

# EXTRAORDINARY LICENSING SUB COMMITTEE

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Thursday, 22 November 2018 at 2.30 p.m.

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

This meeting is open to the public to attend.

**Contact for further enquiries:**

Simmi Yesmin, Senior Democratic Services Officer  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4120  
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Website: <http://www.towerhamlets.gov.uk/committee>

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QR code for smart phone users.



## **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 7 - 10)**

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 11 - 20)**

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

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>3. ITEMS FOR CONSIDERATION</b>		
<b>3.1 Application for a New Premises Licence for Yummy Pizza, 57 Burdett Road, London, E3 4TN</b>	<b>21 - 96</b>	<b>Mile End</b>

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Metropolitan Police
- Environmental Protection
- Local Resident(s)



<b>3 .2</b>	<b>Application for a Review of a Premises Licence for Cost Price, 41 Brick Lane, London, E1 6PU</b>	<b>97 - 188</b>	<b>Spitalfields &amp; Banglatown</b>
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Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Metropolitan Police
- Trading Standards
- Immigration Authority

<b>3 .3</b>	<b>Application for a Variation of a Premises Licence for Kays Local, 209 Roman Road, London E2 0QY</b>	<b>189 - 254</b>	<b>Bethnal Green</b>
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Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Metropolitan Police
- Environmental Protection
- Local Resident(s)

#### **4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

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## **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:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

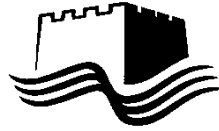
## **APPENDIX A: Definition of a Disclosable Pecuniary Interest**

(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**

<b>Date Last Reviewed:</b>	<b>14<sup>th</sup> June 2016</b>
<b>Reviewed By:</b>	<b>Senior Corporate and Governance Legal Officer</b>
<b>Approved By:</b>	<b>Licensing Committee</b>
<b>Date Approved:</b>	<b>14<sup>th</sup> June 2016</b>
<b>Version No.</b>	<b>1</b>
<b>Document Owner:</b>	<b>Paul Greeno</b>
<b>Post Holder:</b>	<b>Senior Corporate and Governance Legal Officer</b>
<b>Date of Next Scheduled Review:</b>	<b>31<sup>st</sup> March 2018</b>

## **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 Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 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.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

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

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) 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.

## **3. Procedure**

- 3.1 The hearing shall take place in public save that the Licensing 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. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee 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.



- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing 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.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing 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. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give

any opinion on the application or ask the Committee to make an inference based on such an opinion.

- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing 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, and respond to the written representations received. 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 or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.
- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has

spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.

- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee 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.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

#### **4. Exclusions**

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing 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 Licensing Committee may specify.

- 4.2 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.

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

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

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

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

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

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

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

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

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

**(8) Queries on reports.**

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

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

Public Seating		Objectors Benches		Sub-Committee Members
Public Seating				
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. A Decision letter will be sent to all interested parties confirming the decision made.

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# Agenda Item 3.1

Committee : <b>Licensing Sub Committee</b>	Date 22 November 2018	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>		Title: <b>Licensing Act 2003 Application for a New Premises Licence for Yummy Pizza, 57 Burdett Road, London, E3 4TN</b>  Ward affected: <b>Mile End</b>		

## 1.0 Summary

Applicant: **Nasreen Aziz**  
Name and  
Address of Premises: **Yummy Pizza**  
**57 Burdett Road,**  
**London**  
**E3 4TN**

Licence sought: **Licensing Act 2003**  
**The Provision of Late Night Refreshment**

Objectors: **Local Authority**  
**Police**  
**Environmental Protection**  
**Resident**

## 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

Corinne Holland  
020 7364 3986

### 3.0 Background

- 3.1 This is an application for a new premises licence for **Yummy Pizza, 57 Burdett Road, London, E3 4TN.**
- 3.2 The applicant has described the premises as follows:
- 3.3 *“A terraced takeaway shop which is adjacent to a parade of shops, facing a main road”*
- 3.4 A copy of the application is enclosed as **Appendix 1.**
- 3.5 The hours applied for are:

#### **Late Night Refreshments** (indoors and outdoors)

- Sunday - Thursday 23:00 – 04:00 hours
- Friday – Saturday 23:00 – 04:30 hours

#### **Seasonal Variations:** 23:00 – 04.30 hours on

- Vaisakhi, Diwali, Valentine’s Day, Sunday before a bank holiday, Eid, Christmas Eve, New Year’s Eve, New Year’s Day.

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

- Sunday - Thursday 11:00 – 04:00 hours
- Friday – Saturday 11:00 – 04:30 hours

#### **Seasonal Variations:** 23:00 – 04.30 hours on

- Vaisakhi, Diwali, Valentine’s Day, Sunday before a bank holiday, Eid, Christmas Eve, New Year’s Eve, New Year’s Day.

### 4.0 Location and Nature of the premises

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2.**
- 4.3 Maps showing the vicinity are included as **Appendix 3.**
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4.**

### 5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1<sup>st</sup> November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 6.0 Representations

- 6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by responsible authorities and a local resident.
- Kathy Driver – Licensing Authority (**Appendix 5**)
  - PC Thomas Ratican - Police (**Appendix 6**)
  - Nicola Cadzow – Environmental Protection (**Appendix 7**)
  - Rev. Bing Li – Resident (**Appendix 8**)
- 6.2 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The Fire Authority
  - Planning
  - Health and Safety
  - Noise
  - Trading Standards
  - Child Protection
  - Public Health
  - Immigration Office
- 6.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 6.4 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

- 6.5 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.6 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.7 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.8 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.9 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 9**.
- 6.10 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.11 The objections cover allegations of:
- Disturbance from patrons leaving the premises
  - Noise when the premises is in use
  - Prevention of crime and disorder
  - Public Safety
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.
- 7.0 **Conditions consistent with Operating Schedule**
1. Vehicles used for delivery must switch off their engines when waiting outside of the premises for the collection of food for delivery.
  2. Drivers shall wait inside the premises between deliveries/for deliveries.
  3. A notice shall be displayed by the front door stating the restaurant opening hours.

4. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
5. No rubbish will be moved, removed or placed outside between the hours of 23:00 hours and 08:00 hours.
6. An incident log shall be kept at the premises and made available on request to an authorised officer or the Police.
7. Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority

## **8.0 Conditions Agreed/Requested by Responsible Authority**

N/A

## **9.0 Licensing Officer Comments**

9.1 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.

9.2 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)

- 9.3 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.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 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)

- 9.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 10 - 17** 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.

#### **10.0 Legal Comments**

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

#### **11.0 Finance Comments**

- 11.1 There are no financial implications in this report.

## **12.0 Appendices**

<b>Appendix 1</b>	A copy the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Other licensed venues in the vicinity
<b>Appendix 5</b>	Representations from Licensing Authority
<b>Appendix 6</b>	Representations from Police
<b>Appendix 7</b>	Representations from Environmental Protection
<b>Appendix 8</b>	Resident Representation
<b>Appendix 9</b>	Section 182 advice by Home office concerning relevant, vexatious, and frivolous representations
<b>Appendix 10</b>	Licensing Policy advice on crime and disorder
<b>Appendix 11</b>	S182 Guidance on crime and disorder
<b>Appendix 12</b>	Licensing Policy advice on Public Nuisance
<b>Appendix 13</b>	Section 182 guidance Public Nuisance
<b>Appendix 14</b>	Disturbance from patrons leaving the premises
<b>Appendix 15</b>	Noise when the premises is in use
<b>Appendix 16</b>	Framework Hours
<b>Appendix 17</b>	Planning



# Appendix 1

## Section 1 of 21

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

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

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

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

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

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

### Applicant Business

Is the applicant's business registered in the UK with Companies House? ☐ Yes ☒ No

Is the applicant's business registered outside the UK? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Business name

VAT number

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

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

**Continued from previous page...**

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Applicant Business Address**

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

**Agent Business**

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

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

## Section 3 of 21

### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

### Confirm The Following

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

## Section 4 of 21

### INDIVIDUAL APPLICANT DETAILS

#### Applicant Name

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

- ☒ Yes ☐ No

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

First name

Family name

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Current Residential Address

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

Yes No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Applicant Contact Details

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

Yes No

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

E-mail

Telephone number

Other telephone number

\* Date of birth

dd / mm / yyyy

\* Nationality

British

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

dd / mm / yyyy

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

dd / mm / yyyy

Provide a general description of the premises

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

A terraced takeaway shop (Yummy Pizza) which is adjacent to a parade of shops, facing a main road.

*Continued from previous page...*

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

## Section 6 of 21

### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

## Section 7 of 21

### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

## Section 8 of 21

### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

## Section 9 of 21

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

## Section 10 of 21

### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

## Section 11 of 21

### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

## Section 12 of 21

### PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes

☒ No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

23:00

End

04:00

Start

End

TUESDAY

Start

23:00

End

04:00

Start

End

WEDNESDAY

Start

23:00

End

04:00

Start

End

THURSDAY

Start

23:00

End

04:00

Start

End

FRIDAY

Start

23:00

End

04:30

Start

End

SATURDAY

Start

23:00

End

04:30

Start

End

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



**Continued from previous page...**

SUNDAY

Start

End

Start

End

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

☐ Indoors      ☐ Outdoors      ☒ Both

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

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

State any seasonal variations

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

Vaisakhi, Diwali, Valentines Day, Sunday before Bank Holiday, Eids, Christmas Eve, New Years Eve, New Years Day.  
23:00 to 04:30

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

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

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes      ☒ No

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

**Continued from previous page...**

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

## Section 16 of 21

### ADULT ENTERTAINMENT

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

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

N/A

## Section 17 of 21

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

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

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

**Continued from previous page...**

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Vaisakhi, Diwali, Valentines Day, Sunday before Bank Holiday, Eids, Christmas Eve, New Years Eve, New Years Day.  
23:00 to 4:30

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

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

## Section 18 of 21

### LICENSING OBJECTIVES

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

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

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

It will be ensured that all four licensing objectives will be promoted as detailed in each section below:

- Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority.
- Part A (the full Premises licence) either the original or a certified copy should be retained at the premises for production to an authorised person.
- Part B (the summary of the premises licence) should be prominently displayed at the venue where it can be easily read by anyone wishing to do so. Please note that both pages of the summary should be visible.
- Vehicles used for delivery must switch off their engines when waiting outside of the premises for the collection of food for delivery.
- Drivers shall wait inside the premises between deliveries/ for deliveries.
- A notice shall be displayed by the front door stating the restaurant opening hours.
- Home deliveries shall only be carried out by in-house employees of the business.
- No noise generated on premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

b) The prevention of crime and disorder

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer.
- All entry and exist points will be covered enabling frontal identification of every person entering in any light condition.
- The CCTV System shall record continually while the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the

**Continued from previous page...**

preceding 31-day period.

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises on all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested .
- Joining neighbourhood schemes and liaising with the local police.
- Prominent signage indicating the permitted hours for the late night refreshment shall be displayed so as to be visible before entering the premises.
- Adequate lighting provided inside and outside the premises.
- Abide by law

**c) Public safety**

- To comply with all current, fire and health and safety legislation as required by the law.
- Health and safety risk assessments to be carried out regularly.
- All employees will receive training on health and safety & food safety.
- Staff to be trained in fire evacuation procedures
- Installation of appropriate and adequate safety equipment.

**d) The prevention of public nuisance**

- Notice to customers regarding consideration shall be displayed at the entrance and exit.
- Deliveries of goods will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby businesses and residents. Staff who arrive in the morning or depart late at night will be asked not to cause disturbance to nearby residents.
- Depositing of waste will be at times that minimise any nuisance to nearby neighbours.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No rubbish will be moved, removed or placed outside between the hours of 23:00 and 08:00.
- Monitor anti-social behaviour through CCTV.
- DPS contact shall be clearly displayed for the public living in the vicinity
- An incident log shall be kept at the premises and made available on request to an authorised officer or the Police

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

Orders received over the phone by a person who sounds like they may be under 16 years old, staff member will ask to speak to a parent or responsible adult.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Section 20 of 21

### NOTES ON REGULATED ENTERTAINMENT

***Continued from previous page...***

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>



**Continued from previous page...**

\* Fee amount (£)

190.00

## ATTACHMENTS

## AUTHORITY POSTAL ADDRESS

### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

\* Full name

\* Capacity

Date (dd/mm/yyyy)

Add another signatory

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

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

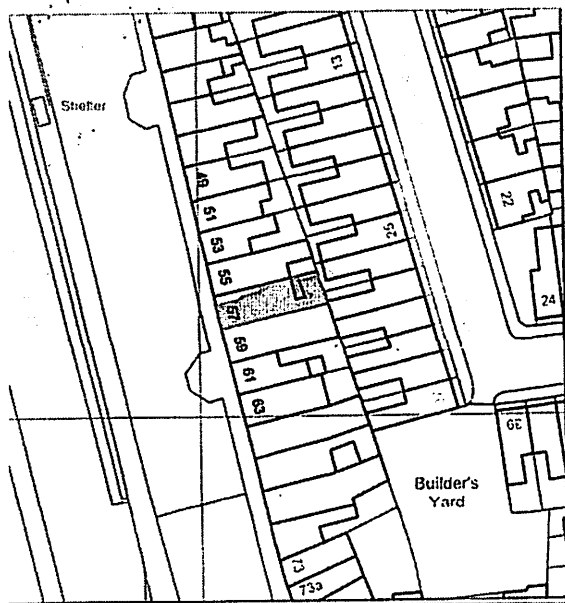
Don't forget to make sure you have all your supporting documentation to hand.

*Continued from previous page...*

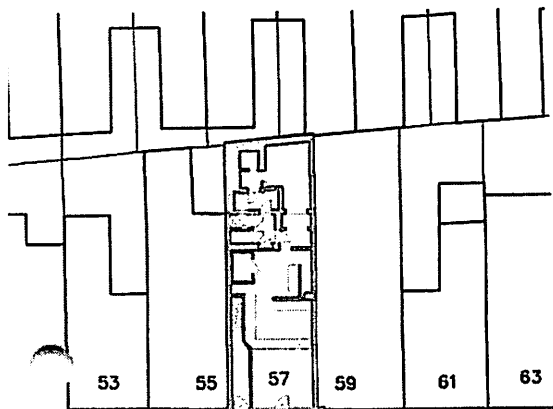
**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

