the CRIS report detailed the injuries that were reported and from the CCTV footage it showed that it was an unprovoked act, with members of staff inflicting harm on customers.

It was noted that there were similarities between the incident in September 2013 and in December 2014 where staff were seen to be inflicting pain to members of the public, showing aggression and acting together like a gang as managers watch passively and in both occasions evading assisting police.

There was also mention that there were allegations that staff at the premises caused harassment to another premise in Brick Lane. There were also concerns from local residents as the premises was in the cumulative impact zone. In conclusion Ms St Aubyn said that members of public suffered injuries, these failures were under the current management who was unsuitable to hold a premises licence and therefore urged Members to revoke the licence.

Members then heard from Mr David Dadds, Legal Representative acting on behalf of Mr Ahad, Premise Licence Holder. He began by stating that the supporting evidence submitted by the Police was received late. He stated that the two incidents were over a year apart. He also said that the premise was transferred to Copper Chimney on 15 January 2015.

It was noted that the business was sold and taken on fresh by Mr Ahad and there had been no objection when the licence was transferred over in January 2015

Mr Dadds said that Mr Ahad had assisted the police and provided CCTV footage. He said that the previous incident (September 2013) should not be taken into account as a review was triggered and matters were resolved at a previous hearing. It was noted that it was a different Premise Licence Holder and a different business. He said that there has not been a formal investigation into the incident and no one had been to the premises to take an account from staff as to what had happened.

Mr Dadds explained that the customers had brought in their own alcohol and had it under the table, when staff noticed this, they had been told that they were not allowed to bring their own drinks/alcohol to the premises and then through altercations the incident occurred. He said that staff acted in self-defence and that the police had never asked staff for their account of the event.

After the incident they closed the premise and left, he highlighted that not one member of staff was interviewed, cautioned or arrested. He highlighted that management had recently conducted staff training on conflict management. It was noted that the civil issue of alleged harassment should not be of any relevance to this hearing.

He concluded that the staff were confronted with customers bringing alcohol on the premises who then got aggressive and then later ejected. It was noted that the police also confirm on page 159 that the victims were aggressive. He

said it was managed properly, and the victims were ejected lawfully and no member of staff had been prosecuted or arrested.

In response to questions the following was noted;

- That apart from the review the police undertook interviews, however staff had left the premises when police arrived and the victims did not want to pursue the complaint as they lived abroad.
- That the evidence of the incident in September 2013 had been reproduced as it puts the recent incident in December 2014 into prospective and shows similarities as a repeat incident and can be seen as a pattern emerging.
- That there was a police investigation into the incident in September 2013
- That staff have now been trained in conflict management
- That staff who were involved in the incident no longer worked at the premises, there was new members of staff and new management.
- That staff using weapons to inflict assault and staff joining in was highly inappropriate.
- Mr Ahad's history with the premise was noted
- That all the current members of staff were new.
- That it was necessary to revoke the licence as Police did not accept that the current staff were new. As a list of staff was never given during or after the incident.
- That it was concerning that training on Conflict Management was needed for staff.
- That key members of staff were trained to keep order and manage customers.
- That after the incident the premises was shut for 2-3 days and new staff had been hired during this transition period.
- That there were similarities between the incident in September 2013 and in December 2014.
- That the current Premises Licence Holder was not involved in the incident in September 2013.
- That there has not been a formal police investigation into the incident in December.
- That management have addressed the concerns by providing training to staff.

The Chair invited both parties to give a brief summation of their cases.

Members retired to consider their decision at 8.15pm and reconvened at 8.20pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that Members considered detailed verbal and written evidence in view of the Licensing Act 2003, Home Office Guidance and Licensing Objectives in relation to the prevention of crime and disorder and public safety. Members also viewed CCTV footage supplied by the Police.

Members found that the incident in September 2103 had already been subject to a review and resolved and therefore not relevant to this review. Members also did not consider Mr Ahad's, Premise Licence Holder, previous convictions relevant as it was relating to touting and not subject to this review and was related to a different premises. The Chair stated that there were a lot of irrelevant information submitted by the Police, including the civil matter mentioned in the agenda.

However, the incident in December 2014 was of great concern and Mr Ahad had confirmed that he was in the process of transferring the licence and indeed attended after the incident and accepted that it was his responsibility. Regardless of this Members found it wholly inappropriate and dangerous to use chairs and glasses as weapons and staff rushing into fight was also very worrying as serious injuries were sustained. It was also concerning that no manager was visible during the incident and as Mr Ahad himself said the manager was frightened and tried to leave.

Members acknowledged that training had been conducted but noted this was in April 2015, several months after the incident. Members recognised that there was new management and new staff in place and therefore felt that revocation was not reasonable or proportionate. Therefore Members decided to suspend the premise licence for all licensable activities for 12 weeks to allow time to put improvements in place and promote the licensing objectives of crime and disorder and public safety.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the review application for Muhib Indian Cuisine, 73 Brick Lane, London E1 6QL be **GRANTED in part**.

Suspension

Twelve weeks suspension for all licensable activities (suspension to commence once decision notice is served).

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

**6. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR TOWPATH BY
CANAL GATE, VICTORIA PARK, LONDON E3**

This item was withdrawn as objections had been resolved.

The meeting ended at 9.15 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 5.30 P.M. ON TUESDAY, 30 JUNE 2015

**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)
Alex Lisowski	- (Licensing Officer)
John McCrohan	- (Trading Standards & Licensing Manager)
Gurwinder Olive	- (Senior Lawyer, Legal Services)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Teerun Ramlochun	
Yundan Liu	- (Item 3.2)
	- (Item 3.2)

Objectors In Attendance:

PC Alan Cruickshank	
Alan Aylott	- (Item 3.1 & 3.2)
Ibrahim Kocager	- (Item 3.1)
	- (Item 3.1)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no apologies for absence.

2. RULES OF PROCEDURE

There were no declarations of disclosable pecuniary interest.

3. ITEMS FOR CONSIDERATION

3.1 Application to Review the Premises Licence for Best Kebab, 275 Commercial Road, London E1 2PS

Mr Aylott for the licensee requested confirmation that the Sub-Committee had received proposals which he hoped would narrow the issues for the Members. It was confirmed that they had.

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 Best Kebab, 275 Commercial Road, London E1 2PS. It was noted that the review had been triggered by Trading Standards and supported by the Metropolitan Police.

At the request of the Chair, Mr John McCrohan, Trading Standards and Licensing Manager explained the concerns which led to the review. Mr McCrohan explained that there were also concerns of dealing in illicit tobacco which was a serious crime as referenced in 6.11 of the Licensing Policy. There were also a number of breaches of legislative requirements at the premises, including non-display of the premises licence, no CCTV cameras in working condition and trading outside licensable hours.

He said that good management of the premises and the promotion of licensing objectives was crucial to any business. Therefore Mr McCrohan suggested a reduction in opening hours as later opening hours posed a greater risk and potential for anti-social behaviour and raised more concerns about responsibility of management.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he said that he supported the Trading Standards review and it was clear from visits made at the premises by PC Brendan O'Rourke that the Premises Licence Holder was often exceeding opening hours. He then referred to page 64 of the agenda which detailed the number of incidents at the premises including a drunk assault where there was no CCTV footage available to investigate and another incident in December 2014 at 02:52 hours when the shop should have been closed. He also suggested a reduction in hours to help promote the licensing objectives as all the incidents had occurred during the early hours of the morning. PC Cruickshank suggested a closing time of 1am Friday and Saturday and 12 midnight on Sunday to Thursday.

At the request of the Chair, Mr Alan Aylott, Representative for Mr Ibrahim Kocager, Premises Licence Holder, asked Members to note the conditions offered which was tabled at the meeting such as removing the sale of alcohol from the licence and conditions to prevent illicit purchase of alcohol or tobacco.

Mr Aylott said that Mr Kocager had had the premises for 10 years and when the licence was first granted he had been under the assumption that he could sell food any hour but the licensable hours were only for the sale of alcohol.

He noted the two out of hours sales but said that there had been no prosecutions. He advised that in accordance with section 11 of the Home

Office Guidance the sub-committee were not here to determine on guilt. The purpose of the hearing is to address the issues.

It was noted that the summary licence was now correctly displayed at the premises and a new CCTV camera system had been installed and was now in place and in working order. He stated that the cigarettes were bought for personal use and there was no evidence that they were sold to underage children. He said that there was no need to remove the Designated Premises Supervisor (DPS) as they have offered to remove the sale of alcohol and therefore a DPS was not required. He said that since the review has been triggered, there have been no issues/complaints at the premises. Mr Aylott said that Mr Kocager accepts the error on his part but there have been no problems for the past 5 months once he has been made aware. He also acknowledged buying smuggled cigarettes and notes it's a serious offence but mentioned that there had been no prosecutions. Mr Aylott assured Members that this would not happen again and concluded that the proposals made were sufficient to deal with the concerns raised.

In response to Members questions, the following was noted;

- That the sale of alcohol would be removed.
- That CCTV cameras were now in working order, there were 4 cameras and CCTV footage would be retained for 31 days.
- That licensing objectives had been breached, therefore seeking a reduction in hours.
- That there were concerns that Mr Kocager has had a licence for 10 years and didn't know what type of licence he had.
- That cigarettes were brought for personal use.
- That there was no evidence that there had been sale of cigarettes.
- That there had been no prosecutions to date.
- That the premise was fully compliant now.

Members retired to consider their decision at 6.50pm 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 Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully listened to all interested parties. After careful consideration Members did not accept that the Licensee had misunderstood or misread the License conditions. The Chair of the sub-committee advised that the Members were concerned by the matters raised by the Police and Trading

Standards and the possibility that the matters could lead to crime and disorder. Members did however note the Licensee's efforts in alleviating the concerns of the responsible authorities by offering to remove the sale of alcohol as a licensable activity and any resulting conditions relating to the sale of alcohol and also the imposition of an additional condition regarding the purchasing of tobacco or alcohol products.

In reaching their decision Members noted the advice given by the Police regarding opening hours which was to reduce late night opening by two hours a night Monday to Saturday and by one hour on a Sunday but felt that in light of the removal of alcohol this recommendation would not be followed.

The Chair advised that the Sub Committee had decided to accept the conditions as offered by the Licensee and to also grant the review application in part by reducing the opening hours by one hour per night in order to address the concerns raised in relation to the licensing objective of "the prevention of crime and disorder".

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, Best Kebab, 275 Commercial Road, London E1 2PS be **GRANTED in part**, with conditions.

Removal of the sale by retail of alcohol as a licensable activity

Amendments to Conditions on Annex 2

Removal of conditions 1 -4

The Provision for Late Night Refreshments

Sunday to Thursday until 01:00 hours

Friday and Saturday until 02:00 hours

Hours premises are open to the public:

Sunday to Thursday 12:00 hours to 01:00 hours

Friday and Saturday 12:00 hours to 02:00 hours

Additional Conditions at Annex 3

The premises license holder shall ensure that no alcohol or tobacco products will be purchased from sellers calling to the shop; and

The premises licence holder shall ensure that all receipts for goods bought include the following details:

- a) The seller's name and address;
- b) The seller's company details, if applicable;
- c) The seller's VAY details, if applicable

And copies of these documents should be made available to officers from responsible authorities upon reasonable request.

3.2 Application for a New Premises Licence for Tomorrow Bar & Restaurant, 132 Bethnal Green Road, London, E2 6DG

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Tomorrow Bar and Restaurant, 132 Bethnal Green Road, London E2 6DG. It was noted that objections had been received by the Metropolitan Police and the Licensing Authority.

At the request of the Chair, Mr Teerun Ramlochun, Legal Representative for the Applicant stated that they already had a licence till 10.30pm and wanted an extension till 1am. He said that the objection from the Police was because some of the information was missed out from the application.

He said that they were not asking for exceptional hours, only hours that other premises have in the area. He said that the notice went up and there were no objections from local residents and that his client had demonstrated what he would do to promote the licensing objectives in his application. He stated that he did not see how the licence would result in more people staying longer in the cumulative impact zone given the number of other premises in the area. Mr Ramlochun proposed that the applicant would appoint two SIA door staff, would promote responsible drinking, he also mentioned that they would not have any offers or discounts on the drinks. He said the premises itself had a licence in 2008 and was trading under a different company as a karaoke bar and restaurant and there were no noise complaints therefore believed the premises to be sufficiently sound proofed. He said that the manager of the premises had 6-7 years of experience working in China Town.

Mr Ramlochun concluded that it would be unfair if the hours applied for were not granted as all competitors had late hours and there had been no complaints from the previous licence. He said that there were CCTV cameras in place and would comply with everything the Police had asked for.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he explained that the Council had 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. He explained that in regards to the policy an application would be refused unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.

He said that the availability of alcohol all week until 01:00 hours would mean more people staying for longer within the CIZ with the potential for ASB and violence. He stated that he was not sure that the applicant had explained or demonstrated that there would be no negative impact. He said there was no mention of CCTV cameras in the application and had only heard of the SIA staff at the meeting today. PC Cruickshank questioned whether it was a bar or restaurant and suggested reduced hours, 22:30 hours Sunday to Thursday and 23:00 hours on Friday and Saturday and the conditions on page 139 of the agenda.

Members then heard from Mohshin Ali, Licensing Authority, he said the premise did have a licence in 2008 but the company dissolved in 2011 and therefore there was currently no premises licence in place and that this was a new application and not a variation application as mentioned by Mr Ramlochun. He believed the application was made for a bar as there was no mention of late night refreshments, only sale of alcohol and regulated entertainment which were elements of a bar. Mr Ali also supported the reduced hours suggested by the Police if Members were minded to grant the application.

In response to Members questions the following was noted;

- That it was a restaurant and not just a bar
- That the capacity of the premises was for 50-60 people
- That the applicant missed the late night provisions from the application form.
- That there were concerns that the premises was trading without a licence.
- That the Police had made a referral to the Fire Authority due to concerns in the basement area.

Members retired to consider their decision at 7.15pm and reconvened at 7.20pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both the Applicant's Representative and submissions from the Police and

Trading Standards. Members did not think it was appropriate to grant the application as Members felt that it would undermine the Licensing Objectives of crime and disorder and prevention of public nuisance.