# Appendix 2

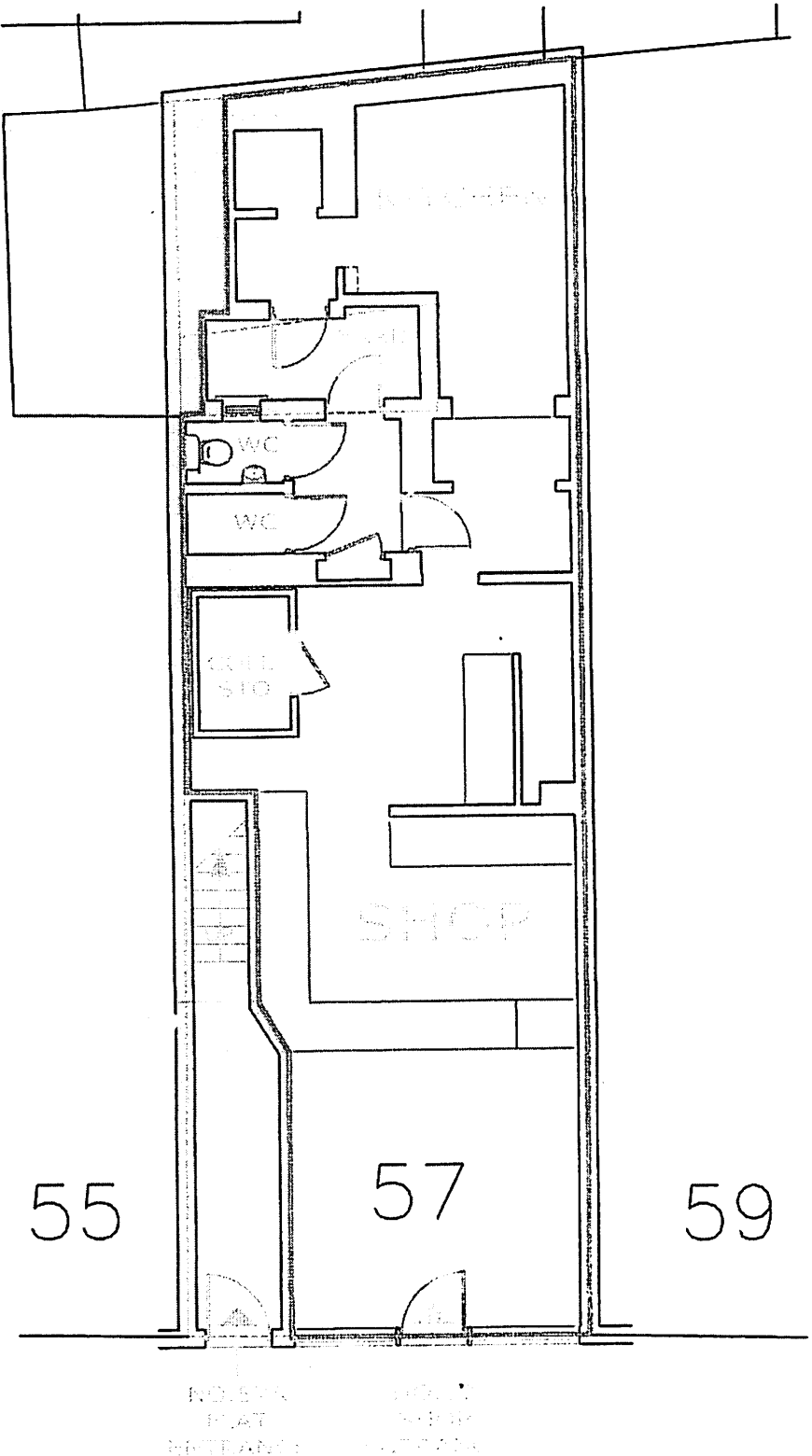


LOCATION PLAN  
SCALE 1:1250



BURDETT ROAD

BLOCK PLAN  
SCALE 1:500



GROUND FLOOR PLAN  
SCALE 1:100

57 BURDETT ROAD  
LONDON  
E3 4TN

GROUND FLOOR  
LEASE PLAN

28-FEB-2012

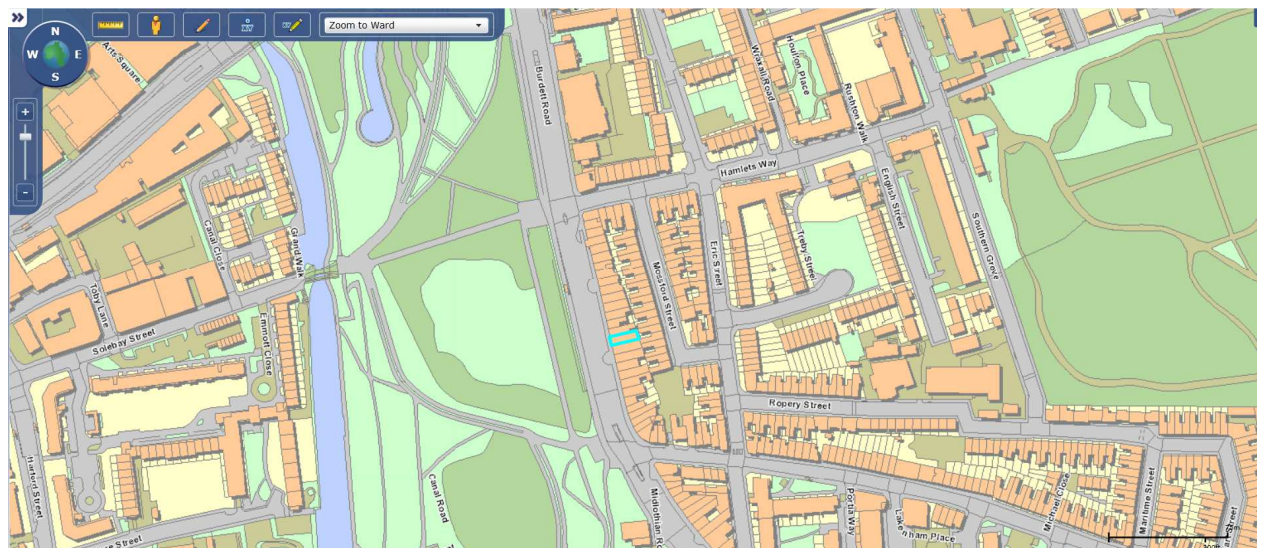
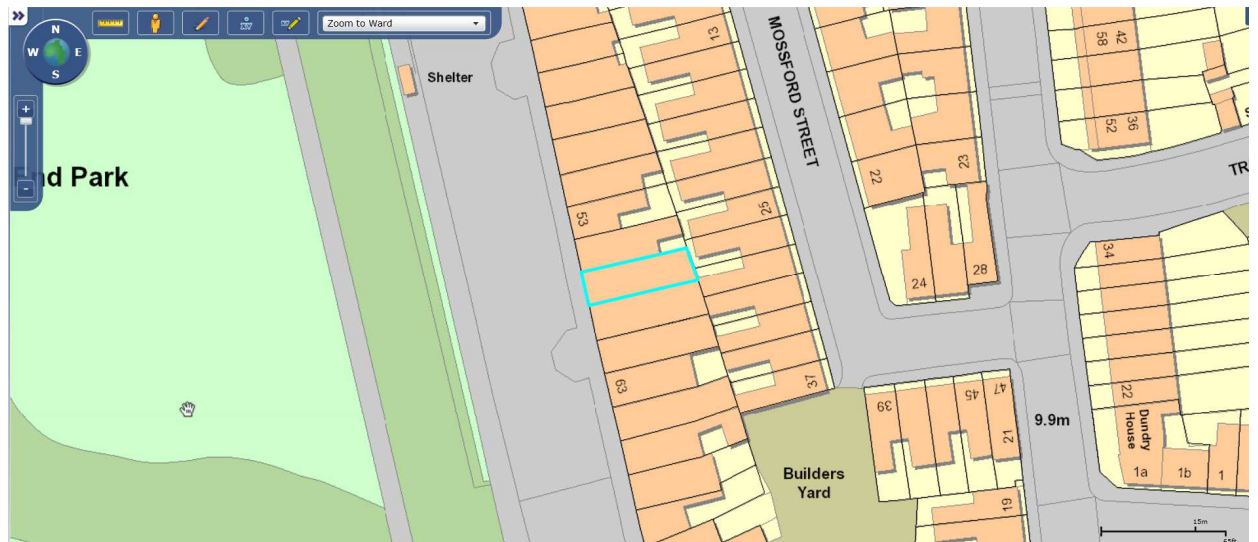
1:100

A4



Boham Consult Limited  
74 Birch Grove  
London E31 4YD  
Tel 02030022724  
Fax 02032225060

# Appendix 3



# Appendix 4

Name and address	Licensable activities	Opening times
(Caroline's Pizza) 31 Burdett Road	<b>Late Night Refreshment</b> Monday to Thursday from 23:00hrs to 01:00hrs Friday to Sunday from 23:00hrs to 01:30hrs	<ul style="list-style-type: none"> <li>Monday to Thursday 11:00hrs to 01:00hrs</li> <li>Friday to Sunday from 11:00hrs to 01:30 hrs</li> </ul>
(Perfect Fried Chicken) 43 Burdett Road	<b>Late Night Refreshment</b> Monday to Sunday, 23:00 hours to 02:00 hours	<ul style="list-style-type: none"> <li>Monday to Sunday, 10:00 hours to 02:00 hours</li> </ul>
Spice Hut 51 Burdett Road	<b>Late Night Refreshment</b> Monday to Saturday 23 00 to 0030 hrs Sunday 23 00 hrs to midnight	<ul style="list-style-type: none"> <li>Monday to Saturday 23 00 to 0030 hrs</li> <li>Sunday from 23 00 hrs to midnight</li> </ul>
(Gabiya) 61 Burdett Road	<b>The sale by retail of alcohol</b> Monday to Sunday, from 10:00 hours to 22:00 hours	<ul style="list-style-type: none"> <li>Monday to Sunday, from 10:00 hours to 22:00 hours</li> </ul>
(Millennium Stores) 73a Burdett Road	<b>The sale by retail of alcohol</b> Sunday to Thursday 09:00 – 23:30 hrs Friday & Saturday 09:00 – 00:00 (midnight)	<ul style="list-style-type: none"> <li>Sunday to Thursday 09:00 – 23:30</li> <li>Friday &amp; Saturday 09:00 - midnight</li> </ul>
	<b>Below included for reference as mention made to them in applicants agents email</b>	
(T G F Pizza) 2 Midlothian Road	<b>Provision of Late Night Refreshment</b> Monday to Sunday from 23:00 hours to 02:00 hours the next day	<ul style="list-style-type: none"> <li>Monday to Sunday from 11:00 hours to 02:00 hours</li> </ul>
(Milano Pizza) 8 Grove Road	<b>The provision of late night refreshment</b> Monday until 01 00 hrs Tuesday until 01 00 hrs Wednesday until 01 00 hrs Thursday until 01 00 hrs Friday until 03 00 hrs Saturday until 03 00 hrs Sunday until 03 00 hrs	Monday until 01 00 hrs Tuesday until 01 00 hrs Wednesday until 01 00 hrs Thursday until 01 00 hrs Friday until 03 00 hrs Saturday until 03 00 hrs Sunday until 03 00 hrs
49 Burdett Road - unlicensed		



# Appendix 5

**Communities, Localities & Culture**  
Safer Communities

Environmental Health and Trading Standards  
**David Tolley**

London Borough Tower Hamlets  
Licensing Authority  
John Onslow House  
1 Ewart Place  
London E3 5EQ

Licensing Section  
John Onslow House  
1 Ewart Place  
London E3 5EQ

Tel [REDACTED]  
Fax [REDACTED]  
Enquiries to **Kathy Driver**  
Email **Kathy.driver** [REDACTED]

7<sup>th</sup> September 2018

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

My reference: P/PR/LIC/110644

Dear Sir/Madam,

**Licensing Act 2003**  
**Re: Yummy Pizza, 57 Burdett Road, London E3 4TN**

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application on the grounds of:

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

The application is seeking late night refreshment for consumption on the premises and take away, Sunday to Thursday until 04:00 am ; Friday and Saturday until 04:30 am with opening hours the same.

All applications have to be considered on their own merits; however, the Council has adopted a set of framework hours as follows:

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

The times applied go beyond the framework hours and taking into account the location of the premises of which has high anti social behaviour levels this Authority believes the premises would become a hub for youths to hang around and cause anti social behaviour. The premises overlooks Mile End Park and large residential estate is in close proximity.

Enforcement visits have been undertaken at the premises, on 22<sup>nd</sup> July 2017 at 00:36 a Test Purchase was made of two pizzas. The officer reported the staff member (who he believed to be the owner) was unwilling to provide full details. A written warning was served. Please see attached.

Further visits were made on of which the premises were compliant

18/8/17 00:45 – closed

8/9/17 – 00:45 closed

28/10/17 23:55 closed

11/8/17 00:45 closed

17/2/18 01:30 closed

This Authority has evidence of the premises operating without a licence on 22<sup>nd</sup> July 2017, therefore have concerns that the hours will be adhered to. Extending the hours would increase noise and nuisance in the area for local residents and ask that the application be rejected. There are no other premises with late hours as 4am and therefore feel that the premises would become a magnet for attracting youth disorder. If Members consider the granting of a licence we would ask to consider the framework hours with the following conditions:

1. No customers seated inside the premises after 23:00 hours
2. Takeaway only after 23:00 hours
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
4. Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate.

Yours sincerely,



**Kathy Driver**  
**Principal Licensing Officer**

Place Directorate  
Public Realm  
Environmental Health and Trading Standards  
Head of Service: David Tolley

Fayazuddin Noori  
Yummy Pizza  
57 Burdett Road  
London  
E3 4TN

Licensing Section  
John Onslow House  
1 Ewart Place  
London E3 5EQ

Tel 020 7364 5008 option 3  
Fax 020 7364 0863  
Enquiries to Licensing  
Email [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

16<sup>th</sup> August 2017

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Our reference CLC/LA03/009244

Dear Mr Noori,

### **Licensing Act 2003 Section 136**

**Premises: Yummy Pizza, 57 Burdett Road, London, E3 4TN**

On Saturday 22<sup>nd</sup> July 2017 at 00:36 hours, Council Officers attended the premises known as **Yummy Pizza, 57 Burdett Road, London, E3 4TN**. They ordered and received two Large Meat Feast pizzas £5.50 each and were charged £11. "Mohammed Aziz" was present and served the officers. He was informed that there should not be hot food sales beyond 23:00 hours without a licence.

According to the Council records you do not hold a licence under the Licensing Act 2003.

**It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers;**

the provision of late night refreshment (selling meals after 23:00 hours and before 05:00 hours)

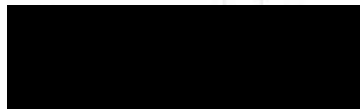
A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

**You are advised to cease the unauthorised licensing activity with immediate effect and not serve any hot food/pizza after 23:00 hours to include collection and delivery. This letter serves as a written warning for offence(s) observed on Saturday 22<sup>nd</sup> July 2017. Any further breaches could lead to legal action.**

For further advice please contact your legal representative. Licence application forms and further details are available upon request from the Licensing Authority, please contact our hotline on 0207 364 5008 or visiting our website:

[http://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol\\_and\\_entertainment/alcohol\\_and\\_entertainment.aspx](http://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/alcohol_and_entertainment.aspx)

Yours sincerely

A black rectangular box used to redact the signature of the Enforcement Officer.

**Damian Doherty  
Enforcement Officer – Licensing and Safety Team  
Environmental Health and Trading Standards**

# Appendix 6

Tom Lewis  
Head of Licensing  
Tower Hamlets Council

**HT - Tower Hamlets Borough**

Licensing Office  
Toby Club,  
Vawdry Close  
E2

Telephone: [REDACTED]

Email: [thomas.ratican@towerhamlets.gov.uk](mailto:thomas.ratican@towerhamlets.gov.uk)  
[www.met.police.uk](http://www.met.police.uk)

23<sup>rd</sup> August 2018

Dear Sir,

Tower Hamlets Police formally object to the application for Premises License application for Yummy Pizza 57 Burdett Road E3.

Tower Hamlets Police object to this application on the grounds of preventing Crime and Disorder and Public Nuisance.

The area around this premises suffers from high levels of crime including drug dealing and assaults as well as anti-social behaviour. The area around Mile End Park is also used by local gangs to commit robberies and other crimes.

By having a premises open till 4am Police believe that the premises will be a magnet for these groups and result in increased crime and disorder in the area.

While none of the crimes that have taken place in the area can be linked to the premises, Police believe that having a premises open until 4am would be a place where groups of people who do cause crimes could congregate at these very late hours. The premises would be offering them a meeting point, somewhere to get food and drink. In short Police believe it would act as a magnet for crime and anti-social behaviour.

Please see a list of crimes in the area of the premises which is shown at the end of this application.

The area itself is a heavily residential area, with a large number of families living in very close proximity to the applicant's premises. Indeed there are flats above the parade of shops where the premises is located.

By having a shop open until 4:30 on weekends and 4 am the rest of the week, the Police believe this will have a detrimental effect on local residents. During these late hours, especially at weekends, the majority of customers will be those who have been out drinking. This in our experience leads to increased noise levels from customers who have been drinking alcohol.

Having drunk customers also increases the risk of disorder and violence as when people drink their decision making becomes impaired and we see a number of disputes and fights taking place as people get food on the way home from a night out.

Police do not believe that the conditions offered by the applicant would mitigate the risk of crime and disorder, due to the late hours they are requesting.

Tower Hamlets Police Licensing also note that the applicant states in his letter dated 15<sup>th</sup> August 2018, which is attached, that other premises in the area were opened until 4am. After some very basic research on Tower Hamlets Council publicly available website it is clear that most of the premises have closing times are not what the applicant claims.

Where other premises do have later hours, this is in the large part due to the fact they have been operating for some considerable time, and have demonstrated that they can operate within the hours given without causing problems to local residents, and also uphold the licensing objectives.

The applicant has no such record to demonstrate their ability to run a premises into the early hours of the morning. Indeed so far the only thing the applicant has been able to prove is an inability to follow the basic tenant of the licensing act. This is demonstrated by a successful test purchase at the premises in July 2017 where hot food was sold past 11pm.

Tower Hamlets Police believe that despite the successful test purchase the applicant should be given the chance to demonstrate their ability to run a late night venue. We therefore suggest that the applicant be given the following hours:

Sunday to Wednesday 23:00 – 00:00

Thursday to Saturday 23:00 – 01:00



With the conditions they have offered.

This would give the applicant the ability to open past their current hours, and to demonstrate that they are capable of running a late night restaurant and takeaway while not adding to crime and anti-social behaviour.

If the applicant can successfully demonstrate this then they can apply to extend their hours at a point in the future.

Crimes of note over the past 6 months in the immediate environs include, but are not limited, to the following:

CAD 5359/13thMar18; Assault at 1616 near Eric Street, Burdett Road, E3.

CAD 7099/19thMar18; Attempted Robbery and male attacked with a baseball bat, in Mile End Park opposite premises.

CAD 8932/21stApr18; 2 x males armed with a pick axe and hammer at 2330 near climbing wall Mile End Park, Burdett Road, E3.

CAD 8488/22ndJune18; males armed with a knife AT 2100 near the football pitches, Mile End Park, E3.

Crime reference 4218742/18; On 03/07/18 at 2237 officers were patrolling The Urban Adventure Park, Mile End Park, E3 (opposite premises) as a result of ongoing ASB and drug taking in the area and chased and detained a group of males who were found to be in possession of Cannabis and Cocaine.