In making the decision Members noted that the premises were within the area of the Special Cumulative Impact Zone. It was noted that a Cumulative Impact Policy was adopted by the London Borough of Tower Hamlets on 18 September 2013. The policy provides that where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. The effect of this special Cumulative Impact Policy is to create a rebuttable presumption. The applicant can rebut the presumption to refuse if they can demonstrate that their application for a new licence premises would not undermine one of the four licensing objectives. The applicant is expected to show this through the operating schedule and with supporting evidence (if appropriate) that the operation of the premises will not add to the cumulative impact already being experienced.

The Committee recognises that the cumulative impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder. However, the policy does not act as an absolute prohibition on granting or varying new licences in the Cumulative Impact Zone. The Members considered that in this instance the applicant had not satisfactorily addressed the rebuttable presumption as Members had noted that the application was on the basis of an extension of hours, despite there being no existing license, that the applicant was unable to demonstrate clearly whether the premises was to be a restaurant or a bar, there was not a sufficiently robust operating schedule to demonstrate the activities alleged and it was noted that despite stating that the premises was a restaurant there was not application for late night refreshment, despite the request for opening hours, alcohol and entertainment to 1am.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a new premises licence for, Tomorrow Bar & Restaurant, 132 Bethnal Green Road, London, E2 6DG be **REFUSED**.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent.

The meeting ended at 7.25 p.m.

Chair, Councillor Peter Golds

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	28 July 15	Unrestricted	LSC 01/156	

Report of David Tolley Head of Consumer and Business Regulation Services	Title Licensing Act 2003 Application for a New Premises Licence for The Royal Pharmaceutical Society of Great Britain, 66-68 East Smithfield, London, E1W 1AW.
Originating Officer: Alexander Lisowski Licensing Officer	Ward affected Whitechapel

1.0 Summary

Applicant:	Royal Pharmaceutical Society of Great Britain
Name and	Royal Pharmaceutical Society Of Great Britain
Address of Premises:	66-68 East Smithfield London E1W 1AW
Licence sought:	Licensing Act 2003 Application for a new premises licence to allow: <ul style="list-style-type: none">• Recorded music and anything similar to recorded music• The on sale of alcohol
Objectors:	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 playing of recorded music, and anything of a similar description, and the on-sale of alcohol at The Royal Pharmaceutical Society of Great Britain, 66-68 East Smithfield, London, E1W 1AW. The applicant has also applied for the provision of late night refreshment. However the hours requested do not fall within the timespan for which authority for the provision of late night refreshment is required.
- 3.2 A copy of the application is enclosed as **Appendix 1**.

The hours applied for are:

**The Playing of Recorded Music,
and Anything of a Similar Description**

Monday to Sunday, 08.00am to 23.00pm

The On Sale of Alcohol

Monday to Sunday, 10.00am to 23.00pm

Hours The Premises Are Open to the Public

Monday to Sunday, 06.00am to 20.00pm

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

4.0 **Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November, 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in March 2015.

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

5.0 Representations

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

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

5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

5.4 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

5.5 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.

5.6 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.

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

- Local Residents

See Appendices 4-5

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

The Licensing Authority
The Metropolitan Police
The LFEPA (the London Fire and Emergency Planning Authority
Planning
Health and Safety
Noise (Environmental Health)
Trading Standards

Child Protection
Primary Care Trust

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

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

5.10 The objections cover allegations of

- Crime and public disorder
- Public nuisance
- Protection of children from harm

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

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ❖ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
 - ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ❖ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)

- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 6-10** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application for a new premises licence.
- Appendix 2** Maps of the surrounding area of the premises.
- Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.
- Appendix 4** Representations of Ms De Feo.
- Appendix 5** Local residents' petition.
- Appendix 6** Licensing officer comments on anti-social behaviour on the premises.
- Appendix 7** Licensing officer comments on anti-social behaviour patrons leaving the premises.
- Appendix 8** Access and egress problems.
- Appendix 9** Planning.
- Appendix 10** Licensing Policy relating to hours of trading.

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Appendix 1



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

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 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

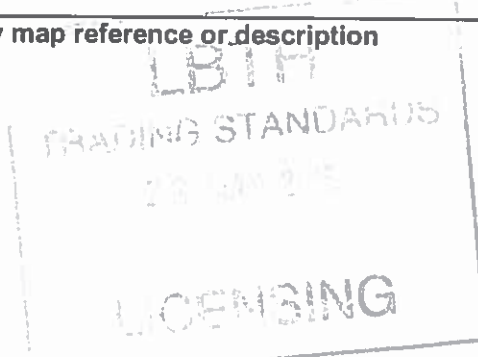
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

I/We (Insert name(s) of applicant) ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN

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	
66-68 EAST SMITHFIELD	
	
Post town	Post code
LONDON	E1W 1AW

Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £282,500 (TBC)

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals* Please complete section (A)

- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)

- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)

- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)

- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick as appropriate

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname **First names**

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname **First names**

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name	ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN
Address	LEVELS 2 MORE RIVERSIDE LONDON, SE1 2AP
Registered number (where applicable)	RC000799
Description of applicant (for example partnership, company, unincorporated association etc)	ROYAL CHARTER
Telephone number, if any	[REDACTED]
E-mail (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
22	06	2015

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

Day	Month	Year

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

--

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

MEMBERSHIP ORGANISATION WITH FUNCTION & MEETING ROOMS FOR CORPORATE USE & PRIVATE HIRE. THERE IS NO REQUIREMENT FOR OFF-SUPPLIES OF ALCOHOL.

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3) AMPLIFIED MUSIC TO ACCOMPANY BOTH EVENTS & MEETINGS FOR BOTH INTERNAL & EXTERNAL (PUBLIC) EVENTS .		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			
			State any seasonal variations for playing recorded music (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish			
Mon	08:00	23:00	Please give further details here (please read guidance note 3) SATURDAYS & SUNDAYS INCLUDED BUT RARE. MUSIC PLAYED AS BACKGROUND PRESENTATIONS WITHIN THE BUILDING.		
Tue	08:00	23:00			
Wed	08:00	23:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00	Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	08:00	23:00			

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	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors		
Mon	08:00	23:00	Please give further details here (please read guidance note 5) THIS IS CORPORATE EVENT REFRESHMENTS OF BUFFETS, CANAPES, SIT DOWN MEALS ALL SERVED & PREPARED ON-SITE.	Both		
Tue	08:00	23:00				
Wed	08:00	23:00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	08:00	23:00				
Fri	08:00	23:00		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	08:00	23:00				
Sun	08:00	23:00				

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	<input checked="" type="checkbox"/>	
Day	Start	Finish		Off the premises		
Mon	10:00	23:00	Please give further details here (please read guidance note 5) CHAMPAGNE RECEPTIONS DURING THE DAY WITH FOOD. OTHERWISE SUPPLY OF ALCOHOL WILL ORDINARILY BE IN THE EVENING SERVED WITH FOOD.	Both		
Tue	10:00	23:00				
Wed	10:00	23:00		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	10:00	23:00				
Fri	10:00	23:00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	23:00				
Sun	10:00	23:00				

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

Name

SILVIA LACERDA .

Address

66 EAST SMITHFIELD .
LONDON
Postcode E1W 1AW .

Personal Licence number(if known)

Issuing licensing authority (if known)

K

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

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	06:00	20:00	<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>THERE WILL BE OCCASIONS, BY PRIOR ARRANGEMENT WHEN THESE TIMES WILL BE EXTENDED / VARIED DEPENDING UPON EVENT REQUIREMENTS.</p>
Tue	06:00	20:00	
Wed	06:00	20:00	
Thur	06:00	20:00	
Fri	06:00	20:00	
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)

- ALL EVENTS WILL BE RESTRICTED IN NUMBER
- MOST EVENTS WILL BE INTERNAL CORPORATE EVENTS RELATING TO THE PHARMACEUTICAL PROFESSION
- ALL EVENTS ARE HOSTED BY AN EVENT MANAGER
- PREMISES MANAGEMENT + SECURITY. ATTEND THROUGHOUT EACH EVENT .

b) The prevention of crime and disorder

- ALL EVENTS ARE BY INVITED GUEST LIST ONLY .
- ALL EVENTS ARE BY INVITE ONLY .
- SECURITY / PREMISES MANAGEMENT PRESENT AT EACH EVENT
- RECEPTION STAFFED AT EACH EVENT .
- BUILDING FITTED WITH CCTV, SMART CARD ACCESS ETC .
- RESTRICTED NUMBERS AT EACH EVENT .
-

c) Public safety

- BUILDING FITTED WITH CCTV, SMART CARD ACCESS
- SECURITY / PREMISES MANAGEMENT ON SITE AT EACH EVENT .
- RAMS IN ACCORDANCE WITH RRS H4S. POLICY + PROCEDURES UNDERTAKEN FOR EACH EVENT

d) The prevention of public nuisance

- SECURITY / PREMISES MANAGEMENT ON SITE AT EACH EVENT.
- EACH EVENT WILL HAVE A STIPULATED END TIME *regulation complied with*
- NOISE REGULATIONS *will not* BE COMPLIED WITH.
- SUPPORT WILL BE PROVIDED TO ANY GUEST WHO MAY NEED ASSISTANCE GETTING HOME
- EVENT MANAGER WITH DESIGNATED RESPONSIBILITY FOR ENSURING GUESTS DO NOT CREATE PUBLIC NUISANCE

e) The protection of children from harm

- ANY REQUEST FOR CHILDREN ON SITE WOULD BE COORDINATED THROUGH PREMISES MANAGER
- SPECIFIC RISK ASSESSMENT UNDERTAKEN AND APPROPRIATE CONTROL MECHANISMS ADOPTED TO REDUCE RISK .
- CHILDREN ON SITE - RARE OCCURRENCE - BY EXCEPTION ONLY .
- CHILDREN ALWAYS ACCOMPANIED BY FAMILY MEMBER .
- NORMAL LICENSING LAWS ADHERED TO .

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

CHECKLIST:

Please tick to indicate agreement

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

Part 4 – Signatures (please read guidance note 10)

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

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

Signature 

Date

21/5/15

Capacity

Director of Finance and Resources

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)

SIMON REOMAN
66 EAST SMITHFIELD.

Post town

LONDON

Post code

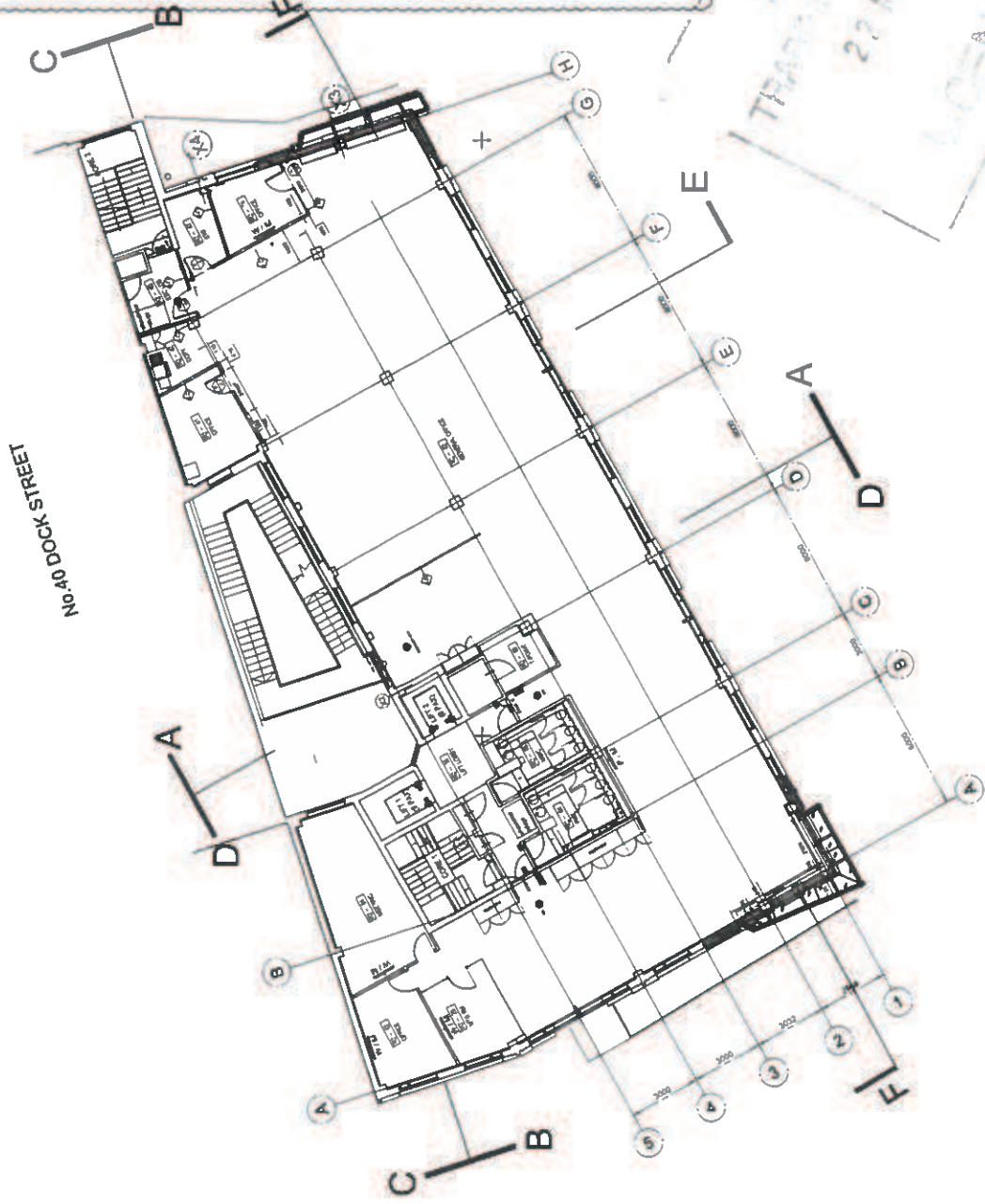
E1W 1AW

Telephone number (if any)

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

SECOND FLOOR

No. 40 DOCK STREET



SYMBOL	DESCRIPTION
(Symbol)	INTERNAL DOOR WITH CLOSURE - OPEN POSITION
(Symbol)	INTERNAL DOOR WITH CLOSURE - CLOSED POSITION
(Symbol)	ONE MOULD
(Symbol)	DOOR CONTACT
(Symbol)	SHOWN GLASS UNIT
(Symbol)	REQUEST TO OPEN BUTTON
(Symbol)	WALL MOUNTED CALL POINT SIGNAL
(Symbol)	INTERCOM REQUEST SIGNAL
(Symbol)	PHONE CALL BUTTON
(Symbol)	GLASS BREAK SIGNAL
(Symbol)	SMALL REQUEST INTERCOM DOOR SIGNAL
(Symbol)	INTERCOM REQUEST
(Symbol)	PHONE LINE

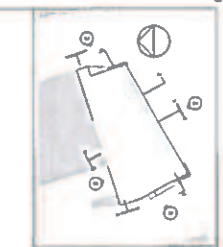
SYMBOL	DESCRIPTION
(Symbol)	WALL MOUNTED INTERCOM REQUEST
(Symbol)	INTERNAL DOOR WITH CLOSURE - OPEN POSITION
(Symbol)	INTERNAL DOOR WITH CLOSURE - CLOSED POSITION
(Symbol)	ONE MOULD
(Symbol)	DOOR CONTACT
(Symbol)	SHOWN GLASS UNIT
(Symbol)	REQUEST TO OPEN BUTTON
(Symbol)	WALL MOUNTED CALL POINT SIGNAL
(Symbol)	INTERCOM REQUEST SIGNAL
(Symbol)	PHONE CALL BUTTON
(Symbol)	GLASS BREAK SIGNAL
(Symbol)	SMALL REQUEST INTERCOM DOOR SIGNAL
(Symbol)	INTERCOM REQUEST
(Symbol)	PHONE LINE

DRAWING CATEGORY CA - GENERAL ARRANGEMENT
 CHANGES TO BE MADE IN CONJUNCTION WITH THE PROVISIONS OF THE BUILDING REGULATIONS 2011

SYMBOLS
 LEVEL, SURFACE, ELEVATION, DIMENSION, etc.
 CONSTRUCTION, MATERIAL, etc.
 FINISH, etc.

NOTES
 1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2011.
 2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2011.
 3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2011.

LEGEND
 1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2011.
 2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2011.
 3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2011.



GENERAL NOTES
 1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2011.
 2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2011.
 3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2011.

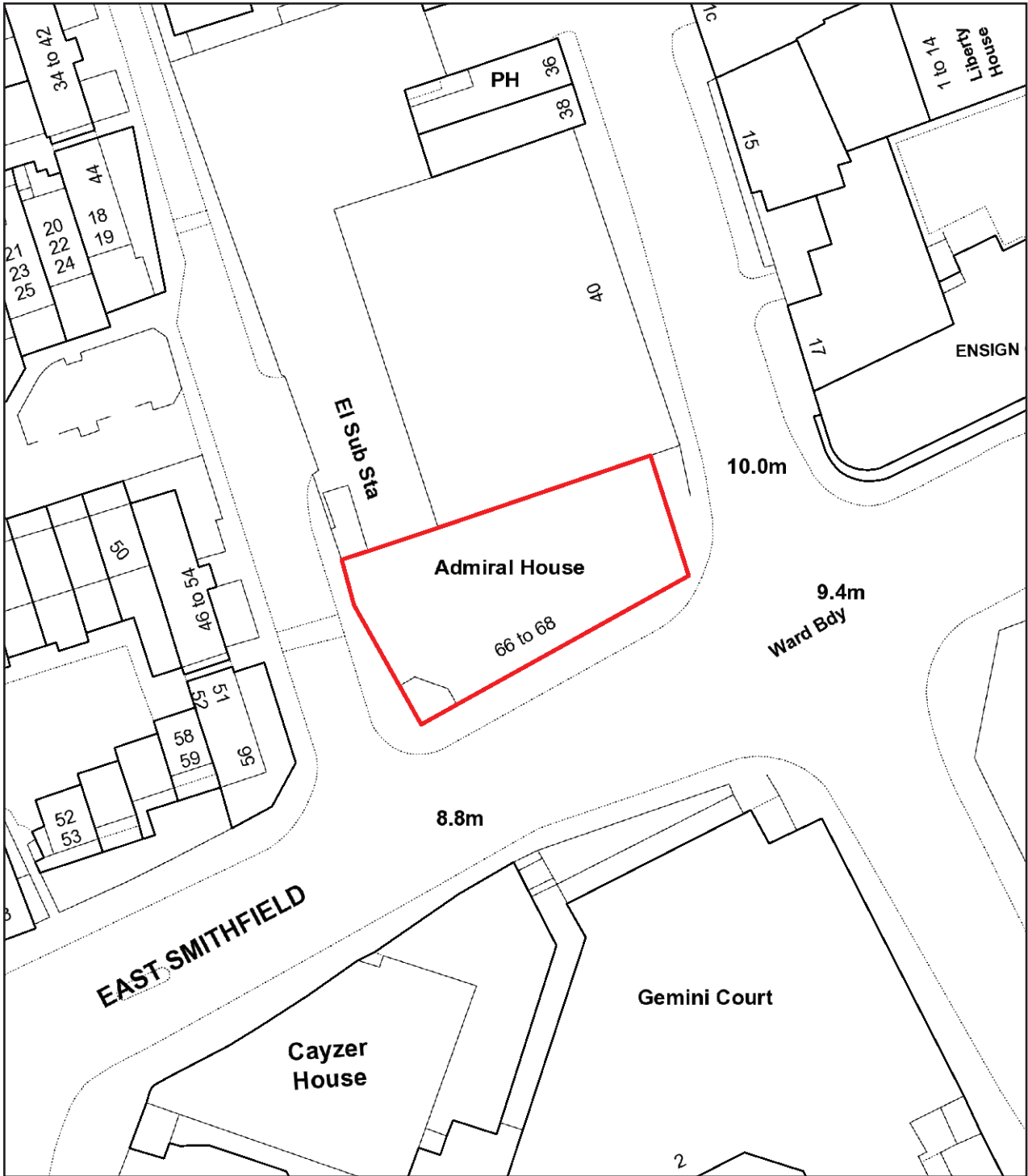
THE ROYAL PHARMACEUTICAL SOCIETY (RPS)
PRINGLE BRANDON PERKINS + WILL
 ARCHITECTS



NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	15/05/2018	...	...
2	ISSUED FOR PERMITS	15/05/2018	...	...
3	ISSUED FOR PERMITS	15/05/2018	...	...
4	ISSUED FOR PERMITS	15/05/2018	...	...
5	ISSUED FOR PERMITS	15/05/2018	...	...
6	ISSUED FOR PERMITS	15/05/2018	...	...
7	ISSUED FOR PERMITS	15/05/2018	...	...
8	ISSUED FOR PERMITS	15/05/2018	...	...
9	ISSUED FOR PERMITS	15/05/2018	...	...
10	ISSUED FOR PERMITS	15/05/2018	...	...

REVISIONS
 1. Drawing includes design team only.
 2. Drawing includes design team only.
 3. Drawing includes design team only.
 4. Drawing includes design team only.

Appendix 2

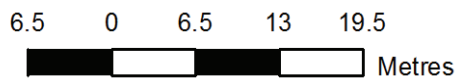


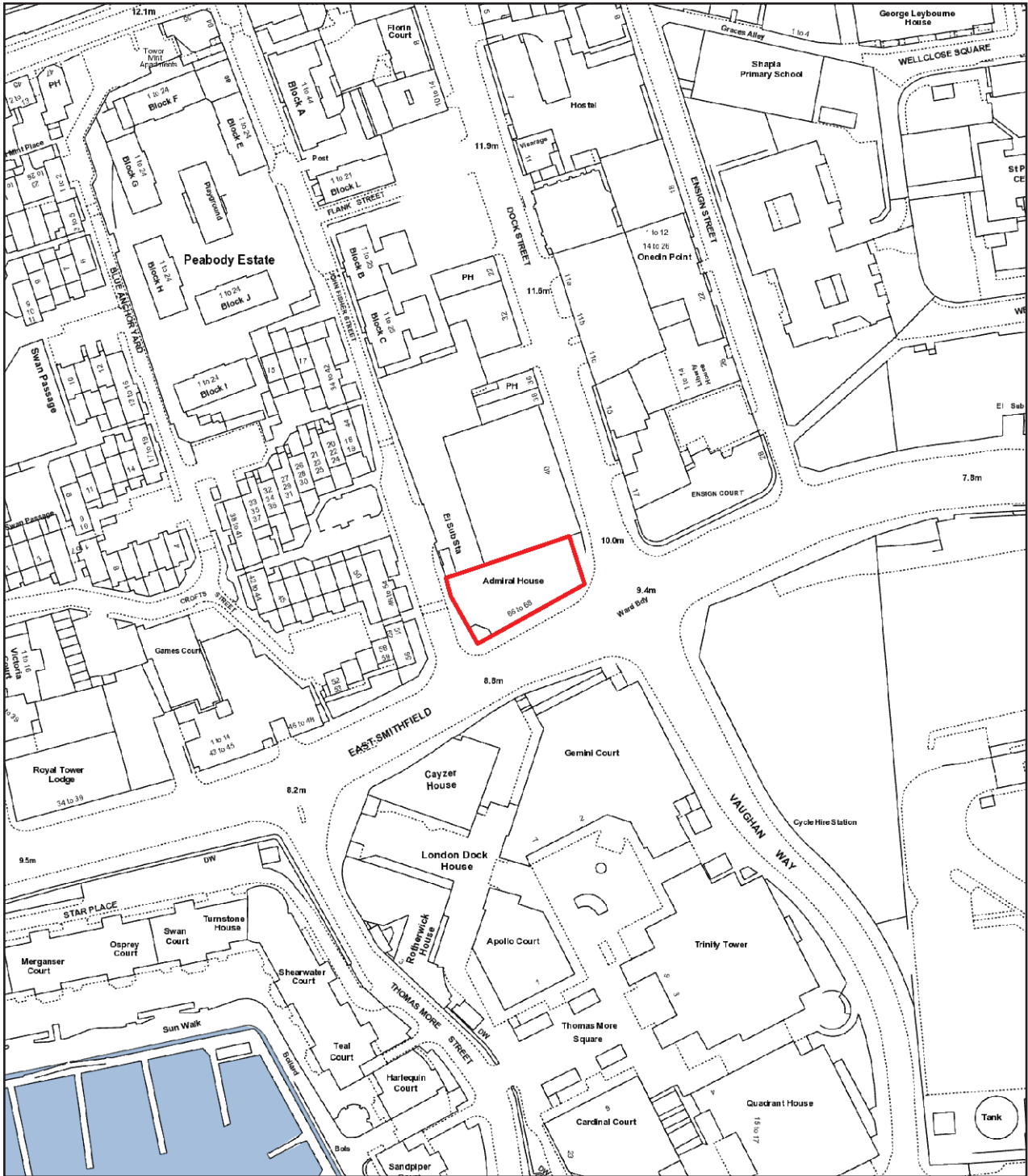
Royal Pharmaceutical Society

66-68 East Smithfield



Scale 1:718





Royal Pharmaceutical Society

66-68 East Smithfield



Scale 1:1795

10 0 10 20 30

Metres



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Appendix 3



**Section 182 Advice by the Home Office
Updated on March 2015**

Relevant, vexatious and frivolous representations

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

- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 4

Kathy Driver

From: [REDACTED]
Sent: 13 June 2015 20:55
To: Licensing
Subject: Objection to RPS 66 East Smithfield - additional license - prior to cut of deadline on 19th June 2015
Attachments: Scanned from a Xerox Multifunction Device.pdf; View 1 - RPS open balcony - View from private living quarters Royal Mint.jpg; View 2 - RPS open balcony -View from private living quarters Royal Mint.jpg; View 3 - RPS open balcony - View from private living quarters Royal Mint.jpg

Dear Team,

This is being sent to you as I understand that Mr Alex Lisowski is on annual leave until the 22nd June 2015.

He has advised me that objections to RPS application for a license to serve alcohol, hire out their building for private functions, have amplified music (I have attached the their application as sent to me by Mr Lisowski) has to be submitted by the 19th June 2015.

I am submitting this objection in advance of that date.

Kind Regards,

Ms H De Feo

Email sent to Mr Lisowski on 13/06/15:

Dear Mr Lisowski,

Thank you for your information and email below.

From that information, I am writing to you and requesting that you accept this as my formal complaint against RPS being granted permission for the following:

- 1: That they should be given a licence to use amplified music.
- 2: That this permission allows them to use this amplified music from 8am to 11pm for seven days a week throughout the year.
- 3: That they are allowed to hire out the venue for private functions at any time during this period throughout the year as well as run their own events during this time schedule.
- 4: That they are allowed to provide alcohol to either their own internal events or external events at any time during the week or weekend, throughout the year.
- 5: That at no time were the residents of this estate consulted to advise them that RPS intended to make an application that suggests that they will be having parties, with loud music and alcohol (either their own or private events) that would significantly interfere with our lives here.

You advised that when they submitted the application plan, you had no idea that there was an open balcony as the plans that they submitted to you by RPS seemed to omit this bit of information. You requested that I confirmed the siting of this balcony.

Or that this balcony on the 4th floor in any way overlooked the Royal Mint Estate (note an example of attached photographs that show the close proximity and invasion of privacy of residents of this estate).

This license is highly likely to:

- 1: Increase anti-social/and possibly contribute to crime or disorder in this area.
- 2: Increase public nuisance to those of us living here.
- 3: Potentially contribute to reducing residents safety - mainly from an anti-social/public nuisance point of view.
- 4: We have a large number of young children living on this estate. They attend nurseries and schools. It is only fitting that the estate children's rights are taken into account when considering issuing RPS with this license. Part of the children's basic right is to have regular, adequate rest & recuperation during the evenings and

weekends. This crucially provides them with the conditions that enable them to thrive, learn and grow. Sleep is an essential part of that. The license request infringes these rights.