Crime reference 4222343/18; Allegation of GBH on 31/07/2018 between 0001 – 0250 in Park area opposite the premises.

Consumer and Business Regulations  
Licensing Team  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

YOUR REF:

OUR REF: so/Noori/32-18/6

DATE: 15 August 2018

Dear Sirs

Premises Licence application for 57 Burdett Road, London E3 4TN

We refer to the Premises Licence application for 57 Burdett Road E3 4TN which has been lodged with the local authority.

We note the police and child protection feedback. The Applicant believes however that due to the nature of his business as a takeaway and delivery pizza shop, it is neither appropriate nor useful to start at 6 am. The normal working hours for similar businesses is between 11 am in the morning and the early hours of the following day.

There is also proof that neighbouring businesses such as TGF Kebab & Grill of 2 Midlothian Road, London E3 4SE (operating hours: Sunday – Thursday 11:00 – 03:00 and Friday and Saturday 11:00 – 4:00) and Milano Pizza of 8 Grove Road, London E3 5AX (operating hours: 11:00 - 04:15 every day) were granted licences until similar hours to those applied for by our client in relation to 57 Burdett Road.

In the circumstances, the applicant believes that the hours applied for are reasonable. If the above licences have been granted with conditions, the applicant is ready to discuss the same with a view to agreeing to them.

Yours faithfully

[REDACTED]  
Newman Law LLP

Enc.

## Corinne Holland

---

**From:** Thomas.Ratican [REDACTED]  
**Sent:** 18 September 2018 11:58  
**To:** Licensing  
**Cc:** MARK.J.Perry [REDACTED]  
**Subject:** FW: Yummy Pizza – 57 Burdett Road, London, E3 4TN

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear all,

Could this email be submitted as evidence to our objection for the Premises Licence Application.

Many thanks

Tom

Tower Hamlets Police Licensing  
Bethnal Green Police Station  
12 Victoria Park Square  
E2 8NZ  
[REDACTED]

---

**From:** Newman Law <[REDACTED]>  
**Sent:** 07 September 2018 10:54  
**To:** Ratican Tom - HT <Thomas.Ratican [REDACTED]>  
**Subject:** Yummy Pizza – 57 Burdett Road, London, E3 4TN

Dear Sirs

We refer to your letter to us of 23 August 2018 and apologise for the slight delay in replying.

The first point we wish to address is that you say that the applicant has no record to demonstrate her ability to run the premises into the early hours of the morning. You go on to say “Indeed so far the only thing the applicant has been able to prove is an inability to follow the basic tenant of the Licensing Act. This is demonstrated by a successful test purchase at the premises in July 2017 where hot food was sold past 11.00 p.m.”

With respect the current applicant was not the owner of the premises in July 2017 having taken the premises over only on 30 July 2018.

Additionally, the applicant assists her husband in connection with premises that are owned by her husband in respect of which a licence has been granted at 3 West India Dock Road, London, E14 8EZ. The licence in relation to those premises is until 2.00 a.m. and as far as we are aware there have been no complaints in connection with that licence.

Our client does not agree that the extension of their hours to trade can automatically be assumed to be “a magnet” for local gangs to commit robberies and other crimes. Additionally, we are instructed that number 49 Burdett Road which is only a short distance from our client’s premises is open until 2.00 a.m. and that there are many other premises in the area that are open to a similar time such as TJF Kebab & Grill of 2 Midlothian Road, London, E3 4SA (operating hours Sunday-Thursday 11.00 a.m. to 3.00 a.m. and Friday and Saturday 11.00 a.m. to 4.00 a.m.) and Milano Pizza of 8 Grove Road, London, E3 5AX (operating hours 11.00 a.m. to 4.15 a.m. every day). Accordingly, our client repeats that she considers the application to be merited and that the police objections are not well founded and asks that those objections are withdrawn.

Yours faithfully

Suzette Newman  
Partner



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

Email: [REDACTED]  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Twitter:** @metpoliceuk

# Appendix 7

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 29 August 2018 15:39  
**To:** Licensing  
**Cc:** "MARK.J.Perry@[REDACTED] (MARK.J.Perry@[REDACTED]);  
'Thomas.Ratican@[REDACTED] k' (Thomas.Ratican@[REDACTED]);  
[REDACTED]  
**Subject:** MAU REPRESENTATION 110644 Yummy Pizza 57 Burdett Road, London E3 4TN

Dear Licensing

I have regarded the application for Premises License for Yummy Pizza 57 Burdett Road, London E3 4TN and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity. The proposed hours are well beyond the Council's framework hours, and it must be noted that the Council's framework hours (i.e. when premises are open) are:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The applicant is proposing:

- **late night refreshment: Sunday to Thursday until 04:00 hours**  
**Friday & Saturday until 04:30 hours**

**Noise Sensitive premises:** residential and commercial premises in close proximity to 57 Burdett Road, London, E3 4TN

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to "public nuisance" for the following reasons:-

- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation (inclusive of proposals)

### **CONCLUSION**

Environmental Protection **does not** support the application for 57 Burdett Road, London E3 4TN as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

Nicola Cadzow  
Environmental Health Technical Officer  
Place Directorate  
Public Realm, Environmental Health & Trading Standards  
London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London, E3 5EQ

# Appendix 8



10th September 2018

[REDACTED]

David Tolley  
Head of Environmental Health & Trading Standards  
Licensing Section  
John Onslow House  
1 Ewart Place  
London  
E3 5EQ

Dear Mr Tolley

RE: Application for Premises Licence - Yummy Pizza, 57 Burdett Road London E3 4TN

I wish to make a formal representation in respect of the above application. Yummy Pizza is situated right behind my property and my first floor back bedroom is literally right next to their food preparatory kitchen.

The application for extended opening hours is of a major concern to us due to the following points:

- 1) The operation of cooking facilities past midnight and within close proximity to residents increase fire risk. The number of people working in Yummy pizza past midnight would be reduced and hence the oversight and safely management of the kitchen is put at risk.
- 2) The health and safety of the residents in Mossford street are put at risk. Research shows that the possibility of saving everyone during a fire outbreak is greatly reduced in the middle of the night compared to the day. This is because residents of Mossford Street would be asleep and going through the various cycle of sleep and would have enter the Deep Sleep cycle by 4am. In the event of fire, it is during the deep sleep cycle that is the most dangerous as it will be very difficult to wake a person.
- 3) Due to the close proximity of Yummy Pizza to residents, the noise and smell of food into the middle of the night will be intolerable for residents and deprive them of the right to quite enjoyment of their property. I believe this is a violation of both the humans right act and housing act.

Given the above points, it is with regret that we will put forth our strongest objection to Yummy Pizza's application for an extension to its operating hours. We trust that the council will not take the lessons learnt from the Grenfell Tower disaster lightly.

Yours sincerely,

[REDACTED]

Rev. Bing Li

Email: [REDACTED]



\* 170M 1/1/1/ Daek 00/11/00 - 11/08/2010, 11:00



# Appendix 9

## **Section 182 Advice by the Home Office Updated on April 2018**

### 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 10

## **Crime and Disorder** — Licensing Policy, updated March 2015

- 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 2000. (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 11

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

Updated April 2018

## **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 including the prevention of illegal working in licensed premises (see paragraph 10.10). 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 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. 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. 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.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

# Appendix 12

## **Prevention of Nuisance — Licensing Policy, updated March 2015**

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

# Appendix 13

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

Updated April 2018

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.



- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

# Appendix 14

## **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 4.15 and 4.16 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 6.2 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 3 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 8 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 key role of the Police is acknowledged (2.1).

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 (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). 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 but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

### Other Legislation

#### Crime and Disorder Act 1998

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

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

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

# Appendix 15

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 10.1 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 15.10)**.

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 10.2 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 3 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 where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

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

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) 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.

## Other Legislation

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

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



# Appendix 16

### **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 15.8 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 applicant's 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 15.9 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

# Appendix 17

## **Planning**

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

## Agenda Item 3.2

Committee:	Date:	Classification:	Report No.	Agenda Item No.
<b>Licensing Sub-Committee</b>	22 November 2018	UNRESTRICTED		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a Review of a Premises Licence at Cost Price, 41 Brick Lane, London, E1 6PU</b>
Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Ward affected: <b>Spitalfields and Banglatown</b>

## 1.0 Summary

Name and	<b>Cost Price</b>
Address of premises:	<b>41 Brick Lane London E1 6PU</b>
Licence under review:	<b>Licensing Act 2003</b> <ul style="list-style-type: none"><li>▪ <b>Sale by retail of alcohol</b></li></ul>
Representations:	<b>Licensing Authority</b> <ul style="list-style-type: none"><li>- <b>Police</b></li><li>- <b>Trading Standards</b></li><li>- <b>Immigration</b></li></ul>

## 2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> <li>Guidance Issued under Section 182 of the Licensing Act 2003</li> <li>Tower Hamlets Licensing Policy</li> <li>File</li> </ul>		<p>Kathy Driver</p> <p>020 7364 5171</p>

### 3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Cost Price, 41 Brick Lane, London, E1 6PU. The review was triggered by Damian Doherty acting as Licensing Authority.
- 3.2 A copy of the review application is attached in **Appendix 1**.

### 4.0 The Premises

- 4.1 The premises licence was issued on 2<sup>nd</sup> October 2006. The Premises licence holder has not changed since its issue. The current DPS has been in place since 23 March 2017.
- 4.2 The licence was last reviewed on 15<sup>th</sup> October 2013 when Mr. Mohammed Chowdhury was both Licence Holder and DPS, conditions 3-11 were imposed as detailed on the licence. A copy of the current licence is contained in **Appendix 2**.
- 4.3 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

### 5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by Damian Doherty acting as Licensing Authority.
- 5.2 The review is also supported by:
- Metropolitan Police – See **Appendix 4**
  - Trading Standards– See **Appendix 5**
  - Immigration – See **Appendix 6**
- 5.3 Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 5.4 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder and protection of children from harm.

## 6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 7**. It is available on the Government’s website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2018.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has issued guidance about Crime and Disorder. **See Appendix 8**.
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 9**.
- 6.6 The Home Office has also issued guidance about the prevention of public nuisance which might be considered in relation to any identified problems is contained in **Appendix 10**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 11**.
- 6.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”

- 6.9 Other persons or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Health & Safety & Licensing Manager is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.
- 6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
  - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

## **7.0 Review Advertisement**

- 7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 7.3 The procedure for a review can be summarised as follows:
- A review is triggered by a responsible authority or interested party
  - Consultation is conducted for 28 full days
  - Other responsible authorities or interested parties may join in the review
  - Members conduct a hearing
  - Members make a determination
  - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).



## **8.0 Licensing Officer Comments**

8.1 Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a period
- Revoke the licence completely

8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.

8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.

8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”

8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

## **9.0 Legal Comments**

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

## **10.0 Finance Comments**

10.1 There are no financial implications in this report.

## 11.0 Appendices

<b>Appendix 1</b>	Copy of the review application
<b>Appendix 2</b>	Current Premises Licence
<b>Appendix 3</b>	Maps of the premises and surrounding area
<b>Appendix 4</b>	Representation from Metropolitan Police
<b>Appendix 5</b>	Representation from Trading Standards
<b>Appendix 6</b>	Representation from Immigration
<b>Appendix 7</b>	Guidance issued under Section 182 by the Home Office for reviews
<b>Appendix 8</b>	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
<b>Appendix 9</b>	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
<b>Appendix 10</b>	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
<b>Appendix 11</b>	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

# Appendix 1

This form should be completed and forwarded to:

London Borough of Tower Hamlets,  
Licensing Service, John Onslow House, 1 Ewart Place, London E3 5EQ

**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 **Damian Doherty, on behalf of the Licensing Authority**, apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

**Part 1 – Premises or club premises details**

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

**Cost Price, 41 Brick Lane**

**Post town**  
**London**

**Post code**  
**E1 6PU**

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

**Mr Mohammed Shilu Chowdhury**

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

**17872**

## Part 2 - Applicant details

Please tick ☐ yes

I am

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

☐☐☐☐☐

2) a responsible authority (please complete (C) below)

x

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

☐

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

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

**Surname**

N/a

**First names**

N/a

Please tick yes

I am 18 years old or over

☐

**Current postal  
address if  
different from  
premises  
address**

N/a

**Post Town**

N/a

**Postcode**

N/a

**Daytime contact telephone number**

**E-mail address  
(optional)**

N/a

**(B) DETAILS OF OTHER APPLICANT**

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

**Surname**

N/a

**First names**

/a

**I am 18 years old or over**

Please tick ☐ yes  
☐

**Current postal  
address if  
different from  
premises  
address**

N/a

**Post Town**

N/a

**Postcode**

N/a

**Daytime contact telephone number**

N/a

**E-mail address  
(optional)**

N/a

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

**Name and address**

Damian Doherty  
Licensing Authority  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London  
E3 5EQ

**Telephone number (if any)**

020 755 10000000

**E-mail (optional)**

Damian.doherty@towerhamlets.gov.uk

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

Please tick one or more boxes ☐

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

**Please state the ground(s) for review (please read guidance note1)**

Please refer to the attached document.

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

**Please refer to the attached document.**

**Please tick ? yes**



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

Yes

If yes please state the date of that application

Day		Month		Year			
1	5	1	0	2	0	1	3

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

N/A

Please tick ☐ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

X

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

X

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

**Part 3 – Signatures** (please read guidance note 3)

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

Signature

Date: 16<sup>th</sup> August 2018

Capacity: Licensing Enforcement Officer

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

London Borough of Tower Hamlets

**Cost Price, 41 Brick Lane, London E1 6PU**

Licence No **17872** (Licence Holder: **Mr Mohammed Shilu Chowdhury**)

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

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London Borough of Tower Hamlets – Licensing Authority

**REPRESENTATIONS**

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1. The Licensing Authority is designated a 'responsible authority' for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and disorder and the prevention of public nuisance.
2. The premises licence holder of Cost Price, 41 Brick Lane, London E1 6PU is Mohammed Shilu Chowdhury of [REDACTED]  
Mohammed Johirul Amin is the Designated Premises Supervisor (DPS) of the premises, who has been in place since 23<sup>rd</sup> March 2017 prior to this  
Mohammed Shilu Chowdhury was the DPS from 17<sup>th</sup> July 2007. A copy of the current licence is attached as **Exhibit A**.

3. The premises has been reviewed previously by the Tower Hamlets Weights and Measures Department (Trading Standards) on 15<sup>th</sup> October 2013; this triggered a hearing of the Licensing Sub-Committee on the 4<sup>th</sup> February 2014.

This resulted in the following conditions being imposed on the Licence:

Conditions

- The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
- During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
- During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
- 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.
- The premises licence holder shall ensure that all receipts for goods bought include the following details
  - Seller's name and address
  - Seller's Company details, if applicable
  - Seller's VAT details, if applicable
  - Vehicle registration detail, if applicable
- Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
- The trader shall obtain and use a UV detection devise to verify that duty stamps are valid.
- Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
- The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

4. The Premise Licence holder was prosecuted under Section 136 Licencing Act 2003 for supplying alcohol outside of Licenced hours on 2<sup>nd</sup> April 2016 and

pleaded Guilty in writing. This was heard at Thames Magistrates on 1<sup>st</sup> June 2017. See **Exhibit B** for results of previous review and email from Legal services in relation to the court appearance.

5. Prior to the court appearance on 23<sup>rd</sup> March 2017 a new Designated Premises Supervisor was appointed, Mohammed Johirul Amin.
6. On 10<sup>th</sup> March 2018 a test purchase of alcohol was made during by a licensing officer after the terminal hour at 01:15am. The member of staff present who made the sale said that neither the Premise licence holder nor the DPS was available. He explained his name is Ruhel AMIN and is the brother of the DPS and is a personal licence holder. He was cautioned and it was that it is an offence to serve alcohol beyond the terminal hour of the Licence. Further offences noted were that a current copy of the Licence was unavailable, the wrong summary was on display and there was not an refusal/incident book present as required by the following Licence condition:

Annex 3 - Conditions attached after a hearing by the licensing authority  
Licensing subcommittee hearing of 10th July 2008

2. A refusal book shall be kept and maintained.

Statements are attached as restricted items. **Exhibit C.**

7. On Friday 27<sup>th</sup> April 2018 at around 23:15 hours Council Officers attended the unlicensed premises known as Mexican Grille, 194 Mile End Road London, E1 4LJ. This is a business owned by Mohammed Shilu Chowdhury. Officers ordered and received hot food and hot drinks. Officers also noted that staff

were informing customers that the restaurant closed at 1am and hot food was being picked up as deliveries. Mohammed Shilu Chowdhury was spoken to by officers and informed that there should not be hot food/drink sales between 23:00 and 05:00 without a licence to include any deliveries made. He received a written warning for this offence under Section 136 (1) Licensing Act 2003 on 15<sup>th</sup> May 2018. On 18<sup>th</sup> May 2018 Mr Chowdhury via an agent applied for a Licence at this premises for Late night refreshment. Representations to this application were received from relevant authorities including the Police. Subsequently a hearing took place on 10<sup>th</sup> July 2018 and the Licensing Sub Committee refused the application. Warning letter and committee decisions are attached as **Exhibit D**.