Future fears concerning this license are as follows:

- ***Increased car/people traffic:*** the road and pavement areas are relatively narrow and predominantly used by residents on Royal Mint and Peabody Estate. It is highly probable that the increased volume of car traffic/parking and visitors for either RPS or private events during evenings & weekends will create significant congestion in this area. There have already been substantial altercation between residents from both estates during works carried out by Paragon. Residents were no longer able to park their cars in this street during these major works during the day/evenings/weekends. A number reported having to find alternative off street parking as their usual spaces were taken up. This was a high cost to them. Regular private functions will contribute to further alienate residents.
- ***Amplified music and onsite alcohol:*** It is highly likely that the provision of permission to play amplified music during the specified time span will not only disturb residents (***with particular reference to young children on this estate***) but will also alienate residents because of the additional disturbance from the music when patrons leave the premises at 11pm, congregating outside the buildings entrance, getting in/out of their cars, congregating in groups, potentially further escalated due to the influence of alcohol (***contributing to noise disturbance, anti-social behaviour, possible disorder***).
- ***Open balcony:*** This in itself promotes the anti-social behaviour and noise disturbance as patrons will have license for the music to be played in this area further disturbing residents and young children.

S106 Gain:

We had generally anticipated that the local community would have benefitted in some significant way from the S106 Gain but sadly RPS

has not contributed in anyway towards enhancing the local communities life by their presence.

A further essential consideration must be that should the license go ahead given the nature and extent of the disturbance, it would therefore be reasonable and practicable that Tower Hamlets is made responsible for providing all residents with high quality sound proofing via double glazed windows minimizing noise disturbance to residents.

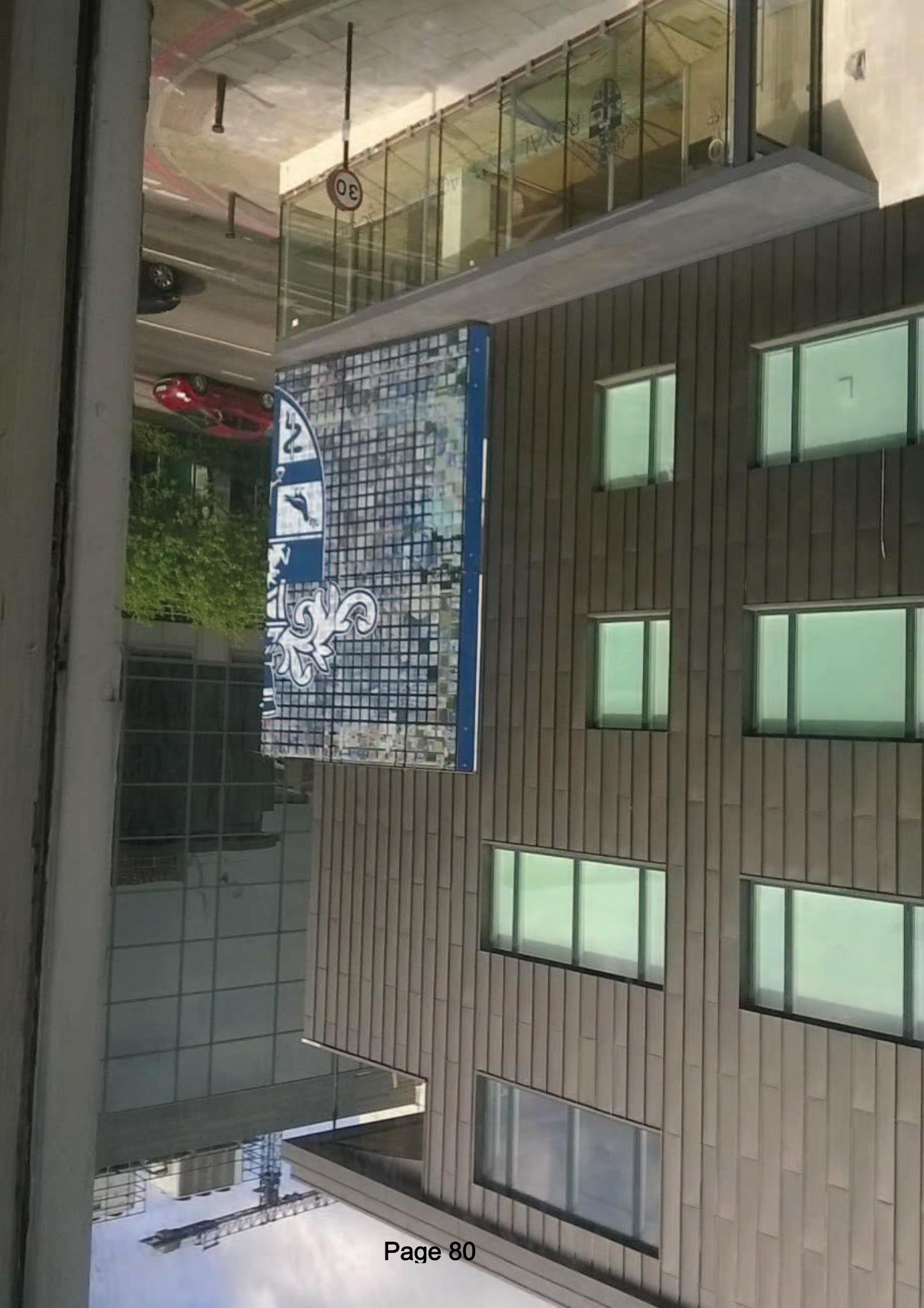
As mentioned, please take this an objection to RPS being given the above mentioned license and note that it has been submitted before the closing deadline (19th June 2015). Residents are being notified of RPS's request.

With Kind Regards,

Ms HDe Feo









Appendix 5

From: [REDACTED]
Sent: 18 June 2015 15:19
To: Licensing; Kathy Driver; Alex Lisowski; Beth Eite
Subject: RPS Licensing Request - 66 East Smithfield - Residents Petition
Attachments: RPS-Residents Petition June 2015.PDF

Dear Licensing Team, Mr Lisowski and Ms Driver,

Attached is the petition signed by some Royal Mint Residents and some Peabody residents living on John Fisher Street. Not all residents were available to contact before the deadline. Your contact details have been provided to as many residents as was possible to follow this up for themselves should they feel inclined.

I understand that objections have to be submitted to your department by midnight Friday 19th June 2015. This email has been sent along with the petition within that time frame. The petition has been set out as per your previous guidance. I trust that this will be acceptable.

- The concerns expressed relate to how wide and open ended the permission request appears to be.
- The community understands the concept of Corporate Events in terms of seminars, lectures, etc as being reasonable. However there is a particular worry about the specification that the premises is likely to be hired out for public and private events.
- Discrepancies relate very much to it being for Corporate use and then referencing public hire.
- What does '*private/public*' events actually mean? This is of greatest concern for residents. Could this be opening the arena up for private/public events such as future Wedding receptions, celebratory musical/ceremonial events given that it is a prime location for the group to take photographs in local tourist spots?
- What does 'permission for amplified music' mean?
- During events, Corporate or otherwise, will access to and from the building take place on the Dock Street side?

- Residents who have signed the petition are particularly concerned about the impact of additional car parking in a mainly residential area; the increase of noise and possible disruptive behaviour and the impact on their children's health and wellbeing.

Our understanding so far when contacting the Planning Dept was that this building was purely for office use.

It was a fluke that we contacted you and found out about this licensing request and the possible change of building purpose (as suggested by private/public hire). Up until now, residents had not been notified.

Residents that have signed the document have stated that they are happy for me to be the link person. I will pass on major information to those on the list.

With Kind Regards,

Ms H De Feo

PETITION BY THE ROYAL MINT ESTATE RESIDENTS

Petition to Tower Hamlets Licensing Department against
The Royal Pharmaceutical Society (RPS) 66 East Smithfield Street E1W 1AW.

PARTICULAR CONCERNS RE PRIVATE HIRE / PUBLIC EVENTS

We the undersigned wish to object to RPS being provided a license to:

1. Have access to amplified music for use for internal/external organisation events
2. That this license should allow this to take place from 8am to 11pm 7 days a week throughout the year
3. That this license allows the supply of onsite alcohol to such parties (internal/external)

We object on the grounds that this license is highly likely to contribute to:

- 1: Increased anti-social disorder and disruptive behaviour during these events and/or when leaving the premises at any time during, on or after 11pm (increased car parking in a mainly residential area; alcohol consumption, starting up cars, slamming car doors, etc.) *(ALSO FROM 6-8pm - M-F)*
- 2: Increased noise disturbances as a result of loud amplified music coming from these events in the RPS building/open balcony. Sound will travel in and around our adjacent residential estate during, on or after 11pm. Consumption of alcohol on RPS premises is likely to further contribute to noise disturbances.
- 3: Having a harmful impact on the development of the young children and adolescents living in this community. They have the basic right to be able to have regular, undisturbed sleep throughout the year in order to assist them with being & remaining healthy, staying safe, enjoying and achieving in their lives **(Every Child Matters)**. This enables them to thrive and grow within their community and improve better access to learning and education. Disrupted sleep patterns that would be posed by providing this license will be harmful to their growth and development. (Refer again to points 1 & 2.)

No	Name - Print/Sign	Address or Post Code	Contact email address/Tel no: if wish to give info.
1	<i>J. Green</i> 14.6.15	[REDACTED]	[REDACTED]
2	KASHIM AHMED <i>[Signature]</i> 14.6.15.	[REDACTED]	[REDACTED]
3	<i>N. Brown</i> 14.6.15	[REDACTED]	[REDACTED]
4	John H. Cook 14.6.15.	[REDACTED]	[REDACTED]

OBJECTION TO RPS, 66, EAST SMITHFIELD, E11W 1AW
 APPLYING FOR AMPLIFIED MUSIC, EXTENDED HOURS FOR PRIVATE/
 PUBLIC EVENTS FROM (6AM) 8AM - 11PM 7 DAYS A WEEK.

5	PAUL BENNETT P. Bennett	[REDACTED]	[REDACTED]
6	KARE NSIAH	[REDACTED]	[REDACTED]
7	A. DASGUPTA H. DASGUPTA (parent)	[REDACTED]	[REDACTED]
8	J. Dasgupta.	[REDACTED]	[REDACTED]
9	P. Michaelides	[REDACTED]	[REDACTED]
10	A. Adani	[REDACTED]	[REDACTED]
11.	H. [REDACTED]	[REDACTED]	[REDACTED]
12.	J. D. Mason	[REDACTED]	[REDACTED]
13	A. MIAH	[REDACTED]	[REDACTED]
14	Jackie Meguire	[REDACTED]	[REDACTED]
15	JOSEPHINE BORG	[REDACTED]	[REDACTED]

To be sent to: MR ALEX LISOWSKI OR HIS TEAM (TOWER HAMLETS LICENSING DEPARTMENT)
 EMAIL: licensing@towerhamlets.gov.uk Tel: 020 7364 7446 Hotline: 0207 364 5008

**Petition to Tower Hamlets Licensing Department by Residents of Royal Mint
Concerning The Royal Pharmaceutical Society (RPS)
66 East Smithfield Street E1W 1AW being granted application for amplified music, extended
hours for private/public events (6am/8am – 11pm for private and public events 7 days a week
throughout the year.**

PARTICULAR CONCERNS RE: PRIVATE HIRE/PUBLIC EVENTS

We the undersigned wish to object to RPS being provided a license to:

1. Have access to amplified music for use for internal/external organisation events
2. That this license should allow this to take place from 8am to 11pm 7 days a week throughout the year
3. That this license allows the supply of onsite alcohol to such parties (internal/external)

We object on the grounds that this license is highly likely to contribute to:

- 1: Increased anti-social disorder and disruptive behaviour during these events and/or when leaving the premises at any time during, on or after 11pm (increased car parking in a mainly residential area; alcohol consumption, starting up cars, slamming car doors, etc.)
- 2: Increased noise disturbances as a result of loud amplified music coming from these events in the RPS building/open balcony. Sound will travel in and around our adjacent residential estate during, on or after 11pm. Consumption of alcohol on RPS premises is likely to further contribute to noise disturbances.
- 3: Having a harmful impact on the development of the young children and adolescents living in this community. They have the basic right to be able to have regular, undisturbed sleep throughout the year in order to assist them with being & remaining healthy, staying safe, enjoying and achieving in their lives (**Every Child Matters**). This enables them to thrive and grow within their community and improve better access to learning and education. Disrupted sleep patterns that would be posed by providing this license will be harmful to their growth and development. (Refer again to points 1 & 2.)

No	Name – Print/Sign	Address or Post Code	Contact email address/Tel no: if wish to give info.
16	Cornelius Whitehead	[REDACTED]	
17	MARY LOONEY Mooney 16/6/2015	[REDACTED]	
18	H - Diakito 16/6/2015	[REDACTED]	
19	E Pitts 17-6-2015	[REDACTED]	
20	Pat Ayres 17/6/2015	[REDACTED]	
21	Salam Khan 17/06/2015	[REDACTED]	

**Petition to Tower Hamlets Licensing Department by Residents of Royal Mint
Concerning The Royal Pharmaceutical Society (RPS)
66 East Smithfield Street E1W 1AW being granted application for amplified music, extended
hours for private/public events (6am/8am – 11pm for private and public events 7 days a week
throughout the year.**

PARTICULAR CONCERNS RE: PRIVATE HIRE / PUBLIC EVENTS

We the undersigned wish to object to RPS being provided a license to:

- 4. Have access to amplified music for use for internal/external organisation events
- 2. That this license should allow this to take place from 8am to 11pm 7 days a week throughout the year
- 3. That this license allows the supply of onsite alcohol to such parties (internal/external)

We object on the grounds that this license is highly likely to contribute to:

- 1: Increased anti-social disorder and disruptive behaviour during these events and/or when leaving the premises at any time during, on or after 11pm (increased car parking in a mainly residential area; alcohol consumption, starting up cars, slamming car doors, etc.)
- 2: Increased noise disturbances as a result of loud amplified music coming from these events in the RPS building/open balcony. Sound will travel in and around our adjacent residential estate during, on or after 11pm. Consumption of alcohol on RPS premises is likely to further contribute to noise disturbances.
- 3: Having a harmful impact on the development of the young children and adolescents living in this community. They have the basic right to be able to have regular, undisturbed sleep throughout the year in order to assist them with being & remaining healthy, staying safe, enjoying and achieving in their lives (**Every Child Matters**). This enables them to thrive and grow within their community and improve better access to learning and education. Disrupted sleep patterns that would be posed by providing this license will be harmful to their growth and development. (Refer again to points 1 & 2.)

No	Name – Print/Sign	Address or Post Code	Contact email address/Tel no: if wish to give info.
22	NASIR <i>NASIR</i> 17-6-15	[REDACTED]	
23	ABUL AZI <i>ABUL AZI</i> 17-6-15	[REDACTED]	[REDACTED]
24	MARIA <i>MARIA</i> 17/06/15	[REDACTED]	
25	K. Coppenthwaite <i>K. Coppenthwaite</i> 18/6/2015	[REDACTED]	
26	<i>[Signature]</i> 18-6-2015	[REDACTED]	

Parent

Petition sent by residents on Royal Mint Estate

To be sent to: MR ALEX LISOWSKI OR HIS TEAM (TOWER HAMLETS LICENSING DEPARTMENT)

EMAIL: licensing@towerhamlets.gov.uk

Tel: 020 7364 7446

Hotline: 0207 364 5008

Appendix 6

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 7

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 8

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See 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 9

Planning

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

Appendix 10

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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 :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	28 July 2015	Unclassified	LSC 02/156	

Report of : David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for Shiraz Food and Wine – 178 Hackney Road, London, E2 7QL Ward affected: Weavers
---	--

1.0 Summary

Applicant: **Abid Hussain**
Name and **Shiraz Food and Wine**
Address of Premises: **178 Hackney Road**
London
E2 7QL

Licence sought: **Licensing Act 2003**
The 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

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a premises licence for Shiraz Food and Wine – 178 Hackney Road, London, E2 7QL.

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

3.3 The applicant has described the nature of the application as:

- The sale of alcohol

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

Sale of Alcohol (on and off sales)

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

Hours premises is open to the public:

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

3.5 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 March 2015.

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 Metropolitan Police. See PC Alan Cruickshank’s representation in **Appendix 4**.
- 5.9 The application has also received representation from local residents:
- M Jorde
 - S Camilleri

See **Appendices 5-6**

- 5.10 In addition, a petition has also been received. Mr Jorde and Mr Canilleri are party to that petition, in addition representation is therefore made by the following local residents:
- E Payunlo
 - J R Maliogaya
 - C Lendor
 - G and T Barbe
 - A Gelassakis

See **Appendix 7**

- 5.11 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police

- The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust
- 5.12 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.13 The objections cover allegations of
- Anti-social behaviour on the premises
 - Anti-social behaviour from patrons leaving the premises
 - Acting as a magnet attracting the young who then engage in anti-social behaviour
 - Disturbance from patrons leaving the premises on foot
 - Disturbance from patrons leaving the premises by car
 - Close proximity to residential properties
- 5.14 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.15 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

- 6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore 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)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60)

Also, "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."
(10.21)

- 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 In **Appendices 8-12** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public

safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

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

8.0 **Legal Comments**

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

9.0 **Finance Comments**

- 9.1 There are no financial implications in this report.

10.0 Appendices

- | | |
|--------------------|--|
| Appendix 1 | A copy of the application |
| Appendix 2 | Maps of the area |
| Appendix 3 | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations |
| Appendix 4 | PC Alan Cruickshank of the Metropolitan Police |
| Appendix 5 | Representations of local resident M Jorde |
| Appendix 6 | Representations of local resident S Camilleri |
| Appendix 7 | Representations of local residents in the form of a petition (E Payunlo, J R Maliogaya, C Lendor, G and T Barbe, A Gelassakis) |
| Appendix 8 | Licensing Officer comments on Anti-Social Behaviour on the Premises |
| Appendix 9 | Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises |
| Appendix 10 | Licensing Officer comments on Access and Egress Problems |
| Appendix 11 | Licensing Officer comments on Acting as a Magnet Attracting the Young who then engage in Anti-Social Behaviour |
| Appendix 12 | Licensing Officer comments on Licensing Policy Relating to Hours of Trading |

Appendix 1



This form should be completed and forwarded to:

**London Borough of Tower Hamlets,
Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY**

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I ...Pc Mark Perry 748HT Borough Licensing Officer apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 club premises, or if none, ordnance survey map reference or description	
Shiraz Food and Wine 178 Hackney Road	
Post town London	Post code (if known) E2 7QL

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

Mr Sheraz Ahmed and Mr Mohammed Akbar

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

16688

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) Y
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname	First names
<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"/>
----------------------------------	----------------------

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Pc Mark Perry 748HT Licensing Officer Tower Hamlets Police Toby Club Vawdry Close E1 4UA
Telephone number (if any) <input type="text"/>
<input type="text"/>

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

Please tick one or more boxes

- | | |
|---|--------------------------|
| 1) the prevention of crime and disorder | Y |
| 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 provide as much information as possible to support the application (please read guidance note 2)

Shiraz Food and Wine has come to notice to the Police on several occasions over the last year. Most recently in December 2014 when a joint visit by Tower Hamlets Police, LBTH Trading Standards Officials and HM Customs and Excise conducted a visit on the premises and seized a large amount of counterfeit and smuggled goods.

A detailed account of the visit is as follows:

On Wednesday 10th December 2014 as part of Operation Equinox, which is Metropolitan Police initiative to reduce violence with injury. Tower Hamlets Police, LBTH Trading Standards and an officer from HM Customs and Excise conducted a series of inspections on several off-licenses in Tower Hamlets.

The purpose of the visits was to make sure that premises were abiding by the conditions of their license, that there were no smuggled or counterfeit goods in the premises, and to remind both staff and management of their responsibilities under the Licensing Act 2003, in particular with regard to Operation Equinox not to sell alcohol to people who are drunk.

We entered Shiraz Food and Wine at about 12:00pm and identified ourselves to the staff in the shop and conducted our inspection. In the shop we found 70cl bottles of the following Italian wine Lancini, Casa Del Vino and Don Vino wines on sale in the shop. The bottles were marked up for sale as "2 for £5", which immediately raised our suspicions, as it is almost impossible to make money from selling imported wine at that price. This is due to the fact that the cost of the wine plus the import duty means that selling anything below £3 per bottle will result almost certainly result in a loss being made on each sale.

Upon inspection the bottles of wine had no individual prices on them. Invoices for the wine were asked for to prove they were purchased legitimately, but no invoices have been provided. Upon further inspection of the premises we found a large

quantity of this Italian wine in the store room. In total 137 bottles were seized as they were believed to be smuggled goods.

Also on sale on shelving behind and under the shop counter were bottles of spirits, which upon inspection by HM Customs and Excise officer Benjamine Cooper appeared to be counterfeit. The rear labels were fake. A large quantity of these spirits were found in the stock room hidden behind a curtain, in what Police believe was a deliberate attempt to hide them. The box's of the various types of spirits had there bar codes blocked out with marker pen, and the box's they were in were cellotaped up.

The following bottles of spirits were found with counterfeit rear labels and seized:

25 x 70cl bottles High Commissioner Whisky

66 x 35cl bottles High Commissioner Whisky

23 x 70cl bottles Famous Grouse Whisky

4 x 35cl bottles Famous Grouse Whisky

9 x 70cl bottles Teachers Whisky

27 x 1L bottles Smirnoff Vodka

7 x 70cl bottles Smirnoff Vodka

18 x 70cl bottles Glens Vodka

21 x 1L bottles Bacardi Rum

1 x 70cl bottle Bacardi Rum

13 x 70cl bottles Wray & Nephews Rum

The amount of counterfeit and smuggled goods seized is the largest seizure in Tower Hamlets for many years, and what is believed to be the largest ever seizure of counterfeit goods from an off license.

At the time of the visit the manager of the shop a Mr Sheraz Ahmad, who said he was the son of the owner was on the premises at the time of the visit. He was

asleep on a sofa in the storeroom, a second male was also sleeping in that room on a separate sofa. The room had a shower installed, a wardrobe, fire and 3 suitcases. This information was passed on to the London Fire Brigade for them to investigate any breaches of fire regulations.

There have also been complaints from local residents that the premises is selling alcohol to street drinkers, who are then causing anti-social behavior to local residents who live in close proximity to the Shiraz Food and Wine.

Tower Hamlets Police would like to draw the committees attention to the latest Section 182 Guidance under the Licensing Act 2003 released in October 2014 This states that there is certain criminal activity that may arise In connection with licensed premises which should be treated particularly seriously. This includes the use licensed premises for the sale or storage of smuggled alcohol.

The guidance goes on to state that envisages that Licensing Authorities, the Police and other law enforcement agencies will use the review procedures to act as a deterrent to such activities and crime, and that once a review is triggered it is expected that revocation of the license, even in the first instance, should be considered.

Given the serious nature of the criminal activity, that is the smuggled and counterfeit and the large quantities involved Tower Hamlets Police ask that the premises license is revoked.

If the committee does not feel that a revocation is warranted Tower Hamlets Police ask for the following:

1) That the hours be reduced to the following:

Sale of Alcohol:

Monday to Sunday 11:00 to 23:00.

2) That the following condition be added to the license:

The receipts of all alcohol purchased for the previous 12 months are kept at the premises and made available for inspection by officers from any responsible authority and any officer from HM Customs and Excise officers.

3) That the license is suspended for a period of time set by the committee to allow the management to put new procedures and training, and to act as a deterrent to future criminality.

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

Please tick ? yes
N

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

No

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 **Y**

I understand that if I do not comply with the above requirements my application will be rejected **Y**

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Witness Statement

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

URN:

Statement of: Bridget Rushmoor

Age if under 18 (if over insert "over 18"): "Over 18"

Occupation: Trading Standards Officer

This statement (consisting of Pages(s) 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 in it, anything which I know to be false, or do not believe to be true.

Name / Signature:

Date: 15 / 1 / 15

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

I am employed by the London Borough of Tower Hamlets and am authorised to enforce various pieces of Trading legislation including the Consumer Protection from Unfair Trading Regulations 2008 and the Trade Marks Act 1994.

On 10th December Trading Standards was working with Tower Hamlets Licensing Police and an Officer from Her Majesty's Revenue and Customs Service. The purpose was to visit various off-licences in the area to ensure they were complying with Licensing, Trading Standards and Customs legislation.

At about 11.40am PC Mark Perry, Customs Officer Ben Cooper and I entered Shiraz Food and Wine, 178 Hackney Road, London E2 7QL. The man behind the counter said that his name was Mohammed and it was his Dad's business. Mr Cooper examined the bottles of spirits that were behind the counter to the right of the door when entering. He found several of the brands High Commissioner, Famous Grouse and Teacher's whisky, Smirnoff and Glen's vodka, and Wray and Nephew and Bacardi rum with counterfeit Duty Paid labels. PC Mark Perry and Customs Officer Ben Cooper then went to the storeroom downstairs and carried up boxes of similar products.

Name / Signature:

Signature Witnessed by:

Witness Statement

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

There was shelving opposite the door in about the middle of the shop that contained various bottles of inexpensive Italian Wine. Mr Cooper believed this was duty unpaid as the price was so low. He and PC Mark Perry brought several boxes of the same type of wine up from the downstairs storeroom.

While the other officers were downstairs I remained in the shop. I witnessed the same man come into the shop three or four times and each time he bought a miniature whisky which I clearly saw on one occasion was Jack Daniels. I suspected this man was a street drinker. He was wearing dark glasses and had a very gruff voice. He asked me what my name was name was and told me what his was. He asked what we were doing and teased the man behind the counter that he would be arrested, He engaged in random conversation by asking me if I understood the Off Side Rule and talking to the shopkeeper about cricket. On the final occasion I saw him come in he had another man with him and he bought a can of lager for each of them and another miniature whisky for himself. He opened the whisky and was about to drink it when the man behind the counter told him not to, I believe because I was in the shop.

PC Mark Perry made a record of all the alcohol that had been identified as being non-duty paid and which was being taken by Customs. He gave a copy of this to the person in charge of the shop. We left the premises at 1.40pm.

Name / Signature: _____

Signature Witnessed by: _____

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN []

Statement of: Benjamine Cooper

Age if under 18:Over 18 (if over 18 insert 'over 18')

Occupation:Officer H.M. Revenue & Customs

This statement (consisting of 2 page(s) 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 in it, anything which I know to be false, or do not believe to be true.

Signature:

Date: 19th December 2014

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

On 10th December 2014, I was on duty in the Shoreditch, London area. At 12:00 hours, Tower Hamlets Trading Standards, Police Licencing and I entered Shiraz Food & Wine, 178 Hackney Road, London, E2 7QL. We all identified ourselves accordingly, and it was explained to a man I now know to be Mr Sheraz Ahmad (D.o.B:14/10/1988), the reason for the visit (checks on UK Duty Paid stamps/labels on tobacco and alcohol products). I conducted a search under CEMA 1979, s.112. I found on shop shelving a quantity of Italian wine bottles being sold for 2 bottles for £5. These bottles had no individual price labels as did all the other bottles of wine. No Invoices were made available upon request. Also found in the rear stockroom were a quantity of wine cases. A total of 137 bottles (102.75 litres) of Italian wine were seized. Also found on shelving behind/under the shop counter, was a quantity of spirit bottles which had counterfeit rear labels. A further quantity of bottled spirits were found in boxes hidden behind a curtain in the rear stockroom. The spirit boxes were cellotaped up and had the bar codes blacked out with marker pen. The following bottles of spirits were found with counterfeit rear labels: 25 x 70cl bottles High Commissioner Whisky 66 x 35cl bottles High Commissioner Whisky 23 x 70cl bottles Famous Grouse Whisky

Date: Signature: (signature of witness)

Signature: (signature witnessed by)

Continuation of Statement of: Benjamine Cooper

4 x 35cl bottles Famous Grouse Whisky

9 x 70cl bottles Teachers Whisky

27 x 1L bottles Smirnoff Vodka

7 x 70cl bottles Smirnoff Vodka

18 x 70cl bottles Glens Vodka

21 x 1L bottles Bacardi Rum

1 x 70cl bottle Bacardi Rum

13 x 70cl bottles Wray & Nephews Rum

At 12:40 hours, all the above goods were seized.