8. Mohammed Shilu Chowdhury is also a Premise Licence Holder at another Off Licence in Tower Hamlets called Jerrin News, 90 Mile End Road, London, E1 4UN. The Licence is currently suspended due to non payment of the Licence annual fee under and therefore has been placed on the Enforcement rota for a potential test purchase visit and Legal action. This constitutes Offences under Section 55A / 92A Licensing Act 2003 and Section 229(6) Police and Social Responsibility Act 2011. Reminders are sent out to Premise Licence Holders and after 21 days a Suspension Notice can be generated and sent to the Premise Licence holders address and the premise itself. Mr Chowdhury owes £948 and this figure also accounts for the Late Night Levy payment as his business serves alcohol after 00:00 hours. The premises hours are as follows:

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

Sunday to Thursday 07:00 hours to 02:00 hours  
Friday & Saturday 07:00 to 04:00 hours

A copy of the suspension notice is attached as **Exhibit E**

9. It is the opinion of this Licensing Authority that the licensee has no regard to meeting the licensing objectives, the premises continues to knowingly undertake unlicensed activity. Clearly the licensee has not taken the prior review or prior prosecution seriously enough to improve the management of the premises. Taking into account the history of the premises and the history of Mr Chowdhury's running of other premises within the Borough, I believe that the Committee should consider the revocation of the licence.

**Damian Doherty**

**Licensing Enforcement Officer**

Exhibit Number **EXHIBIT A**

Signed 

Date **16-08-2018**

I identify the exhibit above as that  
referred to in the statement signed by me

**(Cost Price)**  
41 Brick Lane  
London  
E1 6PU

**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 & Licensing Manager**

**Date: 2<sup>nd</sup> October 2006**

Licence amended following the Licensing Sub Committee Hearing of 10<sup>th</sup> July 2008  
Licence amended following the Licensing Sub Committee Hearing of 4<sup>th</sup> February 2014



**Part A - Format of premises licence**

Premises licence number

17872

**Part 1 - Premises details****Postal address of premises, or if none, ordnance survey map reference or description****(Cost Price)**  
41 Brick Lane**Post town**  
London**Post code**  
E1 6PU**Telephone number**  
020 7247 4009**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**The sale by retail of alcohol (off sales only)

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

**The opening hours of the premises**

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

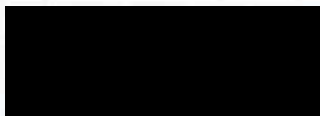
**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

Off sales only

**Part 2**

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

Mr Mohammed Shilu Chowdhury

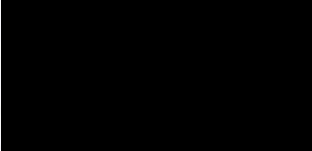


**Registered number of holder, for example company number, charity number (where applicable)**

Not applicable

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

Mr Mohammed Johirul Amin



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

Licence Number : 15668

Issuing Authority : London Borough of Tower Hamlets

## Annex 1 - Mandatory conditions

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

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

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

3.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

- (b) "permitted price" is the price found by applying the formula —

$$P = D + (D \times V)$$

where —

- (i) **P** is the permitted price
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

1. Adult entertainment is not permitted.
2. CCTV shall be maintained and operational at all times.
3. Request photographic identification to anyone appearing to be underage and service shall be refused if this is not produced.
4. Outside areas of the premises to be kept clear and clean.

## **Annex 3 - Conditions attached after a hearing by the licensing authority** **Licensing subcommittee hearing of 10th July 2008**

1. CCTV must be working at all times the premises are open for business. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month.

2. A refusal book shall be kept and maintained.

Licensing subcommittee hearing of 4<sup>th</sup> February 2014

3. The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
4. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
5. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
6. 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.
7. The premises licence holder shall ensure that all receipts for goods bought include the following details
  - a. Seller's name and address
  - b. Seller's Company details, if applicable
  - c. Seller's VAT details, if applicable
  - d. Vehicle registration detail, if applicable
8. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
9. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
10. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
11. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

#### **Annex 4 - Plans**

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

15 April 2008



*Licensing Act 2003*

### Part B - Premises licence summary

**Premises licence number**

17872

### Premises details

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

(Cost Price)  
41 Brick Lane

**Post town**

London

**Post code**

E1 6PU

**Telephone number**

020 7247 4009

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

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (off sales only)

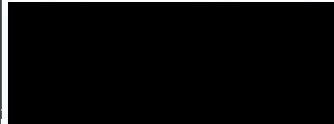
- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

The opening hours of the premises

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

Name, (registered) address of holder of premises licence

Mr Mohammed Shilu Chowdhury



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

Off sales only

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

Not applicable

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

Mr Mohammed Johirul Amin

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

No restrictions



**Communities:  
Safer Commu**

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

Licensing Section  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

Tel **020 7364 2665**  
Fax **020 7364 0863**  
Enquiries to **Andrew Heron**  
Email **andrew.heron@towerhamlets.gov.uk**

**www.towerhamlets.gov.uk**

Mr Mohammed Shilu Chowdhury

17<sup>th</sup> February 2014

My reference: CLC/L1U: 72389

Dear Mr Chowdhury,

**Licensing Act 2003**

**Review of premises: Cost Price, 41 Brick Lane, London E1 6PU**

Following the hearing of the Licensing Sub-Committee on the **4<sup>th</sup> February 2014** and further to the review triggered by the Tower Hamlets Weights and Measures Department on **15<sup>th</sup> October 2013**, I am writing to advise of the decision from that hearing.

The Sub-Committee resolved that the application for a Review of the Premises Licence at the above address be **GRANTED IN PART** with conditions to be added to the Premise Licence.

The grounds of the Licensing Sub-Committee decision are contained in **Appendix A** as are the alterations in the licence conditions. Both the applicant and you as the objecting licence holder have the right of appeal. Your rights of appeal are contained in **Appendix B**.

We will advise further if we receive notification of an appeal. If you are going to appeal I would be grateful if you would let me know as soon as you are able to do so. Please find enclosed a replacement copy of your licence containing the new conditions.

Yours sincerely,

[Redacted Signature]  
**Andrew Heron**  
**Licensing Officer**



## **Appendix A**

### Reasons for the review of premises licence

Members were aware of and bore in mind the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003

Members were aware of and bore in mind the Council's Licensing Policy

Members considered the evidence presented by:

- **PC Mark Perry - Metropolitan Police**
- **Mr John McCrohan – LBTH Weights and Measures**
- **Ms Selina Misfud – Local Resident**
- **Md Shilu Chowdhury – Premises Licence Holder**
- **Mr Shaym Sevesta – Licensing Agent**

In relation to the following licensing objective:

- **The prevention of crime and disorder**
- **The prevention of public nuisance**

In that the following matters were discussed:

#### The Licensing Objectives

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

#### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the review application in part by adding additional conditions to the license in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and 'the prevention of crime and disorder'.

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a review of the premises licence for, Cost Price, 41 Brick Lane, London E1 6PU be **GRANTED in part with conditions.**

#### Conditions

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

- During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
- During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
- 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.
- The premises licence holder shall ensure that all receipts for goods bought include the following details
  - Seller's name and address
  - Seller's Company details, if applicable
  - Seller's VAT details, if applicable
  - Vehicle registration detail, if applicable
- Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
- The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
- The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

## **Appendix B**

### **Appeal Rights under Schedule 5 of Licensing Act 2003**

The appeal must be made to the Magistrates Court which has jurisdiction in the area of the London Borough of Tower Hamlets.

A notice of appeal must be given to the justices' chief executive for the Magistrates Court within a period of 21 days beginning with the day on which notification was sent by the Licensing Authority.

**Please note that the licensing authority will be a party to the appeal.**

URN 08683

**CASE SUMMARY**

R v CHOWDHURY, Mohammed Shilu

**Page No 1**

Order on conviction ☐ Compensation ☐ Forfeiture / Destruction order ☐ Asset recovery case ☐  
(Exclusion / ASBO / Restraining order)

Tick box if required

***Historical chronology***

COST PRICE is an Off Licence located at 41 BRICK LANE E1 6PU. It is licensed to sell alcohol as Off sales (i.e. purchased by customers to be consumed off the premises) during the following times:

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

There have also been extra conditions added to the Premise Licence (Annex 3) at the Licensing subcommittee hearing of the 4<sup>th</sup> February 2014. The one concerning this case is:

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

COST PRICE 41 BRICK LANE E1 has a poor history of compliance with Licensing Legislation, with Officers from this Authority witnessing breaches of Licence Conditions on 2 separate occasions in 2014.

In order to ensure compliance with Licensing legislation this Licensing Authority has run an Operation known as Operation Dymock. The operation seeks to carry out late night visits, inspection and Test Purchases to Licensed and Unlicensed Premises within the Borough. These visits are based on intelligence received from other Teams and Departments within the Authority as well as the Police and complaints from residents. As a result of such intelligence this premises was added to the visit Rota for Dymock in 2014.

On Friday 25<sup>th</sup> July 2014 two Council officers (Ebony DORMER-KUTI and Natalie THOMPSON) attended COST PRICE 41 BRICK LANE E1 6PU and carried out a test purchase and produced evidence in regards to purchasing two bottles of Brothers Festival Cider at 7% ABV contrary to the Premise Licence conditions mentioned above.

On Saturday 16<sup>th</sup> August 2014 a further visit was undertaken to COST PRICE 41 BRICK LANE E1 6PU by two Council officers, Alison FLYNN and Shola THOMPSON. They carried out a test purchase producing a can of White Ace cider at 7.5% ABV as evidence; again in contrary to the same condition. Officers recorded details of the staff member who served them as Ikbal AHMED.

COST PRICE 41 BRICK LANE E1 6PU had breached their Premises Licence conditions on both of the above visits; therefore this constituted a breach of section 136(1) of the Licensing Act 2003. This was because the Licensee knowingly allowed licensable activities to be carried out, which was not in accordance with the Premises Licence (authorisation).

On Thursday 27<sup>th</sup> November 2014 Mr Mohammed Shilu CHOWDHURY attended a recorded interview under the Police and Criminal Evidence Act 1984 (PACE) code of practice E (2013) in respect of these Offences. The interview was conducted at Mulberry Place, 5 Clove Crescent London E14 2BG. During this interview Mr CHOWDHURY admitted that his staff had made sales of high strength alcohol which was contrary to the condition on his Premises Licence. He assured Officer Damian DOHERTY who conducted the Interview that he had subsequently removed high strength alcohol from his shelves and only stocks alcohol below 5.6%. In light of this assurance and as it was the premises first offence no further formal action was taken.

### **Summary for current prosecution**

Operation Dymock was run again from the end of March 2016 until end of August 2016. Again undertaking late night visits, inspection and Test Purchases to Licensed and Unlicensed Premises within the Borough, based on intelligence received. COST

PRICE 41 BRICK LANE E1 6PU had been placed on the visit rota based on previous history of non-compliance.

On Saturday 2<sup>nd</sup> April 2016 two Council officers (Festus EBOJOH and Shola THOMPSON) carried out a test purchase at COST PRICE 41 BRICK LANE E1 6PU purchasing a can of Strongbow cider at 01:14 hours. This was contrary to the premises licensable hours for the sale of alcohol by retail.

The sale was made by Mr Ali DIL (date of birth [REDACTED]) and he was cautioned onsite by Shola THOMPSON. Following being given the caution Mr DIL gave his name only and made no other statements or comments. The Officers then reported this offence to the Licensing Team.

This premises is licensed to sell alcohol by retail (off sales only) during the following times:

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

Despite a previous warning at the recorded interview under PACE code E on 27<sup>th</sup> November 2014 and warnings given by officers during the visit on 16<sup>th</sup> August 2014 the Licensee of this premises, Mr Mohammed Shilu CHOWDHURY has knowingly allowed the unauthorised sale of alcohol to occur because it was outside of his licensable hours. This constitutes offences under Section 136 and 137 of Licensing Act 2003:

136 Unauthorised licensable activities

(1) A person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

***In light of this offence this Licensing Authority is referring this matter to the Authority's Legal Department for consideration for prosecution.***

## **Damian Doherty**

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**From:** Vivienne Walker  
**Sent:** 05 June 2017 12:08  
**To:** Damian Doherty  
**Cc:** Tom Lewis; David Tolley; Victoria Fowler  
**Subject:** CHOWDHURY, Mohammed Shilu - t/a Cost Price at 41 Brick Lane, E1 - S136(1)(b) of the Licensing Act 2003

Dear All,

I appeared before Thames Magistrates Court on 1 June 2017, regarding the above matter. The Defendant sent a Written Plea of Guilty to the court. There were no reference to any mitigating circumstances or his means.

The Defendant was sentenced as follows:

Fine: £250.00

Costs: £150.00

Victim Surcharge: £30.00

The Defendant has 28 days to pay in full. A collection order has been attached.

The file in legal services will now be closed. There were no fees or disbursements in this case, such as Counsel fees.

Legal Services will retain the documents on its electronic file which will now be marked as closed. You will be written to separately by our Business Support Team who will give details about storage.

Regards

Vivienne Walker

Solicitor

Legal Services



**RESTRICTED (when complete)**

I identify the exhibit above as that referred to in the statement signed 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: **Damian DOHERTY**

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

Occupation: Licensing Enforcement Officer

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

Signature:..... Date:.....01/05/2017

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

I am **Damian DOHERTY** a Licensing Enforcement Officer employed by the London Borough of Tower Hamlets Council. I am duly authorised under the Licensing Act 2003. One of my roles involves conducting late night Enforcement visits and test purchasing on behalf of the Licensing section. On **Saturday 10<sup>th</sup> March 2018** I was working with my colleague **Corinne HOLLAND** (Licensing Officer) and visited **COST PRICE 41 BRICK LANE LONDON E1 6PU** to see if it was open after 01:00 hours. I was aware that this particular premise held a Premises Licence under the Licensing Act 2003 (numbered 17872) which I exhibit as **DD/01**. It allows the following:

**The times the licence authorises the carrying out of licensable activities****The sale by retail of alcohol (off sales only)**

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

At 01:15 on **Saturday 10<sup>th</sup> March 2018** **HOLLAND** entered the premise whilst I waited outside. She went inside and purchased a bottle of "Mixed Fruit" Kopparberg cider. She then came outside and showed me her purchase, so we both then went inside together. I went to the counter and I introduced myself to the IC4 male showing my Warrant card and introduced **HOLLAND** as my colleague. **HOLLAND** confirmed that this male had made the sale of alcohol past the terminal hour. I asked if Mohammed Silu **CHOWDHURY** was available as he was listed as Premises Licence holder (PLH) or if the Designated Premise Supervisor (DPS) Mohammed Johirul **AMIN** was available. The IC4 male said neither were available. I explained that alcohol had been served after 01:00 hours the terminal hour as



allowed by the licence explained that it is an offence under Section 136 Licensing Act 2003. The IC4 said he held a personal Licence with Tower Hamlets and his brother was the DPS. I asked to see this male's personal licence, but he said he did not have it on him. I asked him to provide his details which he gave as follows. Ruhel **AMIN** [REDACTED] [REDACTED] and date of birth [REDACTED] a credit three sixty check revealed these the correct date of birth is [REDACTED] (copy exhibited as **DD/02**). I cautioned **AMIN** at 01:19 and explained that he is not under arrest, free to leave, and free to seek legal advice. He made no reply. I had a printed copy of the current licence which I produced and I looked at some of the conditions listed as follows:

**Annex 3 - Conditions attached after a hearing by the licensing authority**  
**Licensing subcommittee hearing of 10th July 2008**

2. A refusal book shall be kept and maintained.

I asked to see a copy of the refusals book and **AMIN** said that he did not know where this was. I asked to see a copy of the Licence and I was shown an old copy of the Licence which listed a different DPS (previously it was the PLH Mohammed Silu **CHOWDHURY**). I said this constituted further offences under the Licensing Act 2003. **AMIN** hinted that he only works part time and enquired what "happens next?" I explained that I would present my evidence to our legal department could lead to prosecution or review. I reminded **AMIN** of his closing times and **HOLLAND** and I then left the premises. I exhibit a copy of my pocket book notes as Exhibit **DD/03** and a copy of the record of contact form as **DD/04**

Signature:..... [REDACTED] Date:.... 01/05/2017

Order on conviction ☐ Compensation ☐ Forfeiture / Destruction order ☐ Asset recovery case ☐

(Exclusion / ASBO / Restraining order) Tick box if required

Date of completion... 01/05/2017

**RESTRICTED (when complete)****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: **Corinne Holland**

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

Occupation: **Licensing Officer**

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

Signature:.....Date 14/6/18

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

I am a Licensing Officer employed by the London Borough of Tower Hamlets Council within the Licensing section. I am duly authorised under the Licensing Act 2003. On **SATURDAY 10<sup>th</sup> March 2018** I was working with my colleague **Damian DOHERTY** (Licensing Enforcement Officer) conducting late night enforcement visits. We decided to visit **COST PRICE 41 BRICK LANE, LONDON, E1 6PU** to see if they were selling alcohol beyond 01.00 hours, which is the end time of their permitted licensable hours.

At 01.14 hours I entered the shop and noticed two Asian males within the shop. I said to one of them, who I know now to be Mr Ruhel **AMIN**, 'Are you still open?' he said to me 'What is it you want?', I replied 'some beer'. He then said to me 'it's a bit late but go on then'. I selected a bottle of mixed fruit Kopparberg cider and placed it on the counter. Mr **AMIN** rung it up on the till and charged me £2.70. I handed him a £5 note and was given change. I left the shop and handed the £2.30 change to **Damian DOHERTY**. I exhibit this bottle of cider as CH/1. I went back into the shop with **Damian DOHERTY** and introduced ourselves to the cashier and I showed my warrant card.

I identified the male that I now know to be Mr Ruhel **AMIN** as the male who had sold me the alcohol. **DOHERTY** asked if whether the Premises Licence Holder or the Designated Premises Supervisor (DPS) were available. Mr **AMIN** said they weren't. **DOHERTY** pointed out the offence of selling alcohol after the permitted hours of 01.00 hours and explained that it was an offence contrary to Section 136 Licensing Act 2003. **DOHERTY** cautioned **AMIN** at 01.19 hours and explained he was not under arrest, free to leave, and could seek legal advice. He made no reply to the caution. **DOHERTY** completed some paperwork and took

**AMINs'** personal details. I pointed out to **AMIN** that he had said to me that it was 'a bit late'. He said he knew but thought he would just serve me before he closed.

**DOHERTY** produced a copy of the licence and asked to see the refusal book which is a condition on the licence. **AMIN** searched for one but he could not find one. If a refusal book cannot be easily found then I have to assume that one is not maintained as per the condition requires. This is a breach of the licence conditions and a further offence.

**DOHERTY** asked to see a copy of the licence. **AMIN** found an old copy with the incorrect DPS details on it. The additional offences were pointed out to **AMIN** by **DOHERTY**. There was a CCTV monitor in the shop so I asked if it was working. **AMIN** said he didn't know the code to access it so this could not be checked. **DOHERTY** explained to **AMIN** him that the evidence would be submitted to the legal department to decide on what action would be taken. We then left the shop. I exhibit my pocket book notes as exhibit CH/2.

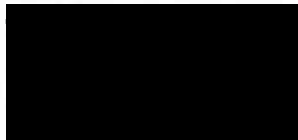
Signature:  Date: 14/06/18

Order on conviction ☐ Compensation ☐ Forfeiture / Destruction order ☐ Asset recovery case ☐  
(Exclusion / ASBO / Restraining order)

Tick box if required

Date of completion... 14/06/18

Md Shilu Chowdhury



15<sup>th</sup> May 2018

Our reference: CLC/LA03/073569

Place Directorate  
Public Realm  
Environmental Health and Trading Standards  
Head of Service: David Tolley

Licensing Section  
John Onslow House  
1 Ewart Place  
London E3 5EQ

Tel 020 7364 5008 option 3  
Fax 020 7364 0863  
Enquiries to Licensing  
Email [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sir,

### Licensing Act 2003

Premises: **Mexican Grille, 194 Mile End Road London, E1 4LJ**

On Friday 27<sup>th</sup> APRIL 2018 at around 23:15 hours Council Officers attended the premises known as **Mexican Grille, 194 Mile End Road London, E1 4LJ**. They ordered and received hot food and hot drinks (1 x 'Juicy Lucy' double burger meal and 1 x No. 28 Mexican burrito meal with two soft drinks and two teas for £27.20). Officers also noted that staff were informing customers that the restaurant closed at 1am and hot food was being picked up by people as deliveries. You were spoken to by officers and informed that there should not be hot food/drink sales beyond 23:00 without a licence to include any deliveries made.

According to the Council records you do not hold a licence under the Licensing Act 2003.

**It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers;**

the provision of late night refreshment (selling meals after 23:00 hours and before 05:00 hours)

**A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.**

**You are advised to cease this unauthorised licensing activity of hot food/drink sales between 23:00 and 05:00 (to include providing deliveries of hot food/drinks) with immediate effect. You will also have to change your online advertising as your website and Facebook reflect later hours. This letter serves as a written warning for offence(s) observed on 27<sup>th</sup> APRIL 2018 and further breaches could lead to a prosecution.**

For further advice please contact your legal representative. Licence application forms and further details are available upon request from the Licensing Authority, please contact our hotline on 0207 364 5008 or visit our website:

[http://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol\\_and\\_entertainment/alcohol\\_and\\_entertainment.aspx](http://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/alcohol_and_entertainment.aspx)

Yours sincerely



**Damian Doherty  
Enforcement Officer – Licensing and Safety Team  
Environmental Health and Trading Standards**

Cc: T/A Quick Grill Ltd, Mexican Grille, 194 Mile End Road, London, E1 4LJ

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 10 JULY 2018**

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

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed (Member)

Councillor Leema Qureshi (Member)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest made.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

The minutes of the Licensing Sub Committee held on 5<sup>th</sup> June 2018 were agreed as a correct record of proceedings.

**4. ITEMS FOR CONSIDERATION**

**4.1 Application for Variation of a Premises Licence for Whitepost Café, 92  
Whitepost Lane, London E9 5EN**

**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 in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

**Consideration**



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

In reaching their decision, Members noted the current demographics of the area and noted that the area that was once derelict, was now full of industry, amenities, entertainment venues and most importantly a rapidly growing residential community. Members noted that the objections from local residents covered a wide range of concerns which was evident in demonstrating that there was already public nuisance in the form of noise nuisance. Members were concerned that permitting an increase in the licensable hours of the premises would exacerbate this noise nuisance.

Members welcomed the efforts made by the Applicant by reducing the hours and offering conditions in consultation with Environmental Health, however, the individual objections and the supporting documents (noise nuisance diary submitted by the local resident) demonstrated that there was a cause for concern and the likelihood that later hours would have a negative impact on the lives of residents, infringe on their quality of life with a likelihood of an increase in anti-social behaviour and general noise nuisance.

Members looked carefully at the location and although the Applicant agreed to use the entrance via the tow path route only as a fire exit after the terrace area is closed, Members of the Sub Committee were of the view based on the evidence put before them that residents especially from Omega Works would suffer noise pollution.

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a variation of the Premises Licence for Whitepost Café, 92 Whitepost Lane, London E9 5EN be **REFUSED**.

#### **4.2 Application for a New Premises Licence for Quick Grill Ltd, 194 Mile End Road, London, E1 4LJ**

##### **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 in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### **Consideration**

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them. In the absence of the Applicant, Members heard representations made on behalf of the Applicant by their Licensing Representative and also heard representation on behalf of the Licensing Authority and the Metropolitan Police.

In reaching their decision, Members noted the previous breaches of conditions, trading without a licence, a number of failings and breaches in the Applicant's other licensed premises at 41 Brick Lane, and pending enforcement action in relation to both those other premises at 41 Brick Lane and also in relation to the premises at 194 Mile End Road. Whilst the premises at 41 Brick Lane are not the subject of this application, what had happened regarding those other premises is relevant because it demonstrates the degree to which the applicant in running those other licensed premises can be trusted to uphold the licensing objectives, in particular, the crime and disorder objective.

Breaches of licensing conditions and trading without a licence are offences. Therefore, when such matters taking place do not uphold the crime and disorder objective.

Although it was noted that the Applicant would relinquish all ties with the premises in Brick Lane and concentrate on the current premises he is applying for, Members had no confidence that hours and conditions would be adhered to and therefore referred to the concerns raised by both the Responsible Authorities and their evidence showed that the applicant is unable to comply with licence times and conditions, and on a balance of probability is likely to do the same if this current application were to be granted.

Members were not satisfied that the Applicant would uphold the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance in relation to the objections raised by the Police and the Licensing Authority.

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

### **RESOLVED**



That the application for a New Premises Licence for Quick Grill, 194 Mile End Road, London E1 4 LJ be **REFUSED**.

**5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

There were no applications that required a deadline extension.

The meeting ended at 8.50 p.m.

Mr Mohammed Choudhury  
90 Mile End Road  
London  
E1 4UN

18 July 2018

Dear Sir/Madam,

**Licensing Act 2003 Section 55A / 92A  
Police and Social Responsibility Act 2011 229(6)**

Place Directorate  
Public Realm  
Environmental Health and Trading Standards  
Head of Service: David Tolley

Licensing Section  
6<sup>th</sup> floor  
John Onslow House  
1 Ewart Place  
London E3 5EQ  
Tel 020 7364 5008 option 3  
Fax 020 7364 0863  
Enquiries to Licensing  
Email [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

### NOTICE OF SUSPENSION OF PREMISES LICENCE/CLUB CERTIFICATE

The below annual fee and, where applicable, the Late Night Levy Fee remains outstanding, the 21 day period in which to pay has now expired. I therefore have to advise you that your premises licence detailed below is now suspended until such time that the fee(s) below and any other annual fees (including Late Night Levy fees where appropriate, see Note 1 below table) owed for previous years are paid. The licence cannot be reinstated until all outstanding fees are paid in full.

**Legislation allows 2 working days to arrange payment before the suspending – therefore your Licence will be suspended 2 working days from the date of the postmark on this letter.**

Licensing Act 2003 - Annual Fee for Premises Licence			
Reference no	033603/2018	Premises ref:	F155TH90MI/1
Your Licence was Issued on 5 June 2009	Fee Due date June 2018	The Annual Fee is due every year on the Premises Licence issue date	
Premises Jerrin Mini Market 90 Mile End Road London E1 4UN		Annual Licence Fee	
		Cost	Total
		£180.00	£180.00
		Late Night Levy Charge, where applicable	
		£768.00	£768.00
		Total Amount Due	<b>£948.00</b>
		Best Bar None premise reduced fee Best Bar None accredited premises are entitled to a 30% reduction of the Late Night Levy charge	
		Total amount due £	

**Note 1: As of 1<sup>st</sup> January 2018, Licences that permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day will be liable to pay the levy charge shown under box 2 above.**

There are 4 ways to pay the annual fee:

- On line payments can be made at [http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx) ([www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk) 'Online Services' / 'Pay it' / Licences/Registrations)
- Cheques should be made payable to the London Borough of Tower Hamlets and sent to the above address. Please write the reference number and premises address on the back of the cheque.
- The fee can be paid in person at the address above.
- Card payment can be taken by phone (020 7364 5008)

**PLEASE NOTE:** We prefer not to accept payment by BACS, as monies go into a generic Council fund where notification of payment is not received and it may be untraceable. This may result in another fee being liable. If there is no alternative, please ensure you quote the above reference number on the invoice and confirm your receipt of payment details by emailing [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk).

**Please note: The licence will be suspended if payment is not made on or before the due date, this includes the levy fee. The licence will remain suspended until such time that full payment owed is made. If you have any dispute regarding the payment of the fee(s) you MUST notify Licensing Authority on or before the due date.**

Yours faithfully,



**Kathy Driver**  
**Principal Licensing Officer**

# Appendix 2

**(Cost Price)**  
41 Brick Lane  
London  
E1 6PU

**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 & Licensing Manager**

**Date: 2<sup>nd</sup> October 2006**

Licence amended following the Licensing Sub Committee Hearing of 10<sup>th</sup> July 2008  
Licence amended following the Licensing Sub Committee Hearing of 4<sup>th</sup> February 2014



LICENSING ACT 2003

## Part A - Format of premises licence

Premises licence number

17872

### **Part 1 - Premises details**

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

**(Cost Price)**  
41 Brick Lane

**Post town**  
London

**Post code**  
E1 6PU

**Telephone number**  
020 7247 4009

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

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

The sale by retail of alcohol (off sales only)

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

**The opening hours of the premises**

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

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

Off sales only

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Mohammed Shilu Chowdhury

[REDACTED]

[REDACTED]

[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 Mohammed Johirul Amin

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

**Licence Number :** 15668

**Issuing Authority :** London Borough of Tower Hamlets

## Annex 1 - Mandatory conditions

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

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

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

3.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

- (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where —

- (i) **P** is the permitted price
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;



- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

1. Adult entertainment is not permitted.
2. CCTV shall be maintained and operational at all times.
3. Request photographic identification to anyone appearing to be underage and service shall be refused if this is not produced.
4. Outside areas of the premises to be kept clear and clean.

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

Licensing subcommittee hearing of 10th July 2008

1. CCTV must be working at all times the premises are open for business. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month.

2. A refusal book shall be kept and maintained.

Licensing subcommittee hearing of 4<sup>th</sup> February 2014

3. The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
4. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
5. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
6. 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.
7. The premises licence holder shall ensure that all receipts for goods bought include the following details
  - a. Seller's name and address
  - b. Seller's Company details, if applicable
  - c. Seller's VAT details, if applicable
  - d. Vehicle registration detail, if applicable
8. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
9. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
10. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
11. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

**Annex 4 - Plans**

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

15 April 2008



*Licensing Act 2003*

## Part B - Premises licence summary

**Premises licence number**

17872

### Premises details

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

(Cost Price)  
41 Brick Lane

**Post town**

London

**Post code**

E1 6PU

**Telephone number**

020 7247 4009

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (off sales only)

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

The opening hours of the premises

- Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)
- Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

Name, (registered) address of holder of premises licence

Mr Mohammed Shilu Chowdhury

[REDACTED]  
[REDACTED]  
[REDACTED]

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

Off sales only

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

Not applicable

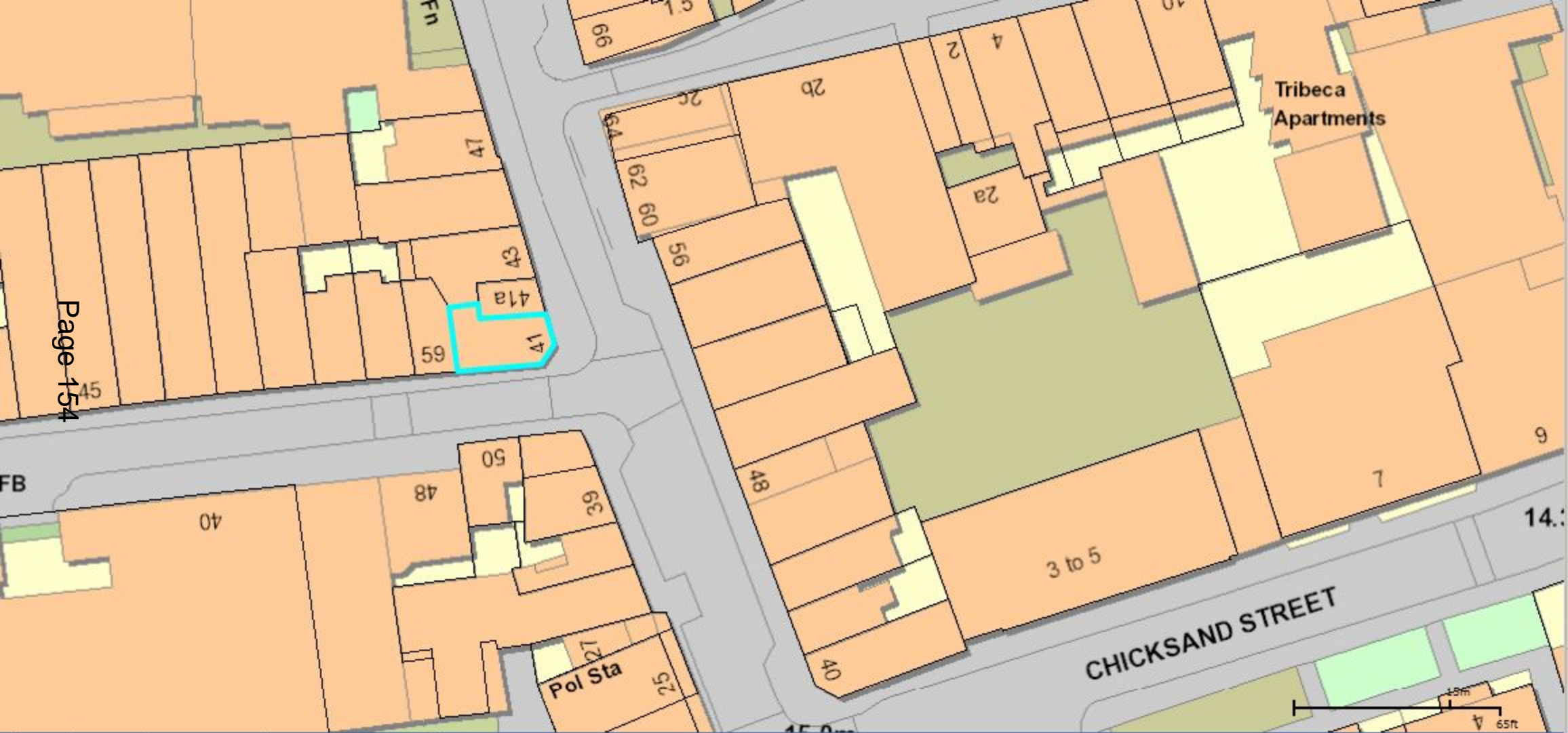
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Mohammed Johirul Amin

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

No restrictions

# Appendix 3







# Appendix 4



**HT - Tower Hamlets Borough**

Tom Lewis  
Head of Licensing  
Tower Hamlets Council

Licensing Office  
Toby Club,  
Vawdry Close  
E2

Telephone: 0207 161 8792

Email: [thomas.ratican@met.police.uk](mailto:thomas.ratican@met.police.uk)  
[www.met.police.uk](http://www.met.police.uk)

24th August 2018

Dear Sir,

Tower Hamlets Police formally support the application by Tower Hamlets Council Licensing to review the premises license of Cost Price 41 Brick Lane E1.