I issued forms ENF156, ENF3174 and N12a to Mr S. Ahmad, which he signed.

At 13:35 hours, all Officers left the premises.

Date:

Signature:

(signature of witness)

Signature:

(signature witnessed by)

Appendix 2

**(Shiraz Food and Wine)
178 Hackney Road
London
E2 7QL**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 1st August 2007



LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

16688

Part 1 - Premises details

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

(Shiraz Food and Wine)
178 Hackney Road

Post town

London

Post code

E2 7QL

Telephone number

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday
24 Hours a day

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday 24 hours a day

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

Off sales only

Part 2

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

Mr. Sheraz Ahmed

[Redacted]

Mr Mohammad Akbar

[Redacted]

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

Not applicable

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

Mr Muhammad Shabaz

[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

Issuing Authority: [Redacted]

Personal Licence [Redacted]

Annex 1 - Mandatory conditions

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. A digital CCTV system with time and date recording facility will be installed and maintained with cameras covering the inside and immediately outside the premises. Recording media to be retained for at least 30 days and to be readily available for inspection by the Police or other statutory authority. At least one person will be trained to operate the recording equipment and be competent in its operation.
2. A personal licence holder will be on the premises at all times when open and trading.
3. Proof of age to be requested of any person who appears to be under the age of 21.
4. Refusal Book to be kept and maintained at all times
5. "No proof of age – No sale" sign to be displayed at point of sale area.

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

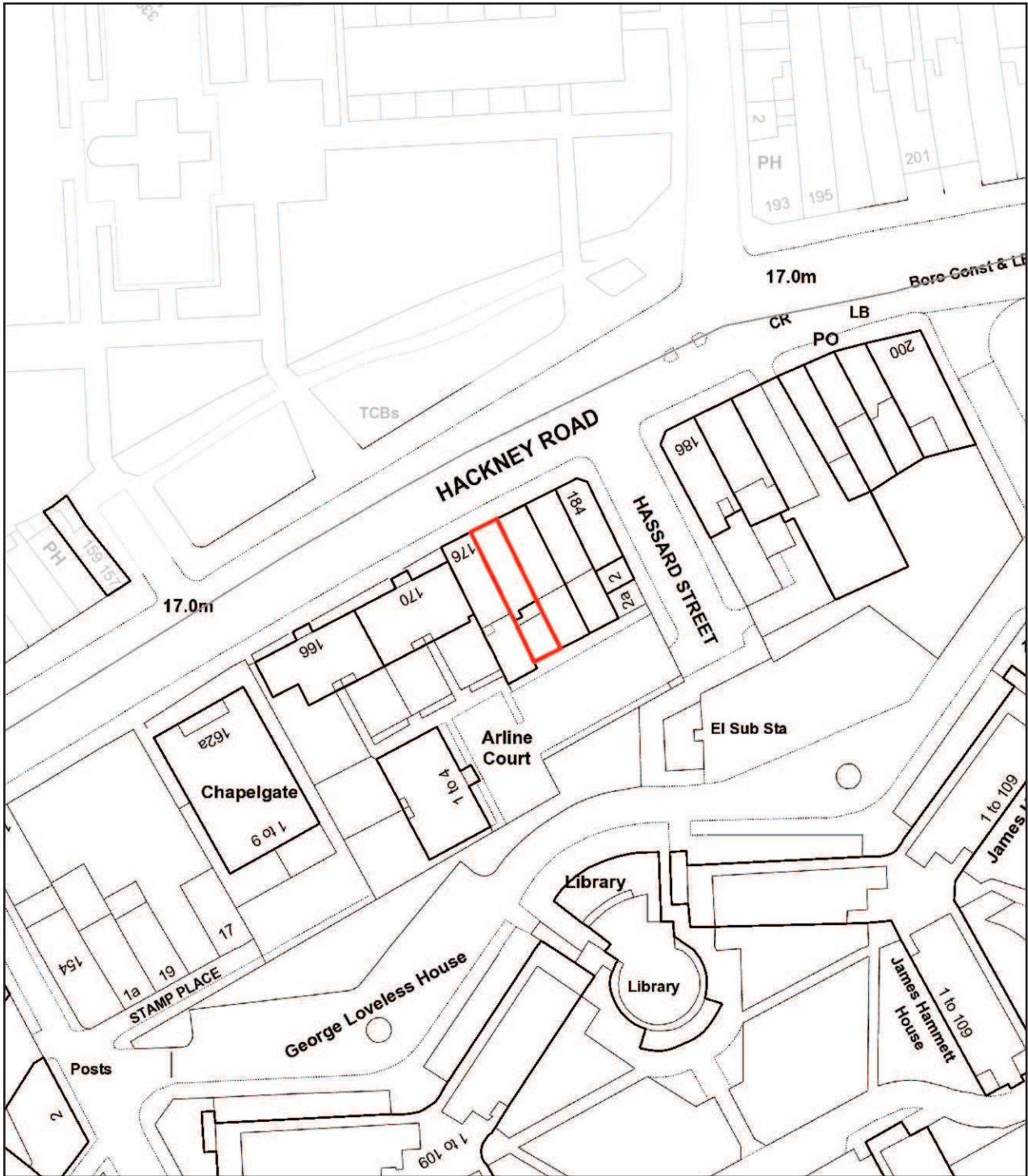
Not applicable

Annex 4 - Plans

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

12th July 2007

Appendix 3

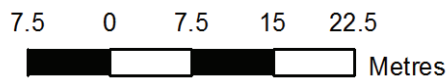


Shiraz, 178 Hackney Road

Green areas in photos are opposite shop.



Scale 1:850



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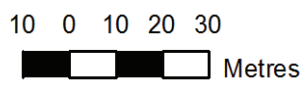


Shiraz, 178 Hackney Road

Green areas in photos are opposite shop.



Scale 1:1983



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Appendix 4

Re: Review of license for Shiraz Food and Wine in 178 Hackney Road

To whom it may concern

For the past two years the presence of a 24 hour off license in 178 Hackney Road has made life miserable for the nearby residents. I am therefore very grateful for the review that has just been initiated.

This document reflects my personal experience of the situation by way of a compiling most of the emails I have sent to the Police, Licensing Authorities and others in the past two years. I apologise in advance for the amount of reading this requires of the recipient, but I feel this best reflects how persistent the problem has been. I am also including photographic documentation and a few written observations.

To me personally, the worst part of having Shiraz Food and Wine [REDACTED] is how their customers loiter in our doorway in in between visits to their shop – buying one can of drink at a time. Their blocking our entrance means that confrontation with them is unavoidable at times. It is deeply tragic that I can go anywhere in London and feel relatively safe, but still have to worry about my safety as I approach my own home. The worst of these incidents, where I had to run down the street to avoid an attack, has been reported to the police with the reference number CAD 3337/07APR14. But as the emails below shows, there have many other incidents of threats and harassment as well, as well as street drinkers trespassing inside our building on a couple of occasions.

I am aware that there is the need to prove a link between these incidents and the off license in question. My emails below mention numerous instances where I have personally witnessed the sale of alcohol to these overly intoxicated street drinkers who then proceed to loiter in the area and behave anti socially. I am also including a number of photographs and reports where the presence of street drinking at times when other premises cannot sell alcohol in my opinion serves to prove that the troublesome street drinkers must have purchased their alcohol from Shiraz Food and Wine.

In summary I will list the negative impact of Shiraz Food and Wine with the following list of keywords:

- Threats of violence
- Verbal harassment of residents in 170 Hackney Road
- Drinking openly in public
- Urinating in public
- Littering
- Trespassing inside 170 Hackney Road
- Sexual harassment of women
- Harassment of the public in general
- Fights, loud arguments and general public disorder
- Blocking/disturbing traffic

Lastly, I kindly ask that my contribution to your review remains anonymous. As mentioned, threats and harassment is a very real concern to me.

Regards,
Magnus Jorde
[REDACTED]



Magnus Jorde [REDACTED]

Off license in 178 Hackney Road serving overly intoxicated customer

Magnus Jorde [REDACTED]

1 March 2013 at 03:25

To: licensing@towerhamlets.gov.uk

Dear Tower Hamlets Licensing Team,

I am now reporting for the second time that the 24 hour off license in 178 Hackney Road is serving overly intoxicated customers. This does not mean it has happened on only two occasions, rather this is a regular feature of their trade. As their immediate neighbour I suffer from how the area outside our two buildings have become the 'home' of several homeless alcoholics. This is especially noticeable and bothersome in the hours past midnight and towards the early morning as they keep the residents of nearby buildings awake. Many of these are in a state of far advanced intoxication yet I see them pop in to the shop again and again picking up one can of strong alcoholic drink each time.

I feel this establishment has a great negative impact on its neighbours and as such have not shown themselves worthy of a 24 hour license. I consider starting a campaign for them to lose this license. In the meantime I hope you will communicate my complaint and give them a stark warning.

Sincerely,
Magnus Jorde



Magnus Jorde [REDACTED]

RE: Homeless and drunks gather outside 24 hour off licence in 178 Hacney Road

Magnus Jorde [REDACTED]
To: SNTHT-Weavers@met.police.uk

1 March 2013 at 13:50

Dear PC Matt Musson,

Thank you for your swift response.

Although the premises in question are popular with drunks all hours of the day, I have the impression that they choose to remain in the immediate vicinity of the shop mostly after the closing times for other venues. As such I feel police attention would be most effective between the hours of, say, 23:30 and 4am - 5am.

Also these are the hours a police presence would benefit nearby residents the most as it would allow us to sleep uninterrupted. Finally, people seem more likely to urinate and litter outside our house at night time (judging by what I see when I leave the house in the morning), presumably because this is when there are less people around. There has been a marked increase in the latter after the premises in question were given a 24 hour license.

Gratefully,
Magnus Jorde

[REDACTED]
[Quoted text hidden]

Observation:

10/4/13 - 23:10 - Street drinkers havin loud argument outside 170 Hackney Road. No photo taken.



Magnus Jorde [REDACTED]

Off license in 178 Hackney Road serving overly intoxicated customer

Magnus Jorde [REDACTED]
To: licensing@towerhamlets.gov.uk

16 March 2013 at 07:18

Dear Tower Hamlets Licensing Team,

I am now writing to you a second time in two weeks. The 24 hour off license in 178 Hackney Road is making life in the immediate vicinity at times unbearable. Groups of drunks/alcoholics spend the entire night outside the shop and/or outside our building in [REDACTED] Hackney Road. They seem to purchase only one can of drink at a time then remain outside the shop for quick access to their next can. Given the state of these people I cannot see how this is not violation of the rule against serving overly intoxicated customers.

The reason for writing this soon after my previous email is that their noise and general anti social behaviour is making my life miserable where I live [REDACTED]. They keep us awake all hours of the night. This problem did not exist before the 24 hour license was given, the homeless seem to go elsewhere in daytime.

I would appreciate your thoughts on the matter.

Sincerely,
Magnus Jorde
[REDACTED]

[Quoted text hidden]



Magnus Jorde [redacted]

Homeless - now inside our building!

Magnus Jorde [redacted]

11 July 2014 at 11:06

To: [redacted]

Dear Rosemary, Stephen and Estelita,

I live [redacted] and this morning there was a man sleeping on the first floor landing between ca. 8am to 11am.

I was worried about leaving my flat, but in the end I had to go to leave, although an hour late. I called the police once outside the building, but before the police had time to show up he also left by the front door and was soon gone. The entire stairway does stink of urine however and I expect [redacted] staff will come and deal with this as a matter of priority. Today, not after the week end.

As I have highlighted in earlier emails this problem has seen a slow but steady increase in the last ca 2 years. Finding one of them on the first floor is a new turn of events.

There is no point in each of the residents having a dialogue with the police independently, we need to form a group of residents ASAP. I find it regrettable that Gateway has remained quiet on this issue for so long. We need to look at policing of the area, we need to look at security and the layout of the building, we need urgently to consider whether the availability of 24 hour alcohol next door is a factor in why we have some many street drinkers on our door step.

Rosemary, I would be grateful if you could send someone around for cleaning purposes. I will call you shortly.

Thanks,
Magnus Jorde

[redacted]
[redacted]



Magnus Jorde [REDACTED]

Homeless - now inside our building!

[REDACTED] 11 July 2014 at 17:11

[REDACTED]
[REDACTED]
[REDACTED],
[REDACTED]
[REDACTED]

Dear Estelita, Magnus and Rosemary

I have already made a call and email into "Weavers Safer Neighborhoods team" and awaiting contact. This morning 07:30 I found two drunken polish guys outside sheltering under [REDACTED] porch, they stunk to high heaven. I have lived in these flats since 1990 and over years there has been one or two incidents but that's all part and parcel of living in the center of a great metropolitan city. However since the newsagent started selling alcohol things have decidedly taken a turn for the worse, and in particular since they started trading 24 hours. I have been threaten with violence on more than one occasion when I've taken issue with someone urinating on my doorstep.

Estelita and Magnus I am up for tackling this issue, and I agree we need to start a residents group. We established one back in the 90's but its attendance fell away due to a number of factors, but believe with the advent of email it would be more successful this time around!

I think we need to where possible gather all the residents email addresses. I will post a note to all residents outlining the pressing issues of the day and request them to pass on if willing their email address to me, I will then relay them on to each and everyone.

Regards

Steve

[REDACTED]

Enquiry details

Enquiry: Dear Weavers Safer Neighbourhoods team,
On the morning of Sunday the 6th of July I called and left a message on your machine. A street drinker was having a particularly unruly moment and had walked into Hackney Road stopping traffic, shouting at cars etc. This lasted for a good few minutes and lead to all sorts of chaos and noise. In addition his lady friend was lying collapsed and unconcious straight out on the sidewalk.