We are greatly concerned that the owner and premises license holder of Cost Price, Mr Mohammed Shilu Chowdhury has shown such flagrant disregard for the Licensing Act, at all three of the premises he owns. Descriptions of these breaches are listed below.

On the 10th March 2018 Cost Price at 41 Brick Lane Failed Test Purchase by supplying alcohol after its licensed hours. The premises was also in breach of its license by not having an incident report book in use.

Mohammed Shilu Chowdhury premises license holder also owns Mexican Grille 194 Mile End Road. On the 27<sup>th</sup> April the above premises sold hot and food and hot drinks past 11pm despite having no premises license. Staff at premises telling staff open until 1am.

Mr Chowdhury also own Jerrin News 90 Mile End Road, which has failed to pay its License fee or Late Night Levy, and has as a result had its license suspended.

We believe that as Mr Chowdhury has shown such contempt for the licensing act that there are no conditions that can be put on the license to remedy the situation. We also have concerns that Mr Chowdhury has no regard for the licensing objectives.

Having a premises license requires the holder to demonstrate that they are trustworthy, with over 1400 licensed premises in Tower Hamlets we have to trust that both Premises License Holders and Designated Premises Supervisors will uphold both the licensing objectives and the conditions on their license.

Given the above evidence we can have no trust in Mr Chowdhury, therefore support Tower Hamlets Councils application to revoke the premises license.

Kind Regards

Mark

PC Mark Perry 748HT  
Police Licensing Officer.

# Appendix 5

Licensing Authority  
Environmental Health & Trading Standards  
John Onslow House  
1 Ewart Place  
London E3 5EQ

11<sup>th</sup> September 2018

Your reference  
My reference : P9505 & P9583

**Place Directorate  
Public Realm**

Head of Environmental Health and  
Trading Standards: **David Tolley**

John Onslow House  
1 Ewart Place  
London E3 5EQ

Tel 020 7364 5008  
Fax 020 7364 6901  
Enquiries to **Nazir Ali**  
Email [nazir.ali@towerhamlets.gov.uk](mailto:nazir.ali@towerhamlets.gov.uk)

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sir or Madam,

**Re: Licensing Act 2003 – Section 51: Application for the Review of the Premises  
Licence: Cost Price, 41 Brick Lane, London E1 6PU  
REPRESENTATION**

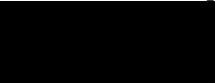
The Trading Standards Service, as the Local Weights and Measures Authority is a designated 'responsible authority' for the purposes of the Act and is making a representation in support of the Review brought by the Licensing Authority.

The representation concerns the recent sales of tobacco products to a person under the age of 18 years on two separate occasions; namely on 13<sup>th</sup> April 2018 and 7<sup>th</sup> August 2018. On the 13<sup>th</sup> April 2018; sixteen (16) premises across the borough were attempted and only this premises sold cigarettes to a minor. On the 7<sup>th</sup> August 2018, twenty-three (23) premises across the borough were attempted and only this premises sold cigarettes to a minor. I have enclosed a detailed witness statement concerning these two sales. The trader has clearly contravened legal requirements and breached licensing conditions attached to the premises licence. Hence, the trader cannot be deemed a fit and proper person to comply with the following licensing objective:

- the protection of children from harm.

Therefore, I support the Licensing Authority review and the revocation of the premises licence attached to 41 Brick Lane, London E1 6BU.

Yours sincerely,



**Nazir Ali**  
Senior Trading Standards Officer

Witness Statement

Page 1 of 2

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

URN:

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Statement of: Nazir ALI

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

Occupation: Trading Standards Officer

This statement (consisting of 2 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: 11<sup>th</sup> September 2018

Tick if witness evidence is visually recorded:

☐

(Supply witness details on last page)

**Statement**

I am a SENIOR TRADING STANDARDS OFFICER employed and authorised by the London Borough of Tower Hamlets Trading Standards Services. I am authorised to enforce various pieces of legislation including the Licensing Act 2003, the Trade Marks Act 1994, and the Children and Young Persons Act 1933, as amended.

**Background information**

I am the lead officer for conducting underage sales programme across the borough on age-restricted products such as knives, alcohol, fireworks and tobacco. Before attempting any test purchases, the young volunteers, who I refer to **Volunteer A** (15 years old female) for the visit of 13<sup>th</sup> April 2018, and **Volunteer B** (14 years old male) for the visit of 7<sup>th</sup> August 2018, were photographed by myself in the clothes they would be wearing during the test purchase. The volunteers were instructed, if questioned about their age by the seller, they were to always state their true age and not engage in further conversation. Consideration was made as to whether this was directed-surveillance. However, on these occasions, I was satisfied that a RIPA authorisation was not required.

**Test purchase of tobacco at Cost Price, 41 Brick Lane, London E1 6PU – 13<sup>th</sup> April 2018**

On Friday 13<sup>th</sup> April 2018, I was working with Trading Standards Officer Bridget Rushmoor and **Volunteer A**. At about 15:25 hours, Officer Rushmoor and **Volunteer A** entered the premises of Cost Price, 41 Brick Lane, London E1 6PU. I was waiting in my vehicle nearby. **Volunteer A** carried out a test purchase of a

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

packet of 20 Mayfair cigarettes for £10.40 and returned to my vehicle. I took possession of the cigarettes and sealed it evidence bag **N06621759**. Officer Rushmoor and I re-entered the premises of Cost Price, 41 Brick Lane, London E1 6PU and the seller at the time gave his name as a Mr Shebul AHMED. I wrote out a notice of powers and rights to occupier and gave to Mr AHMED. Mr AHMED refused to give his details and said he would be sacked by the owners. He reluctantly gave the owner's name as a Mr Mohammed AMIN. He did not give any further details of himself nor the home address. The licence on display suggested Mr Shilu CHOWDHURY was the Premises Licence Holder and Mr Mohammed Johirul Amin was the Designated Premises Supervisor. I produce the photo of and the packet of 20 Mayfair cigarettes as exhibit **NA/CP/01**.

**Test purchase of tobacco at Cost Price, 41 Brick Lane, London E1 6PU – 7<sup>th</sup> August 2018**

On Tuesday 7<sup>th</sup> August 2018, I was working with Smokefree Officer Anjali Miah and **Volunteer B**. At about 15:00 hours, Officer Miah and **Volunteer B** entered the premises of Cost Price, 41 Brick Lane, London E1 6PU to carry out a test purchase of tobacco products. I was waiting in my vehicle nearby. Shortly afterwards, Volunteer B and Officer Miah returned to the vehicle with a test purchase of a packet of 20 Benson & Hedges Silver cigarettes for £10.60. I took possession of the packet and sealed it in evidence bag **M00222204**. Shortly afterwards, Officer Miah and I re-entered the premises. The seller at the premises gave his name as Mr Mohammed AMIN and his DOB as [REDACTED] and home address; [REDACTED]. He said the owner was a Mr Shilu CHOWDHURY, but did not have his details. I saw the licence on display and the refusals book. The last entry made in the refusals book was on 21/02/2015 at 18:45 where the sale of vodka was refused. I signed and dated the last entry. Upon return to the office, I wrote to Mr Shilu Chowdhury informing of the underage sales at the premises of Cost Price, 41 Brick Lane, London E1 6PU. I produce the photo of the packet of 20 Benson & Hedges Silver cigarettes as exhibit **NA/CP/02**.

**Communication received from Mr Shilu Chowdhury**

On 16<sup>th</sup> August 2018, I received a document from Mr Mohammed Shilu CHOWDHURY. It was a Lease agreement between himself and Mohammed Johirul AMIN for the premises of Cost Price, 41 Brick Lane, London E1 6PU. The agreement for the premises was for a three years rolling contract starting from 09/08/2017. I produce this document as exhibit **NA/CP/03**.

Name / Signature: [REDACTED]

Signature Witnessed by: \_\_\_\_\_

Exhibit Number NA/CP/01

Signed [REDACTED]

Date 11/09/2018

I identify the exhibit above as that  
referred to in the statement signed by me

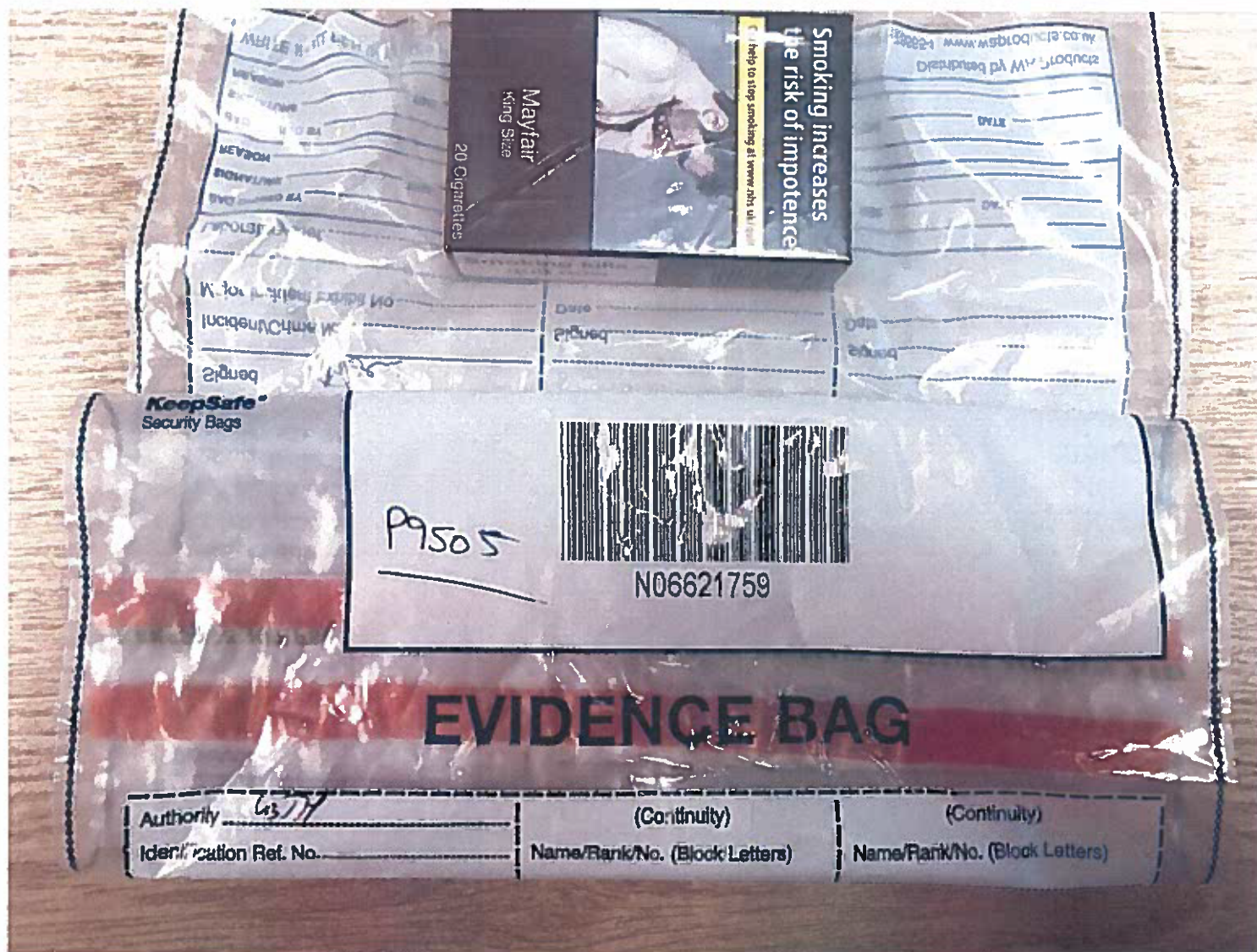


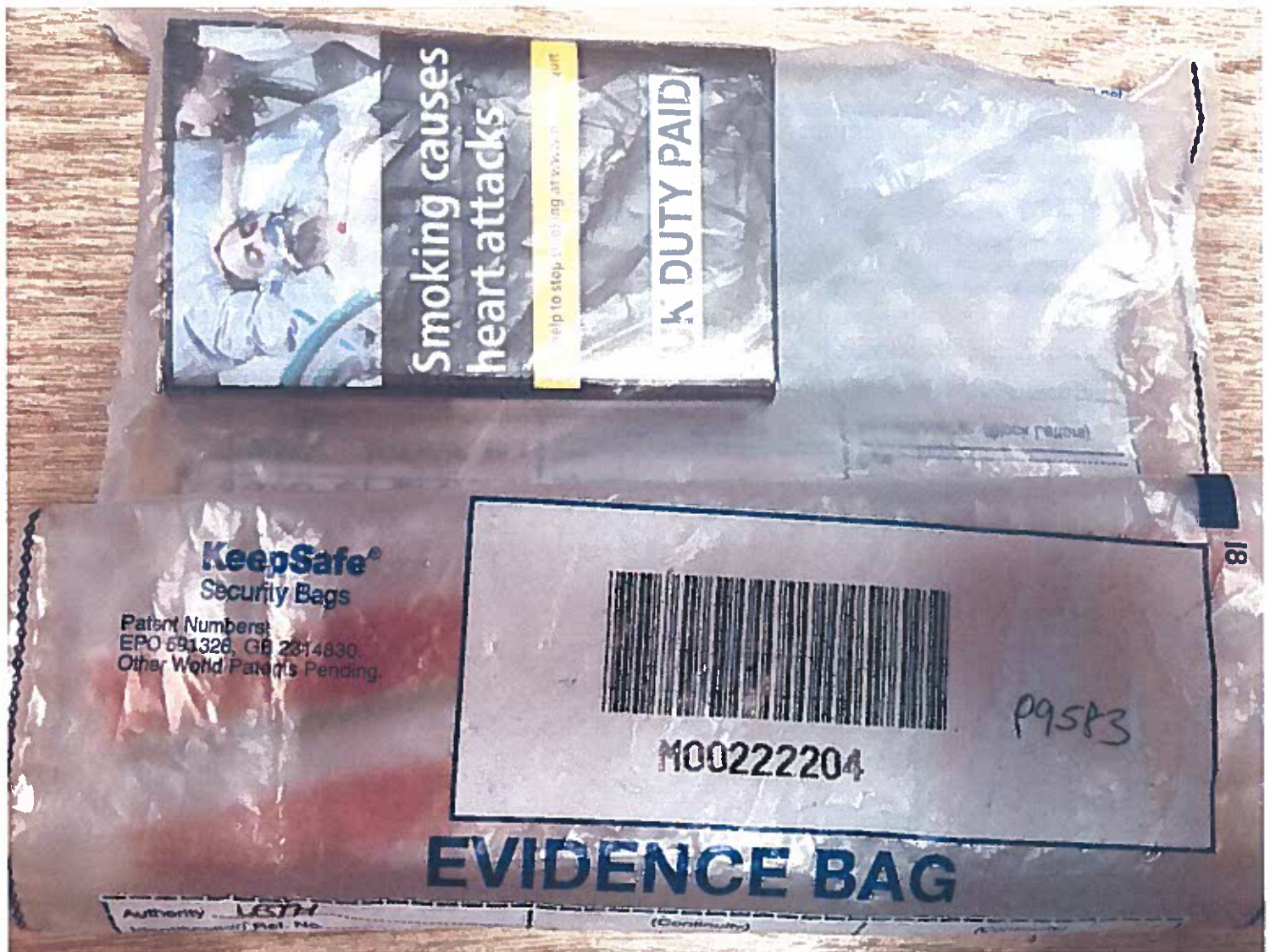


Exhibit Number NA/CP/02

Signed [redacted]

Date 11/09/2018

I identify the exhibit above as that  
referred to in the statement signed by me





TO

NAZIR ALI

REF=00B 2164

I MOHAMMED SHILU CHOWDHURY

Have rented the place out to MR MOHAMMED JOHIRUL AMIN almost a year ago  
I have no say in the daily running of the business all the responsibility of the business  
is down to MR AMIN I will be very grateful if you can send all future letters to  
MR AMIN at the business address or at his home address which is [REDACTED]

[REDACTED] about this matter I will send you a  
copy of the agreement that I have with  
MR AMIN if you require any further information please contact me on  
[REDACTED]

Kind Regards

MOHAMMED SHILU CHOWDHURY

[REDACTED]

14/08/2018

Exhibit Number NA/CP/03

Signed [REDACTED]

Date 11/09/2018

I identify the exhibit above as that  
referred to in the statement signed by me

# LEASE AGREEMENT

I MR MOHAMMED SHILU CHOWDHURY  
Lease holder of COST PRICE 41 BRICK LANE LONDON E1 6PU  
Is renting out the place to  
MR MOHAMMED JOHIRUL AMIN  
On 3 year rolling contract Starting from 09/08/2017

MR MOHAMMED JOHIRUL AMIN Agrees to pay £1000 rent on the 8th of each  
calendar month  
This includes all utility bills and service charges for the premises

Any misuse of the premises or any damage to the premises MR MOHAMMED JOHIRUL AMIN  
Will be responsible for

All goods sold from the premises including any ALCOHOL CIGARETTES MATCHES LIGHTER  
GAS CIGARETTES LIGHTERS Will be the responsibility of MR MOHAMMED JOHIRUL AMIN

Any employee or staff working on the premises will also be the responsibility of  
MR MOHAMMED JOHIRUL AMIN

Any late payments on the rent I will have the full right to cancel the agreement if  
MR MOHAMMED JOHIRUL AMIN wants to cancel the agreement at any time he must give  
a minimum off 3 months notice but must and have no outstanding rent to pay

ONLY SIGN THIS ARGEEMENT IF YOU ARGEE WITH ALL THE TERMS AND CONDITIONS  
ABOVE YOU WILL ALSO GET A COPY OF THIS ARGEEMENT

MR MOHAMMED SHILU CHOWDHURY

DATE 09/08/2017

MR MOHAMMED JOHIRUL AMIN

DATE 09/08/2017

WITNESS AT THE TIME PRINT SHOIO ISLAM

SIGN

DATE 09/08/2017

# Appendix 6

## Kathy Driver

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**From:** Damian Doherty  
**Sent:** 06 September 2018 09:27  
**To:** Licensing  
**Subject:** FW: Review of Cost Price Off Licence 41 Brick Lane (16.08.18) AL17346

---

**From:** ISD Alcohol Licensing [<mailto:Alcohol@homeoffice.gov.uk>]  
**Sent:** 05 September 2018 13:10  
**To:** Damian Doherty  
**Subject:** RE: Review of Cost Price Off Licence 41 Brick Lane (16.08.18) AL17346

Good afternoon,

Thank you for providing your review application. Further to our checks we also wish to feed into your submission details included below:

An enforcement visit was carried out at 'COST PRICE MINI MARKET', 41 BRICK LANE, E1 6PU on 14/10/08. Officers encountered in employment a female: who was subsequently found to have no valid leave in the UK.

Her Husband and two children also where considered as immigration offenders.

A Notice of Potential Liability was served to Mr Mohammed Shilu Chowdury on the 14/10/2008. However we have no evidence confirming that the civil penalty has been paid or, is still outstanding.

Regards

*Paul Wynter*

*Interventions and Sanctions Directorate | Alcohol and LNR licensing Team  
Immigration Enforcement*

[REDACTED]  
[REDACTED]  
[REDACTED]

 [REDACTED]

For new applications-[Alcohol@homeoffice.gov.uk](mailto:Alcohol@homeoffice.gov.uk)

For enquiries relating to license applications or ongoing reviews-[IE.Alcoholenquiries@homeoffice.gov.uk](mailto:IE.Alcoholenquiries@homeoffice.gov.uk)

For reviews to be considered or initiated along with hearing dates-[IE.Alcoholreviews@homeoffice.gov.uk](mailto:IE.Alcoholreviews@homeoffice.gov.uk)

---

**From:** Damian Doherty [<mailto:Damian.Doherty@towerhamlets.gov.uk>]  
**Sent:** 16 August 2018 11:31  
**To:** Development Control; Environmental Health; 'firesafetyregulationNE@london-fire.gov.uk'; Health and Safety; ISD Alcohol Licensing; 'HT-LicensingOffice@met.police.uk'; Licensing; Licensing-Child Protection; Somen Banerjee; Trading Standards  
**Subject:** Review of Cost Price Off Licence 41 Brick Lane (16.08.18)

Dear Relevant Authorities

Please find attached a copy of a Review submitted today for **Cost price Off Licence 41 Brick Lane E1**

Please forward any comments/representations to [Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk) by no later than 13/09/2018

Regards

Damian Doherty  
c/o Licensing Section

John Onslow House  
1 Ewart Place  
London E3 5EQ

Tel: 020 7364 5008

\*\*\*\*\*

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# Appendix 7

# 11. Reviews

## 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 that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. 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 or the sexual exploitation of children. 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 14 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 hard copy, unless the licensing authority waives this requirement.
- 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](http://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 promoting 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. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 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)<sup>10</sup>;
- 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 to address the causes of concern that instigated the review.
- 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.

## 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, the sale of firearms, or the sexual exploitation of children. 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 and the prevention of illegal working 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 drugs controlled under the Misuse of Drugs Act 1971 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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 or illegal working compliance 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 under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. 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;
- notice of the hearing must be given no later than five working days before the first hearing 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**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where 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 appropriate.

# Appendix 8

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

Updated April 2018

## **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 including the prevention of illegal working in licensed premises (see paragraph 10.10). 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 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. 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. 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.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

# Appendix 9



## **Crime and Disorder** — Licensing Policy, updated March 2015

- 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 10

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

Updated April 2018

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

# Appendix 11

## **Prevention of Nuisance — Licensing Policy, updated March 2015**

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.



# Agenda Item 3.3

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	22 November 2018	<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for variation of a Premises Licence for Kays Local, 209 Roman Road, London E2 0QY</b>  Ward affected: <b>Bethnal Green</b>
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## 1.0 Summary

Applicant: **Ali Haydar Kayhan**  
Name and **Kays Local**  
Address of Premises: **209 Roman Road**  
**London E2 0QY**

Licence sought: **Licensing Act 2003**  
**The Sale of Alcohol**  
**Provide Late Night Refreshment**  
**Provide regulated entertainment**

Objectors: **Metropolitan Police**  
**Environmental Protection**  
**Local resident**

## 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  
Section 182 Guidance  
LBTH Licensing Policy

Kathy Driver  
020 7364 5171

### 3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for Kays Local, 209 Roman Road, London E2 0QY
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.
- 3.3 An application was submitted on 2<sup>nd</sup> August 2018 of which the applicant was applying to extend the hours until 03:00 hours, the application process restarted due to errors on advertising blue notice. The application was restarted on 2<sup>nd</sup> October 2018. A copy of the variation application is enclosed as **Appendix 2**.
- 3.4 The current hours licensed are;  
Monday to Sunday, from 07:00 hours to midnight
- 3.5 The hours that have been applied for are as follows:-

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

Monday to Wednesday 08:00 hours to 00:30 hours  
Thursday to Saturday from 08:00 hours to 01:30 hours  
Sunday from 10:00 hours to 00:30 hours

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

Monday to Wednesday 08:00 hours to 00:30 hours  
Thursday to Saturday from 08:00 hours to 01:30 hours  
Sunday from 10:00 hours to 00:30 hours

### 4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 3**.
- 4.3 Maps showing the vicinity are included as **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

### 5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. At the time of the application the Policy in place was effective from 1<sup>st</sup> November 2013 to 31<sup>st</sup> October 2018 and guidance is provided from this Policy.

- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

Metropolitan Police	See <b>Appendix 7</b>
Environmental Protection	See <b>Appendix 8</b>
Local Resident	See <b>Appendix 9</b>

- 6.9 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 (Public Health England)
  - Home office Immigration Enforcement
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 6.11 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
  - Noise while the premise is in use
  - Disturbance from patrons leaving the premises on foot
  - Disturbance from patrons leaving the premises by car
  - Close proximity to residential properties
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## **7.0 Conditions consistent with Operating Schedule**

- 7.1 Training and implementation of underage ID checks.
- 7.2 Deliveries of goods will be carried out at a time to prevent nuisance and disturbance to nearby residents.
- 7.3 The movement of bins and rubbish outside will be kept to minimum after 11pm.

## **8.0 Conditions Requested by Police**

- 8.1 Should the application be granted the Police are requesting the following conditions to be added:
- 8.2 A CCTV camera system covering both internal and external to the premise is to be installed. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.  
A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- 8.3 At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a police officer or other responsible authority.
- 8.4 There shall be an Incident Report book that documents all incidents of disorder, refusals of entry, sale of alcohol and any other incident of note.
- 8.5 Notices shall be displayed asking patrons to leave quietly if they are harassing other customers or staff members.
- 8.6 A Challenge 25 scheme to be operated.
- 8.7 No sale of Beer or Cider above 6.5% save for Premium or Craft beer or cider.

## **9.0 Licensing Officer Comments**

- 9.1 The Live Music Act removed licensing requirements for the following:
  - amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
  - unamplified live music between 8am and 11pm in all venues.

Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

9.2 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.

9.3 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 (10.25) 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.” (10.58)
- ❖ 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)

- 9.4 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.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 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)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 10-13** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 10.0 Legal Comments

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

## **11.0 Finance Comments**

11.1 There are no financial implications in this report.

## **12.0 Appendices**

<b>Appendix 1</b>	A copy the existing licence
<b>Appendix 2</b>	A copy of the application for variation
<b>Appendix 3</b>	Site Plan
<b>Appendix 4</b>	Maps of the surrounding area
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Representations of Metropolitan Police
<b>Appendix 8</b>	Representations of Environmental Health
<b>Appendix 9</b>	Representations of Local resident
<b>Appendix 10</b>	Licensing Officer comments on Anti-Social Behaviour on the premises
<b>Appendix 11</b>	Licensing officer comments on anti-social behaviour patrons leaving the premises
<b>Appendix 12</b>	Planning
<b>Appendix 13</b>	Licensing Policy relating to hours of trading.



# Appendix 1

**(Destina)**  
209 Roman Road  
London  
E2 0QY

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

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

**Signed by**

**David Tolley**   
**Head of Environmental Health & Trading Standards**

**Date: 19<sup>th</sup> August 2016**

**Part A - Format of premises licence**

**Premises licence number**

26328

**Part 1 - Premises details**

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

(Destina)  
209 Roman Road

**Post town**

London

**Post code**

E2 0QY

**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**

**Sale by retail of alcohol**

- Monday to Sunday, from 07:00 hours to 00:00 hours (midnight)

**The opening hours of the premises**

- Monday to Sunday, from 07:00 hours to 00:00 hours (midnight)

**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**

Ali Haydar Kayhan

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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 Ali Haydar Kayhan

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

**Personal Licence No.** PERS-LIC3207

**Issuing Authority:** London Borough of Camden

**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

3.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

- 5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where —

(i) **P** is the permitted price

(ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

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

1. A CCTV camera system covering both internal and external to the premise is to be installed.
  - a. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
  - b. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
  - c. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
2. At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a police officer or other responsible authority.
3. There shall be an Incident Report book that documents all incidents of disorder, refusals of entry and any other incident of note.
4. Notices shall be displayed asking patrons to leave quietly if they are harassing other customers or staff members.

## **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:

5<sup>th</sup> July 2016 - Ground Floor

**Part B - Premises licence summary**

**Premises licence number**

**26328**

**Premises details**

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

**(Destina)**

209 Roman Road

**Post town**

London

**Post code**

E2 0QY

**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

**Sale by retail of alcohol**

- Monday to Sunday, from 07:00 hours to 00:00 hours (midnight)

The opening hours of the premises

- Monday to Sunday, from 07:00 hours to 00:00 hours (midnight)

Name, (registered) address of holder of premises licence

Ali Haydar Kayhan  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

Off sales only

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

Not applicable

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

Mr Ali Haydar Kayhan

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

Not restricted

# Appendix 2



LICENSING ACT 2003

## FOR OFFICE USE

Receipt No:

FEE REQUIRED:

Date:

Initials:

On-Line Payment Ref:

This form should be completed and forwarded to: Licensing Section, John Onslow House, 1 Ewart Place, London E3 5EQ with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. You can also pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>

**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) ALI HAYDAR KAYHAN

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

KAY'S LOCAL SUPERMARKET  
209 ROMAN ROAD

**LBTH**  
**TRADING STANDARDS**  
**02 OCT 2019**

Post town

LONDON

Post code

E2 0QY**LICENSING**

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ No value on website (N/A)

Page 1 of 23

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## 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

KAYHAN

First names

ALI HAYDAR

Date of Birth

12/08/1997

I am 18 years old or over

Please tick yes



Nationality

TURKISH

Current residential  
address if different  
from premises  
address

[REDACTED]

Post Town

LONDON

Postcode

[REDACTED]

Daytime contact telephone number

[REDACTED]

E-mail address  
(optional)

[REDACTED]

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

Date of Birth

I am 18 years old or over

Please tick yes



Nationality

Current residential  
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
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number, if any
E-mail (optional)

## Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	11	2018

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)

--

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

**Provision of regulated entertainment** (see guidance Note 2)

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

**Provision of late night refreshment** (if ticking yes, fill in box I) ☐

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**



# A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

# B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

# C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details here (please read guidance note 4)
Day	Start	Finish	
Mon			<p><b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)</p>       <p><b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 6)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

# D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur			<p><b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)</p>		
Fri					
Sat					
Sun			<p><b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)</p>		

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)			
Thur						
Fri			<b>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</b> (please read guidance note 6)			
Sat						
Sun						

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			<b>Please give a description of the type of entertainment you will be providing</b>			
Day	Start	Finish				
Mon			<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Tue			<b>Please give further details here</b> (please read guidance note 4)			
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)			
Thur						
Fri			<b>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</b> (please read guidance note 6)			
Sat						
Sun						

---

--	--	--	--

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)</b>	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 8)</b>	On the premises	
				Off the premises	Y
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	08:00	00:30			
Tue	08:00	00:30			
Wed	08:00	00:30	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur	08:00	01:30			
Fri	08:00	01:30			
Sat	08:00	01:30			
Sun	10:00	00:30			

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

Name

ALI HAYDAR KAYHAN

Date of Birth

[REDACTED]

Address

[REDACTED]

Postcode

[REDACTED]

Personal Licence number(if known)

PERS-LIC / 3207

Issuing licensing authority (if known)

CAMDEN COUNCIL

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 9)

Only selling alcohol, consumption is off the premises. There will be no adult entertainment take place in the premises.

L

Hours premises are open to the public Standard timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	00:30	<p><b>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 6)</b></p>
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	01:30	
Fri	08:00	01:30	
Sat	08:00	01:30	
Sun	10:00	12:30	

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 10)

To promote all four licensing objectives we will keep strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to: no selling alcohol to underage people, no drunk and disorderly behavior on the premises area, keeping a refusals log book, no violent and anti-social behaviour, no any harm to children. DPS confirmed it is obligated to be in for day-to-day control of the premises, train staff and make authorise each sale. Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers. CCTV system installed.

Roller metal exterior window shutter is fixed to ensure that shop front is safe and secure at all times.



b) The prevention of crime and disorder

- CCTV system installed to monitor entrance-exits, and other parts of the premises in order to address the prevention of crime objective.
- Not selling alcohol to drunk or intoxicated customers.
- Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

- Internal and external lighting fixed to promote the public safety objective.
- Fire extinguisher and first aid kit available in the shop.
- Training and implementation of underage ID checks.
- A log book or recording system will be kept.
- All parts of the premises and all fittings, doors and windows, lighting, heating, electrical and other installations will be maintained at all times in good order and in a safe condition.
- Roller metal exterior window shutter is also installed.

d) The prevention of public nuisance

- Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
- Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- The movement of bins and rubbish outside will be kept to a minimum after 11 pm.

e) The protection of children from harm

- Challenge 25" sign
- Checking ID's of customers who look younger than 25.
- Well trained staff about requirement for persons' identification, age establishment etc.
- Log Book will be kept upon the premises all the time.

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 ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

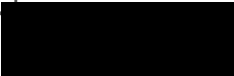
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE

WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

**Part 4 – Signatures** (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12) If signing on behalf of the applicant please state in what capacity.