As said, I called and left a message on your machine, but i have not been contacted since so I do not know what you may have done with this information.

What I forgot to mention however was that since this lasted for so long I went outside and filmed the event. It is only a brief and not very clear recording of the man who stopped traffic, but I think it should be enough for you to make a record it formally as an event that actually happened, rather than as one man's words against another.

The crucial element of this incident is that despite all the above chaos the man was still served alcohol by the off licence in 178 Hackney Road, who had no doubt witnessed the whole incident. Not only did the street drinker get alchohol for himself but he also got a can of beer for his collapsed lady friend who later woke up.

I would like to report this if you are interested show you my mobile phone recording, my number is [REDACTED]
Thanks,

[REDACTED]

Contact details: Magnus Jorde - t [REDACTED]
Team: 618
Team name: Weavers



It seems to intensify

Magnus Jorde [REDACTED]
[REDACTED]
[REDACTED]

18 July 2014 at 10:44

Dear Graham and Weavers Fields team,

As discussed on the phone just now, I don't feel safe in the area outside of our home. I therefore usually walk with the video camera on my mobile phone switched on whilst holding the phone in my hand. This does not give very good quality images, but at least I've got a running camera if something was to kick off.

Mind you, lately I have seen/captured enough to make me feel the situation is getting rapidly more intense.

I am attaching four images:

Sunday morning 6.7.14:

Delirious man, stopping traffic, shouting etc. I have poor quality video recording of this event and sending you a key image; the man had at this point been blocking the bus for a few minutes, but another street drinker eventually drags him away. A minor scuffle ensues between the two street drinkers on the side walk immediately outside the off license.

Being witness to the delirious behaviour as well as the scuffle did not stop the off license selling the man two cans of Holstein lager.

Friday morning 11.7.14:

A man entered our building, [REDACTED] Hackney Road. He was sleeping on the landing of the first floor. Apologies for the poor quality of the image, but it should clearly indicate that it is the distinct paint colour of our stairwell and that the person photographed is lying flat out. He is a white man in his mid 30s. He's a regular among the street drinker crowd and regular customer of the off license in 178 Hackney Rd. I believe he is Polish.

Wednesday early evening 16.07.14:

A street drinker is collapsed on the pavement of Hassard Street. I am not familiar with this person and cannot say for sure if he had purchased alcohol from the off license in question. It does however show how saturated our area has become with this sort of thing.

Thursday evening 17.07.14:

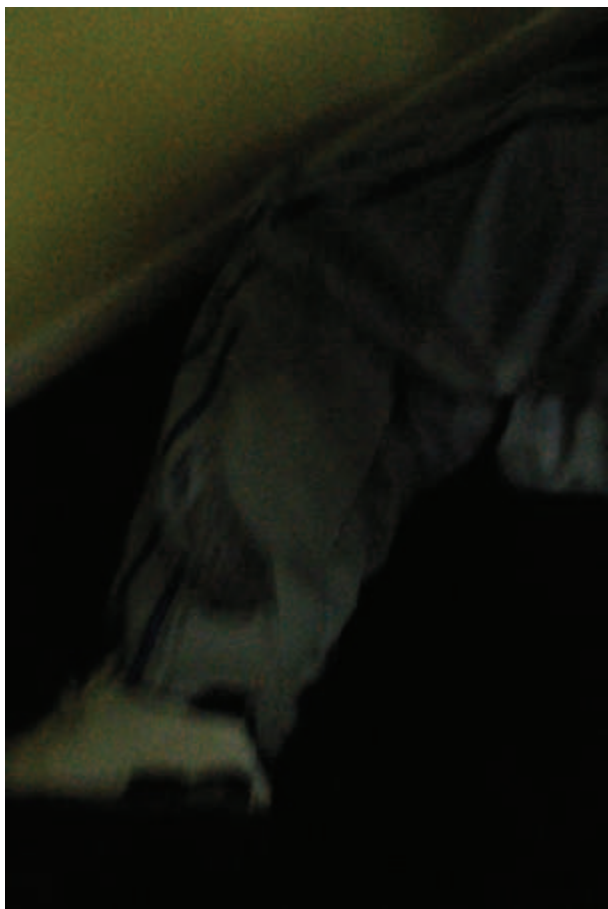
A young lady has been collapsed on the sidewalk immediately outside the off license on three occasions this week alone. She was awake however when I captured her on camera. She was not aggressive but rather incredibly distraught as she asked me for money. She was sipping from an alcoholic drink which I have all reason to believe comes from the off license.

In conclusion, I feel we here in the immediate vicinity of the off license is taking an unfair share of the burden of London's social problems because of the availability of 24 hour alcohol coupled with the careless way in which the staff at this off license choose to serve people.

I am sending you these images to show you how it has been intensifying



06.07.2014, 8.15am - delirious street drinker stopping traffic



11.07.2014, 10.45am - street drinker asleep inside stairwell of 170 Hackney Road



16.07.2014 - 6.45pm - street drinker collapsed in Hassard Street



17.07.2014 - 8pm - street drinker begging outside 178 Hackey Road. Distressed, crying. Bag full of alcohol not visible in picture.



Magnus Jorde [REDACTED]

Alcohol related disorder

Magnus Jorde [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2 August 2014 at 09:07

Dear all,

I am attaching a picture I took with my phone just prior to calling PC Jaspal Chadha. It only shows about 4 street drinkers, but then again it is only half eight in the morning.

I hope it illustrates the degree to which the 24 hour availability of alcohol has changed this area in the last two years. I cannot see any other reason why these people would be here so early in the morning other than the fact that the off license can serve them all hours of the night.

Best regards,
Magnus Jorde
[REDACTED]



02.08.2014, 8.30am - 4 street drinkers



04.08.2014, 12.30pm - 9 street drinkers.



Magnus Jorde <[REDACTED]>

Today's picture

Magnus Jorde <[REDACTED]>

7 August 2014 at 09:59

[REDACTED]
[REDACTED]
[REDACTED]

Dear Jaspal and colleagues,

I second my neighbour Mr. Camillieri's observations about the street drinkers harrassing women. This morning a group of street drinkers had been hard at it since the small hours of the morning (they first woke me up about 2am). So at 9am today they were understandably heavily intoxicated. They remained on the grassy area opposite 1 [REDACTED] Hackney Road, but kept nipping over to the off license in 178 Hackney Road for replenishment.

Their modus operandi this morning was to single out female passers by in the morning rush then approach as a group. Typically young women dressed in light summery clothes. This woman would then have 1 - 3 heavily intoxicated men surround her trying to engage her in 'conversation', they would follow her down the road for approx 5 - 10 meters before giving up and returning to their spot.

As mentioned in previous emails I cannot see any other reason for them being this area other than the proximity to the off licence. Had this off license not had 24 hour alcohol sales I do not think we would have these regular instances of early morning disorder. A regular sweep of the area between, say, 7am and 10am, could help reduce this problem.

Best regards,
Magnus Jorde

Observation:

10 August 2014, 7.50pm

I am walking home, I am near entrance of 178 Hackney Road when I notice commotion by entrance to off licence. Regular street drinker exits off license with can of Holstein lager in his hand, loudly shouting at passers by. Cannot see if they respond, but I don't think so. Street drinker shouting at more than one group of people. Some gestures/body language, but I cannot if see if they are rude gestures or not. Staggering, unsteady, but manages not to fall over. Walks towards me, but does not address me as he passes me. Staff at off license witness entire event as this happens in their doorway, but do not intervene. This event would most likely have been captured on their CCTV

Did not take a photo.



25.08.14, 6pm - Streetdrinkers loitering in doorway of [redacted] Hackney Road. Can of drink visible in the hand of woman to the left. On such occasions it is impossible to exit building without risking confrontation and harassment.



31.08.14, 12 pm - 7 street drinkers gathering outside Fellows Court.

Photos from Hackney Road 03.09.14

Magnus Jorde [REDACTED]

4 September 2014 at 14:49

Dear Gabriela Dlugosz,

Thank you for our telephone conversation yesterday. As per your request I am sending a couple of mobile phone pictures I took from my window yesterday.

At 9.15 yesterday there were already 7 street drinkers outside Fellows Court, their cans of alcohol clearly visible. I believe the time of day this photo was taken is crucial to understanding the situation. Drinkers seem to drift to this area in the early hours of the morning as the off licence in 178 Hackney Rd is able to sell them alcohol before 10am. This morning crowd is particularly rowdy.

If this morning crowd is left to itself it will grow steadily throughout the day. As evidenced by the second photograph which shows a crowd of 15 street drinkers at half past one yesterday. To my understanding, members of the same crowd spot acquaintances, stop for a chat, head over to 178 Hackney Rd to purchase a drink, then stay for hours.

I am writing this in response to your concern that street drinkers can evade your wardens by simply moving to the Tower Hamlet side of the road. Although this leaves your officers without actual statistics in terms of arrests made or fines given they are still doing an important job. It is my belief that clearing away the street drinkers at regular intervals will prevent the crowd from growing.

In response to your question about which offences are being committed I would list the following:

- Drinking openly in public
- Urinating in public (especially in the phone box)
- Littering
- Threats of violence
- Verbal harassment of residents in [REDACTED] Hackney Road
- Trespassing inside [REDACTED] Hackney Road
- Verbal sexual harassment of women
- Harassing the public in general
- Fights, loud arguments and general public disorder
- Blocking/hindering traffic

Best regards,
Magnus Jorde



03.09.14 - 7 streetdrinkers at 9.15am



03.09.14 - 15 streetdrinkers at 1.30pm



Magnus [REDACTED]

Today's picture

Magnus Jorde [REDACTED]

21 September 2014 at 03:14

To: Licensing@towerhamlets.gov.uk
[REDACTED]

Dear Andrew Heron and the Tower Hamlets Licensing team,

I am writing this at 3am Sunday morning. In brief the situation can be described as follows; when licensed premises elsewhere in the area close for the night certain drinkers will find their way to the 24 hour off license in 178 Hackney Road. So from approximately 2am and onwards there will be a consistent presence of street drinkers remaining in close vicinity of the shop for hours on end. In particular they tend to gather in the doorway of [REDACTED] Hackney Road.

Here they pose a threat to residents and several incidents have occurred in the past year.

I do not feel safe either entering or leaving my house during these hours. To do so means walking into a crowd of typically 3 to 5 street drinkers blocking the entrance. If you had seen these people I doubt you would feel comfortable doing so either. Essentially, this building is besieged pretty much every night, and it has a direct impact on our freedom of movement.

I cannot really see the point in 178 Hackney Road being an off license if the alcohol is consistently consumed only meters away from the premises. It would be better if they were a fully licensed operation so that they could look after their own customers, as well as provide seating and toilets for them. As it stands *our doorway* is currently serving as their toilet and seating area. It is also my impression that if I had been raising concerns about the noise from the patrons of a pub my complaint would have been taken much more seriously.

I welcome your thoughts on the matter and would welcome an opportunity to meet you in person to discuss how we can take this matter further. This situation has been going on for too long. I believe both my neighbours as well as the housing association in charge of this building would be interested in such a meeting as well.

Regards,
Magnus Jorde
[REDACTED]



Magnus Jorde [REDACTED]

Re: 178 Hackney Road

[REDACTED]

Dear Mr Lisowski

I would like to confirm Mr Jorde's description and characterisation of the problems that stem from the 24 hour off licence immediately adjacent to [REDACTED] Hackney Road. My family on a number of occasion have either been subject to abuses and or threatening behaviour. I would like to point out that I have lived next to the off licence premises for twenty four years and its only in the last couple of years or so since it has gone 24 x 7 that the issues pointed out by Mr Jorde have had an impact on my family's lives daily lives. We do experience issue during the day but its the night time that it is particularly intimidating and cause for concern!

Regards

Mr Stephen Camilleri
[REDACTED]



Magnus Jorde <[REDACTED]>

Street drinkers gathering in the doorway of [REDACTED] Hackney Road

Magnus Jorde [REDACTED]
[REDACTED]
[REDACTED]

8 October 2014 at 09:09

Dear Weavers Safer Neighbourhoods team and Tower Hamlets Licensing Team,

It is 9 am and I must soon leave my house to get to work. To do so I must brave a group of 4-5 street drinkers who are blocking our doorway.

From experience there is a good chance that this will lead to verbal harassment, possibly threats. You can perhaps imagine how uncomfortable I feel as I write this.

I think the reason for them being in our particular doorway is pretty clear; the nearby off license is the only place they can purchase alcohol before 10am, our doorway is the closest place to that shop where they can drink it out of the rain. I am removing empty cans of strong cider from our doorway every day.

This problem did not exist when I moved here three years ago, but is now a daily occurrence. I can keep writing emails endlessly, but something more substantial must happen to curb this repeated problem.

Thanks,
Magnus Jorde
[REDACTED]



Magnus Jorde [REDACTED]

Re: Street drinkers gathering in the doorway of [REDACTED] Hackney Road [REDACTED]

8 October 2014 at 14:34

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

All, yes I can confirm this episode this morning, and if weavers safer neighbourhood team listen to the phone message I left voicing my concern and anger that my wife had to run the gauntlet of these street drinkers!!!!

Regards

Steve

[REDACTED]
[REDACTED]
[REDACTED]

Sent: Wednesday, October 8, 2014 9:09 AM

Subject: Street drinkers gathering in the doorway of [REDACTED] Road



Magnus Jorde [REDACTED]

Identity of individual

Magnus Jorde [REDACTED]

22 October 2014 at 15:03

To: [REDACTED]

Dear Kathy Driver,

As agreed I am sending you a second email regarding specific trouble makers. I would be grateful if you could have a look at the following police case:

CAD 3337/07APR14

This police report identifies an individual who have threatened and harassed me on several occasions. He has also threatened my neighbour Mr. Stephen Camillieri. I do not know his name or address, but I can verify that the police did speak to the correct individual when I made my report. (He was outside and I watched the police talk to him from my window.)

Sadly, despite my neighbours' and my frequent reports to the police and licensing team this individual remains in front of our house daily. He is not homeless, the only reason he is here is to have access to alcohol from 178 Hackney Road.

Regards,
Magnus



Magnus Jorde [REDACTED]

Today's morning drinkers

Magnus Jorde [REDACTED]

23 October 2014 at 09:46

Dear Kathy Driver,

Further to our communication yesterday I will from now on report ASB on a more regular basis. I just took a picture out of my window, and if you have a look you will see 5 street drinkers. I would say this is an average number of street drinkers at this time of the day. They are sat outside Fellows Court just opposite my home in [REDACTED]

Where they sit is weather dependent, if it starts to rain, they will shift over to the doorway where I live. I will then have to walk *through* that crowd as I leave the house. Being harassed as I do so is very likely. This is a daily concern for us.

As I mentioned yesterday, I feel their presence before 10am is in itself proof enough. It is of course possible that they bought these cans of cider and strong lager yesterday and then had the self discipline not to drink them before this morning, but I think we can agree that this is a very unlikely scenario. They are here because the 24 hour off license is here.

Best regards,
Magnus Jorde
[REDACTED]



23.10.14, 9.30am - 5 street drinkers gathering outside Fellows Court.



26.10.14, 5.40am - Street drinkers gathered around car, picture shows man with can of beer and man with bottle of beer. Man with orange wig is a regular night time street drinker.



Magnus Jorde [REDACTED]

22:10pm yesterday: Ambulance helps intoxicated street drinker

Magnus Jorde [REDACTED]

29 October 2014 at 12:40

To Kathy Driver of the Tower Hamlets Licensing unit and Gabriela Dlugozs of the Hackney Police,

I hope you are well. I am attaching an image I took 22:10pm last night which, although grainy, shows an ambulance worker attending to a street drinker with an injured foot. I did not see him getting injured, but from what I overheard in the ensuing commotion it is my understanding that he was injured by a car as he crossed from the off license to the area in front of Fellows Court. In the photograph the blue light of the ambulance parked outside the off license in 178 Hackney Rd can be seen reflected on the white van. The ambulance worker is sitting down on the ledge and can just about be identified by his white gloves.

I am of course pleased to see the ambulance services assist a man in need, but the reason I am writing to you about this is that I hope you both have access to the Paramedic's report from this event. The paramedic's report should give a professional independent verdict as to how intoxicated these street drinkers really are. He should be able to verify that they were buying drink from the off license both before and after the event. If he can't tell you where they purchased it, the CCTV of the off license should show it. And in any case I can testify to this myself.

I would argue that this is a clear case of the off license selling alcohol to overly intoxicated people, and I would argue that they have a moral responsibility for this man's injury.

Thanks,
Magnus



28.10.2014, 22.10pm - Injured street drinker tended to by ambulance services



13.11.14 12.30am - 5 street drinkers gathering on ledge outside [REDACTED] Hackney Road after closure of nearby bars. The drinks they are holding are very clearly purchased from off license, not the sort of drinks one would buy at a bar.

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

[REDACTED]
Date: 16 November 2014 at 11:12
Subject: 4th incident

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

Hi all,

Please see email below :

From: Curtis [REDACTED]
Date: 16 November 2014 00:26:50 GMT
To: [REDACTED]
Subject: urination and defecation on the stair

12 AM Saturday night confronted a guy outside outdoors in the stairwell, after getting him to leave I took a picture of he's activities on the stairs also I was able to take a picture when you was in the chip shop, he took a cab to Stoke Newington and apparently used to work in the birdcage pub in Columbia Road market, clearly the new lock does not work he was able to get in once again I would like an immediate and robust response to our security on the stairwell bearing in mind we had a mother and child downstairs got the protection of my wife and the other people upstairs

Contacted Police:

21.11.14 - Leave a voicemail message with Haggerston Safer Neighbourhoods team as two street drinkers are harassing female passers by. Regular street drinker as well as another man with olive hooded jacket. Long hair/dreads. Age 40 + and haggard looking. Several instances of harassing women, very loud.



Magnus Jorde <[REDACTED]>

After hours drinking outside 178 Hackney Road

Magnus Jorde <[REDACTED]>

6 December 2014 at 11:16

Dear Kathy Driver and the Tower Hamlets Licensing Team,

I hope this email finds you well. Firstly, I am attaching a couple of photographs taken on 2am on 05.12.14. You can see two gentlemen who linger with a beer can in their hand outside our entrance, not going anywhere. As I have written to you before, this is common practice. Buying one drink at a time from 178 Hackney Road, drink it immediately outside our house and keep going back for each individual drink - as if the off license was a pub and our fence is their bar counter. I believe a picture that was sent to your recently should be sufficient evidence of my earlier claims that our building also functions as their toilet. One of the gentlemen in the attached pictures have threatened and harassed several residents in our building. Had I come home at 2am that night then I would have not been able to get inside the building without crossing his path. I would have genuinely feared for my safety.
This state of affairs cannot go on.

Firstly, please give me and my neighbours an update on the process (if any) in limiting the negative impact this 24 hour off license has on the neighbourhood. In particular I would like a summary of your recent meetings with the police and your visit to the premises on Saturday the 15th of November. What conclusions did you arrive at? What actions will be taken? When can the residents expect to see a return to normalcy?

Secondly, could you please advise us on the possibility of the off license being allowed to keep their round the clock license in exchange for denying custom to a select number of individuals. I feel certain that if the 2 to 5 worst repeat offenders were denied alcohol entirely, then we would see a great improvement. The slightly woolly definition of serving 'an overly intoxicated customer' seems a moot point when someone is buying their 10th can of beer on the same day. Your plain clothes officers does not seem to have caught onto this.

In anticipation thanks,
Magnus Jorde
[REDACTED]



5.12.14, 2am - Drinking outside 170 Hackney Road after purchasing alcohol from 178 Hackney Road.



Magnus Jorde [redacted]

After hours drinking outside 178 Hackney Road

[redacted]
[redacted]
[redacted]
[redacted]

6 December 2014 at 15:09

Dear Kathy Driver,

Just to reiterate Magnus's experience. I too experienced these guys consuming alcohol outside my flat. I don't see why publicans bear responsibility for their clients conduct and consumption of alcohol, where off licenses can "sell and forget"

In short, since the shop started selling alcohol 24x7 the behaviour of some of their clientele has been uncouth, bad mouthed and disgusting, particularly when they relieve themselves in and around our estate.

Regards

Steve

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

Appendix 5

London Borough of Tower Hamlets

**Shiraz Food and Wine
178 Hackney Road
E2 7QL**

Licencees - Mr Sheraz Ahmed and Mr Mohammed Akbar

Licence No. 16688

Statement in support of application for review of the Premises Licence under
Section 51 of the Licensing Act 2003

London Borough of Tower Hamlets – Trading Standards Service

REPRESENTATIONS

The Trading Standards Service, as the Local Weights and Measures Authority is designated a 'responsible authority' for the purposes of the Act and it is supporting the Police request for review in relation to the prevention of Crime and Disorder - licensing objective 1

Specifically the service has received a statement from Mr Benjamin Cooper of the HMRC regarding the visit on 10/12/2014 detailing the wines and spirits seized from the premises. The statement is attached as IDM/01.

In addition Ms Bridget Rushmoor, a Trading Standards officer attending the premises on the occasion of the seizure observed a person she believed to be a street drinker enter the premises several times, each time purchasing a miniature bottle of spirits. On one occasion he opened the bottle on the premises and was only prevented from drinking it by the intervention of staff on the premises. Ms Rushmoor's statement is attached as IDM/02.

Council records indicate that there was a sale of alcohol to an underage test purchase volunteer in February 2014 for which the licensee received a written caution. They also show that since August 2014 there have been 3 complaints alleging that the shop is selling to street drinkers.

Given scale and nature of the problems at these premises, the Trading Standards Service supports the Police request that Members consider revocation of the licence. In the alternative, given what appear to be significant failures of management at the premises, we would ask that Members consider removal of the current Designated Premises Supervisor in addition to the conditions requested by the Police.

The addition of conditions:-

The Premises will not sell any beer, lager, or cider that exceeds the strength of 5.6% ABV or above unless 3 or more bottles/cans are purchased together.

The premises licence holder shall ensure that all receipts for alcohol bought include the following details:-

- i Seller's name and address*
- ii Sellers company details, if applicable*
- iii Seller's VAT details, if applicable*
- iv Vehicle registration details, if applicable*

Ian David Moseley

**Senior Trading Standards Officer
London Borough of Tower Hamlets**

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN []

Statement of: Benjamine Cooper

Age if under 18:Over 18 (if over 18 insert 'over 18')

Occupation:Officer H.M. Revenue & Customs

This statement (consisting of 2 page(s) 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 in it, anything which I know to be false, or do not believe to be true.

Signature:

Date: 19th December 2014

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

On 10th December 2014, I was on duty in the Shoreditch, London area. At 12:00 hours, Tower Hamlets Trading Standards, Police Licencing and I entered Shiraz Food & Wine, 178 Hackney Road, London, E2 7QL. We all identified ourselves accordingly, and it was explained to a man I now know to be Mr Sheraz Ahmad (D.o.B:14/10/1988), the reason for the visit (checks on UK Duty Paid stamps/labels on tobacco and alcohol products). I conducted a search under CEMA 1979, s.112. I found on shop shelving a quantity of Italian wine bottles being sold for 2 bottles for £5. These bottles had no individual price labels as did all the other bottles of wine. No Invoices were made available upon request. Also found in the rear stockroom were a quantity of wine cases. A total of 137 bottles (102.75 litres) of Italian wine were seized. Also found on shelving behind/under the shop counter, was a quantity of spirit bottles which had counterfeit rear labels. A further quantity of bottled spirits were found in boxes hidden behind a curtain in the rear stockroom. The spirit boxes were cellotaped up and had the bar codes blacked out with marker pen. The following bottles of spirits were found with counterfeit rear labels: 25 x 70cl bottles High Commissioner Whisky 66 x 35cl bottles High Commissioner Whisky 23 x 70cl bottles Famous Grouse Whisky

Date: Signature: (signature of witness)

Signature: (signature witnessed by)

Continuation of Statement of: Benjamine Cooper

4 x 35cl bottles Famous Grouse Whisky

9 x 70cl bottles Teachers Whisky

27 x 1L bottles Smirnoff Vodka

7 x 70cl bottles Smirnoff Vodka

18 x 70cl bottles Glens Vodka

21 x 1L bottles Bacardi Rum

1 x 70cl bottle Bacardi Rum

13 x 70cl bottles Wray & Nephews Rum

At 12:40 hours, all the above goods were seized.

I issued forms ENF156, ENF3174 and N12a to Mr S. Ahmad, which he signed.

At 13:35 hours, all Officers left the premises.

Date:

Signature:

(signature of witness)

Signature:

(signature witnessed by)

Witness Statement

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

URN:

Statement of: **Bridget Rushmoor**

Age if under 18 (if over insert "over 18"): **"Over 18"**

Occupation: **Trading Standards Officer**

This statement (consisting of Pages(s) 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 in it, anything which I know to be false, or do not believe to be true.

Name / Signature: 

Date: **15 / 1 / 15**

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

I am employed by the London Borough of Tower Hamlets and am authorised to enforce various pieces of Trading legislation including the Consumer Protection from Unfair Trading Regulations 2008 and the Trade Marks Act 1994.

On 10th December Trading Standards was working with Tower Hamlets Licensing Police and an Officer from Her Majesty's Revenue and Customs Service. The purpose was to visit various off-licences in the area to ensure they were complying with Licensing, Trading Standards and Customs legislation.

At about 11.40am PC Mark Perry, Customs Officer Ben Cooper and I entered Shiraz Food and Wine, 178 Hackney Road, London E2 7QL. The man behind the counter said that his name was Mohammed and it was his Dad's business. Mr Cooper examined the bottles of spirits that were behind the counter to the right of the door when entering. He found several of the brands High Commissioner, Famous Grouse and Teacher's whisky, Smirnoff and Glen's vodka, and Wray and Nephew and Bacardi rum with counterfeit Duty Paid labels. PC Mark Perry and Customs Officer Ben Cooper then went to the storeroom downstairs and carried up boxes of similar products.

Name / Signature: 

Signature Witnessed by: _____

Witness Statement

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

There was shelving opposite the door in about the middle of the shop that contained various bottles of inexpensive Italian Wine. Mr Cooper believed this was duty unpaid as the price was so low. He and PC Mark Perry brought several boxes of the same type of wine up from the downstairs storeroom.

While the other officers were downstairs I remained in the shop. I witnessed the same man come into the shop three or four times and each time he bought a miniature whisky which I clearly saw on one occasion was Jack Daniels. I suspected this man was a street drinker. He was wearing dark glasses and had a very gruff voice. He asked me what my name was name was and told me what his was. He asked what we were doing and teased the man behind the counter that he would be arrested, He engaged in random conversation by asking me if I understood the Off Side Rule and talking to the shopkeeper about cricket. On the final occasion I saw him come in he had another man with him and he bought a can of lager for each of them and another miniature whisky for himself. He opened the whisky and was about to drink it when the man behind the counter told him not to, I believe because I was in the shop.

PC Mark Perry made a record of all the alcohol that had been identified as being non-duty paid and which was being taken by Customs. He gave a copy of this to the person in charge of the shop. We left the premises at 1.40pm.

Name / Signature: _____

Signature Witnessed by: _____

Appendix 6

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

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local

authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those

concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders),

it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

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

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;

- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

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

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

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

- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

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

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

- 11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the

licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

Appendix 7

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

Crime and Disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the

management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

Appendix 8

Licensing Policy Adopted by the London Borough of Tower Hamlets

6 Crime and Disorder

6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.

6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.

6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 200. (See **Appendix 2.**)

6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)

2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.

6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them

Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.

6.11 Illicit Goods: Alcohol and Tobacco - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.

6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled

6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.

6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

I. Seller's name and address

II. Seller's company details, if applicable

III. Seller's VAT details, if applicable

IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

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

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

Appendix 9

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 10

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.