Declaration	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	28/09/2018
Capacity	

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 13) 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 14)

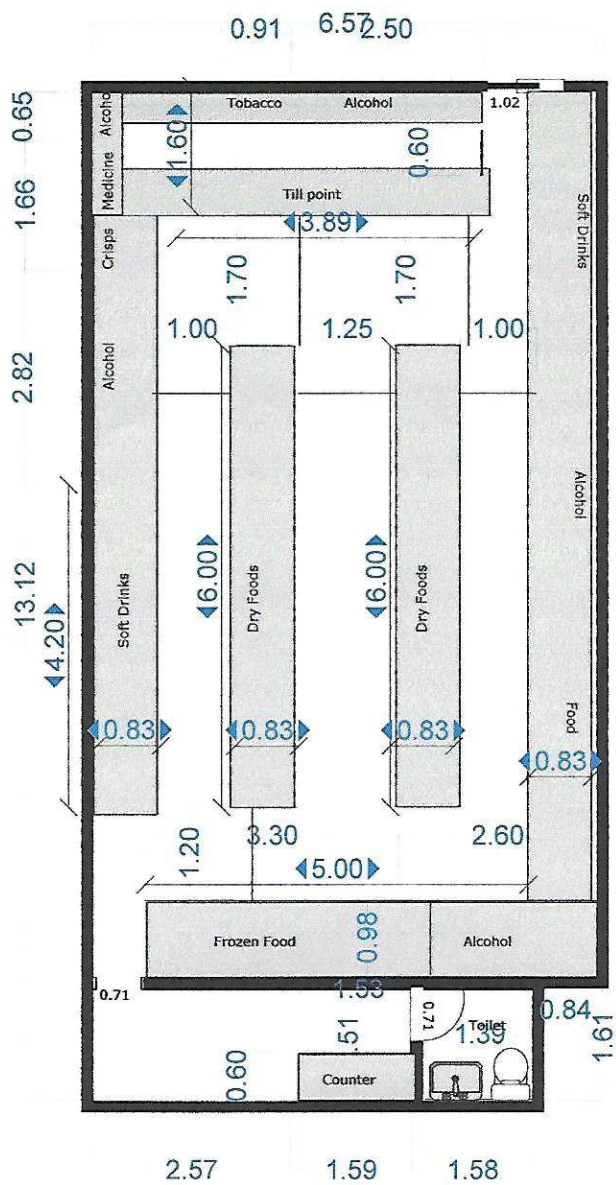
02ER HYGIENE LTD  
UNIT 63-64 MILLMEAD BUSINESS CENTRE,  
MILLMEAD ROAD, TOTTENHAM HALE

Post town	LONDON	Post code	N17 9QU
Telephone number (if any)			

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

[REDACTED]

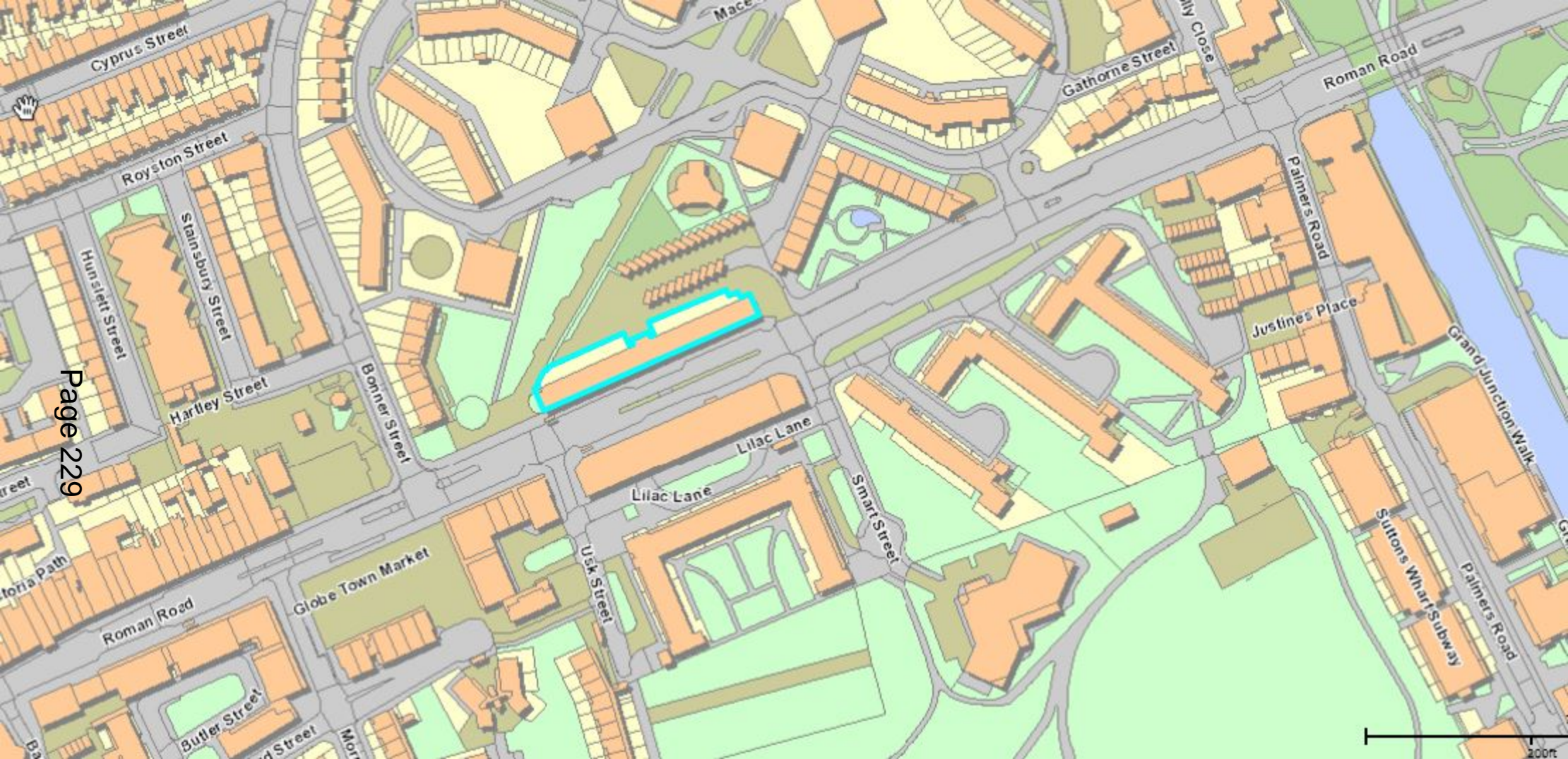
# Appendix 3



# Appendix 4







# Appendix 5

### **Premises Near 209 Roman Road, London E2**

(West Nine Food & Wine) 132 Roman Road London E2 0RN	<b>Sale by retail of alcohol</b> Monday to Saturday, other than Christmas Day, 8 a.m. to 11 p.m. Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.	These are not restricted
(Roman Road News) 134-136 Roman Road London E2 0RN	<b>Sale by retail of alcohol</b> Monday to Sunday from 07:00 hours to midnight	Monday to Sunday from 05:00 hours to midnight
(Meze Bar Restaurant) 150 Roman Road London E2 0RY	<b><u>Sale of Alcohol (on sales only)</u></b>  Monday to Thursday from 12:00hrs (midday) to 23:00hrs Friday to Saturday from 12:00hrs to 00:00hrs (midnight) Sunday from 12:00hrs (midday) to 22:30hrs <b><u>Late Night Refreshments (indoors)</u></b>  Friday from 23:00hrs to 00:00hrs (midnight) Saturday from 23:00hrs to 00:30hrs (the following day)	Monday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight) Friday & Saturday from 12:00hrs to 01:00hrs (the following day) Sunday from 12:00hrs (midday) to 23:30hrs
(Hariesh Supermarket) 162 Roman Road Bethnal Green London E2 0RY	<b>Sale by retail of alcohol</b> Monday to Saturday, other than Christmas Day, 8 a.m. to 11 p.m. Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.	These are not restricted
Angel & Crown 170 Roman Rd London E2	<b>Sale of Alcohol</b> Sunday to Thursday, 09:00 hours to 23:00 hours Friday and Saturday, 09:00 hours to 19:00 hours  <b>Regulated Entertainment (films, indoor sporting events, live music, recorded music)</b> Sunday to Thursday, 12:00 hours to 23:00 hours Friday and Saturday 09:00 hours to 19:00 hours	Sunday to Thursday, 09:00 hours to 23:30 hours Friday and Saturday, 09:00 hours to 19:00 hours
(Simply Fresh) 201-203 Roman Road London E2 0QY	<b>Sale by retail of alcohol</b> Monday to Sunday, 07.00am to 24.00pm (Midnight).	Monday to Sunday, 07.00am to 24.00pm (Midnight).

(Destina) 209 Roman Road London E2 0QY	<b>Sale by retail of alcohol</b> Monday to Sunday, from 07:00 hours to 00:00 hours (midnight)	Monday to Sunday, from 07:00 hours to 00:00 hours (midnight)
(Palmers Restaurant) 238 Roman Road London E2 0RY	<b>The sale by retail of alcohol</b> <b>The provision of regulated entertainment – recorded music only.</b>  Monday to Sunday 11:00 hrs – 23:00 hrs.	Monday to Sunday 11:00 hrs – 23:00 hrs.

# Appendix 6

## **Section 182 Advice by the Home Office Updated on April 2018**

### 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 7



Tom Lewis  
Head of Licensing  
Tower Hamlets Council

**HT - Tower Hamlets Borough**

Licensing Office  
Toby Club,  
Vawdry Close  
E2

Telephone: 0207 161 8792

Email: [REDACTED]  
[REDACTED]

14th September 2018

Dear Sir,

Tower Hamlets Police formally object to the application for a new premises license for 209 Roman Road

Tower Hamlets Police object to this application on the grounds of preventing Crime and Disorder and Public Nuisance.

The premises is in an area that suffers from high levels of crime and anti-social behaviour, much of it linked to alcohol. This is covered in some detail in the attached statement from PCSO Murphy.

The statement explains that the area suffers from groups of males who drink alcohol in the area, causing real problems for local residents to such an extent that some locals feel so intimidated that they fear to walk past the group.

By allowing the off license to sell alcohol until 3am would simply make exacerbate the problem. The street drinkers and those causing crime and anti-social behaviour would simply have a place to obtain alcohol so they could continue drinking alcohol.

The area also suffers from drug use and dealing, by having a place that these people can go to get refreshment, food, drink etc will merely act as a magnet for them, and in the opinion of the Police make the problem worse.

It is concerning that the applicant has not contacted either the Safer Neighbourhood Team or Police Licensing to seek advice prior to submitting the application, given the nature of the problems in the immediate vicinity of the premises.

We recommend that the applicant is granted a license similar to their current license, with sale of alcohol and closing hours of 07:00 to midnight Monday to Sunday. We also ask that the following conditions are added to the application

1. A CCTV camera system covering both internal and external to the premise is to be installed.

The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.

A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.

The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

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

3. There shall be an Incident Report book that documents all incidents of disorder, refusals of entry, sale of alcohol and any other incident of note.

4. Notices shall be displayed asking patrons to leave quietly if they are harassing other customers or staff members.

5. A Challenge 25 scheme to be operated.

6) No sale of Beer or Cider above 6.5% save for Premium or Craft beer or cider.

PC Mark Perry 748HT  
Police Licensing Officer  
Toby Club  
Vawdry Close  
E1

I am PCSO John MURPHY 7259HT and I am the Dedicated Ward PCSO for Bethnal Green Safer Neighbourhood Team (SNT). I understand that KAYS LOCAL SUPERMARKET & OFF LICENCE, 209 ROMAN ROAD, LONDON, E2 0QY, a local store on my Ward, wishes to extend its trading licence to the early hours of the morning. I would like to make the following statement opposing the proposed extension.

As stated above I am the Dedicated Ward PCSO and I deal with a lot of alcohol related Anti-Social Behaviour (ASB), especially around the ROMAN ROAD, E2 area as well as the CRANBROOK ESTATE, MACE STREET, E2 and MEATH GARDENS, E2. The CRANBROOK ESTATE is directly behind the building where KAYS is located. We have ongoing ASB reports from estate residents complaining of groups of males sitting in the middle of the estate drinking bottles of alcohol, inhaling canisters of nitrous oxide, smoking cannabis and leaving all of their mess scattered around. Reports say groups of six or more are there from late at night to the early hours of the morning, especially later in the week and over the weekends. I have seen regular evidence of the drinking that goes on while on patrol as well as the day after, where I have actually seen empty bottles of either vodka/ flavoured vodka and Jack Daniels, along with bottles of Boost energy drinks and cartons of fruit juices/ plastic cups scattered on the floor, along with numerous canisters/ canister boxes and balloons around the seating areas in the middle of the estate.

MEATH GARDENS is located approx. 200m directly in front of the shop on SMART STREET. The park gates are never locked and we receive regular reports of groups of males in the park regularly drinking alcohol, mixed with either Boost energy drink or fruit juice, smoking cannabis and also of males racing scooters/ mopeds through the park. Again, reports from park users, especially dog walkers and residents whose flats surround the park, contact SNT to report what is going on, unfortunately our shifts do not extend to those times so we can never respond to calls or even patrol the area. Some residents are concerned for their safety as they feel they can't approach the group or even walk past them. We've received reports that groups in the park are sometimes there till at least 3am in the mornings.

For both locations, we have asked people to contact 101, but the waiting times just to get a reply are turning people away from using that service, so they tell us in person when they see us on patrol. On the occasions that it is reported via 101 and Response Team officers do turn up, the groups move off but return a short time later when officers have gone and continue with the drinking/ ASB. I am also concerned that residents from HOLMAN HOUSE, under which KAYS belongs to, will also be affected if the licence is extended. We also have an issue with homeless males sitting on benches or begging on the streets outside the building/ nearby. Quite a few of these males are usually drunk or seen drinking bottles of cheap cider/ lager and can be quite loud sometimes when challenged or they want to tell the world what's on their mind when the mood takes them. Also noise from traffic continually pulling in and people going to and fro may also keep residents above awake.

We have enough alcohol related ASB issues to deal with at the moment, but I believe that extending the trading licence to a later time for KAYS LOCAL SUPERMARKET & OFF LICENCE will affect both local residents and the area and also cause more issues for residents and policing of the area.

## Kathy Driver

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**From:** Nicola Cadzow  
**Sent:** 06 August 2018 13:13  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** MAU REPRESENTATION 110401 - New premises license application Kays Local 209 Roman Road E2 0QY

Dear Licensing,

Having considered the new premise licence application for Kays Local 209 Roman Road and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity.

The applicant has a current premise license opening hours for Sale By Retail of Alcohol:

- **07:00 hours until 00:30 hours seven days a week**

The applicant is proposing the opening hours for the Licensable activity, sale by retail of alcohol as follows:

- **08:00 hours until 03:00 hours seven days a week (an increase of two and a half hours into the early hours of the morning).**

**Noise Sensitive premises:** residential premises in close proximity Kays Local 209 Roman Road E2 0QY, including above the premises and 24 metres opposite at Flats 1-36 Chater House, 140-170 Roman Road.

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents.
- The hours of operation (inclusive of proposals)

### **CONCLUSION**

Environmental Protection **does not** support the application for Kays Local 209 Roman Road E2 0QY, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

Nicola Cadzow  
Environmental Health Technical Officer  
Place Directorate  
Public Realm, Environmental Health & Trading Standards  
London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London, E3 5EQ

Nicola Cadzow  
Environmental Health Technical Officer  
Place Directorate  
Public Realm, Environmental Health & Trading Standards  
London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London, E3 5EQ

# Appendix 9

## Corinne Holland

---

**From:** Hugh Mendes [REDACTED]  
**Sent:** 17 August 2018 10:11  
**To:** Licensing  
**Subject:** Re: Kay's Local, Roman Rd.

Thanks.... here are our full names and address:

Hugh Mendes  
Lindsay Mendes  
[REDACTED]  
[REDACTED]

Best regards, Hugh Mendes

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**From:** Damian Doherty <[Damian.Doherty@towerhamlets.gov.uk](mailto:Damian.Doherty@towerhamlets.gov.uk)> on behalf of Licensing  
<[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Sent:** 16 August 2018 12:43  
**To:** 'Hugh Mendes'  
**Subject:** RE: Kay's Local, Roman Rd.

Mr Mendes

Please could you provide your full address (including postcode) and will you wife be added to the representation or does she plan to do so individually?

Regards

Licensing

---

**From:** Hugh Mendes [REDACTED]  
**Sent:** 16 August 2018 11:06  
**To:** Licensing  
**Subject:** Kay's Local, Roman Rd.

Dear Kathy Driver (or other),

I would like to strongly object to Kays Local, 209 Roman Rd., having its licence extended.

Ref: CLC/EHTS/LIC/110401

I live directly opposite at [REDACTED], as does my wife who is a nurse.

There is a long and well documented history of drink related crime in that exact vicinity, as a result of drunk people being able to buy more alcohol from that premises late at night. The pub 'Angel and Crown' opposite Kay's had its opening times severely restricted by the police which helped the problem. It resulted in the pub closing.

Extending Kay's licence would bring back much of the same problem. As it is, people gather outside that shop drinking at night. They also take drink into Meath Gardens, behind my flat, where drinking and drug taking is rife. Again, the police will testify to this.

Please let me know if there is anything else I might need to do to object. I am sure the local police would corroborate all the above.

Yours faithfully, Hugh Mendes

# Appendix 10



## **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 Section 6 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 3 of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

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

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

### Police Powers

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

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

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

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

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

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

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

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 11

## **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 4.15 and 4.16 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 6.2 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 3 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 8 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 key role of the Police is acknowledged (2.1).

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 (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). 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 but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

## Other Legislation

### Crime and Disorder Act 1998

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

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

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

# Appendix 12

## **Planning**

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



# Appendix 13

### **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 15.8 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 applicant's 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 15.9 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